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Collier looks into law to restrict growth

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Collier County is looking into an ordinance that would slow down growth.

County commissioners on Wednesday authorized their staff to begin drawing up a rate of growth ordinance. The ordinance would restrict the amount of growth that can occur in Collier County each year.

It is unclear to what degree growth would be restricted if an ordinance is passed. Any ordinance prohibiting growth could be challenged in court, such as by the development industry.

New construction has long been the engine that drives the Collier economy. So county officials have been loathe to do anything that will slow down new construction, until recently.

That will change if impact fees charged for the construction of new homes cannot pay for the services the county needs to provide to handle the new homes and residents. The county has long operated under a philosophy of having growth pay for growth via impact fees.

That philosophy is being threatened by a growth management bill passed by the Florida Legislature that became law last year. County officials say the new regulations will make it much more difficult for the county to collect impact fees and make decisions on the local level.

Commissioners' main complaint is that the growth-management bill doesn't let them create a tougher concurrency program than the state allows. Collier County's program is tougher than the state's, so commissioners fear the local program will become moot and they'll have to abide by weaker state requirements.

That means the county would lose millions in impact fees because the county won't be able to collect the fees under the state program unless the law is revised.

"I don't see any movement to get the law changed," Commission Chairman Fred Coyle said. "We need to find ways to control growth once (this new law) has circumvented our power and prevented us from collecting impact fees."

Coyle said county government has already lost $30 million.

Scott Coulombe, director of the Collier Building Industry Association, said it is too early to say what a rate of growth ordinance would mean to the community.

"We need to understand what the restrictions would be," Coulombe said. "Obviously we will work with the commissioners on this issue, but I don't have enough information to really say anything on this issue right now."

Coulombe said he is trying to find out if rate of growth ordinances exist anywhere else in the state, and if so how they work.

Collier is lobbying legislators for a glitch bill that will correct flaws in the original growth management law. Coyle and others want that corrective bill to say that local government can have a tougher growth management law than the state requires.

They also want it spelled out that local government can have flexibility in when they collect impact fees. The county now collects all its impact fees before construction occurs.

Assistant County Attorney Jeff Klatzkow attended an impact fee review task force meeting earlier this week. The statewide task force was set up as part of the growth management bill.

In an e-mail to commissioners, Klatzkow said some type of legislation is expected to pass the Legislature in 2006.

That legislation might cap the impact fees that local governments can impose, Klatzkow said.