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Panel gives developers a break on fees for projects already approved

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A northern Beaufort County developer should get a break on school-development fees, as should anyone else whose planned unit development was approved before the state outlawed school impact fees, a county committee determined Wednesday.

Fred Trask received Beaufort County approval in 1997 to build the Greenheath community on 100 acres adjacent to Coosa Elementary School on Lady's Island. He agreed to pay a \$1,000 school-impact fee for each of the 196 homes he planned to build.

Trask has not started the development and in the interim the state legislature outlawed school-impact fees. The county now requires school-development fees of \$6,000 per residential unit and \$2.50 per square foot of commercial space whenever it negotiates a planned unit development such as Greenheath.

However, a 5-0 vote during a joint meeting of the County Council Natural Resources Committee and the Beaufort County Board of Education would allow Trask to pay an inflation-adjusted impact fee for the first 196 of the 311 homes he now plans to build.

The agreement still must be approved by the full council.

Officials said they want the existing school-development fee ordinance to be rewritten to apply to all planned unit developments approved while school impact fees were in place.

"We need to be fair and consistent," said Councilman Jerry Stewart. "I want to codify it and explain exactly why there is this exception."



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Trask's attorney, David Tedder, has argued the developer should be charged the rate for the homes first approved for Greenheath, which also will include 250,000 square feet of commercial space.

Trask awaited infrastructure to be built in the area, believing his approval would not expire or be substantially changed, Tedder said.

"He was being a responsible developer," Tedder said Wednesday. "One size doesn't fit all. Let's make accommodations so that one person isn't disproportionately hurt."

Several council members believed Tedder's request amounted to an unfair discount. In a 4-3 vote Oct. 26, they denied approval on second reading of the Greenheath development agreement. However, they voted last week to table a final decision until the school development-fee policy had been given another look.

The school board approved the school development fee in November 2007, and municipalities agreed to adopt the policy to prevent developers from shopping for zoning deals.

Municipalities should review the proposed policy change and agree to uphold it before the change reaches County Council, committee members said.

School board members favored developers paying the existing school-development fees without exception but agreed to support the council decision as long as it is applied consistently.

"(Trask) had 10 years to develop it during the good times and he didn't, so it doesn't bother me if we hold the line," said board member Jim Bequette. "I'm concerned about more than development fees on projects. I want impact fees."

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