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Complex laws, lack of information stymied progress

County Impact Fee Group Suspends Work

Frustrated with complex impact fee laws and incomplete information, the Flathead County Impact Fee Advisory Committee has suspended further work until at least next year.

The county group had been working on developing separate impact fees for county roads and an improved or new Flathead County Justice Center since November 2006. At their most recent monthly meeting on June 30, though, the committee's eight members decided their progress had been stymied by outside circumstances.

"We got to the point where until some other issues are resolved we didn't really have any work to do," David Greer, committee chairman, said. "Rather than just spin our wheels, we're going to suspend work."

The group cited three main reasons for the stoppage: overwhelmingly complex impact fee legislation, an incomplete Flathead County Transportation Plan and difficulty in coordinating efforts between the area's three cities and the county.

In 2005 the state Legislature passed a law allowing such impact fees. Since then, none of the state's urban counties have successfully implemented the fees, County Commissioner Dale Lauman, also a member of the county's impact fee committee, said.

“It’s not that there’s not interest. Many of the counties have hired the same consulting company we did to study impact fees,” he said. “The reason is that the legislation is so confusing and restrictive and sometimes ambiguous that it’s really hard to work with.”

It’s a complaint Lauman said he’s heard frequently at statewide urban county meetings. State politicians and the Montana Association of Counties will likely lobby to simplify impact fee laws during the next session, which begins in January.

Meanwhile, work on road impact fees is largely reliant on information that will be collected in the Flathead County Transportation study, which isn’t scheduled for completion until early next year, Greer said.

The study will include reports on all major roadways and intersections in the county and will designate areas most likely to experience growth. Traffic patterns will be projected for the next 20 years.

“It’s the baseline information we need to understand existing conditions on county roads so that we can determine what impact new development might have,” Greer said.

An impact fee for the Flathead County Justice Center would require cooperation between the county and Kalispell, Whitefish and Columbia Falls city governments – a collaborative effort that hasn’t even been explored yet, Lauman and Greer said.

Because all three cities and the county use the center, fees would have to break down each group’s usage and subsequent financial contribution. The cities would then have to implement the city impact fees and pass them along to the county.

“There really hasn’t been any discussion with the cities as to whether or not they’d be willing to do that,” Greer said. “And, if they’re not, I don’t think that fee will succeed.”

The committee plans to resume work on impact fees in 2009 when more is known on potential legislative changes to impact fee laws and the county transportation plan is complete.

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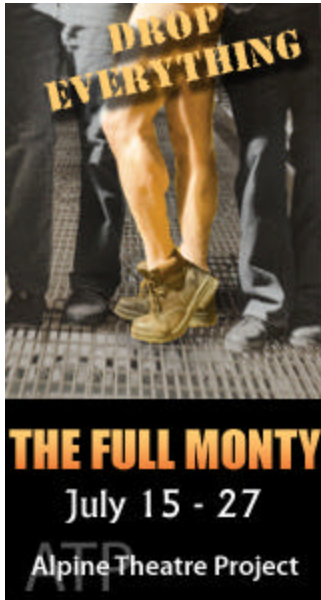
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