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## City's road impact fees going up

By JEREMY COX, [jgcox@naplesnews.com](mailto:jgcox@naplesnews.com)

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**UPDATE** — Bonita Springs home buyers will be paying more than twice as much to the city in road impact fees beginning April 1, 2006.

But the hike won't happen all at once, the City Council agreed Wednesday.

Although local building industry advocates question the methodology the city used to develop the new fees, they don't plan to challenge the issue in court.

For a single-family home, the fees will go up from \$2,436 to \$5,647 — a nearly 132 percent jump. Seeking to soften the blow, the council voted to phase in the new fees, raising them to \$4,041.50 on Oct. 1 and to \$5,647 on April 1.

Impact fees are one-time assessments on new construction that are supposed to make growth pay for growth. Often used to build new roads, schools and parks, the fees are charged when builders pull a permit.

Earlier this year, the city's impact fee consultant suggested raising the fee by 22 percent, to \$2,971. But several city leaders questioned whether Duncan Associates' methodology reflected the area's surging growth and land costs, prompting a new study that produced a significantly higher fee structure.

It had been about five years since Bonita altered its road impact fees.

"The facts are it is long overdue," Councilman David Piper said. "Look at the difference in the road infrastructure costs. It's changing every two or three months significantly."

Michael Reitmann, director of the Lee Building Industry Association, questioned the validity of the revised study, noting that it relied on national, not local, traffic estimates and road-building costs. Those figures are used in a complicated formula that ultimately determines how high the

fee should be.

He also accused the city of artificially inflating the fees by eliminating state and county road projects from its calculations.

"The new fee that was done is just a knee-jerk reaction. That, in my opinion, is questionable," Reitmann said.

But not necessarily illegal, he added. Recent court cases have tipped disputes over impact fee methodology in the government's favor, making it difficult for people to contest decisions in court, Reitmann said.

Instead of suing the city, Reitmann is looking to change the way all local governments in Florida enact impact fees. Along with other building advocates across the state, he wants to revive a bill that died in the Legislature last spring that would have overhauled the system.

Reitmann was happy that city leaders heeded his call to push back the effective date of the new fees from Sept. 1 to Oct. 1. That should give builders enough time to act on existing contracts and prepare for the new fees, he said.

Mike Hoyt, chairman of the Bonita Springs Area Chamber of Commerce's government affairs committee, said his organization won't resist the change even though it also disagrees with the methodology.

The hike won't slow the city's growth, but it will cripple the affordable housing market, he predicted.

The new impact fees affect all types of building, including restaurants, hotels, warehouses, offices and churches.

Councilman Wayne Edsall suggested that condominiums should be charged the same amount as individual homes. Fees for new condos were set at \$3,913.

"I think they use the roads just as much as anyone else does," Edsall said.

But, according to historic trip-generation figures, condominiums don't create as much traffic as homes do, City Attorney Audrey Vance said. Raising impact fees for condominiums to match the amount for homes probably wouldn't stand up in court, she added.

The higher fees will generate more road-building revenue for the city, but phasing the fees in will

hurt the city's bottom line in one case.

As an inducement to persuade city leaders to approve its 3,600-home project at the eastern end of Bonita Beach Road last year, The Bonita Bay Group offered to pay 50 percent more than its share in road impact fees than legally required.

That "super impact fee," though, will be paid when the project's rezoning approval takes effect, not when the building permits are issued. The rezoning hearing is set for Monday. So, if the council gives the project the go-ahead, the road impact fees will be calculated at the \$2,436 level.

In other business Wednesday, the City Council agreed to set a tentative property tax rate of \$.9976 per \$1,000 of taxable value on every property for next fiscal year. That's the same as this year's.

At that rate, the owner of a home with a \$150,000 taxable value that has a \$25,000 homestead exemption will pay about \$125 in property taxes to the city.

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