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County to review traffic-impact fees

By: GIG CONAUGHTON - Staff Writer

Fear is that 2005 fee is harming commercial-industrial development

SAN DIEGO -- Two years after approving the county's first traffic-impact fees over protests, supervisors said Wednesday that they want the fees changed because the fears that it would harm commercial and industrial development appear to be coming true.

Led by Supervisor Dianne Jacob, the county board voted 4-0 to direct Chief Administrative Officer Walt Ekard to return to the board in 60 days with proposed changes to the fees, including how to lower them for commercial and industrial development. Supervisor Pam Slater-Price was out of town and could not attend the meeting.

The fees were designed to ensure the county has enough money to build roads and infrastructure to support new development.

Supervisors reluctantly approved the fees by a 4-1 vote in April 2005, even though board members -- and dozens of protesting developers, traffic engineers and others -- said they feared the fees could hurt county development.

On Wednesday, Jacob said she has received complaints that those fears have been realized.

"Over the last couple of years, there have been ongoing frustrations, a lot of increasing concerns and questions raised by applicants, developers, citizens and local community groups," she said. "The most common concern is that the fees, in relation to commercial and industrial development, are too high, resulting in a heavy strain on development in the unincorporated communities in the county."

Board Chairman Ron Roberts, who cast the lone vote against the fees in 2005, said he was glad to see the board's decision would be re-evaluated.

"It was clear to me then that (the fee ordinance) was poorly drafted, it was extremely onerous in its implication, and it was going to stop development," he said. "And all of those things have largely been borne out."

The fees were badly needed two years ago, and it was unclear Wednesday how the board would change them while continuing to meet that need.

Supervisors approved the fees in 2005, saying they had no choice because a 2001 court case changed local governments' ability to excuse small development from having to do expensive traffic-impact studies under the California Environmental Quality Act.

The change meant that even homeowners seeking to split their lots and develop on their property had to pay up to \$30,000 to do traffic impact studies. That created, in Jacob's words, "a de facto moratorium" on backcountry home building.

Faced with a logjam of 270 stalled projects in 2005, county supervisors chose to implement the traffic-impact fees -- charges of between \$3,000 and \$10,000 -- to "unclog" the moratorium.

"The Board of Supervisors were left with only two options," Jacob said Wednesday, and they were "adopt the transportation impact fee, or proceed with the de facto moratorium on new development."

While few complained about the residential fees, scads of developers and business owners complained bitterly about the

more expensive commercial-industrial fees.

Building Industry Association officials said that the fees -- which ranged from \$8.13 to \$30 per square foot -- were nearly three times what cities charged businesses.

The fees were based on a county estimate that future backcountry development would have to pony up \$909 million over the next 40 years to build roads.

At Wednesday's meeting, Ramona businessman Jim Salvatore said many Ramona businesses want to expand, but can't because the traffic-impact fees are too expensive.

Salvatore said a lot of Ramona residents did not want to go "down the hill" to stores in distant Escondido or Poway because gasoline prices were increasing, prompting stores there to want to expand. But the fees are more costly than potential profits from expansion.

"We're running into a big problem," he said. "To remodel, they're getting stuck with this transportation-impact fee and it's a really big burden. I don't think remodels should be part of the (fee)."

The county could decrease the fees by readjusting its \$909 million estimate on what new roads are expected to cost. Officials from the Building Industry Association of San Diego County pushed for that approach in 2005, saying they believed the county needed only about \$570 million. County planning officials rejected that suggestion.

At Wednesday's meeting, Building Industry Association spokesman Matt Adams suggested that the county could use money it gets from the state to offset the traffic-impact costs. Jacob asked that county managers investigate whether gasoline tax revenues could be used to reduce the fees.

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