

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: May 19, 2009

Date Submitted: April 30, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
Melissa Corbett, Planner II, Planning and Community Development

Subject: Request Board Consideration of the Transportation Concurrency  
Management System Application Review Fees and Stormwater Review Fees

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### **Statement of Issue:**

This agenda item presents to the Board the proposed Transportation Concurrency Management System (CMS) Application (The Application) review fees and proposed Stormwater Review Fees.

### **Background:**

State law passed in 2005 required Wakulla County to complete a CMS. At the March 5, 2007 Board of County Commissioners meeting, the Board was presented with an RFQ for this project by WilsonMiller. This was the only submittal to the RFQ posted in the Wakulla News. The request to accept the RFQ and award a contract to WilsonMiller was not approved by a 3-2 vote. After the vote was taken, direction was given by the Board to advertise the RFQ in more locations.

After running the advertisement for the CMS RFQ in multiple places, several applications were received. At the May 7, 2007 BOCC meeting, the Board voted for staff to negotiate a contract with Kimley-Horn and Associates, Inc. for these services. The contract was successfully negotiated and County staff worked in conjunction with Kimley-Horn to create the CMS Studies.

One of the studies resulting from that work was the Transportation Concurrency Management System Study. The Transportation CMS Study provided a basis for the creation of a Transportation CMS by analyzing current growth trends along regionally and locally significant corridors in Wakulla County. At the February 4, 2008 BOCC Public Hearing, the BOCC accepted this study. Then at the June 2, 2008 Public Hearing of the BOCC, approval to advertise the adoption of the Transportation CMS was given by the Commission. The Board then adopted the Transportation CMS into the Land Development Code at the August 4, 2008 public hearing.

The other study which emerged from Kimley-Horn's work was the Infrastructure Concurrency Management System Study. Within this document there is not a defined Level of Service requirement for stormwater facilities. However, requirements for stormwater treatment and retention are currently included in the County's Comprehensive Plan. Policy 2.5.3 of the Comprehensive Plan's Infrastructure Element requires the use of Best Management Practices (BMPs) in the design of stormwater management

facilities. These BMPs require the use of vegetated swales, vegetated infiltration areas and the utilization of the St. Johns River Water Management District (SJRWMD) karst sensitive criteria. In addition, Policy 1.1.1(a) of the Comprehensive Plan's Infrastructure Element requires the following:

- (a) Stormwater management systems serving new development or redevelopment shall be designed such that the post-development stormwater volume and peak discharge rate do not exceed pre-development conditions for a twenty-five year, twenty-four hour design storm and shall provide stormwater treatment as required by State Water Policy Rule 17-40.420, Florida Administrative Code (F.A.C.), such that water quality standards are met in receiving waters.

The stormwater portion of a comprehensive County CMS has not been adopted by the Board at this time. Staff will address the implementation of the stormwater concurrency and the other remaining portions of the Infrastructure CMS in the near future through the Evaluation and Appraisal Report process. However, there is an immediate need for stormwater facilities to be reviewed by professional engineers to determine compliance with the current County requirements. Therefore, this request includes approval of stormwater review fees in addition to the transportation concurrency review fees.

**Analysis:**

***Transportation CMS Application Review Fee***

The inclusion of the Transportation CMS in the Land Development Code allows the tracking of traffic on the County's major roadways. In addition, it is a tool to monitor how a proposed development will affect the available capacity on our street system. The adoption of this was an important step in addressing capacity issues on some of our already constrained roadways. With the Transportation CMS fully in place, the County can work to ensure that the necessary facilities are available concurrent with the impacts of growth and development.

An element of the Transportation CMS that was not addressed at the time of the language adoption into the Land Development Code was the creation of a Transportation Concurrency Review Application (The Application) and the assessment of fees associated for such applications (Attachment 1). The Application has been drafted by staff and reviews of such will be broken down into three types based on the amount of traffic they are proposed to generate and the use of the project. A minimal development review will be conducted on projects which generate 15 or fewer PM peak hour trips at the site's access point(s) to the public roadway network. Review of a small development is defined as all developments that are projected to generate 16 to 50 PM peak hour trips at the site's access point(s) to the public roadway network. Lastly, Applications that depict projects which will create more than 50 PM peak hour trips at the site's access point(s) to the public roadway network are considered large development reviews.

The Application will be completed by the applicant, or their consultant, and then provided to staff for review. This will provide the applicant the ability to show the calculated impact their development will have on the County's roadway network. Generally, an applicant will need supporting analysis performed

by a transportation consultant to complete the Transportation Concurrency Review Application. It should be noted that Applications which show a generation of minimal trips, as defined above, will be evaluated by County staff and do not require additional analysis. All other Applications will be required to provide supporting analyses. Staff believes that it is in the County’s best interest to obtain outside review of the submitted supporting documents and transportation impact analyses.

In addition, a fee is being proposed to address staff’s review time of minimal development applications. Other Planning and Community Development Department applications were examined to find those comparable to The Application in terms of review time and research involved. An application for a minor variance is one which is processed completely in-house by staff, as in the same manner as The Application for minimal development will be. It requires staff to examine the information provided by the application in terms of its compliance with applicable regulations. This can involve minimal to intensive research based on the circumstances of the request. In the case of The Application, staff will need to verify the information provided in the paperwork, which will require the purchase of the trip generation manual, *ITE Trip Generation 7<sup>th</sup> Edition*, as identified in the newly adopted CMS regulations. Additional materials may also require review should proportionate fair share calculations be included with The Application. Therefore, a fee of \$160.00, which is the same as the minor variance application, is proposed for a minimal development review to cover the associated review costs.

The County currently retains planning and engineering firms under continuing services contracts, which will allow these firms to stand ready to perform evaluations on the Applications and their supporting analyses on an as needed basis. As such, the County will incur fees associated with the third party reviews. Therefore, staff is recommending that the Board adopt review fees, set forth below, to offset the costs for the County review. Staff considered the planning and engineering firms review fee schedules, and other jurisdiction’s review fees, when establishing the proposed fees listed below in Table 1.

The following table summarizes the proposed fees for each type of Transportation Concurrency Review Application.

<b>Table 1: PROPOSED TRANSPORTATION CONCURRENCY REVIEW APPLICATION FEES</b>				
<b>Development Type</b>	<b>Proposed Use</b>			
	Retail	Office	Residential	Mixed Use
Minimal Development (15 or fewer PM peak hour trips)	\$160.00	\$160.00	\$160.00	\$160.00

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Small Development (16 to 49 PM peak hour trips)	\$800.00	\$1,000.00	\$1,100.00	\$1,200.00
Large Development (50 to 99 PM peak hour trips)	\$1,250.00	\$1,550.00	\$1,650.00	\$1,800.00
Large Development (100 to 199 PM peak hour trips)	\$1,650.00	\$2,150.00	\$2,500.00	\$2,600.00
Large Development (200 or more PM peak hour trips)	\$3,750.00	\$4,750.00	\$6,250.00	\$6,400.00

***Stormwater Review Fee***

As noted above, a stormwater CMS has not yet been created. Although there are no stormwater LOS standards to review a project against, every step should be taken to ensure the existing regulations are adhered to. Stormwater plans are assessed in conjunction with preliminary plats/PUDs, short form subdivisions and site plans. While staff has always required these types of applications to submit a state approved stormwater plan for their proposals, staff suggests that a consultant be utilized to verify that all existing standards are met. Similar to transportation concurrency reviews, provision for a stormwater review fee would allow the County to obtain a professional engineer to evaluate the proposed stormwater plans.

To accommodate a review by a professional engineer, an application for stormwater review has been created in a similar format to the Transportation CMS Application described herein. (Attachment 2) Similar to the Transportation CMS Application review, the County will incur fees associated with these third party reviews. Therefore, the assessment of a review fee to cover this cost is being proposed by staff.

The proposed rate schedule for these types of reviews is broken down based on the total acreage of the proposed development. This follows the same pattern as stormwater reviews completed at the State level by the Northwest Florida Water Management District. After assessing the consultants' estimations of the cost to review stormwater plans the fee schedule in Table 2 is proposed to cover these costs:

<b>Table 2: PROPOSED STORMWATER REVIEW FEES</b>	
<b>Development Size</b>	<b>Proposed Fee</b>
Contains less than 5 acres and Short Form Subdivisions less than 100 acres	\$675.00
Contains between 5 and 50 acres and Short Form Subdivisions over 100 acres	\$1,075.00
Contains over 50 acres	\$1,475.00
Second submittal to address insufficient information	50% of original fee

It should be noted that for both the Transportation CMS Application and stormwater reviews, the applicant will provide payment for the reviews to Wakulla County. The funds collected will then be used to pay the appropriate consulting firm who completes the review.

**Options:**

1. Approve the fees for both the Transportation Concurrency Review and Stormwater Review Applications as proposed by staff.
2. Approve fees for the Transportation Concurrency Review Application as determined appropriate by the Board.
3. Approve fees for the Stormwater Review Application as determined appropriate by the Board.
4. Do not approve adopting fees for the Transportation Concurrency Review and Stormwater Review Applications.
5. Board Direction

**Recommendation:**

Option #1. As with the other applications processed by the Planning and Community Development Department, fees are assessed to cover the costs associated with staff review time and materials required to complete the review. The fees proposed in this Agenda Request are estimated to cover these costs in addition to those the County would be charged by third party reviewers as necessary. The review of applications by a qualified consultant is critical in ensuring that projects meet the County’s more complex requirements, while ensuring that the General Fund is not bearing the burden of funding these compliance reviews.

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**Attachment(s):**

1. Draft Transportation Concurrency Review Application
2. Draft Stormwater Review Application
3. Draft Resolution