



County weighs merits of fees

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LAWRENCEVILLE — A majority of Gwinnett County commissioners say they have no problem with taking a look at implementing development impact fees.

But one said he doesn't want to do anything that might endanger the county's Special Purpose Local Option Sales Tax, which pays for new roads, parks, libraries and police stations.

The concern is that voters would be less likely to approve the 1 percent sales tax if impact fees are adopted, said County Commissioner Kevin Kenerly.

"I don't want to affect our SPLOST because it pays for our police stations and libraries," Kenerly said. Under state law, impact fees can be levied on new homes and shopping centers as a way to pay for infrastructure upgrades necessitated by growth and development.

The fees cannot be used to pay for new schools, but a legislative committee is studying the possibility of changing state law to permit their use for classroom construction.

County Commissioner Bert Nasuti, whose district includes Norcross and the Peachtree Corners community, said he has no problem with reviewing the fees.

"I have never been opposed to impact fees," Nasuti said Wednesday, one day after a developer called for commissioners to appoint an impact fee study committee.

Nasuti said when he took office, impact fees were being challenged in court in Cherokee County by developers and home builders, and there was uncertainty about the proper way to implement them.

The courts have since ruled on the matter and provided guidance on how to craft the fees, "so I don't have a problem with studying (them) in Gwinnett, and that may not be a bad idea," Nasuti said.

The fees could never pay for as much infrastructure work as SPLOST does, "but I think they may also help," Nasuti said.

Commission Chairman Charles Bannister, who took office in January, also said evaluating impact fees wouldn't hurt.

"I've got no problem with looking at it," he said. "It is probably something we should review."

One factor to be considered is the county has a SPLOST program, which other locales with impact fees might not have, Bannister said.

Commissioner Lorraine Green, who also took office in January, was undecided about an impact fee review.

She said there has been past debate about impact fees, and before she calls for a citizen committee to review them, she wants to know why they were not previously adopted.

"I think we need to do some more homework before we call for any kind of study," said Green, whose district includes Duluth and parts of Suwanee and Lawrenceville.

Green said the public probably favors the use of impact fees for schools more than anything else, but state law does not allow them to be used to alleviate school overcrowding. "That's out of our hands," she said.

Kenerly, whose district includes Buford and some of the fastest-growing parts of the county, including the Hamilton Mill area, was leery of impact fees.

He said voters would probably be less likely to renew the highly successful SPLOST program if impact fees are adopted. He also said the county already requires developers to make infrastructure improvements as part of the rezoning process — concessions that could not be required if impact fees

are adopted.

Also, if the unincorporated county sets impact fees and the cities don't, landowners and developers would have their land annexed to avoid the one-time payments, Kenerly said.

County Commissioner Mike Beaudreau, whose east Gwinnett district includes Snellville, Grayson, Dacula and some of the Hamilton Mill area, said he is all for looking at impact fees.

He has no questions about school impact fees.

"I'm definitely in favor of implementing school impact fees," Beaudreau said. "I would definitely like to have them and I hope the state addresses that issue.

"It would not be an end all, save all for solving school overcrowding, but it would be a positive step, that's for sure."

What commissioners think about development impact fees for schools could be irrelevant, because the decision would probably fall to the school board, which has its own Special Purpose Local Option Sales Tax that is used to build classrooms.

State Rep. David Casas, R-Lilburn, is on the panel of state legislators that will be studying school impact fees in coming months, with an eye toward drafting legislation that would make them permissible.

"School overcrowding is definitely a metro area problem and we can't continue in the trend that we're doing because we just can't build schools fast enough," said Casas, who also is a teacher.

"It's amazing how Gwinnett County has done more than any other county in building schools and we still find our schools with trailers," he said.

"There's got to be something done, and I'm not saying the solution is impact fees, although we are going to study them and see if that is a viable solution. But no doubt, something has to be done."

In 2002, a citizens committee appointed by the county commission to study growth issues reported that 73 percent of Gwinnett voters supported development impact fees.

And a majority of voters indicated that instituting impact fees would have relatively little effect on support for the SPLOST, according to the report.

The county already levies what is effectively an impact fee to help pay for water and sewer projects.

The "system development charges" are based on how much water and sewer capacity each new structure will use, and the fees are paid when building permits are obtained from the county.

For a new home, the sewer and water charges can total about \$3,330. For large commercial buildings, the combined charges can hit \$558,212.

A message left seeking comment from the Council for Quality Growth was not returned. The Duluth-based organization is a trade group and lobbyist for the metro Atlanta development industry.

Last week a developer seeking a rezoning for small-lot homes on U.S. Highway 78 near Snellville asked county commissioners to appoint a citizens panel to review impact fees, and then adopt them.

The developer, James Corcoran, oversaw the Gwinnett County Planning Division from 1993 to 1996. He said in 1995 he gave presentation on growth in Gwinnett County, and he recommended the county adopt impact fees.

In his recent comments, he seemed to concentrate largely on school impact fees.

"What attracts people to Gwinnett?" Corcoran said. "Quality of life, quality of schools, all of those

quality of life factors that make Gwinnett great. And I think there's an interest from everyone to try and preserve those quality of life issues.

"Really, the only question is how do we get there?"

Duluth attorney Lee Tucker, who represents developers and land owners in rezoning cases, said developers already in effect pay impact fees through conditions that are placed on rezonings.

For instance, it's not uncommon for developers to have to donate right of way for future county and state road projects, or to have to install turn lanes and traffic signals in front of their projects.

"In my opinion, developers already pay impact fees in Gwinnett County, whether they're called, quote, impact fees, end quote, or not," Tucker said.