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Impact fees: Ordinance continues to change; Developers oppose

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Changes to Coweta County's impact fee ordinance aren't expected to end anytime soon, despite the last five years of amendments.

In addition to this month's reversal on Coweta County Medical Office Investors fees, the Coweta County Board of Commissioners also agreed to review a request from a local developer who asked about the possibility of developers banking their impact fee credits for future development.

Tom Crymes of Tomco asked last week if the commissioners would consider giving his company credit toward a separate and future residential development. He asked for the credit, based on his company's removal of 41 manufactured homes from Crossroads Mobile Home Park.

"Just logically, if you took out 41 units, there ought to be a credit somewhere else in the county," he said. "That's what we were looking for, some sort of relief down the road for other detached dwellings."

Crymes said he had checked with County Administrator Theron Gay and a consultant who said they considered it a reasonable request to ask the board. Coweta's impact fee for a single-family detached housing is about \$2,577 per dwelling.

The recently demolished mobile home park was at 2959 Hwy. 34 East in Newnan, close to the Thomas Crossroads intersection. The area is zoned for commercial use. Crymes' original request was misunderstood by county officials to be a request for credits in the same area, which is not permitted since a developer cannot build residential dwellings in an area designated for commercial development.

Crymes clarified during the board of commissioners meeting that he was asking to save the credit toward another residential development. The board decided to table his request until further research could be conducted by County Attorney Jerry Ann Conner on how other local governments handle credits. Conner said it would require an amendment to impact fee ordinances since the issue is not already addressed in Coweta's law.

The 4.74-acre property, marked last week by piles of debris from the torn-down trailers and evicted tenants, is owned by Highway 34 Investors LLC. The company also owns two other parcels adjacent to

the former mobile home park, which totals to an additional 11.5 acres. Highway 34 Investors' articles of organization list Crymes, Larry T. Fletcher and Jane Laguardia as part of the company.

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DEVELOPERS CONTINUE TO OPPOSE IMPACT FEES

Coweta County's continuing struggle with its impact fees is expected, and recent actions show it comes at a steep cost.

Despite Georgia's requirement for developer input into the creation of local impact fee ordinances and counties following those guidelines, developers continue to oppose the fees and fight local governments to prevent or overturn them, according to "An Analysis of Development Impact Fees in Georgia," a University of Georgia study.

Coweta has been toeing that line by amending its ordinance each time developers threaten legal action or to look elsewhere to build their projects.

Like others in the same position, Coweta has also involuntarily entered a "race to the bottom" with the city of Newnan. Race to the bottom describes the tendency of competing jurisdictions to enact the least stringent regulation possible in order to attract business and growth, per the study.

Last year, in deference to that race with Newnan and the economic climate of recession, Coweta lowered its impact fees, resulting in the May 2010 version of the ordinance that includes an impact fee cap of \$7 per square foot. The county also eliminated some of the road projects it planned to build and improve with the transportation impact fees.

While the county was deliberating the cap, it allowed anyone who paid fees during the time frame to be refunded the difference between the old and new rates. It did so to be fair.

In the end, about \$23,800 was refunded in total, according to county documents, which included about \$73,800 in transportation impact fee refunds. The transportation impact fee refunds were offset by fire protection impact fees.

So far Coweta has overturned more than a million dollars in impact fee assessments since enacting its ordinance in 2006.

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