

Impact fees to be refunded

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Policy for future refunds hammered out

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INDIAN RIVER COUNTY - Notices will be in the mail soon for some barrier island residents who qualify for an impact fee refund from Indian River County.

During its Feb. 21 meeting, the board of county commissioners unanimously approved refunding unspent impact fees for homeowners on the barrier island south of Beachland Boulevard.

Approximately \$1.1 million in unspent impact fees and interest collected between 1985 and 1999 will be returned to current property owners in that region, from the most recently paid, then working backward, whether they paid the original impact fee or not.

By policy, the refund goes to the current property owner, county staff said.

Two letters from the county will be mailed to property owners notifying them of their eligibility to apply for a refund, county staff said. The window of opportunity to apply for the refund will be open until September.

The refund will be given to property owners with a 6 percent interest rate.

Bob Keating, county community development director, said he originally came up with a list of 462 property owners to whom refunds could be distributed, but that was with a lower interest rate, closer to 2 percent. With the higher interest rate, the amount of people on the list for a refund will be fewer, because there will be less money to go around.

The average refund for the homeowners was not available at press time.

County ordinances read that if impact fees go unspent after six years, the money can be refunded. The ordinances also created a one-year window for property owners to apply for the refund, said Charlie Wilson, who has been asking the county commission to refund the money for the past year and even started a company to research how much money was available and who might be eligible.

Mr. Wilson has been an advocate for a variety of political issues in the past few years, including county impact fee refunds and the sale of the Vero Beach municipal electric utility.

The policies however, did not give direction on how homeowners would be notified a refund might be possible, and the one-year window in 2005 passed without anyone applying. When the one-year window passes, by ordinance, the county can keep the money and use it on projects, but since the process was flawed, the money should be returned to the residents, Mr. Wilson said.

To correct that issue, the county attorney prepared revisions to current ordinances to make the impact fee refund process simpler and easier to understand. The final revised ordinance will be presented at a later date for consideration and adoption.

In a series of motions during the Feb. 21 meeting, commissioners gave direction to the county attorney and said going forward, impact fees held by the county that have not yet passed the six-year mark can be extended three more years, for a total of nine years before the money is eligible to be returned.

Newly collected impact fees will also be extended to the nine-year period.

The rationale for the decision was, in part, to allow the county more time to collecting the funding for larger, more expensive projects, such as road construction.

The three-year extension will apply to all impact fees, not just traffic impact fees.

Ownership of the property, and subsequently refund eligibility, will be determined by noting who owned the property in question on the first day after the six-year period has expired.

If an impact fee is refunded for a project that was not constructed, then a new impact fee will be due should the property be developed in the future.

If the property is owned by more than one person, the clerk of courts, who would issue the checks, would issue separate refund checks, unless the owners request a single check.

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