



April 3, 2012

Lee County Board of Commissioners
2120 SW Main Street
Fort Myers, FL 33901

Dear Commissioners:

BikeWalkLee, a coalition to complete the streets in Lee County, works for a more balanced transportation system. At the April 10th public hearing, you will consider recommendations regarding impact fees for parks, schools, and fire/EMS. BikeWalkLee urges you to support the staff recommendations for impact fee adjustments based on its updated studies.

The conclusion of these three studies are that most fees should be lowered and a few raised to meet the rational nexus "tests" established by the courts and to be based on recent "localized" data. The county has developed a very sound and thorough formula and methodology for calculating and updating these fees designed to meet all the legal requirements. It is important for the Board to use the process it put in place for establishing and updating these fees.

We strongly urge you not to temporarily suspend any of these fees, as recommended by Horizon Council and the LPA. BikeWalkLee's recommendations are consistent with those you received from the Community Sustainability Advisory Committee, and are consistent with the position we took in June 2011 when the road impact fees were considered.

As Commissioner Mann said during the June 2011 public hearing on road impact fees, "there is no free lunch." The decision before you is about equity-- who pays for the infrastructure and services. The County's policy framework is that it is shared responsibility--developers (impact fees), taxpayers (property taxes), sales taxes (residents and visitors), and bed taxes (visitors). New developments create infrastructure and service costs for governments. The only question is who pays those costs--is it those who created the costs and will benefit from the services, or will it be the existing taxpayers through increased property taxes? To shift the cost of new development to current residents is not fair--the very thing impact fees were created to avoid. Over time, taxpayers are likely to balk at paying for the costs of new growth, so needed infrastructure investments are likely to decline.

For example, the parks impact fee provides a source of funds to invest in parks as growth occurs. We know from the EAR public workshops that Lee County residents place a high value on parks as part of the quality of life that attracts them to Lee County. We also know from the Visitors and Convention Bureau (VCB) surveys that visitors value and frequent our park system while here on vacation. Without

impact fees, our ability to maintain and expand our park system is threatened, which has long term consequences for our ability to attract and retain residents and businesses who are looking at quality of life features.

The EAR vision and the Comp Plan process underway in the County for the past two years focuses on the economic health of the county and positioning it to attract and retain the businesses, residents, and visitors vital to our success. If impact fees are suspended the county will have given away its "seed corn" – the only tool to provide incentives for infill and disincentives for suburban sprawl consistent with the EAR vision. Perhaps most concerning is that if these fees were to be suspended, we risk road impact fees being the next on the chopping block. Although the suspensions are proposed for a limited time frame, they will be like any "temporary" tax cuts--impossible to reinstate because any elected official who votes to re-impose them will be accused of raising taxes.

The stated purpose behind the proposal to suspend these impact fees for two years is to create jobs and spur development. However, a 2010 study by Clancy Mullen of Duncan Associates and Dr. James C. Nicholas of FSU, which analyzed data from 20 Florida counties (half which had significantly reduced their impact fees and half that hadn't) to determine the relationship between impact fee reductions and development activity, illustrates that this is wishful thinking. The conclusion of the study states, "This analysis has been unable to confirm any statistically significant relationship between impact fee reductions and higher rates of building permit issuance for single-family development." As officials admitted in this study, the impact fee reductions or suspensions are little more than window dressing—a gesture by elected officials to say "we feel your pain."

Economic prosperity comes from quality investments in community infrastructure. Our way out of an economic downturn is to continue to develop Lee County in a way that enhances our educational system, our parks, and our emergency services. Therefore, we urge you to support the staff recommendations and oppose any suspension of impact fees. Thank you.

Sincerely,

/s/

Darla Letourneau
On behalf of
BikeWalkLee

cc: Karen Hawes, County Manager
Holly Schwartz, Assistant County Manager
Doug Meurer, Assistant County Manager
Mary Gibbs, Director, Department of Community Development
David Loveland, Director, Department of Transportation
Tessa LeSage, Sustainability Director