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## Attorney lectures officials on impact fees

BY ELIZABETH DONALD  
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**TROY** - School and Madison County board members filled half of Triad High School auditorium Monday as they listened to an expert discuss the residential impact fees that at least three school districts and the county are considering.

Impact fees are assessed on new residential development. Developers pay the fee on a per-lot basis, and the money is used for building new schools.

Metro-east communities such as Edwardsville have established the fees to offset the increasing costs that come with rising enrollment -- the Edwardsville School District has seen an additional 1,200 students enter the district in the past eight years.

Attorney Richard Flood of Crystal Lake went over the latest litigation on school impact fees, including determinations that the money can only be used for buildings and the land on which they are built, as well as scaling the fees based on how many bedrooms a house has and therefore how many children it is likely to contribute to schools. There are ways to put impact fees into annexation agreements and give developers the opportunity to challenge the formula determining the fees, Flood said.

Flood, who was one of the first attorneys to draft impact-fee legislation in Illinois, said impact fees do not discourage development unless two towns are adjoined and fairly equal in all other respects.

"Growth tends to follow a pattern, growing out from the city," he said. "Impact fees, in my experience of 30 years, have never affected that growth pattern..."

More common, Flood said, is when one community in a district passes an impact fee and others don't, public pressure can build.

"Residents want to know why they are supporting schools but other communities aren't," Flood said.

Many districts have found it only works if all communities in the district agree, he said.

In Madison County, Highland, Triad and Edwardsville have asked the County Board to consider passing impact fees on the unincorporated areas in their districts.

The County Board has advised those districts to undergo a needs-assessment study and get the support of the towns in their districts, and then it would consider impact fees for the unincorporated areas.

Highland Superintendent Marvin Warner said the push for impact fees in the unincorporated areas was a matter of fairness.

"Let's level the playing field," he said.

Both Highland and Triad have been considering impact fees as they face growing enrollment. Triad Superintendent Michael Johnson said the district's population is projected to grow by 60 percent from the 2004 study by 2012. Triad is planning a \$44 million building referendum in the March election.

"It's not, 'If you build it, they will come,'" Johnson said. "They're already here."

Triad District 2 hosted the joint meeting and invited other groups, including Highland District 5, village boards of St. Jacob and Marine, Troy City Council and the Madison County Board.

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