

Originally appeared on News-Journal Online at

<http://www.news-journalonline.com/NewsJournalOnline/Business/RealEstate/03BusinessHEAD03REAL120305.htm>

| [Print This](#)

[Page](#)

| [Close This](#)

[Page](#)

Builders float impact-fee proposal

By **JAMES MILLER**

Staff Writer

Last update: December 03, 2005

The Volusia Home Builders Association has laid down terms that could end the fight with the School Board over an impact fee increase adopted earlier this year -- they'd like a refund as well as a lower fee.

So far, neither the County Council nor the board has bitten.

"My opinion, not the board's opinion, is it is not a reasonable request," said School Board member Candace Lankford, who was chairwoman when the new fees went into effect. "We have not discussed it, but we will."

In April, the association sued to undermine the quadrupling of the fee to \$5,443, saying the School Board did not use the correct procedure before the County Council adopted the change in January.

A judge with the state Division of Administrative Hearings eventually agreed, but the School Board has appealed. Attorney Alex Ford, who represents the school district in the case, has said he does not think the judge's order invalidates the county ordinance.

But the homebuilders want the county, which collects the fees, to refund everything in excess of the prior rate of \$1,139 per home. They're also offering to accept a "retroactive revision" to a rate of \$3,100.

"The homebuilders want them to be building schools," association attorney Allen Watts said. "We don't want to overpay, but we do expect to pay our fair share."

If the proposal is accepted, the School Board can attempt to adopt a new fee later if the numbers support it, he said. Otherwise, the board could lose the entire increase, Watts said, "and I think that would be a foolish risk."

The \$3,100 figure is based on the homebuilders' review of data in the report the school district used to support the impact fee increase, he said. The lower figure is justified, Watts said, because enrollment wasn't as high as expected this year, and the school district has raised more money than expected through a property tax for capital projects.

Those revenues increased by 14.6 percent from 2004 to 2005, according to figures provided by school district budget analysts Friday. The report used to back the increase projected a 9.7 percent annual increase.

The homebuilders' figure also reflects the \$3,165 the board recommended in spring 2004 based on calculations by Deputy Superintendent Bill Kelly. The school district commissioned a new analysis after the homebuilders balked at the first one.

It called for an even higher number, Lankford said, because since then construction costs have increased more dramatically than revenues.

And while enrollment was lower than anticipated, it still increased 363 students, and the general trend is toward considerable growth, she said.

"Now, they want to go back to a figure that was not high enough two years ago and expect it to be OK two years down the line, with the increase of over 43 percent in construction costs," Lankford said.

She expects the School Board to discuss the homebuilders' proposal in January.

The proposal was made in an Oct. 27 letter addressed to County Chairman Frank Bruno and copied to the board and other county and school officials, but Bruno said Friday the council won't take up the issue unless the board asks.

"I don't think it's in our court, to be honest," Bruno said.

On Friday, Ron Yates, the county's permit center manager, said his staff was still working to provide the school district with the exact amount collected since June 6, when the increase went into effect.

james.miller@news-jrnl.com

© 2005 News-Journal Corporation. ® www.news-journalonline.com. Do not republish or distribute without permission.