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## Developer offers to pay impact fee

Durham schools to get \$500 for each building permit

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DURHAM - A developer seeking a zoning map change needed to build 1,200 new residential units sweetened the proposal to county commissioners Monday by pledging to pay a voluntary impact fee -- even though the county's mandatory fee was recently deemed illegal.

Apparently, it helped.

The Durham County Board of Commissioners approved a zoning change Monday night that will allow Cary-based MacGregor Development to build up to 1,050 single-family homes and 150 multi-family units on more than 420 acres on the east side of Doc Nichols Road, just west of Olive Branch Road.

Among other promises, the developer pledged to donate \$500 to the Durham Public Schools for each building permit acquired. A permit is required for each home, townhouse or apartment built.

Durham County recently refunded more than \$8 million in fees it had collected on new residential development since the beginning of 2004.

Courts found the impact fees -- \$2,000 on each single-family home and \$1,155 on each apartment or condominium -- illegal because there is no state statute specifically allowing it.

County leaders who bemoaned the loss of the impact fee in recent months praised MacGregor on Monday for being willing to help allay the additional costs to the school system that its new development will bring. They also said they appreciated a series of road improvements and other enhancements Macgregor has agreed to make.

"This isn't the best plan in the world, but it's not the worst, either," Commissioner Becky Heron said. "We had developers willing to sit around the table and make something happen."

Drew Marsh, a lawyer representing MacGregor Development, said his client volunteered to make the donation.

"[The county] didn't ask for a thing; the developer acknowledged the schools need some help," Marsh said Monday. "It's not anything we had to do. But it makes good sense to be a good neighbor."

MacGregor also promised to help the school system find affordable land for future school sites near the development.

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