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Fees stay on June 1 track

If Charlotte County commissioners follow the cue from the Planning and Zoning Board Monday, revised impact fees will go into effect June 1 -- even if they need to be revised.

The Charlotte-DeSoto Building Industry Association requested the board recommend commissioners delay implementing the new fees until after July 1, when the recently adopted State Impact Fee Act goes into effect.

CDBIA Executive Officer Jon Bednerik said the delay would allow the county to ensure its fee structure is compatible with the new state legislation, provide time to iron out miscalculations, and examine alternate revenue sources, such as real estate title transfer fees.

County Budget Direct Ray Sandrock and Assistant County Attorney Dan Gallagher said the only difference between the state scheme and the county's fee structure is an administrative levy assessed in the local ordinance.

Sandrock said the new fee schedule tentatively includes a 2 percent administrative fee that could be waived until an exact amount, or percentage, is fixed in later revisions.

Sandrock said the real estate title transfer fee has "for a long time been looked at as an option -- a revenue source."

That, too, could be incorporated into the fee structure as it is revised to meet changing circumstances, he said.

But the bottom line, Sandrock said, is the revised impact fees were adopted on Feb. 28 with implementation set for June 1.

Gallagher said postponing implementation until the new state law goes into effect could mean months of delay beyond July 1.

"We'd probably have to go through the whole process again," he said.

"I think by delaying it, we're only going to cost ourselves more -- and that's foolish," board member Brenda Starr Bossman agreed.

Commissioners will consider lowering the new impact fee schedule by 30 cents to \$3.89 per square foot during a May 16 public hearing.

The hearing was originally set for today, but was delayed to provide more time between planning board and commission hearings.

The planning and zoning board Monday approved lowering the fees -- and recommended commissioners stick to the June 1 implementation date.

On Feb. 28, commissioners adopted a \$4.19 per square foot impact fee on new residential development.

However, three elements of the fee structure were calculated using an incorrect formula.

Fees for law enforcement, fire and EMS services, and public builders were assessed by "whole population" rather than "functional population."

"Whole population" consists of year-round residents while "functional population" is the number of people who actually reside in the county for variable lengths.

Using functional population adds more ratepayers to calculations and, thereby, lowers per-home fees.

The revisions would lower the composite fee to \$3.89 per square foot.

Broken down, the fees are \$2.54 per square foot for roads; 8 cents per square foot for libraries; 83 cents per square foot for parks; 9 cents per square foot for law enforcement; 4 cents per square foot for fire/EMS; and 23 cents per square foot for public buildings.

The law enforcement fee went from 15 cents per square foot to 9 cents; fire & EMS, 20 cents to 12; public buildings, 39 cents to 23.

The road impact fee was padded by 4 cents from \$2.50 as originally approved to \$2.54 per square foot.

Concerns about finding revenues to finance road building was the primary reason commissioners raised impact fees for the first time in 12 years.

Sandrock said the revisions will not alter the estimated revenues the fees will generate. The county is facing a \$100 million shortfall in projected road costs alone.

However, the \$62.2 million the fees are expected to generate will finance only about 40 percent of planned road projects through 2010.

Bednerik said the building association does not object to the increased impact fees, but wants calculations "to be accurate as possible."


He said that by delaying implementation until the state law goes into effect, the county would "reduce or eliminate the possibility of legal challenges."

Bednerik said imposing an administrative fee not included in the state's structure could be costly in terms of "rebates, credits, and lawsuits."

He said a delay is prudent. "We've waited for 12 years for a change in impact

fees," Bednerik said. "We don't see the urgency in a few weeks or a month."

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