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Two RV resort developers express displeasure with impact fees in Chiefland



City Commissioner Teresa Barron (center) shares her feelings about impact fees to be imposed on RV resort developers on Aug. 27. Also in this photo are Chiefland City Attorney Norm D. Fugate (left) and City Commissioner Rollin Hudson.

Story and Photos By Jeff M. Hardison © Sept. 2, 2018 at 11:18 a.m.

CHIEFLAND -- Principals in the development of two separate RV resort parks shared their displeasure with probable impact fees to be imposed on them by the City of Chiefland at a recent city meeting.

Incoming Chiefland City Commissioner Tim West (left, forwardmost)



expresses his belief that the city government should weigh the probable positive future economic impact from development before imposing fees that would essentially reduce the likelihood of development reaching fruition in the city. West was speaking at the Chiefland City Commission meeting on Aug. 27 from the

chairs in the audience. After he takes office on Sept. 10, he will be speaking as a City Commission member sitting behind the dais ('dīās). However, if there are matters where he may see some financial benefit from action by the City Commission, West will not be voting.

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During the regular Chiefland City Commission meeting on Aug. 27, Tim West, the incoming City Commission member who defeated Teresa Barron in the recent city election, and Alan Wallace, a principal in the development of Southern Leisure RV Resort, both said impact fees will kill their RV resort developments. Hal Lyons, a partner with West, said impact fees are "deal breakers."

As some people know, the Barron-West election decision was by drawing lots, per Florida law in the event of a tie vote when there is no city charter rule calling for a method other than what the state deems fitting as the best method for deciding a tie vote.

West is connected with Lyons in the development of Strawberry Fields 4 RVers, another development under construction in Chiefland that is separate from Southern Leisure RV Resort.

West has said that when he takes office, he will not vote on matters where the City Commission's decision could affect the development where he has a financial interest.

Wallace mentioned to the Chiefland municipal leaders that another development with which he has an interest – Williston Crossings RV Resort – did not have impact fees imposed on it when he developed there.

Wallace intimated that the development of Phase II of Southern Leisure RV Resort may not occur if excessive impact fees are imposed.

Lyons previously shared a similar sentiment, which West reiterated in regard to Strawberry Fields 4 RVers.

During the meeting Aug. 27, West said there would be no RV resorts being built if they city had told the developers about impact fees for each site, as well as for the permanent structures, beforehand. He said this seems like an unfair burden for two significant independent residential developments that promise to serve as economic engines for the city and surrounding area.

City Commissioner Barron said a residential home being built in the city has to pay hundreds of dollars in impact fees for each structure like that.

West reminded Barron that these are permanent structures.

"The positive impacts will highly outweigh the negative impacts," West said in regard to the RV resorts' future residents.

Barron countered that she is not disagreeing with him in this regard. Nevertheless, she added, it seems the house developers may be having to pay more than the RV resort developers in regard to the cost of increasing infrastructural needs of the city.

Wallace added to West's statements.

He reminded the City Commission that it voted 3-2 to require RV residents to stay no longer than 180 days. The impact of a yearlong resident in comparison with a seasonal resident is less, Wallace said.

"It's not apples to apples when you are trying to compare a house to an RV site," Wallace said. "It's just – there's no comparison."

Attorney Fugate said there is an impact on the city's services from these developments. There is a need, though, he added, for a relationship to be developed to show the difference in the impact of an RV site in contrast with a house so that a fair impact fee is imposed.

Chiefland City Manager Mary Ellzey told the City Commission that both developers were given directions to check the Municode website

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(<https://library.municode.com/fl/chiefland>) to see the impact fees that exist for Chiefland. She referred to when Tommy Miles and Lois Livingston were planning a development back before some of that project changed.

As for the history of the city collecting impact fees, Ellzey said that during a one-year period in 2010-2011, the city chose not to collect impact fees as a method to help encourage development in the city.

Before discussion began at the Aug. 27 meeting, Chiefland City Commission members were provided with the agenda and background leading to this discussion.

The background showed that a brief discussion on Aug. 13 at the City Commission in regard to impact fees on RV parks did occur.

"The current impact fees," City Manager Ellzey said, "were implemented in 2007 after a study conducted by Government Services Group in December of 2006. The city's current Law Enforcement, Fire, Transportation and Recreation impact fee schedules are provided for discussion."

Phase I of Southern Leisure RV Resort shows a combined total of \$25,543.11 for the impact fees on Fire, Law Enforcement, Recreation and Transportation for the 218 spaces to be developed there.

Strawberry Fields 4 RVers would pay the city a total of \$11,397 for the total 72 spaces it is developing, according to the information provided to the city leaders at the Aug. 27 meeting.

The City Commission discussed the matter Aug. 27 for a relatively long time, including City Commissioner Rollin Hudson saying he would not vote to impose an impact fee on the Levy County School Board if it bought the Central Florida Electric Cooperatives warehouse and other property it has for sale, were that to be bulldozed and a new vocational school built there.

Chiefland City Attorney Norm Fugate said there probably have been cases since 2006 related to impact fees in regard to public schools versus private schools. Until or unless, however, three or more City Commissioners direct him to conduct the research to present a legal opinion on any matter, he indicated that he is not likely to do that. The "Florida Impact Fee Act" resulted after the Florida Legislature found that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth.

As noted in Florida law, "The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section."

The act by the state leaders shows that "an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:

"(a) Require that the calculation of the impact fee be based on the most recent and localized data.

"(b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.

"(c) Limit administrative charges for the collection of impact fees to actual costs.

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"(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee."

Later in the law, it shows that "In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard."

City Manager Ellzey said in 2006 Chiefland did not have any RV resorts.

Ellzey told the City Commission she could seek Government Services Group (GSG) to review the impact fee rates with another study for an updated version of fees to be collected by the city. She said the cost for the GSG impact fee study cost the city \$9,000 in 2006.

The city manager said she presumes GSG would charge fewer dollars to conduct an update study for revising impact fees in 2018.

Attorney Fugate looking at the moment on the Internet resources for development impact fees in regard to sewer service, spoke about the possibility of one RV unit not equaling one full house unit for the purpose of imposing impact fees.

Mayor Betty Walker asked City Manager Ellzey to return with more information at the next meeting, including the cost of a GSG update of impact fees.

The bottom line on this matter for the Chiefland City Commission is that City Commissioner West is scheduled to take the oath of office on Sept. 10. That meeting starts at 6 p.m. in the Hardy Dean Sr. Municipal Building, which is also known as Chiefland City Hall, located at 214 E. Park Ave., in Chiefland.

The agenda for that meeting probably will show possible further discussion about impact fees on RV resorts in Chiefland, and perhaps some action in relation to the two developments – which are some months into construction now.

As for new development in Chiefland, it has been relatively stagnant for 12 years. Even the building and zoning structure has been converted into a structure to house the Tri-County Community Resource Center, rather than a separate place for developers to review matters with the city.

Like Chiefland, Bronson has done away with its on-staff building and zoning official and is contracting with a firm instead.

Former Chiefland Building Official Bill Hammond became the Levy County Building Department's director some years ago.

Even the county is seeing difficulty with development now, too, as indicated by a recent County Commission meeting where Hammond told the Levy County Board of County Commissioners that the county lacks enough building inspectors to meet demand currently.