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DCA: local impact fees trump concurrency rules  
 By Joel Addington

The Florida Department of Community Affairs was in Baker County last week and delivered a clear message: state-mandated concurrency regulations shouldn't be the primary funding source for ensuring development pays for itself.

"Before you get to the concurrency test, you have to have a plan in place to project growth and fund the needed improvements," said Michael McDaniel, chief of comprehensive planning for the department (DCA).

Mr. McDaniel stressed that concurrency should be used as a safety net for times when growth surges beyond projections and local impact fees fall short in funding new infrastructure like more classrooms or wider streets.

He said Baker County is reaching the point where soon the volume of incoming development could surpass existing infrastructure capacity.

"You will never have the leverage again you have now," Mr. McDaniel told the room of county commissioners, mayors, developers and planners gathered at the Chamber of Commerce January 31 to discuss the implications of the Cedar Creek development of regional impact (DRI) and five other DRIs county manager Joe Cone said may be on the horizon.

"We've seen it in Clay County and St. Johns County — and Baker County's getting close — and my concern is that you will delay in doing this."

What Mr. McDaniel was calling for, along

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with a development attorney on hand from Clay County, John Kopelousos, was a hike in Baker County's impact fees. Mr. Kopelousos was hired as a consultant by the county commission last year to advise on the DRI process.

The county began charging \$3000 per single-family home in transportation and school district impact fees in 2005. There are no impact fees for parks, police or fire protection.

Clay County charges \$7000 per single-family home strictly for school impact, and is in the process of approving a transportation impact fee. Developers in St. Johns County pay at least \$7000 per residential unit, and almost \$10,000 if the home is more than 1800 square feet.

Both Mr. McDaniel and Mr. Kopelousos acknowledged that raising impact fees is usually unpopular and could prove harmful to officials running for re-election.

However, they said, it would help maintain quality of life for existing and future residents.

County commission chairman Gordon Crews said this week he is generally against raising impact fees because of the increased financial burden it would put on first-time home buyers.

"We're going to take it slow on the impact fees," he said. "I'd like to do it (raise impact fees) for all the DRIs but they'll just charge more for their homes."

However, Mr. Crews said if there was a way, through a trust fund or other vehicle, for first-time home buyers to be reimbursed for impact fees, he might consider raising them.

Commissioner Crews also said he'd rather see concurrency pay for growth than higher impact fees, a view county planning director Ed Preston said is quite common.

After the meeting the director said that "the general understanding" of the public and elected officials is that concurrency should be the primary mechanism for ensuring growth pays for itself.

"We try to pay for things on the path of least resistance," Mr. Preston said, explaining that letting state-mandated concurrency regulations make developers fund infrastructure improvements is easiest. "The harder path is to pass a tax and have them (developers) carry their own weight. That's a tougher path."

Much of the three-hour meeting's discussion also looked at examples of good and bad development.

Mr. Kopelousos said Clay County has examples of both.

"Go down Blanding Boulevard and you'll see that's how you don't do development," he said. That area of Clay County was developed with poor planning and the result

has become a congested thoroughfare that he called "a moving parking lot."

As an example of good development, Mr. Kopelousos pointed to work done on Highway 17 in Orange Park with limited curb cuts and landscaping buffers on either side of the road.

"That's nice development," he said.

Brian Teeple, the CEO of Northeast Florida Regional Council, also attended the meeting and suggested looking closely at Seminole County in Central Florida and how it's managed growth as a bedroom community for Orlando in Orange County.

Mr. Kopelousos said he represented the developer of a Clay County DRI called Eagle Creek. "We had schools (built) and roads (widened) and we paid for them," he said. "You can make DRIs work, but you can't be greedy. Allow Cedar Creek to pay their fair share and let the others pay theirs down the line."

He added that in Clay County developers didn't always pay impact costs, and now the county has been forced to catch up by charging today's developers more on current and future projects.

"Start now," advised Mr. Kopelousos.

However, as Mr. Preston said after the meeting, "It's generally accepted that development should pay for itself. The disagreement comes in how much that payment is."

County manager Joe Cone shared the story of one property owner who has applied to subdivide his property into 20 half-acre lots but faces concurrency costs of about \$20,000 per lot if homes are built.

"Can the market bear that?" asked Mr. Cone.

Developer Avery Roberts of Lake Butler said: "No one expects a free ride, but you don't want to end up with a bad product. The numbers have to make sense."

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