

Impact fees could be based on area, not rooms

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A bedroom is not a bedroom if there's no closet.

That mundane legal fact can mean a great deal when one calculates residential impact fees, as did St. Johns County commissioners on Wednesday.

The commissioners seem to believe -- though no vote was taken -- that it's fairer to use square footage than the number of bedrooms to calculate impact fees.

And, Assistant County Administrator Scott Clem said, the School Board and local building contractors agree.

"The number of bedrooms has been problematic. The School Board prefers using square footage if possible, but they'll defer to the county," Clem said. "Either method has been used in Florida, but neither has been tested in court."

Commissioners plan to hold their first of two public hearings on March 9 on the new impact fee ordinance. The second one has not been set.

They are operating under figures provided by James C. Nicholas, professor of law and urban studies at the University of Florida, whose report on impact fees says the county needs 40 to 50 percent higher fees and a different way to calculate them. Each new house costs the county \$4,749 in infrastructure, Nicholas said, not counting schools.

But, Clem said, "Impact fees are only legal if we can base it on the type of impact that is occurring. Otherwise, it's more of a tax."

Nicholas also wanted the county to set aside time between the approval and implementation of new fees.

"That will allow (builders) in the process of signing contracts to complete those projects under the old schedule," Clem said.

Now a single-family home -- no matter how big -- pays \$2,630 in impact fees, while a multi-family home pays \$1,809 and a mobile home \$2,089.

Under the Nicholas plan, a new two-bedroom house would be billed at \$3,971, a three-bedroom house at \$4,749, a four-bedroom house at \$6,116 and five or more bedrooms at \$6,734.

St. Johns County Builders Council doesn't want any impact fees imposed at all, and opposes the way they are collected. But Ed Paucek, governmental liaison for the council, said the square footage way is probably more acceptable.

"A square foot is always a square foot," he said. "A bedroom can be a den or a playroom."

He said the commission should also create capital improvement lists by districts, so impact fees can be spent in the areas where collected.

"That would directly correlate with the needs of the residents," he said.

Robert Marshall, president of the Builders Council, said the county is asking builders to increase the cost of their products by \$5,000 to \$8,000.

"In the last year, the cost of steel has doubled, concrete is up 30 percent, there are gas surcharges and we've had to compete for plywood with three hurricanes," Marshall said.

He said 3,673 single family houses were permitted in St. Johns County in 2004.

"You can overburden this industry and growth will go someplace else," he said.

In other action, the board:

n Ordered Aquatics Superintendent Dave Williams to recommend a plan to raise more money for beach services. The commission seemed open to the idea of using sales tax money or other non-property tax revenue for beaches. Beach management is self-supporting and considering automating beach passes, which could add about \$100,000 to the department's budget.

Williams said the beach gets 250,000 cars a year, but the number of beach passes sold drops annually.

"We need to add revenues to the beach," Williams said.

His 80 lifeguards are busiest in the state in call volume, but also lowest paid. "It's tough to continue to get these people to stay," he said.

Dan Weimer, director of recreation, said the commission "opened the window" to using other revenues.

"New sources of money for the beach -- that's what Dave is looking for," Weimer said.

n Asked Assistant County Attorney Patrick McCormack if something could be done about the seemingly abandoned Wimberly Gardens project in St. Augustine Shores. The building site was fenced by the builder, Kent Development, but there's been no work on it in more than a year. Residents say transients sleep in the building, which is near a school.

McCormack said the county's code enforcement board investigated and found the site in compliance.

"There is no current building permit or application," McCormack said. "Unfortunately, eyesores are not actionable under the county code."

The commission asked if the building department could investigate any safety issues.

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