

Cherokee impact fees justified

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The expense of extending public services to sprawling new subdivisions in metro Atlanta unfairly falls on the rest of the community rather than the developer and home buyer.

In Cherokee County, for example, new residential development costs the county \$2.23 for every dollar of revenue it generates. That striking disparity led Cherokee to impose impact fees, a one-time tax on new construction to cover the expense of furnishing basic services. The Cherokee impact fees average \$1,800 per new house.

Terrified of diminished profits, the Greater Atlanta Homebuilders Association sued Cherokee County, claiming the impact fees are unfair and unconstitutional.

The county prevailed this month when the Georgia Court of Appeals upheld Cherokee's impact fee program. Judge Yvette Miller ruled that the county "acted rationally and reasonably in imposing impact fees." The association is appealing the decision to the Georgia Supreme Court.

If the high court looks at the facts, the Cherokee ordinance will be vindicated again. A county should not be compelled to supply a government subsidy for private development.

In essence, builders want the rest of us to underwrite the construction of roads, schools, water and sewer lines, and the expansion of police and fire protection required by new developments. Clearly, these costs belong on the builders and home buyers who benefit from the new growth.

Georgia law permits fees to cover seven types of impact: water treatment and supply; wastewater treatment; roads, streets and bridges; storm water systems; parks, open space and recreation areas; public-safety facilities; and libraries.

Because the real estate lobby has killed any effort to apply impact fees to schools, taxpayers pay for new schools to serve new subdivisions even when builders stick up hundreds of houses in the middle of nowhere. Developers looking for cheap land don't have to worry about whether there's a nearby school. It's the taxpayers' obligation to provide one.

Most local ordinances – created at a time when there were more cows than residents – presume that all growth is good and that government should not stand in its way. As a result, metro Atlanta is suffering from packed schools, congested roads and strained resources. Yet developers balk at such a simple and mild remedy as impact fees. Their greed is audacious, and Cherokee should be commended for refusing to capitulate to it.