

## **Brent Batten: This is one column commissioners say you won't want to read**

By BRENT BATTEN

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COLLIER COUNTY — If Fred Coyle is right, you won't bother to read this column.

You won't care because it's about impact fees and growth management and the sorts of things only bureaucrats understand.

You don't follow those things so you probably don't know that major changes are coming out of Tallahassee.

"Nobody cares and nobody is going to care until the quality of life is gone. And then they're going to say, 'What the hell happened and why didn't you county commissioners do something about it?'"

Coyle and a majority of his colleagues were in a fit of pique last week as their staff updated them on a pair of items passed during the just-completed session of the Florida Legislature.

Both work to undermine local authority to govern growth, according to Coyle and fellow commissioners Jim Coletta, Donna Fiala and Frank Halas.

Commissioner Tom Henning sees at least some good in the bills.

House Bill 227, ironically signed by Gov. Charlie Crist in a ceremony in Naples, shifts the burden of proof from the individual to the county when an impact fee is challenged in court. Instead of the individual proving the impact fee is too high, the county would have to prove the impact fee is appropriate.

That will encourage challenges to impact fees, forcing the county to hire lawyers and consultants to justify the fees, the commission majority argues.

Henning says, "The burden should be on the government."

Of greater concern to Coyle is Senate Bill 360, which has yet to be signed by the governor. It changes the way local governments can control growth.

One of the provisions in its 82 pages prohibits local governments from using road capacity as a reason to stop new development in certain urban areas. Both the city of Naples and Marco Island would qualify.

In other words, if a developer wants to build a new shopping center on U.S. 41 in the city, the city couldn't cite traffic as a reason to deny that request.

The intent is to make urban development more attractive and prevent urban sprawl in undeveloped areas.

Coyle believes Collier County, with its Rural Lands Stewardship Program, has already done a good job of controlling urban sprawl.

Senate Bill 360 also contemplates a new fee, called the mobility fee, that could replace the road impact fees Collier County has relied on for much of the past decade.

In 1999, Collier County collected \$11.6 million in road impact fees. The rapid growth in ensuing years brought the figure up to almost \$70 million in 2007. The number fell to \$28 million last year. The \$338 million in road impact fees raised over the 10-year span helped build every major transportation improvement in the county.

Exactly what the mobility fee will be has yet to be determined, but Coyle suspects it will fall more heavily on existing residents than impact fees, which are assessed to new construction and therefore fall on incoming residents.

That philosophy of having new residents pay for the infrastructure and services they need via impact fees \_ having growth pay for growth \_ has been at the center of Collier County's growth management strategy for years.

"They want to spread the cost to everyone instead of having growth pay for growth. It's devastating to us. It undermines six or seven years of work on growth management in Collier County," Coyle said.

Especially galling to the commission majority is the way local representatives in Tallahassee supported the changes. All of Collier County's senators and

representatives voted in favor of House Bill 227 and Senate Bill 360.

One of them, Naples Republican Sen. Garrett Richter, said growth paying for growth sounds good but in practice existing residents use the improved infrastructure the new residents pay for with impact fees. A mobility fee could take that into account.

The whole idea behind the new growth management system is to get the economy going, Richter said.

"The previous agenda was crafted when there was explosive growth. The pendulum's swung too far the other way. We've got to put paychecks and dignity back in people's pockets," Richter said.

A key indicator of just how the new laws will play out comes in December. That's when the state Department of Transportation is to produce an outline of the new mobility fee.

Richter says he doubts the worst fears of commissioners will be realized.

"I think their concerns are exaggerated," he said.

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