

Valley home builders challenge Tulare County fee plan

Group says in lawsuit county is violating state constitution.

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A lobbyist for southern San Joaquin Valley home builders is suing Tulare County over development impact fees.

The Home Builders Association of Tulare-Kings Counties alleges that the county's push for cities to collect county impact fees from developments inside city limits is illegal and violates the state constitution.

"You can only collect fees if you are the body approving the project," said Bob Keenan, president and chief executive of the home builder's group.

But county officials said they will argue that such collections aren't new.

"Many other counties do the same and have been for years," said Board of Supervisors Chairman Allen Ishida.

Fresno County has a development impact fee collected by cities, but collection has been waived due to the poor economy, said Public Works director Alan Weaver.

That fee goes into a fund for public buildings.

Kings County collects a similar development impact fee.

Tulare County officials say the fees are needed for roads and public buildings such as jails.

"We get property tax, but that's not enough" to cover construction costs, Ishida said.

The proposed development fees -- one for public buildings and another for roads -- combined could range from \$6,000 to \$18,000 per new home, although a consultant is still crunching the numbers, said Fred Brusuelas, the county's chief planner.

So far, five cities -- Visalia, Dinuba, Exeter, Lindsay and Tulare -- signed agreements to negotiate a fee schedule with the county and collect the fees after an agreement is reached.

In Visalia, the City Council would have to vote on any fees it would collect for the county, city attorney Alex Peltzer said.

No fee would be collected while the economy is down, Ishida said.

Exeter City Manager Randy Groom said the city agreed to work with the county on setting impact fees because the city gets something in return: If the county were to approve projects within the city's urban zone but outside city limits, the county would collect city development fees.

"I don't think anybody loved it," Groom said. "In the end, it was about control. We retained a little bit of control over our fringe areas."

The home builders' lawsuit, filed last month, seeks a court order telling the county not to collect development impact fees from cities.

The county has until Thursday to file a response.

Meanwhile, the Home Builders Association is looking for a lawyer to represent it. Keenan said he and builder David Windh wrote the lawsuit themselves after consulting with lawyers.