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City's impact fees threatened species

Bill goes to House for a final vote

By Shea Andersen
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SANTA FE - Albuquerque's progressive city councilors suffered a loss in the House, and now their impact fees are hanging by a legislative thread.

A bill to restrict the city's law for graduated impact fees has passed its final committee and is headed to the House for a vote.

"It's very disappointing," was about all that City Councilor Martin Heinrich could say after the hearing late Wednesday.

Impact fees, under Albuquerque ordinances, can be imposed on developers to pay for infrastructure costs such as water and sewer extensions into previously undeveloped areas. Opponents of the fees argue that they impose an unfair burden on West Side developers, who have to pay substantially more than developers in areas of the city already built up. Supporters say the fees represent the real cost of expansion, encourage infill development and limit urban sprawl.

House Bill 805 passed with no recommendation out of the House Judiciary Committee.

The measure is sponsored by Rep. Dan Silva, a West Side Democrat. He is joined by the powerful chairman of the House Appropriations Committee, Rep. Kiki Saavedra, also an Albuquerque Democrat. Rep. Greg Payne, a Republican who is a former Albuquerque city councilor, also joined the measure.

A packed hearing room put Albuquerque's real estate development community cheek by jowl with anti-sprawl activists for a hearing that stretched on for more than an hour.

Developers and business groups rose one by one to tell lawmakers the impact fees were unfair.

"We will be uncompetitive as a city in terms of economic development," said Paul Cauwels, a commercial real estate developer from Albuquerque.

All three sponsors said Albuquerque's impact fees, as drafted, unfairly affect the west and southwest parts of Albuquerque with higher impact

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fees.

The fees were instituted last year by a 6-3 vote of the city council.

"You have to laugh at what's going on here," Saavedra said. "I'm amazed they were even able to get it past the city council."

Silva noted that in his district, which includes the south and west parts of Albuquerque, the total impact fee for a new 20,000 square-foot office building would amount to \$130,648.

The same size building, put into the Northeast Heights, would have a \$1,994 impact fee levied on it.

City Councilor Tina Cummins, who works in real estate, told lawmakers the fees, which she voted against, made Albuquerque "a city divided."

The fees are designed to provide money for streets, parks and other facilities. They replace a system of negotiated payments known as exactions. They are much higher on the less-developed fringes of the city.

The fees were approved over the objections of council members Cummins, Sally Mayer and Craig Loy.

But Heinrich and fellow councilors Eric Griego and Debbie O'Malley said the impact fees, as developed and passed by the City Council, were the product of years of deliberation and compromise.

"If you pass this legislation, the biggest impact is the erosion of local control," Heinrich said. "Local planning decisions should be made by local planning entities."

The city's impact fees, Heinrich said, "will not stop growth on the West Side. But they will begin to address the growing infrastructure needs."

Antonio Maestas, a West Side resident who served on a task force on the city's Planned Growth Strategy, said impact fees were higher on the West Side because that area needed more bricks and mortar dollars.

"The West Side is going to grow regardless of whether this bill is passed or not," Maestas said.

The committee's three "no" votes on the bill's passage came from two Albuquerque Democrats, Rep. Mimi Stewart and Rep. Gail Beam. Rep. Gloria Vaughn, an Alamogordo Republican, also voted against the passage.

Rep. Al Park, an Albuquerque Democrat, voted with Rep. Eric Youngberg, an Albuquerque Republican, and other members of the committee to pass the bill without recommendation.

"I still don't know what to do with this piece of legislation," Park said.

He said, however, that he'd been bombarded with calls about the bill.

Park was also the subject of heavy lobbying in person by Cauwels and other real estate developers Wednesday afternoon.

On the House floor, both sides expect to see more debate on the issue of local control - whether cities have it or not.