

Impact fees to stand after lawsuit falters

By PETER GUINTA

Staff Writer

Publication Date: [03/24/05](#)

St. Johns County builders are steaming over new residential and commercial impact fees approved March 16 that are double and triple previous levels.

But on Wednesday they decided not to sue the St. Johns County Commission over them.

That means the county's week-old impact fee schedule -- which builders say will harm new commercial and industrial construction and reduce affordable housing -- remain unchallenged for now.

The County Commission hopes it can collect more than \$5 million annually in impact fees to help build roads and infrastructure to keep pace with the region's rocketing growth.

Robert Marshall, president of St. Johns County Builder's Council, said the fees will slow or stop a \$1 billion industry in St. Johns County.

On Wednesday, he tried to talk his 20-member board into suing the county with legal funds provided by Northeast Florida Builder's Association and Florida Home Builders.

"But there was no motion, no vote to sue," Marshall said. "The impact fee (hikes) were an anti-growth vote. They were a bad loss for us. I wanted a motion and a vote right there."

The council's executive and governmental affairs committees did agree to plan to discuss a possible lawsuit at a meeting April 6 with the Northeast Florida Builders.

Marshall said his board may have been swayed by County Commission Chairman Bruce Maguire, who ran over to talk to them during his County Commission lunch break.

"Maguire did a good job," Marshall admitted. "He said the data used to calculate the fees was accurate and the method used was already tried in court. It won every time. If we can't find the fallacy in the numbers, we can't win."

Maguire said he was against raising the fees at 100 percent of the recommended amount.

"I thought we were going to reduce it to 75 percent," he said. "I miscalculated. But I voted for (the motion) because if I wanted to bring it back up again, I had to be on the winning side."

He didn't mind residential being at 100 percent, but didn't want commercial that high.

"We're trying to increase economic growth," he said. "Those rates will kill us."

Marshall said the average house built in St. Johns County last year was 3,200 square feet. A house that size would pay \$9,299 under the new schedule. Previously, the fee was \$2,630.

The new fees begin May 2.

"I don't know if we have a case or if the Northeast Builder's Association will agree with that. They will be interested in this lawsuit," Marshall said. "But after the commission voted to pass these fees I asked myself, 'Where did that come from? Did I miss a day in school?' It's good to fight impact fees anywhere in this state, especially if you can win."

Click here to return to story:

http://www.staugustine.com/stories/032405/new_2970716.shtml

© The St. Augustine Record