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## **Ave Maria homeowners could see impact fees deferred**

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It appears that homeowners at Ave Maria won't be excluded from a countywide program that defers impact fees to make homes more affordable.

A majority of Collier County commissioners on Tuesday said they didn't see any reason not to consider applications from buyers at Ave Maria, though a county attorney questioned whether they should be eligible.

The first applications from Ave Maria buyers at a project called Middlebrooke are expected to come before the commission Sept. 11.

Commissioner Fred Coyle said they should be treated "just like everybody else."

The other four commissioners didn't disagree but no official vote was taken because the discussion came up under public petitions, meaning commissioners couldn't vote on the matter Tuesday.

After a recent review of the development order for Ave Maria, Assistant County Attorney Jeffrey A. Klatzkow said in a written opinion that the "Board of County Commissioners never intended that Ave Maria would be entitled to participate in the impact fee deferral program."

"The purpose of this deferral program is to incentivize the private sector to build affordable housing," he wrote. "Ave Maria's development order requires them to provide affordable housing."

The opinion took Ave Maria's developer, Barron Collier Cos., which has committed to build 1,900 affordable housing units in the new town, by surprise.

The company fully expected to participate in the deferral program, which allows low-income buyers to put off paying impact fees until they refinance or sell their homes.

Blake Gable, a vice president of real estate for Barron Collier, appeared before commissioners to get direction at Tuesday's meeting. Commissioners are expected to discuss possible changes to the program at a future meeting.

"I didn't hear them say they felt we should be excluded," Gable said after the vote. "What they choose to do in the future I certainly can't speculate."

Construction began last month on Middlebrooke, a neighborhood of 326 townhomes, and more than 30 two- and three-bedroom homes have sold. Ave Maria University has purchased a block of them for students and faculty, which could be rented out.

Klatzkow raised a concern about impact fee deferrals for rental homes at Ave Maria. That's because the county doesn't have restrictions on the amount of impact fees developers can defer for rentals units.

For owner-occupied homes, the county can defer only up to 3 percent of the prior year's total impact fees. This year, the county set aside \$750,000 for qualifying buyers.

In discussions with commissioners, Gable said there would be no applications brought forward to the county for rental units at Ave Maria until commissioners have more time to discuss the issue.

Klatzkow also raised concerns about how the deferral of impacts fees at Ave Maria may hurt plans to widen Oil Well Road. The money for the project was to come from impact fees, with Ave Maria being one of the largest contributors.

He said if impact fees are waived at Ave Maria, the county might find it doesn't have enough money to do the widening.

But Gable assured commissioners that there would be no shortage of money coming from Ave Maria.

The development already has generated \$8 million in transportation fees, \$1.5 million more than committed, and the developer has spent more than \$6 million on the design and permitting for the widening project, he said.

The homes at Middlebrooke are selling for about \$170,000. Buyers who qualify for impact fee deferrals would be able to purchase them for about \$155,000.

Impact fees are one-time charges on new construction that are meant to help growth pay for growth. The fees go toward parks, libraries, roads and other county services.

The county started the impact fee deferral program in 2005 to help address a shortage of affordable housing.

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