

Impact Fee Administrative Procedures Manual

Multimodal Transportation, Parks & Natural
Resource, Law Enforcement, Public Safety, and
Library Capital Facilities

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Introduction

This Administrative Procedures Manual contains supplemental details and forms used in the administration of Manatee County's Land Development Code (LDC) as it relates to multimodal transportation, parks/natural resource, law enforcement, libraries, and public safety impact fees, which are referred to collectively as "County capital facilities." Each type of infrastructure funded by impact fee is defined in Chapter 2 of the LDC.

The Manual is organized roughly according to the section headings in Chapter 11 of the LDC, but does not repeat the text contained in the LDC. It is important, therefore, that property owners, fee payers, and staff reference the current versions of Chapter 11 of the LDC, as well as the most current version this manual.

In LDC Chapter 2, terms unique to impact fee administration are listed in a subsection under the heading "Impact Fees." However, several general definitions listed alphabetically throughout Chapter 2 are also relevant to a complete understanding of how impact fees are administered.

The designated "County Impact Fee Administrator" is primarily responsible for implementation of impact fees; and specific responsibilities include:

- 1) Management of the impact fee program,
- 2) Calculation of impact fees for new development, based on the adopted fee schedule or by an independent impact analysis,
- 3) Determination of credits for system improvements, as specified in a local development agreement, and
- 4) Coordination of impact fee expenditures for system improvements.

Legislative Findings, Reliance on Impact Fee Study and Intent

The Board of County Commissioners approved this manual by Resolution No. 17-107. The most recent impact fee study is dated December 3, 2015. In Manatee County, impact fees are codified in Chapter 11 of the LDC, with definitions of impact fee terms in Chapter 2 of the LDC.

It is the intent of Manatee County to have administrative decisions governed by specific criteria and impact fee methods documented in the Impact Fee Study and the legislative findings and intent articulated by the Board of County Commissioners in the LDC. The Commissioner's findings and the legislative intent guide implementation and administration of impact fees.

Impact Fee Determination

Section 1102 of the LDC describes the manner in which impact fees are imposed and calculated, the land uses exempt from the impact fee obligation, the means by which an independent impact analysis may be performed to verify the impact of a proposed use on County capital facilities, and the award and use of credits against impact fees. This section of the manual clarifies the manner in which those sections of the LDC are to be implemented to maintain consistency with Florida law and generally-accepted impact fee practices in the state.

Impact Fee Obligation

Unless expressly exempt by LDC subsection 1102.2, all new development that creates additional impacts on County capital facilities will be subject to the impact fee obligations of section 1102.1. This requirement may include new developments, additions to existing developments, changes

of use, and may involve both indoor and outdoor land uses. The amount of impact fees owed is determined when a building permit application is submitted or as otherwise provided in section 1102.1(C) of the LDC.

Residential Dwelling

Impact fee obligations for *residential-only* land uses are made by the Building and Development Services Department, based on the current impact fee schedule and information from the permit application. Per unit residential impact fees are imposed according to the size thresholds established in the fee schedule. Unit size is based on square feet of climate-controlled floor area (excluding garages, porches, and patios), which is consistent with the methodology and data in the impact fee study.

For a residential building containing two or more dwelling units, the size threshold for purposes of calculating the impact fee obligation is determined by dividing the total climate-controlled square feet by the total number of dwellings in the building.

Nonresidential and Mixed Use Developments

Impact fees for mixed use and nonresidential developments are determined by the County Impact Fee Administrator, based on the LDC and the provisions of this manual. Mixed use and some nonresidential uses are more complex, so additional guidelines are provided in the subsection below titled “Impact Fee Calculations.” Also, definitions for nonresidential development categories are provided in Chapter 2 of the LDC.

Unlisted Uses

For uses not specifically listed on the fees schedule, the County Impact Fee Administrator may determine the fee category into which the proposed land use most accurately fits, based on the assumptions and methodology in the impact fee study and other relevant and professionally-accepted indicators of demand. However, if the County Impact Fee Administrator determines that a proposed use does not fit any listed category in the schedule, the County Impact Fee Administrator may conduct an independent impact analysis to determine the appropriate fee.

In these instances, the County Impact Fee Administrator will maintain a list of determinations made as to proposed *unlisted* land uses; first, to ensure the LDC is applied consistently the next time a unique use is proposed; and second, to inform stakeholders during subsequent impact fee studies, LDC revisions, and updates to the Procedures Manual.

Changes of Use

In the case of a change in the use or redevelopment of an existing building, the impact fee will be assessed based on the net increase in the impact fee for the new use compared to the previous use, for each individual type of infrastructure. The County Impact Fee Administrator will determine whether the new use amounts to a change in use, or might be an accessory or ancillary use that would not require additional impact fees. For example, if an office were converted to retail space, then the new retail space would generate additional demand for law enforcement and transportation facilities (based on Vehicles Miles of Travel per development unit) but not public safety and the administrative surcharge (based on job density). Note that no refund of impact fees previously paid is appropriate for changes of use from a higher to a lower intensity, since capital facilities have already been provided based on prior impacts.

Building Additions and Expansions of Existing Uses

When an existing structure or land use is expanded, an additional impact fee may be required in instances where the expansion increases the number of “development units” present on site. Development units include dwelling units, lodging rooms, and one thousand square foot increments of nonresidential floor area.

For each category of County capital facilities for which impact fees are assessed (*e.g.*, for park/natural resources or public safety facilities), fees assessed will be based on the net increase in fees owed under the current impact fee schedule as applied to the existing building or use compared to impact fees owed for the proposed new building or use. The applicant is notified of any net additional impact fees to be assessed due to a building addition or expansion of an existing use.

Exemptions

LDC Section 1102.2 exempts certain land uses from the collection of impacts fees. These exemptions include land uses that do not create a permanent and significant impact on County capital facilities (*e.g.*, replacement of a destroyed building), as well as exemptions required by state law or allowed as a matter of policy of the Board of County Commissioners (*e.g.*, public schools and port authority developments).

Previously existing structures

Under subsections 1102.2(A) and (B) of the LDC, impact fees are not to be collected for expansion of residential structures that do not increase the number of dwelling units or for replacement of nonresidential structures.

Governmental uses

LDC subsections 1102.2 (D)-(F) exempt certain governmental uses from the payment of impact fees. It should be noted that charter schools, like all public schools, are exempt from the payment of impact fees by state statute.

Accessory and Ancillary Uses

Some proposed developments may include “accessory” or “ancillary” uses or structures that are associated with, but incidental and subordinate to, the primary land use. These uses do not generate impacts on capital facilities separate from the primary use. For example, an apartment complex may have a clubhouse or fitness center for use of the tenants. These private amenities are ancillary uses and will not be assessed an impact fee because the impact fee methodology attributes service units (*i.e.* residents and vehicle miles of travel) to the residential dwellings. Chapter 2 of the LDC defines what constitutes both accessory and ancillary structures.

Impact Fee Calculations

Fee Schedule

Current impact fees were adopted in 2015 and became effective in April 2016. The LDC contains a phased in schedule, starting at 80% of the maximum fee, then 90% in April 2017, and scheduled to be 100% on April 18, 2018. The County Impact Fee Administrator determines the appropriate land use category, based on the nature of the use, the intent of the LDC, and the methodology and assumptions in the impact fee study.

Implementation of impact fees and any necessary administrative interpretations are based on the impact a proposed use has on County capital facilities – whether measured by additional vehicle miles of travel, employees, residents, or other service units upon which the impact fee study was based.

As is addressed in the section titled “Miscellaneous” below, there are occasions when the County Impact Fee Administrator will have to assess fees on a development that does not match a type of development listed in the fee schedule. The objective is to narrow the number of situations that require interpretation or, in instances where an interpretation is unavoidable, to provide specific direction to staff and the development community and to achieve *consistent* application of the LDC, based on the impact fee study and documentable indicators of County capital facility demand.

The following types of structures and land uses are frequently proposed in Manatee County. Therefore, the manner in which the County applies LDC Chapter 11 to them is set forth below.

Shell Permits

Often a builder constructs the “shell” of a nonresidential building, for which a particular use is unknown at the time of building permit, but which will be confirmed when they later apply for one or more permits to finish or remodel the building’s interior. Since shell permits involve nonresidential or mixed use projects, the fee will be determined by the County Impact Fee Administrator. The most common shell permits are for “Commercial / Shopping Center” and “Light Industrial”. Please see Chapter 2 of the LDC for definitions of these development types.

In these cases, impact fees will be assessed at the time a building permit is obtained for the shell building, and the fee amount will be based on the applicant’s intended use of the entire shell structure, with consideration of zoning, land use plan designation, and surrounding uses. Subsequent permits for interior finish do not require additional impact fees if there is no change in use.

If a building is converted from a single owner to multiple owners of individual units (i.e. a condominium), then impact fees will be assessed based on the characteristics of each individual residential or nonresidential unit.

Mixed Use

In urban areas or suburban activity centers, if buildings include a vertical mix of uses, impact fees will be assessed for each type of development and the results aggregated. An independent impact analysis may be performed for a proposed mixed use development to determine the overall impacts on County capital facilities and the appropriate impact fee. If a mixed use determination is complex and amounts to an administrative interpretation, the County Impact Fee Administrator’s determination and rationale should be maintained on a list of staff interpretations as discussed in the “Miscellaneous Provisions” section of this Manual (see below).

For suburban development, the unit of analysis is the entire building. Consistent with methods described by the Institute of Transportation Engineers (ITE), a particular structure may include minor secondary uses associated with the primary land use. For example, in addition to the production of goods, a manufacturing building may include some office and warehouse space. The impact fee will be assessed based on the total floor area of the entire building, using the rate for the primary land use.

Open-air Commercial Space under a Permanent Roof

For commercial development with fuel pumps, impact fees will be assessed based on the total square feet of any climate-controlled building, plus the outdoor area covered by a permanent roof structure above the fuel pumps. For restaurants with outdoor seating, additional impact fees will not be imposed for the open-air commercial space under a permanent roof, unless it exceeds 25% of the floor area of the climate-controlled building.

Places of Worship and Religious Education

Daycare and private school facilities operated on weekdays by churches or similar religious organizations will be assessed impact fees using the Daycare/School rate applied to the total floor area of the building(s). For places of worship and religious education that do not operate weekday daycare or school facilities, impact fees will be assessed using the Office & Other Services rate applied to the floor area of the office space, which is the primary use on an average weekday. Floor area primarily used in the evenings and weekends for worship and religious education is not Impact-Generating Land Development according to the Impact Fee Study.

Recreational Vehicles (RVs)

RV sites will be assessed impact fees at the Lodging rate set out in the fee schedule, with each pad considered to be equivalent to a room for purposes of calculating impact fees.

Temporary Uses/Buildings

Temporary structures (e.g. construction trailers) are exempt from impact fees. Temporary uses are defined in Chapter 2 of the LDC.

Independent Impact Analysis

Under section 1102(D) of the LDC, an applicant may submit an “independent impact analysis” in order to demonstrate that a different level of impact from a particular development should be the basis for the impact fee obligation, not the fee schedule in the LDC. In addition, the County Impact Fee Administrator may perform an independent impact analysis using County staff and current local data in order to verify the appropriate impact fee obligation for a proposed development, including uses not listed in the fee schedule, mixed uses, changes in use, and the extent to which a particular use or structure is accessory or ancillary to a primary use. The following procedures apply to independent impact analyses.

Pre-Application Meeting

Before beginning the independent impact analysis, the Feepayer and the qualified preparer (discussed below) will attend a pre-application meeting with the County Impact Fee Administrator. The purpose of the meeting will be to discuss the procedures, requirements, methodology, and standards to be used in the independent impact analysis.

Qualifications of Preparer

An independent impact analysis will be prepared and certified by an expert approved by the County Impact Fee Administrator, based on relevant training and experience (*e.g.* a registered professional engineer or member of the American Institute of Certified Planners). The preparer should be qualified in the fields of planning, engineering, or economics, or an impact fee consultant.

Optional Independent Impact Analysis

In lieu of determining impact fees based on the current schedule, a Feepayer may submit an application requesting that impact fees be determined by an independent impact analysis. The burden will be on the Feepayer requesting the independent impact analysis to demonstrate by competent substantial evidence that the data, assumptions, and service units used in the impact fee study are less accurate than the results of the independent impact analysis.

Mandatory Independent Impact Analysis

The County Impact Fee Administrator may require a Feepayer to perform an independent impact analysis if the type of Impact-Generating Land Development is not comparable to a category listed in the impact fee schedule. If the Feepayer is required to perform an independent impact analysis, the Feepayer will retain a qualified professional at the Feepayer's expense. However, the expense of preparing the independent impact analysis will be an impact fee credit applied to reduce the Administrative Surcharge.

Requirements for Independent Impact Analysis

An independent impact analysis will use most recent and localized data. It will be based on the same methodologies, infrastructure standards, and costs used in the impact fee study. In the case of multimodal transportation impact fees, the independent impact analysis will use the formulas in the impact fee study to determine travel demand, but may attempt to demonstrate that alternate trip generation rates, alternate trip rate adjustments, and alternate trip length adjustments more accurately reflect the transportation impacts of the proposed Impact-Generating Land Development. Supporting documentation will be provided through local data, and may include statistically valid surveys or a review of relevant professional literature.

In the case of impact fees for other types of infrastructure, the independent impact analysis will use the formulas in the impact fee study for the appropriate fee, but may attempt to demonstrate that applicable service units per development unit vary from the rates used in the impact fee study. Supporting documentation will include recent and local data, and may include statistically valid surveys or a review of relevant professional literature.

Sufficiency of Analysis

Within ten (10) days, the County Impact Fee Administrator will review the Request for Independent Impact Analysis and the Feepayer's application for completeness and sufficiency. If additional material is required for effective review of the independent impact analysis, the County Impact Fee Administrator will notify the applicant of the need for such additional material. The applicant will provide the requested additional materials within thirty (30) days of receipt of notice from the County Impact Fee Administrator, or the application will be considered withdrawn.

Decision by the County Impact Fee Administrator

Within thirty (30) days after a determination that the application and accompanying analysis are complete, the County Impact Fee Administrator will render a written decision accepting, accepting with modifications, or rejecting the Independent Impact Analysis based on the review standards below. The County Impact Fee Administrator will consult with other County staff and may seek the advice of impact fee consultants before rendering a decision. If an Independent Impact Analysis is accepted, or accepted with modifications, then the impact fees will be determined by the independent impact analysis.

The standards for acceptance, acceptance with modifications, or rejection will be whether the Independent Impact Analysis demonstrates, by competent substantial evidence, that an alternative impact fee amount more accurately reflects the demands for County capital facilities than the current impact fee schedule. Supporting documentation will include recent and localized data, and may include statistically valid surveys or a review of relevant professional literature.

Use of Impact Fee Funds

Under Florida case law, impact fees must be spent in a manner that ensures a rational nexus, or “reasonable connection,” between fees paid and the benefit to the payer resulting from the public facilities constructed with impact fee revenues. This is accomplished by maintaining a Capital improvements Plan (or “CIP”) that includes improvements to County capital facilities within reasonable timeframes, which are set forth in the LDC. In addition, impact fees must be spent within the geographic area, or Benefit District established in the impact fee study. Therefore, the County will review its CIP each year to ensure improvements funded by impact fees are scheduled and completed, as is provided in the “Annual Review” section below.

Furthermore, the Florida Impact Fee Act requires that revenues and expenditures of each type of impact fee be accounted for separately. This ensures that impact fee revenues are not spent for purposes other than providing infrastructure capacity that benefits Feepayers. Accordingly, the Manatee County Clerk of Courts maintains separate funds and subaccounts to earmark the collection and expenditure of impact fees as required by law. The specific requirements for accounting for impact fees are set forth in the LDC.

Benefit Districts

Effective April 18, 2016, impact fee collections and expenditures are maintained and accounted for according to the Benefit Districts described in the LDC. Impact fees collected prior to April 18, 2016, imposed pursuant to prior studies and assumptions, must also be spent to ensure a benefit accrues to those who paid the fees, as required by law. Therefore, prior to the expenditure of countywide impact fee funds collected before April 18, 2016, the County Impact Fee Administrator will consult with other County staff to determine appropriate and lawful expenditures of such funds. Based on the recommendations of staff, the County Impact Fee Administrator will then provide input to the Board of County Commissioners on applicable legal requirements and recommend expenditures accordingly.

Credits for System Improvements

Credits have the effect of providing capacity to County capital facilities, which will fully or partially address the demand from new development. Credits are necessary to ensure that a property owner or developer who provides infrastructure capacity is not subject to double payment for County capital facilities. Typically, credits will offset impact fees due on building permits issued within the development for which a credit for system improvements was approved. In no case shall the credit be greater than the amount of impact fees paid by new development within the area specified by the Credit Agreement. Further, the total credit for system improvements should not exceed the total amount of impact fees due to Manatee County, less the transportation fee percentage for bond principal and interest, as documented in the 2015 Impact Fee Study. In the SE Benefit District, 79% of transportation impact fees are supposed to be used for debt payments and in the SW Benefit District, 39% of the transportation impact fees are supposed to be used for debt payments.

Consistent with Florida Statutes subsection 163.3180(5)(h), transportation impact fee credits will be provided for proportionate share payments made to satisfy transportation concurrency requirements. Such credits will be pursuant to the terms of a development agreement between the County and the applicant. Such agreement may include provisions addressing the identification of one or more mobility improvements to benefit a regionally significant transportation facility to be fully funded and completed by or on behalf of the applicant, the County, and/or another governmental or quasi-governmental entity. Such agreement may also include provisions for the timing of impact fee credits or refunds to reflect the need for particular system improvements for which credits are awarded.

Eligible Improvements

Any person commencing an Impact-Generating Land Development may apply for a site-specific credit for contributions, construction of improvements, or dedications of land accepted and received by the County for system improvements, which are defined in Chapter 2 of the LDC. If a development site is adjacent to an arterial or collector street, as depicted in Map 5B (Future Traffic Circulation Functional Classification) of the Manatee County Comprehensive Plan, that is not yet constructed, the owner/developer will be required to provide adequate transportation access. Transportation access to residential subdivisions, multifamily housing, and all nonresidential development, must meet the minimum standards listed below (Option A or B). A credit agreement between the owner/developer and Manatee County is not required to obtain impact fee credits for constructing a street type with 84 feet of Right-Of-Way (ROW) or less. To obtain impact fee credits, please see the application and authorization process described below.

Option A - Two Lane Divided Urban*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	19.34	19.34
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	8	16
7. Sidewalks	2	5	10
Total ROW Width			84

* Source: Page T-81 in Manatee County
Public Works Manual, November 2016.

Option B - Complete Streets Collector**			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	9	18
6. Sidewalks	2	8	16
Total ROW Width			84

** Based on recommended standards from page T-20 in
Manatee County Public Works Manual, November 2016.

If a property owner or developer will request impact fee credits for constructing any of the street options specified below (see Options C through J), the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Manager and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Manager will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. The Credit Agreement must include the eleven information items required of all credit applications, as specified below. Credit Agreements will be reviewed by the County Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Options C and D below can accommodate either two or four travel lanes within 100 feet of ROW. Option C (two lanes) has 48 feet of asphalt with on-street parking. Option D (four lanes) has 54 feet of asphalt for moving automobiles and bikes, with no parking.

Option C - Principal Street with Two Lanes*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	14	14
2. Travel Lanes	2	11	22
3. Bike Lanes	2	5	10
4. Parking	2	8	16
5. Curbs	2	2	4
6. Landscape Buffers	2	9	18
7. Sidewalks	2	8	16
Total ROW Width			100
Option D - Principal Street with Four Lanes*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	10	10
2. Travel Lanes	4	11	44
3. Bike Lanes	2	5	10
4. Curbs	2	2	4
5. Landscape Buffers	2	8	16
6. Sidewalks	2	8	16
Total ROW Width			100

* Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

The table below provides three options for a street with 120 feet of ROW. Option E is for two travel lanes in a suburban setting where stormwater swales are appropriate. Options F and G have four travel lanes but different design features. Option F has 48 feet of asphalt for vehicular travel and wide multiuse paths that are 12 feet wide. Option G has 56 feet of asphalt for automobiles and bikes, with sidewalks that are five feet wide.

Option E - Two Lane Divided Suburban*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	16	16
2. Travel Lanes	2	12	24
3. Bike Lanes	2	4	8
4. Curbs	2	2	4
5. Stormwater Swales	2	29	58
6. Sidewalks	2	5	10
Total ROW Width			120

* Source: Page T-82 in Manatee County Public Works Manual, November 2016.

Option F - Urban Parkway***			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	20	20
2. Travel Lanes	4	12	48
3. Curbs	4	2	8
4. Landscape Buffers	2	10	20
5. Multiuse Paths	2	12	24
Total ROW Width			120

*** Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

Option G - Four Lane Divided**			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	19.34	19.34
2. Travel Lanes	4	12	48
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	14	28
7. Sidewalks	2	5	10
Total ROW Width			120

** Source: Page T-80 in Manatee County Public Works Manual, November 2016.

Another four lane street, that includes on-street parking, is Option H below. Although infrequent in the unincorporated area, Option I is for a six lane County arterial.

Option H - Boulevard*			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	18	18
2. Travel Lanes	4	11	44
3. Bike Lanes	2	4	8
4. Parking	2	7	14
5. Curbs	4	2	8
6. Landscape Buffers	2	8	16
7. Sidewalks	2	8	16
Total ROW Width			124

* Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

Option I - Six Lane Divided**			
	<i>Count</i>	<i>Feet</i>	<i>Total Feet</i>
1. Median	1	19.34	19.34
2. Travel Lanes	6	12	72
3. Bike Lanes	2	4	8
4. Median Curbs (AB)	2	1.33	2.66
5. Outside Curbs (F)	2	2	4
6. Landscape Buffers	2	17	34
7. Sidewalks	2	5	10
Total ROW Width			150

** Source: Page T-79 in Manatee County Public Works Manual, November 2016.

Outside Manatee County’s water and wastewater service area, a property owner or developer may elect to construct a Rural Parkway, according to the standards in the table below (see Option J). If a property owner or developer will request impact fee credits for a Rural Parkway, the owner/developer must have a pre-application meeting with Manatee County’s Impact Fee Manager and Public Works staff to reach consensus on the general terms of a credit agreement. The Impact Fee Manager will provide a written summary of the general terms to be incorporated into a draft Credit Agreement, which will be prepared by the owner/developer. The Credit Agreement must include the eleven information items required of all credit applications, as specified below. Credit Agreements will be reviewed by the County Impact Fee Administrator, and then scheduled for approval by the Board of County Commissioners as a consent agenda item.

Option J - Rural Parkway*			
	Count	Feet	Total Feet
1. Median	1	40	40
2. Travel Lanes	4	12	48
3. Bike Lanes	2	6	12
4. Landscape Buffers	2	8	16
5. Multuse Paths	2	12	24
Total ROW Width			140

* Based on recommended standards from page T-20 in Manatee County Public Works Manual, November 2016.

Credit Application and Completeness Review

A written Application for Impact Fee Credit must be submitted to the County Impact Fee Administrator. The amount of credit must be specified in the application. The general intent of Manatee County is to limit impact fee credits to the actual costs of system improvements, up to but not to exceed, the infrastructure costs used in the Impact Fee Study. If requested credits routinely exceed cost assumptions used in the Impact Fee Study, the County Impact Fee Administrator will request a study update to evaluate cost factors.

For multimodal transportation improvements, the application for Impact Fee Credit must include the following information.

1. Total Right-Of-Way (ROW) land value
2. Square feet of ROW land dedicated (average ROW width multiplied by centerline length)
3. Land value per square foot (item 1 divided by item 2)
4. Actual construction cost of transportation improvements
5. Number of travel lanes
6. Centerline miles
7. Lane miles (item 5 multiplied by item 6)
8. Total project cost (item 1 plus item 4)
9. Total project cost per lane mile (item 8 divided by item 7)
10. Percent system improvement (see paragraph and table below)
11. Requested credit (item 8 multiplied by item 10)

Manatee County will individually review and grant impact fee credits for system improvements using the percentage shown below for specific types of streets. For example, if a developer constructs a Principal Street (Option C or D), with a recommended ROW width of 100 feet, then 50% (i.e. 50 feet divided by 100 feet) of the cost for land and improvements is site-related and 50% is considered to be a system improvement that is eligible for impact fee credits. If a developer constructs an Urban Parkway (Option F), with a recommended ROW width of 120 feet, then 42% (i.e. 50 feet divided by 120 feet) of the cost for land and improvements is site-related and 58% is considered to be a system improvement that is eligible for impact fee credits.

<i>Area</i>	<i>Street Type</i>	<i>Recommended ROW Width (feet) *</i>	<i>Percent Site-Related</i>	<i>Percent System Improvement</i>
Urban	Urban and Suburban Local (base for credit in urban and suburban area)	50	100%	0%
Urban	Main	74	68%	32%
Urban	Avenue	80	63%	37%
Urban	Option A Two Lane Divided Urban	84	60%	40%
Urban	Option B Complete Streets Collector	84	60%	40%
Urban	Option C Principal with Two Lanes	100	50%	50%
Urban	Option D Principal with Four Lanes	100	50%	50%
Suburban	Option E Two Lane Divided Suburban	120	42%	58%
Urban	Option F Urban Parkway	120	42%	58%
Urban	Option G Four Lane Divided	120	42%	58%
Urban	Option H Boulevard	124	40%	60%
Urban	Option I Six Lane Divided	150	33%	67%
Rural	Rural Local (base for credit in rural area)	72	100%	0%
Rural	Option J Rural Parkway	140	51%	49%

** Based on recommended standards from pages T-20, T-79, T-80, T-81, and T-82 in Manatee County Public Works Manual, November 2016.*

For all other types of infrastructure, the application for Impact Fee Credit must include the following information.

1. Capital cost requested for credit
2. Infrastructure quantity
3. Infrastructure units
4. Cost per infrastructure unit (item 1 divided by item 2)

Within thirty (30) days of receiving an Application for Impact Fee Credit, the County Impact Fee Administrator will determine if it is complete. If the Application is found to be incomplete, the County Impact Fee Administrator will notify the applicant. The Administrator's notification will detail the deficiencies in the application. If the applicant does not submit the information requested, or request an extension within thirty (30) days, the application will be considered withdrawn.

Valuation of System Improvements

The value of any contribution, construction of improvements, or dedication of land, for which an impact fee credit is sought, must be calculated as of the earliest point in the development-approval process when the need for the system improvement was identified. Documentation supporting the land valuation and actual cost of improvements must be provided with the application.

If a developer submits a real estate appraisal for land valuation, the developer must identify the date of valuation and name Manatee County as an "intended user" of the report. Manatee County may outsource a review of any land valuation with a professional real estate appraiser, who will work directly with the developer's appraiser to recommend a reasonable land valuation for a particular site.

For transportation Rights-Of-Way (ROW), or any other land parcel for which impact fee credits are requested, Manatee County will provide an expedited approval of credits if land value is based on the most recent assessed valuation from the Manatee County Property Appraiser website, or derived from the land cost per acre documented by the most recent real estate sale for the site. For land valuations determined by these methods, review by Manatee County Property Management Department is not necessary and impact fee credits for land will be approved within thirty (30) days. All land valuation based on a real estate appraisal must be reviewed by Manatee County Property Management Department. For impact fee credits, the maximum land value should not significantly exceed the maximum cost factor assumed in the Impact Fee Study.

Impact Fee credits for system improvements other than land shall be based on the actual cost of capital improvements accepted by the County, in accordance with credit or development agreements, and the Public Works Manual.

Credit Recommendation and Final Authorization

Within thirty (30) days after an Application for Impact Fee Credit is deemed to be complete, it will be reviewed by the County Impact Fee Administrator to determine whether it meets the standards outlined below, whether it should be accepted, and the amount of credit to be authorized. The County Impact Fee Administrator may consult with other County staff and impact fee experts before rendering a decision to issue a Final Credit Authorization. No credit may be redeemed in satisfaction of the impact fee obligation until credits are issued. Final Credit Authorization may not be issued until all land dedications and improvements have been completed and accepted by the County.

Standards for Evaluation of Credit

Unless a particular system improvement was required as a condition of development approval or a credit is otherwise required by law, the County Impact Fee Administrator will decide whether to accept, accept with modifications, or reject a requested credit based on the extent to which granting the impact fee credit will result in a cost reduction to the County for the applicable category of County capital facilities. In addition, the County Impact Fee Administrator, will evaluate the impact of a requested credit on County infrastructure planning and capital improvements programming to ensure improvements eligible for credits occur concurrent with, not prior to, the need for additional infrastructure capacity.

Use of Credits

Authorized credits may be used to satisfy impact fee obligations for developments proposed within the same Benefit District, whether as part of the same property or a different property, regardless of property ownership. Developers or builders wishing to apply such offsets must submit the form Use of Impact Fee Credit to the County Impact Fee Administrator. If credits will be used by a person other than the person who received the credit, an Assignment of Impact Fee Credit must be signed by the assignor and assignee and the form notarized.

Miscellaneous Provisions

Impact Fee Refunds

In order to initiate a request for the refund of impact fees, an applicant may submit a Request for Impact Fee Refund form to the County Impact Fee Administrator. The procedures and criteria for impact refunds are set out in the LDC. If a Successor-in-Interest to the original Feepayer claims a refund, written documentation must be submitted to verify that rights to a refund have been lawfully conveyed to the claimant.

Annual Review

In order to ensure ongoing consistency with the LDC, state law, and this manual, the County Impact Fee Administrator will annually review impact fee determinations with the Impact Fee Coordinator and Building Department staff. In coordination with County staff, at least once during each fiscal year, the County Impact Fee Administrator will prepare and present an annual report to the Board of County Commissioners documenting impact fee collections and expenditures by type of infrastructure and Benefit District. The report will include end of fiscal year fund balances, showing cash available after deducting appropriations.

The annual report may include recommendations needed to ensure that the County's impact fee program remains in compliance with the provisions of the LDC, the Florida Impact Fee Act, F.S. § 163.31801, and applicable case law. Such recommendations may include, without limitation, revisions to the Land Development Code, changes to the Capital Improvements Plan, changes to accounting procedures, changes to the administrative surcharge, amendments to this manual and the possible need for an updated impact fee study.

In addition, the director of the Financial Management Department, or the director's designee, will conduct quarterly audits of impact fee determinations using a random sampling of building permits and development applications. The Florida Impact Fee Act requires any audits performed under F.S. § 218.39 and submitted to the Auditor General to include an affidavit signed by the County's chief financial officer stating that the County has complied with the Florida Impact Fee Act.

Administrative Interpretations

The primary objective is to ensure that impact fees are assessed consistently over time and in a manner that is grounded in the impact fee study assumptions and methodologies.

The intent of this manual is to define for current and future County staff and the public the criteria for making interpretations when they are needed – *which always is tied to verified demand for capital facilities for which impact fees are assessed.*

In order to advance consistency in the County's administrative procedures over time, the County Impact Fee Administrator will document any administrative interpretations of the LDC related to impact fees, along with the rationale for the decision. This will encourage consistent interpretations in the future, may inform the need for revisions to the impact fee program during the annual review, and may suggest the need for revisions during the next impact fee study update.

Each entry should:

- a. Explain why an interpretation is needed (*i.e.*, what is it about the proposed land use that creates a question under the language of the LDC);

- b. Identify any prior administrative interpretations that are relevant and provide guidance;
- c. Identify components of the current impact fee study and methodology which bear on the administrative interpretation; and
- d. Describe why the interpretation is believed to most closely follow requirements of Florida case and statutory law.

Administrative interpretations should be made after consultation with the County Attorney's office and should be guided by the findings and intent of the LDC and the methodology and rationale set out in the impact fee study. An applicant may appeal a determination of the County Impact Fee Administrator, as provided in § 1107 of the LDC, including administrative procedures related to impact fees. As needed, the Impact Fee Administrator should craft and propose amendments to the LDC to clarify impact fee policies and administrative procedures.

Appeal of Administrative Decisions

A decision made by the County Impact Fee Administrator on any matter governed by Chapter 11, Manatee County Land Development Code, may be appealed to the Board of County Commissioners. To initiate an appeal, the Feepayer submits an application titled Appeal of Impact Fee Administrative Decision within sixty (60) days of the decision, according to the procedures set forth in section 1107 of the LDC.

Forms Related to Impact Fee Administration

(Start on next page)

Request for Independent Impact Analysis

Attach any supplementary documentation referenced below.

FOR STAFF USE ONLY

Application Date: _____ Independent Impact Fee Analysis
File Tracking Number: _____
File Name: _____
Date of Pre-Application Conference: _____
Staff Recommendation Due Date (90 days from complete Application): _____

Reason for Independent
Impact Fee Analysis:

PROPOSED USE NOT LISTED ON ADOPTED FEE SCHEDULE
IMPACT ANTICIPATED TO BE LESS THAN FEE SCHEDULE

APPLICANT INFORMATION

Applicant Name: _____
Contact Name: _____
Mailing Address: _____

Telephone Number: _____
E-mail Address: _____

PROJECT INFORMATION

Project Name: _____
Project Location: _____
Project Description: _____

Development Units (# of dwelling or lodging
units or square feet of non-residential use): _____
Impact Fee based on Fee Schedule: _____
Permit # (If Applicable): _____

CONSULTANT INFORMATION *(Attach resume indicating relevant education and experience)*

Company Name: _____

Responsible Professional: _____

Registration/License Number: _____

State of Registration Number: _____

(Please attach consultant resume to application)

PROPOSED INDEPENDENT IMPACT ANALYSIS

Proposed Methodology &
Service Unit Impact: _____

(Attach detailed documentation describing type and scope of proposed analysis)

APPLICANT SIGNATURE AND DATE

Undersigned hereby requests an independent impact fee analysis and proposes that, by competent substantial evidence, an alternative impact fee amount more accurately reflects the demands for County Capital Facilities than the currently-effective impact fee schedule, as supported by recent and local data, statistically valid surveys, and a review of relevant professional literature.

Signature

Date

Printed Name

Request for Impact Fee Refund

Refund requests must be accompanied by a receipt, cancelled check, or other evidence of fees paid. If a refund is approved, refund checks will be made out to the person/company/contractor that made the impact fee payment or a successor-in-interest.

Date of Request: _____ Permit Number: _____
Permit Application/Issue Date (Circle One): _____
Petitioner's Name: _____ \$ Amount Requested: _____
Fee Payer (Person/Contractor/Company): _____
Successor-in-Interest (if applicable): _____
Address for Refund Check: _____

Reason for Refund Request: _____

For Staff Use Only	
Account Number: _____	Amount: _____
TOTAL REFUND:	_____
Permit Notes Updated: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Application for Impact Fee Credit

Attach any supplementary documentation referenced below.

FOR STAFF USE ONLY

Application Date: _____ Credit Authorization Number: _____

File Name: _____

Type of County Capital Facility:

- LAW ENFORCEMENT
- LIBRARIES
- PARKS
- PUBLIC SAFETY
- MULTIMODAL TRANSPORTATION

Type of improvement:

- LAND DEDICATION
- CONSTRUCTION
- OTHER (EXPLAIN BELOW)

APPLICANT INFORMATION

I. OWNER OF PROPERTY

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

II. DEVELOPER (IF DIFFERENT THAN OWNER)

Name: _____

Mailing Address: _____

Telephone Number: _____

E-mail Address: _____

III. OTHER AGENT

Name _____
Mailing Address _____

Telephone Number _____
E-mail Address _____

IV. AUTHORIZED SIGNER

Print Name: _____
Signature: _____

DEVELOPMENT PROJECT/PROPERTY INFORMATION

1. Manatee County Project Number: _____
2. Project Name: _____
3. Type of Development Project: _____
4. Address or Location of Property for Which Impact Fee Credit is Requested: _____

5. Parcel ID Number(s): _____
6. General Description of Property (e.g., existing and proposed uses, Benefit District):

7. Description of System Improvements to be constructed, paid for, or dedicated (if applicable):

MULTIMODAL TRANSPORTATION SYSTEM IMPROVEMENT INFORMATION

1. Total Right-Of-Way (ROW) land value _____
2. Square feet of ROW land dedicated (average ROW width multiplied by centerline length)

3. Land value per square foot (item 1 divided by item 2) _____
4. Actual construction cost of transportation improvements _____
5. Number of travel lanes _____
6. Centerline miles _____
7. Lane miles (item 5 multiplied by item 6) _____
8. Total project cost (item 1 plus item 4) _____
9. Total project cost per lane mile (item 8 divided by item 7) _____
10. Percent system improvement (see Procedures Manual) _____
11. Requested credit (item 8 multiplied by item 10) _____

(NOTE: Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

OTHER SYSTEM IMPROVEMENT INFORMATION

1. Capital cost requested for credit _____
2. Infrastructure quantity _____
3. Infrastructure units _____
4. Cost per infrastructure unit (item 1 divided by item 2) _____

(NOTE: Attach copies of project costs indicating materials and quantities, invoices with canceled checks, and other related project documentation.)

Use of Impact Fee Credit

Date: _____

Permit Number: _____

Credit Authorization Number: _____

NAME OF PERSON REQUESTING USE OF IMPACT FEE CREDIT:

PROJECT NAME:

STREET ADDRESS:

DEVELOPMENT UNITS (DWELLINGS, SQUARE FEET, HOTEL ROOMS)

Pursuant to an Impact Fee Credit Authorization, please **deduct** \$ _____ from the **(Law Enforcement/Public Safety/Transportation/Parks/Library)** impact fees due on the above building permit.

BY: _____

AUTHORIZED SIGNATURE

TITLE: _____

FOR OFFICE USE ONLY

Credit Voucher #: _____

Benefit District: _____

Credit Given By: _____

Date: _____

Template for Assignment of Impact Fee Credit

(Credit Assignor), a (entity/origin description), for good and valuable consideration received, does hereby assign and transfer to (Credit Assignee), a (entity/origin description), Impact Fee Credits in the amount of (dollar amount in words) (\$ _____), issued by Manatee County via Impact Fee Credit Authorization #CA-__-__ (____); and (Credit Assignee) hereby accepts this assignment and transfer. All remaining Impact Fee Credits not transferred are reserved by (Credit Assignor).

(CREDIT ASSIGNOR)

(CREDIT ASSIGNEE)

By: _____

By: _____

Title: _____

Title: _____

STATE OF (_____)

COUNTY OF (_____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by ____ (name) _____, the ____ (title) _____ of (Credit Assignor), on behalf of the (entity description). The person has produced _____ as identification.

(NOTARY SEAL)

Notary Public, State of _____

Print Name: _____

Commission No.: _____

My Commission Expires: _____

Appeal of Impact Fee Administrative Decision

Under the provisions of the Manatee County Land Development Code, a Feepayer may appeal any decision of the County Impact Fee Administrator to the Board of County Commissioners as provided in section 1107, including but not limited to any of the following matters:

- Independent Impact Analysis
- Impact Fee Refund
- Impact Fee Credit

To appeal a decision on any of these matters, you MUST submit an Appeal to the County Impact Fee Administrator via certified mail within sixty (60) calendar days of the decision being appealed.

Date of Appeal _____

Appellant Name _____

Address _____

Telephone Number _____

E-mail Address _____

Type of Decision to be appealed _____

Date of Decision _____

Please attach a detailed description of the decision of the County Impact Fee Administrator being appealed and any supporting documentation in support of this appeal. The description should identify the relevant sections of the LDC and the asserted basis for a reversal or modification of the decision of the County Impact Fee Administrator.

By: _____

Title: _____

FOR STAFF USE

Request Received By _____ Date _____

15-day Notice of Hearing on Administrative Decision Sent _____ (insert date)

Notice of Hearing on Administrative Decision

DATE

APPELLANT NAME

APPELLANT ADDRESS

RE:

You are hereby advised that the Manatee County Impact Fee Administrator has received your appeal of the above referenced determination, and has scheduled a public hearing before the Board of County Commissioners for _____.

This hearing will be conducted in accordance with Section 1107 of the Manatee County Land Development Code. At the hearing, you will be provided an opportunity to identify the grounds for your appeal and the basis for the alleged error, based on the record. The County Impact Fee Administrator will be afforded the opportunity to respond, based on the record.

Manatee County Impact Fee Administrator

Name:

Title:

Telephone #:

E-mail: