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School fee proposal fair, pragmatic solution

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A recommendation to exempt the developer of 100 acres on Lady's Island from some of the school development fees required by a Beaufort County ordinance raises concerns.

After all, new home construction tends to be accompanied by overcrowding pressures on public schools that new arrivals should help mitigate. At first blush, allowing Fred Trask to pay fees for some of the homes in his Greenheath development at a lower rate than required by the 2007 ordinance does seem a dangerous precedent for a County Council determined to take a hard line in negotiating development agreements.

But the discussion at the Nov. 18 meeting of the County Council Natural Resources Committee and the Beaufort County Board of Education suggests the decision is fair and pragmatic.

The exception might mean the county leaves some money on the table with this project, but it could end up with no money at all for new schools because it cannot compel Trask to enter into a development agreement.

This saga began in 1997, when the county agreed to a planned unit development that allows Trask to build the Greenheath community on 100 acres next to Coosa Elementary School. Trask was required to pay a \$1,000 school impact fee for each of the 196 homes he planned to build.

More than a decade later, Trask still has not started the development, and in the interim, the legislature outlawed school impact fees. To try to capture some school construction fees, in 2007, the county passed an ordinance requiring school development fees of \$6,000 per residential unit and \$2.50 per square foot of commercial space whenever it negotiates a new development agreement.

The County Council Natural Resources Committee and the Beaufort County Board of Education recommended Trask be allowed to pay the \$1,000-per-unit fee from 1997, adjusted for inflation, for the first 196 of the 311 homes he now plans to build. He'll pay the higher fee required by the ordinance on the additional units.

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The agreement still must be approved by the full council.

Terms of the Greenheath development are being negotiated again because the planned-unit development approval is set to expire in 2010. So with the clock ticking, why can't the county simply impose its will -- and \$6,000-per-home fees -- on Trask?

Because if the parties can't reach an agreement and the planned-unit development approval expires, the land reverts to zoning rules that would allow Trask to build about 200 residential units on his property without paying anything in school fees.

The fact that school fees only come into play for homes built under a new development agreement is the ordinance's biggest weakness. A school impact fee that reaches all newly constructed homes would be the most fair.

But more is at stake than the school fees.

When the Greenheath planned-unit development was extended in 2008, Trask agreed to new conditions, including easements for walking paths and a connection between the development and Coosa Elementary that would reduce traffic on surrounding thoroughfares. Those could go by the wayside, too, if no new development agreement is reached.

Yes, the critics might be right -- perhaps if County Council insists upon the terms of the ordinance, Trask will blink and pay \$1.86 million in school development fees, giving the Beaufort County School District nearly double what it would receive if the joint meeting recommendation is followed.

But given that Trask seems in no hurry to develop, it is just as likely that he could wash his hands of it all and leave the county and the school district empty-handed.

This doesn't seem to be a sweetheart deal. Trask will pay the \$6,000 fee on the additional homes and has made other concessions.

As for setting precedent, the joint decision included a recommendation that the ordinance be re-written to codify the exception being made for Trask. Councilman Paul Sommerville, a member of the Natural Resources Committee, said he thought the county had identified just one other undeveloped planned community approved before school impact fees were banned by the legislature.

It seems unlikely that this exception will undermine county efforts to collect school fees under new development agreements.

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