

County Moving To Gut Public Protections

Bad news for the public interest from the public hearings of the Sarasota County Commission Wednesday, January 26, 2011.

Impact Fees

The County Commission voted 4 to 1, with Jon Thaxton dissenting, to approve a 50% cut in the County's road impact fees and a permanent repeal of a 38% increase which was scheduled to begin March 1.

This leaves road impact fees at only 34% of what the County's expert consultant said they should be for development to pay its own way for the new and wider roads needed to serve development.

The result will be a shifting of the cost of roads to serve development onto the backs of the taxpaying public or cuts in the road program or both. From the discussion at the Commission meeting it appears that it will be both.

The Commissioners voted to make up the loss in impact fees for one project, the four-laning of Bee Ridge Road east of I-75, from sales, gas and property taxes, as well as perhaps impact fees, now going to other road projects. That will force the taxpayers to make up for the break being given to developers. Bee Ridge was spared a cut largely because an organized group of eastern Bee Ridge area residents protested a proposal to defer the road widening due to the impact fee cuts.

The Commissioners also voted to divert impact fees from other projects to make up for what would have been a cut in impact fee reimbursements to Hugh Culverhouse of the Palmer Ranch, based on negotiations which are to occur with him. This is because an Agreement between the County and Mr.

Culverhouse entitles him to those impact fees to pay him back for roads he is building for the County, such as a stretch of Honore Avenue through the Palmer Ranch. Hugh Culverhouse strongly opposed the impact fee cut on that basis and threatened to sue the County if his reimbursement of impact fees were illegally cut in half by the impact fee reduction, as had been planned.

All of this will of course have a domino effect of forcing the County to cut back on other road projects in order to have the millions needed to make up for the cut in funding for the Bee Ridge project and for the money to Hugh Culverhouse.

Amazingly, the County Commission voted for the impact fee reduction without first evaluating in any regard what road projects it will cut or what problems might occur by doing so. Instead they left that for a later day. Projects that may be at risk include North Cattlemen Road; Cattlemen Road south of Fruitville; McIntosh Road Sawyer to Proctor; Proctor Road, McIntosh to Honore and segments of Honore Avenue, among others. Already slated to be cut before the Bee Ridge and Culverhouse entitlements are needed intersection improvements in the City of Sarasota and one Honore Road segment in the central County. Wherever the road program cuts are made, mobility will suffer.

One point in the discussion of interest was when Jon Thaxton asked developer Pat Neal whether he would pass along the impact fee cut to consumers by lower housing prices. Mr. Neal declined to answer the question but instead stated, "We are a struggling industry and we are asking for your help." In other words, Mr. Neal wants higher profits, as do the other developers who lined up to ask for the impact fee

cut. Who indeed could expect them to price their houses at anything lower than the highest price the market will bear, whether they have to pay full impact fees or not? Of course, Mr. Neal is doing fine and will remain a multimillionaire regardless of whether his development is required to pay its own way. I pointed that out in my comments to the Commissioners, as well as the fact that developer Henry Rodriguez – who spoke for the fee cut – seems by the very expensive suit he was wearing to be doing just fine as well.

Now they will be doing even better, at the expense of the taxpayers and the County's road program.

There won't be any more development than would occur without the impact fee cut, as developers will build to meet demand just as they are doing today, and not beyond it. If they did they would create a problem by competing further with people struggling today to sell their homes for a decent price and with businesses facing empty stores and vacancy rates. All that will happen is that developers will pocket more money, at the public expense.

These are of course the same development interests who fund a majority of the campaign contributions of those elected to the County Commission, and who played a key role in the appointment of Christine Robinson.

Another happening of note is that, from information provided to me, County Administrator Jim Ley sent a long email to the Commissioners late Tuesday night arguing vigorously for the impact fee increase, while apologizing for "getting out in front of the Commission" on the issue by his email. Commissioner Nora Patterson responded in an email just to Jim Ley that she

wished he had not. It might be noted that this is the same Jim Ley who set the planning for Clark County (Las Vegas), Nevada, which as a result became so overdeveloped that it crashed harder than anywhere else in the County when the housing bubble burst. He has been responsible for many irresponsible initiatives to favor Sarasota County's developers over the public interest, as he is continuing to do today.

EAR

The other bad action came when the County Commission adopted its Goals for Evaluation, Appraisal and Review (EAR) required every seven years by state law.

Commissioner Christine Robinson prevailed in adding to the Goals proposed by staff a measure to begin the process of taking out of the Comprehensive Plan the public interest protections now required of developers of rural lands under the County's Sarasota 2050 Plan. They include fiscal neutrality, environmental protections and requirements for walkable, mixed use communities instead of typical urban sprawl. Long Range Planning Director Matt Lewis said the plan is to keep the vague and unspecific goals in the Comprehensive Plan while repealing the policies that implement them.

Of some credit is that Jon Thaxton, after failing on a 4 to 1 vote to delete the Goal to gut Sarasota 2050, managed to reword it to weaken it somewhat. Commissioner Robinson's proposal was to "Update and streamline Sarasota 2050 RMA Plan requirements in order to make its implementation more practical." The new wording adopted by the Commission is to "Reassess Sarasota 2050 RMA Plan requirements in an effort to maintain its original goals and intent." Of course, the nuances in the wording do not much matter. It is clear that the County

Commission is on a course to undo the balance and bargain made with the public when it opened up the rural lands to intense urban development in return for clear and detailed public interest protections. If the public does not raise a sufficient objection, the protections will be repealed and the intense urban development will proceed, but in a manner that costs the taxpayers, harms the environment and is standard urban sprawl.

Also of note is that the County Commission deleted a good Goal that was added by the Planning Commission to “Consider a mechanism of evaluation to ensure residential sustainability with objective data.” This was added by Planning Commissioner Marianne Reilly and passed by a 6 to 2 vote, with then-Planning Commissioner Christine Robinson joining Joe Gruters in voting no. Ms. Reilly made the proposal to require that the County, in considering approval of new housing developments (such as by discretionary amendments to the Comprehensive Plan), take into account how much already exists and has been approved, in light of the problems that have occurred to our economy by housing construction that has so outpaced demand. It struck Commissioner Robinson as awful that the County would have that data and consider oversupply when deciding whether to approve a developer’s request to add to it even more. Unfortunately, her motion to delete this EAR Goal passed unanimously, with Jon Thaxton saying he can’t vote for something he doesn’t understand.

Conclusion

Thanks and credit are due to the other public interest advocates who testified at the January 26 public hearings, Ann Kaplan and Lourdes Ramirez of the Sarasota County Council of Neighborhood Associations and Glenn Compton of ManaSota-88. They op-

posed the impact fee cuts and the measure to begin gutting Sarasota 2050, but to no avail.

It seems clear from these votes that developers have more sway over the County Commission than they ever have before, at least in my 25 years of public interest advocacy here.

We live in a dangerous time as a result, not just on the issues described in this article but otherwise. Development interests at the hearing made it clear that they will seek to repeal numerous public interest protections in the Comprehensive Plan through the EAR process, as “excessive regulation.”

Jim Ley’s staff, led by Matt Lewis, have already identified several targets for repeal, such as policies that limit the density or intensity of development as needed for neighborhood compatibility and “concurrency” rules that prevent developers from overcrowding our roads, as well as everything that give meaning to Sarasota 2050.

Organizations and members of the public who care about the public interest cannot afford to give up in the face of the developers’ strength. Instead, we must be inspired to do more and to do it more effectively, to shape policy and to influence who holds the positions through which that policy is made.

Too much is at stake in the quality of life of our community, in the value of our neighborhoods and environment, and in impacts to our pocketbooks, not to care.

-- Dan Lobeck