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Applications for impact fee refund now cost less in Indian River County

By Henry A. Stephens

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INDIAN RIVER COUNTY — Hundreds of would-be homeowners, who took out county permits and paid impact fees but gave up in the recession and never started construction, got a break Tuesday.

In a 4-0 vote, county commissioners decreased the \$200 impact fee refund application fee to \$75. And applicants don't have to pay up front, but can get their fees subtracted from their refunds.

"We want to make sure the people who apply for refunds should be getting the refunds, but \$200 is quite a bit more than this (research) really costs," county Community Development Director Bob Keating told commissioners.

Impact fees are one-time charges the county levies on new homes and businesses, as well as expansions, to offset the increased costs in services required by new growth.

Just how many people will benefit from the price break on refund applications is a matter of an ongoing dispute between Keating and Charlie Wilson, president of Vero Beach's Asset Research and Recovery Inc.

Keating said the county has refunded impact fees to 339 people in the last eight years because they never started construction. He said his research of the county's database shows 121 building permits on file that are eligible for refund for no start of construction and no connection to assuring future road capacity.

Wilson disagreed, however, saying Keating's staff wrongly excludes from refunds "hundreds of people" who never built but did get county inspections for work on the foundation boards. He said he has tallied about 900 people who paid impact fees but didn't finish a house.

"Just because you get a permit and put boards around your property doesn't mean you had any impact on (demand for) the libraries," he said.

Wilson said the commission's action Tuesday didn't affect his 73 clients, who are seeking refunds, but "was the right thing to do."

County Attorney Alan Polackwich is expected next month to submit a related legal analysis of Wilson's claims on impact fees for his clients.

Keating said two groups of people could reasonably get their impact fees refunded. Those who dropped their construction plans, he said, are the easier to track.

A second group of people, who paid impact fees but whose fees were never spent by the county, could apply if there's no action after six years. But Keating said nobody in the county fits that criteria.

"Basically, the rule is if you're in a house (you built), you don't qualify for a refund," he said.



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