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State rethinking growth laws

Environmental groups leery of proposals

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TALLAHASSEE -- When lawmakers made major changes to Florida's growth-management system in 2005, the state was awash in development.

Leaders feared that Florida was falling further and further behind in building enough roads, schools and other infrastructure to keep up with an ever-increasing population.

But four years later, Florida is a different place. Amid a national recession, the state's growth engine has sputtered to almost a complete stop.

And now, lawmakers are debating a series of proposals that would again revamp growth-management laws and regulations.

The potential changes could affect cities and counties across the state, including parts of Volusia and Flagler counties. As examples, lawmakers might ease transportation restrictions in many areas, give developers more time to move forward with projects and make it harder for local governments to raise impact fees.

The proposals, which also include trying to speed up government approvals of projects, are being closely watched by groups that have far different views about how the state should regulate growth.

Wade Hopping, a lobbyist whose clients include the Association of Florida Community Developers, said he does not see anything "revolutionary" moving through the Legislature. He said he thought the state's economic problems would spur more efforts to deal with sometimes longstanding development issues.

But environmental groups have tried to block proposals they fear would go too far in loosening regulations.

Eric Draper, deputy director of Audubon of Florida, said business groups have used the economic problems as a "pretense.

"I think some people in the business community are cynically taking advantage of a soft economy to try and roll back environmental protection," Draper said.

With three weeks left in the annual legislative session, lawmakers are considering numerous development-related bills. It remains unclear what will pass, though the Senate this month already approved one high-profile measure.

A key part of that bill would allow many cities and some counties to be exempt from a requirement known as transportation "concurrency." That requirement is designed to ensure that enough roads are in place to handle additional traffic from new development.

The 2005 growth-management changes focused heavily on requiring that financial plans be in place to meet concurrency. But Senate Community Affairs Chairman Mike Bennett, R-Bradenton, said the difficulties and costs in complying in densely populated areas have pushed development to outlying areas -- encouraging the type of sprawl the state does not want.

"Transportation concurrency has not worked well in urban areas," said Tom Pelham, secretary of the state Department of Community Affairs, the agency that oversees growth management.

The Senate bill and a similar House measure would exempt many areas of the state from the transportation-concurrency requirements based on the densities of their populations.

Among the areas that likely would qualify are Daytona Beach, Deltona, DeLand, Ormond Beach, Port Orange, Daytona Beach Shores, South Daytona, Holly Hill, Edgewater, DeBary, Orange City, Palm Coast and Flagler Beach.

Supporters hope the exemptions would help lead to growth in urban areas, instead of in undeveloped rural areas. But Port Orange City Manager Ken Parker said questions remain, including how the proposal would affect agreements that cities have already reached with developers to help pay for transportation projects.

Also, if the concurrency requirements are eliminated, questions remain about how local transportation needs will be met in the future.

"The question is, where is the funding for road improvements going to come from?" said Janet Bowman, director of legislative policies and strategies for The Nature Conservancy.

Another idea that appears to have support in the House and Senate would extend development-related permits for two or three years.

Rep. Dorothy Hukill, a Port Orange Republican who is sponsoring the House's main growth-management bill, said that could help builders who have not been able to move forward with projects and face the possibility of permits expiring.

The extension would allow them to avoid having to go through the permitting process again, which could help with financing projects. Also,

David Hart, a vice president of the Florida Home Builders Association, said it could help prevent builders from feeling rushed to start projects.

"The last thing Florida needs right now is more over-supply on the market," Hart said.

Builders also are trying to get lawmakers to make changes that would help them with impact fees, which local governments collect on development to pay for infrastructure such as roads and schools.

Hart said his group is backing a House bill that, in part, would prevent increases in impact fees for the next two years. Also, the bill would place a greater legal burden on local governments to prove that impact-fee amounts are justified.

Greg Blose, who directs government affairs for the Volusia Home Builders Association, said increasing the legal burden is his group's top impact-fee priority during the session. The association is challenging Volusia's school impact fees in court.

"What this would do is essentially level the paying field for impact-fee lawsuits and require local governments to stand behind the figures they use," Blose said.

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-- Staff Writer James Miller contributed to this report.

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