



BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

PLACEMENT: PUBLIC HEARINGS

PRESET:

TITLE: PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 6, IMPACT FEES, OF THE LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE REGARDING PUBLIC BUILDING IMPACT FEES

AGENDA ITEM DATES:

MEETING DATE: 1/10/2017	COUNTY ATTORNEY: 12/19/2016
COMPLETED DATE: 12/29/2016	ASSISTANT COUNTY ADMINISTRATOR: 12/26/2016

REQUESTED BY:	DEPARTMENT:	PREPARED BY:
Name: Board of County Commissioners	Growth Management	Samantha Lovelady, AICP
Name:		Principal Planner

Procedures: None

EXECUTIVE SUMMARY:

Estimated staff presentation time: 20 minutes. Impact fees are charges assessed on new development to cover the costs of capital improvements needed to accommodate growth. Martin County imposes impact fees for roads, parks, libraries, fire rescue, law enforcement, conservation and public buildings. Impact fees are regulated through Article 6 of the Land Development Regulations. On March 22, 2016 the Board of County Commissioners directed staff to work with a consultant to revise the Public Building impact fee to include broadband facilities.

APPROVAL:

LEG
ACA
CA

BACKGROUND/RELATED STRATEGIC GOAL:

On March 22, 2016 the Board of County Commissioners directed staff to work with a consultant to revise the Public Building impact fee to include broadband facilities.

The consultant’s study is attached to this staff report. The study has been reviewed by the Growth Management, Legal and Information Technologies departments. Also attached is a draft ordinance containing recommended changes to Figure 6.1, the impact fee schedule. Text changes are shown as either ~~strikethrough~~ or underline.

Mr. Clancy Mullen, from Duncan Associates, will present the methodology and the results of the study.

ISSUES:

The County provides buildings, facilities and equipment beyond those covered by separate impact fees for roads, fire rescue, law enforcement, parks and libraries. It is these other facility costs that are covered by the public building impact fee. This study calculates updated public building impact fees.

The County’s ordinance does not have an exhaustive definition of public building facilities, but references judicial facilities, County administration and operations, and offices for constitutional officers and their staffs. Other types of facilities included in the previous public building impact fee study include the emergency operations center, agricultural services, community services, health department, supervisor of elections, tax collector, general services administration, and records storage.

This update adds broadband facilities and equipment costs to the public building fee. The County’s publicly-owned broadband network consists of underground, redundant strands of cable, and connects most County facilities, including traffic signals, parks, libraries, public safety and administrative buildings. The system also serves partnering governmental entities and institutional uses in the county, including Martin County Schools, Martin Health System, and the municipalities of Stuart, Jupiter Island and Sewell’s Point.

The attached technical document provides the methodology used to update Article 6 to include broadband facilities. A sample summary of proposed changes can be seen below:

Land Use Type	Updated Fees
	Unincorp.
Residential Unit, 800 sf or less	\$482
Residential Unit, 801-1,100 sf	\$517
Residential Unit, 1,101-2,300 sf	\$590
Residential Unit, more than 2,300 sf	\$675
Retail/Commercial	\$903
Office	\$538
Industrial	\$300
Warehouse	\$154
Mini-Warehouse	\$32
Public/Institutional	\$414
Hotel/Motel	\$584

RV Park	\$438
Gasoline/Service Station	\$191
Golf Course	\$939
Marina	\$63
Boat Storage	\$54
Park	\$97
Tennis Facility	\$683

A public hearing before the Local Planning Agency was held on November 17, 2017. They voted unanimously to recommend denial of the ordinance because of concerns about equity for more affordable housing.

Note: Florida Statute Chapter 163.31801(3)(d) requires that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. Therefore the effective date of the ordinance will be 90 days after the adoption public hearing.

Attachments:

1. Proposed ordinance amending Article 6, Impact Fees and Figure 6.1
2. Martin County Impact Fee Study Technical Report
3. Advertisement for the public hearing

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government’s approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government’s action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Motion to recommend approval of the proposed revisions to Figure 6.1 of Article 6 of the Land Development Regulations, revising Public Building impact fee.

ALTERNATIVE RECOMMENDATIONS

Motion to recommend denial of the proposed revisions to Figure 6.1 of Article 6 of the Land Development Regulations.

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None.

DOCUMENT(S) REQUIRING ACTION:

<input type="checkbox"/> Budget Transfer / Amendment	<input type="checkbox"/> Chair Letter	<input type="checkbox"/> Contract / Agreement
<input type="checkbox"/> Grant / Application	<input type="checkbox"/> Notice	<input checked="" type="checkbox"/> Ordinance
<input type="checkbox"/> Other:		<input type="checkbox"/> Resolution

ROUTING:

<input type="checkbox"/> ADM	<input type="checkbox"/> BLD	<input type="checkbox"/> CDD	<input type="checkbox"/> COM	<input type="checkbox"/> ENG	<input type="checkbox"/> FRD	<input type="checkbox"/> GMD
<input type="checkbox"/> GSD	<input type="checkbox"/> ITS	<input type="checkbox"/> LIB	<input type="checkbox"/> MCA	<input type="checkbox"/> MPO	<input type="checkbox"/> PRD	<input type="checkbox"/> USD
<input checked="" type="checkbox"/> CA	<input checked="" type="checkbox"/> ACA	<input checked="" type="checkbox"/> LEG				

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER

AN ORDINANCE AMENDING ARTICLE 6, IMPACT FEES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE INCLUDING FIGURE 6.1. IMPACT FEE SCHEDULE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes the policy that land development shall not be permitted unless adequate public capital facilities exist or are assured; and

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes the policy that land development shall bear the full cost of the provision of the new or expanded public capital facilities required by such development; and

WHEREAS, the Martin County Comprehensive Growth Management Plan establishes that the imposition of impact fees is a preferred method of regulating land development so as to ensure that it bears the full cost of public capital facilities necessary to accommodate development and to promote and protect the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners has directed that the impact fee schedule be revised to update the Public Building impact fee; and

WHEREAS, this proposed amendment to Article 6 has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA:

PART I. ADOPTION OF AMENDMENT TO ARTICLE 6, IMPACT FEES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Article 6, Impact Fees, of the Land Development Regulations, Martin County Code, is amended to reflect an amended impact fee for Public Buildings in Figure 6.1; as set forth in Exhibit "A" attached hereto and incorporated by reference.

PART II. CONFLICTING PROVISIONS

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Growth Management Plan, pursuant to Chapter 163, Part II, Florida Statutes.

PART III. SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV. APPLICABILITY

This ordinance shall apply to the unincorporated areas of Martin County, and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1 (f), of the Constitution of the State of Florida.

PART V. FILING WITH THE DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. CODIFICATION

Provisions of this ordinance shall be incorporated in the Land Development Regulations and the word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered, or relettered to accomplish such intention; provided, however, that parts two through seven shall not be codified.

PART VII: EFFECTIVE DATE

In accordance with F.S. 163.31801(3)(d), this ordinance shall take effect on April 4, 2017.

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

PASSED AND DULY ADOPTED THIS JANUARY 10, 2017.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

**By: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

**By: _____
DOUG SMITH, CHAIRMAN**

**APPROVED AS TO FORM AND
CORRECTNESS:**

SARAH WOODS, ACTING COUNTY ATTORNEY

*DRAFT
This document is not in final form.
This document is subject to revision and does not represent
the official policy or position of Martin County*

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

EXHIBIT A

Article 6, Impact Fees

Division 1

Figure 6.1

Martin County Impact Fees

Effective ~~June 20, 2016~~ April 4, 2017

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Residential:										
800 FT ² & Under	\$2,268.00	\$410.11 \$482	\$264.00	\$208.00	\$1,196.55	\$540	\$439	\$5,325.66 \$5,397.55	\$80.96 \$79.88	\$5,405.54 \$5,478.51
801 to 1,100	\$2,293.00	\$469.31 \$517	\$363.00	\$286.00	\$1,377.09	\$579	\$471	\$5,838.40 \$5,886.09	\$87.58 \$88.29	\$5,925.98 \$5,974.38
1,101 to 2,300	\$2,815.00	\$645.97 \$590	\$760.00	\$599.00	\$1,971.91	\$661	\$537	\$7,989.88 \$7,933.91	\$119.85 \$119.01	\$8,109.73 \$8,052.92
2,301 & Over	\$4,063.00	\$809.84 \$675	\$991.00	\$780.00	\$2,699.40	\$755	\$614	\$10,712.24 \$10,577.40	\$160.68 \$158.66	\$10,872.92 \$10,736.06

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Non-Residential:										
Hotel/Motel	\$2,159.31	\$394.06 <u>\$584</u>	\$341.36	\$119.00	\$1,058.46	\$654		\$4,726.19 <u>\$4,916.13</u>	\$70.89 <u>\$73.74</u>	\$4,797.08 <u>\$4,989.87</u>
RV Park	\$1,110.28	\$273.16 <u>\$438</u>	\$231.31	\$89.00	\$753.40	\$491		\$2,948.15 <u>\$3,112.99</u>	\$44.22 <u>\$46.96</u>	\$2,992.37 <u>\$3,159.68</u>
Nursing Home	\$725.39	\$228.05 <u>\$414</u>	\$197.10	\$166.16			\$266	\$1,582.70 <u>\$1,768.65</u>	\$23.74 <u>\$26.53</u>	\$1,606.44 <u>\$1,795.18</u>
ACLF	\$282.57	\$119.55 <u>\$414</u>	\$103.85	\$86.94			\$266	\$858.91 <u>\$1,153.36</u>	\$12.88 <u>\$17.30</u>	\$871.79 <u>\$1,170.66</u>
Medical Office	\$5,281.41	\$238.26 <u>\$903</u>	\$310.21	\$351.01				\$6,180.90 <u>\$6,845.63</u>	\$92.71 <u>\$102.68</u>	\$6,273.61 <u>\$6,948.31</u>
Bank Walk In	\$6,241.42	\$693.36 <u>\$903</u>	\$601.61	\$80.00				\$7,616.39 <u>\$7,826.03</u>	\$114.25 <u>\$117.39</u>	\$7,730.64 <u>\$7,943.42</u>

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Bank w/Drive In	\$6,841.38	\$554.09	\$480.82	\$80.00				\$7,956.29	\$119.34	\$8,075.64
		<u>\$903</u>						<u>\$8,305.20</u>	<u>\$124.58</u>	<u>\$8,429.78</u>
Office Under 100,000 FT ²	\$2,198.39	\$316.04	\$274.36	\$80.00				\$2,868.79	\$43.03	\$2,911.83
		<u>\$538</u>						<u>\$3,167.27</u>	<u>\$46.36</u>	<u>\$3,137.11</u>
Office 100,000 to 199,999 FT ²	\$2,276.55	\$314.33	\$272.72	\$80.00				\$2,943.60	\$44.15	\$2,987.75
		<u>\$538</u>						<u>\$3,167.27</u>	<u>\$47.51</u>	<u>\$3,214.78</u>
Office 200,000 to 399,999 FT ²	\$2,311.60	\$305.52	\$265.17	\$80.00				\$2,962.30	\$44.43	\$3,006.73
		<u>\$538</u>						<u>\$3,194.77</u>	<u>\$47.92</u>	<u>\$3,242.69</u>
Office 400,000 TO 599,999 FT ²	\$2,510.30	\$286.30	\$248.51	\$80.00				\$3,125.11	\$46.88	\$3,171.98
		<u>\$538</u>						<u>\$3,376.81</u>	<u>\$50.65</u>	<u>\$3,427.46</u>
Office 600,000 TO 799,999 FT ²	\$2,437.05	\$302.93	\$262.96	\$80.00				\$3,082.94	\$46.24	\$3,129.19
		<u>\$538</u>						<u>\$3,318.01</u>	<u>\$49.77</u>	<u>\$3,367.78</u>
Office 800,000 TO 999,999 FT ²	\$2,325.26	\$348.46	\$302.52	\$80.00				\$3,056.25	\$45.84	\$3,102.09
		<u>\$538</u>						<u>\$3,245.78</u>	<u>\$48.69</u>	<u>\$3,294.47</u>

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Office 1,000,000 Ft ² or Larger	\$2,171.03	\$409.87	\$355.86	\$80.00				\$3,016.75	\$45.25	\$3,062.00
		<u>\$538</u>						<u>\$3,144.89</u>	<u>\$47.17</u>	<u>\$3,192.06</u>
Manufacturing	\$1,044.57	\$154.97	\$134.86	\$12.00				\$1,346.40	\$20.20	\$1,366.60
		<u>\$300</u>						<u>\$1,491.43</u>	<u>\$22.37</u>	<u>\$1,513.80</u>
Warehouse	\$1,314.16	\$98.36	\$85.78	\$12.00				\$1,510.30	\$22.65	\$1,532.95
		<u>\$154</u>						<u>\$1,565.94</u>	<u>\$23.49</u>	<u>\$1,589.43</u>
Mini-Warehouse	\$827.48	\$9.93	\$173.60	\$12.00				\$1,023.00	\$15.35	\$1,038.35
		<u>\$32</u>						<u>\$1,045.08</u>	<u>\$15.68</u>	<u>\$1,060.76</u>
Gen. Industrial	\$1,856.96	\$182.10	\$157.74	\$12.00				\$2,208.80	\$33.13	\$2,241.93
		<u>\$300</u>						<u>\$2,326.70</u>	<u>\$34.90</u>	<u>\$2,361.60</u>
Retail Under 50,000 FT ²	\$4,224.00	\$424.60	\$368.50	\$309.10				\$5,326.20	\$79.89	\$5,406.09
		<u>\$903</u>						<u>\$5,804.60</u>	<u>\$87.07</u>	<u>\$5,891.67</u>
Retail 50,000 to 99,999 FT ²	\$4,919.37	\$616.18	\$534.25	\$319.00				\$6,388.80	\$95.83	\$6,484.63
		<u>\$903</u>						<u>\$6,675.62</u>	<u>\$100.13</u>	<u>\$6,775.75</u>

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Retail 100,000 to 199,999 FT ²	\$5,182.79	\$550.98 \$903	\$741.94	\$319.00				\$6,794.71 \$7,146.73	\$101.92 \$107.20	\$6,896.63 \$7,253.93
Retail 200,000 to 399,999 FT ²	\$5,907.05	\$496.38 \$903	\$678.36	\$319.00				\$7,400.79 \$7,807.41	\$111.01 \$117.11	\$7,511.81 \$7,924.52
Retail 400,000 TO 599,999 FT ²	\$6,249.63	\$496.38 \$903	\$642.69	\$319.00				\$7,707.71 \$8,114.32	\$115.62 \$121.71	\$7,823.32 \$8,236.03
Retail 600,000 TO 799,999 FT ²	\$6,864.73	\$451.71 \$903	\$811.88	\$319.00				\$8,447.32 \$8,898.61	\$126.71 \$133.48	\$8,574.03 \$9,032.09
Retail 800,000 TO 999,999 FT ²	\$7,575.80	\$451.71 \$903	\$785.68	\$319.00				\$9,132.19 \$9,583.48	\$136.98 \$143.75	\$9,269.17 \$9,727.23
Retail 1,000,000 Ft ² or Larger	\$7,183.78	\$414.48 \$903	\$671.93	\$319.00				\$8,589.20 \$9,077.71	\$128.84 \$136.17	\$8,718.04 \$9,213.88
Gasoline/Service Station	\$3,266.08	\$76.94 \$191	\$571.75	\$480.82				\$4,395.59 \$4,509.65	\$65.93 \$67.64	\$4,461.53 \$4,577.29
Auto Sales & Repair	\$7,071.06	\$550.98 \$903	\$749.36	\$92.00				\$8,463.40 \$8,815.42	\$126.95 \$132.23	\$8,590.35 \$8,947.65

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Restaurant	\$10,570.79	\$550.98	\$2,352.43	\$575.00				\$14,049.20	\$210.74	\$14,259.94
		<u>\$903</u>							<u>\$14,401.22</u>	<u>\$216.02</u>
Fast Food Restaurant	\$15,692.54	\$2,481.90	\$2,756.66	\$575.00				\$21,506.10	\$322.59	\$21,828.69
		<u>\$903</u>							<u>\$19,927.20</u>	<u>\$298.91</u>
Car Wash	\$9,570.22	\$992.76	\$1,064.42	\$92.00				\$11,719.40	\$175.79	\$11,895.19
		<u>\$903</u>							<u>\$11,629.64</u>	<u>\$174.44</u>
Convenience Store w/o Gas	\$13,556.27	\$496.38	\$1,549.80	\$1,302.35				\$16,904.80	\$253.57	\$17,158.37
		<u>\$903</u>							<u>\$17,311.42</u>	<u>\$259.67</u>
Convenience Store w/Gas	\$15,328.27	\$744.57	\$1,691.71	\$1,421.64				\$19,186.20	\$287.79	\$19,473.99
		<u>\$903</u>							<u>\$19,344.62</u>	<u>\$290.17</u>
Pharmacy w/Drive Thru	\$1,763.30	\$326.70	\$283.80	\$237.60				\$2,611.40	\$39.17	\$2,650.57
		<u>\$903</u>							<u>\$3,187.70</u>	<u>\$47.82</u>
Golf Course	\$8,219.00	\$431.85	\$1,351.41	\$218.00				\$10,220.26	\$153.30	\$10,373.57
		<u>\$939</u>							<u>\$10,727.41</u>	<u>\$160.91</u>
Racquet Club	\$3,151.93	\$310.24	\$444.68	\$373.25				\$4,280.10	\$64.20	\$4,344.30
		<u>\$903</u>							<u>\$4,872.86</u>	<u>\$73.09</u>

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Parks	\$527.24	\$66.05 <u>\$97</u>	\$58.21	\$36.00				\$687.50 <u>\$718.45</u>	\$10.31 <u>\$10.78</u>	\$697.81 <u>\$729.23</u>
Tennis Court	\$7,138.00	\$124.10 <u>\$683</u>	\$99.00	\$444.00				\$7,805.10 <u>\$8,364.00</u>	\$117.08 <u>\$125.46</u>	\$7,922.18 <u>\$8,489.46</u>
Marina	\$715.00	\$7.45 <u>\$63</u>	\$186.46	\$18.00				\$926.91 <u>\$982.46</u>	\$13.90 <u>\$14.74</u>	\$940.81 <u>\$997.20</u>
Boat Storage	\$150.65	\$7.45 <u>\$54</u>	\$47.80	\$18.00				\$223.91 <u>\$270.45</u>	\$3.36 <u>\$4.06</u>	\$227.26 <u>\$274.51</u>
Post Office	\$4,404.40	\$411.40 <u>\$414</u>	\$356.40	\$299.20				\$5,471.40 <u>\$5,474.00</u>	\$82.07 <u>\$82.11</u>	\$5,553.47 <u>\$5,556.11</u>
Library	\$4,674.96	\$362.36 <u>\$414</u>	\$676.90	\$568.97				\$6,283.20 <u>\$6,334.83</u>	\$94.25 <u>\$95.02</u>	\$6,377.45 <u>\$6,429.85</u>
Day Care Center	\$2,686.20	\$394.90 <u>\$414</u>	\$343.20	\$288.20				\$3,712.50 <u>\$3,731.60</u>	\$55.69 <u>\$55.97</u>	\$3,768.19 <u>\$3,787.57</u>

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

Land Use	Roads	Public Buildings	Law	Fire Rescue	Parks	Conservation/ Open Space	Libraries	Subtotal	Adm Fee (1.5%)	Total Impact Fees
Hospital	\$2,132.90	\$496.10	\$430.10	\$361.90				\$3,421.00	\$51.32	\$3,472.32
		<u>\$414</u>						<u>\$3,338.90</u>	<u>\$50.08</u>	<u>\$3,388.98</u>
House of Worship	\$1,347.26	\$124.10	\$188.50	\$158.43				\$1,818.30	\$27.27	\$1,845.57
		<u>\$414</u>						<u>\$2,108.19</u>	<u>\$31.62</u>	<u>\$2,139.81</u>
Movie Theatre	\$10,140.74	\$49.64	\$4,778.42	\$319.00				\$15,287.80	\$229.32	\$15,517.12
		<u>\$903</u>						<u>\$16,141.16</u>	<u>\$242.12</u>	<u>\$16,383.28</u>
Elem School	\$1,769.64	\$243.23	\$440.31	\$370.53				\$2,823.71	\$42.36	\$2,866.06
		<u>\$414</u>						<u>\$2,994.48</u>	<u>\$44.92</u>	<u>\$3,039.40</u>
Middle School	\$1,695.04	\$208.48	\$419.82	\$351.87				\$2,675.20	\$40.13	\$2,715.33
		<u>\$414</u>						<u>\$2,880.73</u>	<u>\$43.21</u>	<u>\$2,923.94</u>
High School	\$1,758.06	\$161.32	\$418.88	\$352.35				\$2,690.61	\$40.36	\$2,730.96
		<u>\$414</u>						<u>\$2,943.29</u>	<u>\$44.15</u>	<u>\$2,987.44</u>
Fitness Center	\$4,609.76	\$310.24	\$1,709.00	\$444.00				\$7,073.01	\$106.10	\$7,179.10
		<u>\$903</u>						<u>\$7665.76</u>	<u>\$114.99</u>	<u>\$7,780.75</u>

LAND DEVELOPMENT REGULATIONS
Article 6 - IMPACT FEES

DRAFT
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This document is subject to revision and does not represent
the official policy or position of Martin County.



Public Building Impact Fee Update

Martin County, Florida

Duncan Associates

August 2016

STAFF REVIEW DRAFT

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EXECUTIVE SUMMARY

Impact fees are charges assessed on new development to cover the costs of capital improvements needed to accommodate growth. Martin County currently imposes impact fees for roads, public buildings, fire rescue, law enforcement, parks, and libraries. This study updates the public building fees.

Background

The public building fees were last updated in 2013, based on a study completed in 2012.¹ In the adoption process, the Board of County Commissioners decided to cap the increase in nonresidential fees at 10 percent. While fees for most land uses were adopted at 100% of the amounts calculated in the study, some were adopted at lower percentages. For example, of the major land use categories shown in Table 1 below, residential and retail/commercial uses are assessed at 100% of the fee amounts calculated in the study, office buildings are being charged only a little more than one-third, and industrial, warehouse and hotel/motel fees were also set below the full calculated cost.

Table 1. Calculated and Adopted Public Building Fees, 2013 Update

Land Use Type - Selected Uses	Unit	Current Fees		Adopted/ Study
		Study	Adopted	
Residential Unit, 800 sf or less	Dwelling	\$410	\$410	100%
Residential Unit, 801-1,100 sf	Dwelling	\$469	\$469	100%
Residential Unit, 1,101-2,300 sf	Dwelling	\$646	\$646	100%
Residential Unit, more than 2,300 sf	Dwelling	\$810	\$810	100%
Retail/Commercial ^a	1,000 sq. ft.	\$551	\$551	100%
Office ^b	1,000 sq. ft.	\$866	\$314	36%
Industrial ^c	1,000 sq. ft.	\$171	\$155	91%
Warehouse	1,000 sq. ft.	\$211	\$98	46%
Hotel/Motel	Room	\$496	\$394	79%

Notes: (a) 100,000 sq. ft. retail center; (b) 100,000 sq. ft. office building; (c) manufacturing.

Source: Current study fees from Walter H. Keller, Inc., *Martin County Impact Fee Study*, December 2012; adopted fees effective June 20, 2016 from Martin County website (excludes administrative charge).

The adoption procedure used in the previous update tended to detach the fees for some nonresidential uses from the rational nexus analysis provided in the study on which the fees should be based. The current consultant recommends that the updated fees for all land uses should be adopted at the same percentage of the calculated amounts. If the Board desires to keep fees at a lower percentage for some land uses, it could establish a grant program to fund a portion of those fees from non-impact fee revenues. This approach will preserve the nexus between the adopted and calculated fees, and ensure that impact fee revenues are sufficient to maintain the existing level of service for which land uses assessed full-cost fees are paying.

¹ Walter H. Keller, Inc. and Nancy E. Stroud, Esq., *Martin County Impact Fee Study – Technical Report*, December 2012.

Approach

This update is generally consistent with the County’s current public impact fee schedule and the methodologies used in the 2012 study. However, this update differs from the previous study approach in four ways:

1. This update uses a somewhat different method of allocating public building costs among land uses than the previous study. The 2012 study used “population-plus-jobs”, while this update uses “functional population.” For both approaches, the common underlying premise is that the presence of people at the site of a land use is a reasonable indicator of that site’s demand for public building services. However, the population-plus-jobs approach disregards the presence of non-workers in nonresidential establishments, as well as the fact that many local workers are also local residents. The functional population approach is a more widely-used allocation methodology for public building impact fees. For residential development, it takes into consideration that people do not spend all of their time at their place of residence. For nonresidential development, functional population takes into account the total number of people that spend time at a particular land use, not just the employees who work there. In this way, it is more consistent in applying the premise that demand is proportional to the presence of people, whether as housing occupants, workers, customers, visitors or other users.²
2. This update does not calculate updated fees for all 54 land use categories in the current impact fee schedule. This level of detail may be appropriate for the transportation impact fee, where trip generation rates by detailed land use categories is readily available, but such data are not available for the impact of different land uses on public building facilities. Consequently, this update calculates fees for a smaller number of more general categories. For example, one fee is calculated for most retail/commercial uses, encompassing 20 retail/commercial categories in the current fee schedule.
3. This update allocates costs separately between county-wide facilities that should be assessed on all new development in the county, and facilities that primarily serve the unincorporated area. The previous study reduced the fees to 67.6% in the City of Stuart and to 72.5% in the Town of Sewall’s Point to avoid duplication with those municipalities’ public building facilities.
4. This update includes the cost of the County’s fiber/broadband network, which was not included in the 2012 study.

² See the Service Unit section of the Public Building chapter for a more detailed discussion.

Updated Impact Fees

Table 2 below compares updated impact fees calculated in this report for the unincorporated area with the fees calculated in the 2012 study, as well as with the fees that were adopted in 2013 based on that 2012 study. A similar comparison for all current land use categories can be found in Appendix C.

In general, the updated fees are higher than the current fees, although they are lower than the fees calculated in the 2012 study for office and warehouse uses (the fees for these categories were adopted at 36% and 46%, respectively, of the calculated amounts).

The change in residential fees is mixed, with higher fees for smaller units and lower fees for larger units. Smaller units will still pay lower fees than larger units, but the differential is not as great. This reflects the most recent available data on the average number of occupants by unit size.

Nonresidential fees tend to experience greater increases than residential fees, because the updated methodology measures demand based on the presence of people. Consequently, it takes into consideration that nonresidential uses have customers as well as employees.

It should be kept in mind that while some of the percentage increases are quite large, the actual amounts of the increases are relatively small. For example, the 64% increase for retail/commercial uses amounts to only 35 cents more per square foot.

Table 2. Public Building Impact Fee Update Summary

Land Use Type	Unit	Current Fees		Updated Fees	% Change from	
		Study	Adopted		Study	Adopted
Residential Unit, 800 sf or less	Dwelling	\$410	\$410	\$482	18%	18%
Residential Unit, 801-1,100 sf	Dwelling	\$469	\$469	\$517	10%	10%
Residential Unit, 1,101-2,300 sf	Dwelling	\$646	\$646	\$590	-9%	-9%
Residential Unit, more than 2,300 sf	Dwelling	\$810	\$810	\$675	-17%	-17%
Retail/Commercial ^a	1,000 sq. ft.	\$551	\$551	\$903	64%	64%
Office ^b	1,000 sq. ft.	\$866	\$314	\$538	-38%	71%
Industrial ^c	1,000 sq. ft.	\$171	\$155	\$300	75%	94%
Warehouse	1,000 sq. ft.	\$211	\$98	\$154	-27%	57%
Mini-Warehouse	1,000 sq. ft.	\$10	\$10	\$32	220%	220%
Public/Institutional ^d	1,000 sq. ft.	\$124	\$124	\$414	234%	234%
Hotel/Motel	Room	\$496	\$394	\$584	18%	48%
RV Park	Space	\$372	\$273	\$438	18%	60%
Gasoline/Service Station	Fuel Position	\$77	\$77	\$191	148%	148%
Golf Course	Hole	\$432	\$432	\$939	117%	117%
Marina	Slip	\$8	\$7	\$63	688%	800%
Boat Storage	Slip	\$8	\$7	\$54	575%	671%
Park	Acre	\$99	\$66	\$97	-2%	47%
Tennis Facility	Court	\$124	\$124	\$683	451%	451%

Notes: The comparison land uses for selected current fees are: (a) 100,000 sq. ft. center, (b) 100,000 sq. ft. office building, (c) manufacturing, and (d) house of worship.

Source: Current study fees from Walter H. Keller, Inc., *Martin County Impact Fee Study*, December 2012; adopted fees effective June 20, 2016 from Martin County website (excludes administrative charge); updated fees (for unincorporated area) from Table 14.

Potential Revenue

Overall, revenue from the updated public building impact fees is projected to be about 17% higher than revenue from the current fees, as shown in Table 3.

Table 3. Projected Public Building Impact Fee Revenue

	Current Fees (2012 Study)	Updated Fees (2016 Study)	Percent Change
2025 Service Units	251,359	167,488	na
– 2015 Service Units	-230,098	-153,321	na
Projected New Service Units, 2015-2025	21,261	14,167	na
x Net Cost per Service Unit	\$248	\$436	na
Projected 10-Year Impact Fee Revenue	\$5,272,728	\$6,176,812	17%
Projected Annual Impact Fee Revenue	\$527,273	\$617,681	17%

Note: 2012 study service unit is population-plus-jobs; 2016 study service unit is functional population.
Source: 2015-2025 service units for 2016 study from Table 8; 2015 service units for 2012 study is 2015 weighted population projection from Table 2, plus employees estimated at 36.8% of weighted population from Table 15 in the 2012 study; 2025 service units for 2012 study increased at the same rate as service units for the 2016 study; 2012 study net cost per service unit is net cost per population/job from Walter H. Keller, Inc. and Nancy E. Stroud, Esq., *Martin County Impact Fee Study – Technical Report*, December 2012; 2016 study net cost per service unit (for unincorporated area) from Table 13.

INTRODUCTION

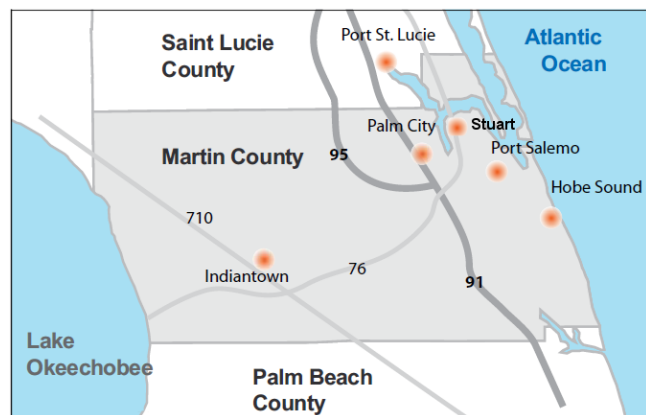
Impact fees are charges assessed on new development to cover the costs of capital improvements needed to accommodate growth. Impact fees provide a mechanism to fund public infrastructure necessary to serve new development.

Martin County currently imposes impact fees for roads, parks, libraries, fire rescue, law enforcement and public building facilities. This project involves updating the County’s public building impact fees. The public building fees were last updated in 2012.

This chapter provides some general information about the county and outlines the legal framework that governs impact fees in Florida as well as nationally.

Location and Growth

Martin County is located on the southeast coast of Florida. The City of Stuart, which is about 40 miles north of Palm Beach, is the county seat. As of the 2010 census, the population was 146,318. Martin County is included in the Port St. Lucie, FL Metropolitan Statistical Area, which is also included in the Miami-Fort Lauderdale-Port St. Lucie, FL Combined Statistical Area. It is bordered by the Atlantic Ocean to the east, Lake Okeechobee to the west, Saint Lucie County to the north and Palm Beach County to the south.

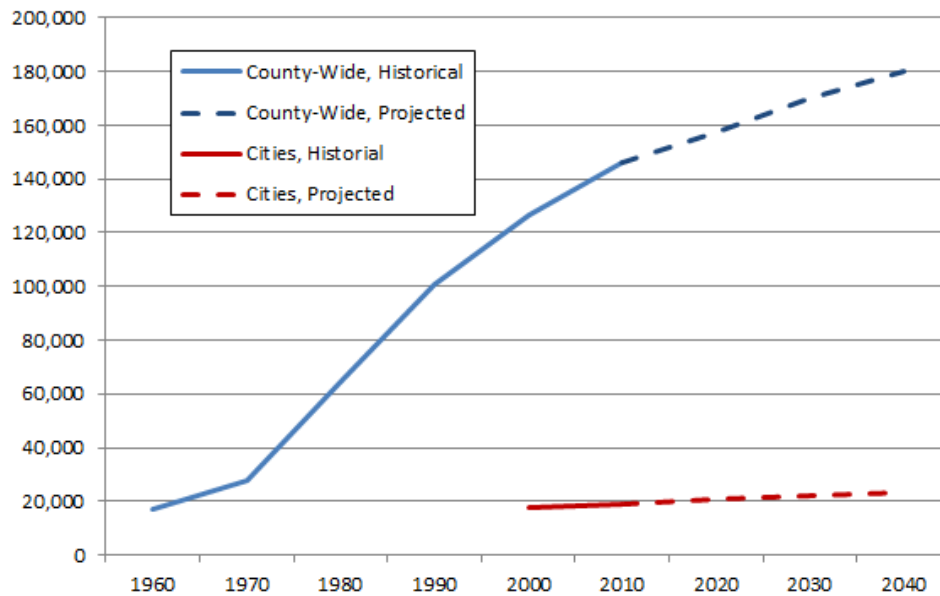


Martin County’s historical and projected population growth is summarized in Table 4 and illustrated in Figure 1. About 87% of existing and projected population is in the unincorporated area.

Table 4. Population Growth, 1960-2040

Year	Unincorp. Area	County-Wide
1960	n/a	16,932
1970	n/a	28,035
1980	n/a	64,014
1990	n/a	100,900
2000	109,069	126,731
2010	127,557	146,318
2015	130,261	149,800
2020	136,733	157,300
2030	148,208	170,200
2040	156,758	179,800

Source: Martin County Growth Management Department, “2015 Population Technical Bulletin,” January 12, 2016.

Figure 1. Martin County Population Growth, 1960-2040

Legal Framework

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to traditional “negotiated” developer exactions, impact fees are charges that are assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are one-time, up-front charges, with the payment usually made at the time of building permit issuance. Essentially, impact fees require that each new development project pay its pro-rata share of the cost of new capital facilities required to serve that development.

Because impact fees were pioneered in states like Florida that lacked specific enabling legislation, such fees have been justified as an exercise of local government’s broad “police power” to regulate land development in order to protect the health, safety and welfare of the community. The courts have developed guidelines for constitutionally-valid impact fees, based on “dual rational nexus” standards. The standards essentially require that the fees must be proportional to the need for additional infrastructure created by the new development, and must be spent in such a way as to provide that same type of infrastructure to benefit new development. A Florida district court of appeals described the dual rational nexus test in 1983 as follows, and this language was quoted and followed by the Florida Supreme Court in its 1991 St. Johns County decision:³

In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.

³ St. Johns County v. Northeast Florida Builders Association, Inc., 583 So.2d 635, April 18, 1991

Ordinance provisions requiring the earmarking of funds to be spent only on capacity-expanding improvements to accommodate growth, as well as the refunding of unexpended funds, ensure that the fees are spent to benefit the fee-paying development.

Florida Statutes

The 2006 Florida Legislature passed Senate Bill 1194, which establishes certain requirements for impact fees in Florida. The bill, which became effective on June 14, 2006, created a new Section 163.31801, Florida Statutes, which reads as follows:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.--

(1) This section may be cited as the “Florida Impact Fee Act.”

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments’ reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:

(a) Require that the calculation of the impact fee be based on the most recent and localized data.

(b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.

(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

(4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard.

For the most part, these requirements are administrative and procedural. The only substantive requirement that has a bearing on this study is that the impact fee must “be based on the most recent and localized data.” A variety of recent, local data has been gathered for use in the impact fee calculations. Consequently, this report complies with the substantive requirements of the Florida Impact Fee Act.

Legal Guidelines

One of the most fundamental principles of impact fees, rooted in both case law and norms of equity, is that impact fees should not charge new development for a higher level of service than is provided to existing development. While impact fees can be based on a higher level of service than the one existing at the time of the adoption of the fees, two things are required if this is done. First, another source of funding other than impact fees must be identified and committed to fund the capacity deficiency created by the higher level of service. Second, the impact fees must generally be reduced to ensure that new development does not pay twice for the same level of service, once through impact fees and again through general taxes that are used to remedy the capacity deficiency for existing development. In order to avoid these complications, the general practice is to base the impact fees on the existing level of service.

A corollary principle is that new development should not have to pay more than its proportionate share when multiple sources of payment are considered. As noted above, if impact fees are based on a higher-than-existing level of service, the fees should be reduced by a credit that accounts for the contribution of new development toward remedying the existing deficiencies. A similar situation arises when the existing level of service has not been fully paid for. Outstanding debt on existing facilities that are counted in the existing level of service will be retired, in part, by revenues generated from new development. Given that new development will pay impact fees to provide the existing level of service for itself, the fact that new development may also be paying for the facilities that provide that level of service for existing development could amount to paying for more than its proportionate share. Consequently, impact fees should be reduced to account for future payments that will retire outstanding debt on existing facilities.

The issue is less clear-cut when it comes to other types of revenue that may be used to make capacity-expanding capital improvements of the same type being funded by impact fees. Arguably, no credit is warranted in most cases, since, while new development may contribute toward such funding, so does existing development, and both existing and new development benefit from the higher level of service that the additional funding makes possible. Impact fee studies in Florida, however, have traditionally given credit for the portion of dedicated revenues that are used for capacity-expanding improvements.

PUBLIC BUILDINGS

The County provides buildings, facilities and equipment beyond those covered by separate impact fees for roads, fire rescue, law enforcement, parks and libraries. It is these other facility costs that are covered by the public building impact fee. This chapter calculates updated public building impact fees.

The County's ordinance does not have an exhaustive definition of public building facilities, but references judicial facilities, County administration and operations, and offices for constitutional officers and their staffs. Other types of facilities included in the previous public building impact fee study include the emergency operations center, agricultural services, community services, health department, supervisor of elections, tax collector, general services administration, and records storage.

This update adds fiber/broadband network and equipment costs to the public building fee. The County's publicly-owned fiber/broadband network consists of underground, redundant strands of cable, and connects most County facilities, including traffic signals, parks, libraries, public safety and administrative buildings. The system also serves partnering governmental entities and institutional uses in the county, including Martin County Schools, Martin Health System, and the municipalities of Stuart, Jupiter Island and Sewell's Point.

The County's current impact fees are based on a study prepared in 2012.⁴ The approach used in this study is consistent with the County's current impact fee structure. The land use categories in the updated fee schedule are not as detailed as those in the current ordinance, but the updated fees can be placed into a comprehensive fee schedule with the rest of the County's impact fees.

Service Units

Any impact fee must define a "service unit," which is a common unit of the demand for a particular kind of facility addresses by the impact fee in question. For example, transportation impact fees generally use vehicle trips as the service unit, and park impact fees often use population.

For the public building fee, the 2012 study used population as the service unit for residential development and employment as the service unit for nonresidential development. Workers and residents were weighted the same, so the total number of service units was the sum of population and employment. This service unit may be referred to as "population-plus-jobs."

This update uses a similar approach, known as "functional population." A functional person is the equivalent of one person residing, working, shopping, visiting or engaging in some other activity in the county for a full 24-hour day on an average weekday. The concept is that the demand generated for public building facilities by an individual land use is related to the number of people that spend time at that land use.

⁴ Walter H. Keller, Inc. and Nancy E. Stroud, Esq., *Martin County Impact Fee Study – Technical Report*, December 2012.

For both approaches, the common underlying premise is that the presence of people at the site of a land use is a reasonable indicator of that site's demand for public building services. However, the population-plus-jobs approach disregards the presence of non-workers in nonresidential establishments, as well as the fact that many local workers are also local residents. It also requires reliable data on employment densities by land use category that are difficult to obtain, particularly for very detailed land use categories.

The functional population approach is a more widely-used allocation methodology for public building impact fees. For residential development, it takes into consideration that people do not spend all of their time at their place of residence. For nonresidential development, functional population takes into account the total number of people that spend time at a particular land use, not just the employees who work there. In this way, it is more consistent in applying the principle that demand is proportional to the presence of people, whether as housing occupants, workers, customers, visitors or other users.

Residential Service Unit Multipliers

For residential land uses, the impact of a dwelling unit on the need for capital facilities is generally proportional to the number of persons residing in the dwelling unit. This can be measured for different housing types in terms of either average household size (average number of persons per occupied dwelling unit) or persons per unit (average number of persons per dwelling unit, including vacant as well as occupied units). In this analysis, weighted persons per unit is used to develop the functional population multipliers. The County uses weighted population (7 months of year-round population plus 5 months of peak population) in the impact fee calculations. Year-round population per unit is represented by persons per unit. Peak season population, when seasonal units are occupied, is reasonably represented by average household size. Consequently, weighted persons per unit is a weighted average of 7 months of persons per unit and 5 months of average household size.

Determining residential functional population multipliers is considerably simpler than the nonresidential component. It is estimated that people spend two-thirds of their time at home and the rest of each 24-hour day away from their place of residence. The functional population per unit multipliers for residential units are shown in Table 5 on the following page.

Table 5. Residential Functional Population per Unit

	Unit	Persons per Unit	x Occupancy Factor	Functional Population per Unit
Residential by Housing Type				
Single-Family Detached	Dwelling	2.37	0.67	1.588
Multi-Family	Dwelling	1.44	0.67	0.965
Mobile Home/RV	Dwelling	1.90	0.67	1.273
Residential by Unit Size				
800 sf or less	Dwelling	1.65	0.67	1.106
801-1,100 sf	Dwelling	1.77	0.67	1.186
1,101-2,300 sf	Dwelling	2.02	0.67	1.353
More than 2,300 sf	Dwelling	2.31	0.67	1.548
Transient Residential				
Hotel/Motel	Room	2.00	0.67	1.340
RV Park	Space	1.50	0.67	1.005

Source: Weighted persons per unit for residential from Table 15 in Appendix A; persons per unit for transient residential from Walter H. Keller, Inc., *Martin County Impact Fee Study Technical Report*, December 2012, Table 26; occupancy factor estimated as described in text.

Nonresidential Service Unit Multipliers

The functional population methodology for nonresidential land uses is based on data on vehicle trip, average vehicle occupancy, and employment density. Functional population is derived by dividing the total number of hours spent by employees and visitors during a week by 168 hours (24 hours/day times 7 days/week). Employees are estimated to spend eight hours per day at their place of employment on a typical weekday, and visitors are estimated to spend an average of 1.0 hour per visit. The formula used to derive the nonresidential functional population estimates is summarized in Figure 2.

Figure 2. Nonresidential Functional Population Formula

$$\text{Functional population/unit} = (\text{employee hours/unit} + \text{visitor hours/unit}) \div 24 \text{ hours/day}$$

$$\text{Functional population/employee} = \text{functional population/unit} \div \text{employee/unit}$$

Where:

$$\text{Employee hours} = \text{employees} \times 8 \text{ hours/day}$$

$$\text{Visitor hours/unit} = \text{visitors/unit} \times 1 \text{ hour/visit (5 minutes for gas station)}$$

$$\text{Visitors/unit} = \text{weekday ADT/unit sf} \times \text{avg. vehicle occupancy} - \text{employees/1000 sf}$$

$$\text{Weekday ADT/unit} = \text{one-way average daily trips (total trip ends} \div 2)$$

Notes: A "unit" may be 1,000 sq. ft., fuel position, golf course hole, boat slip, acre or tennis court, depending on land use type.

Using this formula, nonresidential functional population multipliers per 1,000 square feet of gross building floor area or other unit of development are calculated in Table 6.

Table 6. Nonresidential Functional Population per Unit

Land Use Type	Unit	Trip Rate	Persons/ Trip	Employ./ Unit	Visitors/ Unit	Functional Pop./Unit
Retail/Commercial	1,000 sq. ft.	21.35	1.75	1.76	35.60	2.070
Office	1,000 sq. ft.	5.52	1.15	3.32	3.03	1.233
Industrial	1,000 sq. ft.	1.91	1.15	2.04	0.16	0.687
Warehouse	1,000 sq. ft.	1.78	1.15	0.92	1.13	0.354
Mini-Warehouse	1,000 sq. ft.	1.25	1.20	0.04	1.46	0.074
Public/Institutional	1,000 sq. ft.	3.80	1.71	2.33	4.17	0.950
Gasoline/Service Station	Fuel Position	84.28	1.15	0.31	8.05	0.439
Golf Course	Hole	17.87	2.21	1.74	37.75	2.153
Marina	Slip	1.48	2.21	0.03	3.24	0.145
Boat Storage	Slip	1.25	2.21	0.03	2.73	0.124
Park	Acre	1.14	2.21	0.40	2.12	0.222
Tennis Facility	Court	15.52	2.21	0.47	33.83	1.566

Source: Trip rates based on one-half of average daily trip rate from ITE, *Trip Generation*, 9th ed., 2012 (retail/commercial based on shopping center, public/institutional based on nursing home, boat storage based on mini-warehouse); persons/trip is average vehicle occupancy from Federal Highway Administration, *Nationwide Household Travel Survey*, 2009 (except mini-warehouse, which is derived from ITE *Trip Generation*); employees/unit for office and industrial based on ratios of trip per employee to trips per 1,000 sq. ft.; employees/unit for retail from National Association of Office and Industrial Parks, *America's Future Office Space Needs*, 1990, p. 22; employees/unit for mini-warehouse, gas station, golf course and marina/boat storage from Walter H. Keller, Inc., *Martin County Impact Fee Study Technical Report*, December 2012, Table 17; visitors/unit is trips times persons/trip minus employees/unit; functional population/unit calculated based on formula from Figure 2.

Total Existing/Projected Service Units

Based on the amount of existing development and functional population multipliers by land use, Martin County is currently estimated to have 153,321 public building service units (functional population) county-wide, as summarized in Table 7.

Table 7. Public Building Service Units, 2015

Land Use Type	Unit	Existing Units	Func. Pop./ Unit	Functional Population
Single-Family Detached	Dwelling	42,477	1.588	67,453
Multi-Family	Dwelling	29,523	0.965	28,490
Mobile Home/RV	Dwelling	7,802	1.273	9,932
Retail/Commercial	1,000 sq. ft.	14,736	2.070	30,504
Office	1,000 sq. ft.	2,963	1.233	3,653
Industrial	1,000 sq. ft.	2,084	0.687	1,432
Warehouse	1,000 sq. ft.	6,332	0.354	2,242
Public/Institutional	1,000 sq. ft.	10,121	0.950	9,615
County-Wide Functional Population				153,321

Source: Existing units from Table 19 and Table 21 in Appendix A; functional population per unit from Table 5 and Table 6; functional population is product of existing units and functional population per unit.

Future growth in public building service unit from 2015-2025 is projected in Table 8, based on the County’s projected weighted population growth (weighted population assumes that five months of the year are peak population months and the remaining seven months are permanent population months). Public safety service unit are projected to increase by about 9% over the next ten years.

Table 8. Public Building Service Units, 2015-2025

	2015	2025	Percent Increase
Weighted Population	156,978	171,478	9.24%
Functional Population	153,321	167,488	9.24%

Source: 2015 and 2025 weighted population from Martin County Growth Management Department, “2015 Population Technical Bulletin,” adopted January 12, 2016; 2015 functional population from Table 7; 2025 functional population increased 2015-2025 by same percentage as weighted population.

Cost per Service Unit

The cost per service unit is based on the existing level of service, which is expressed as the County’s capital investment in existing public building facilities and equipment per existing service unit. It is important to separate facilities serving a county-wide function from those that serve the unincorporated area, in order to ensure that the fee imposed in municipalities avoids any overlap with similar facilities provided by municipalities.

As shown in Table 9 on the following page, existing County-owned public building facilities have a total replacement value, estimated based on insured values, of about \$70 million. Of that total, approximately \$37 million is related to facilities that primarily serve the entire county. The remaining \$33 million is the investment in facilities that primarily serve just the unincorporated area.

Table 9. Public Building Facility Replacement Value

Building	Gross Sq. Feet	Insured Values		
		Building	Contents	Total
Agriculture Center	5,590	\$661,200	\$193,900	\$855,100
Community Services Building	6,527	\$779,000	\$226,400	\$1,005,400
Constitutional Offices	58,080	\$10,278,900	\$2,014,800	\$12,293,700
Court Holding Building	13,572	\$3,087,000	\$213,800	\$3,300,800
Martin County Health Department	35,443	\$4,794,600	\$983,500	\$5,778,100
Health Department - Indiantown	6,800	\$809,500	\$188,700	\$998,200
Emergency Operations Center	5,472	\$1,244,700	\$3,686,200	\$4,930,900
Supervisor of Elections Office	12,004	\$1,484,400	\$2,862,692	\$4,347,092
Tax Collector's Office*	18,400	\$2,863,344	\$821,429	\$3,684,773
Subtotal, Facilities for County-Wide Services	161,888	\$26,002,644	\$11,191,421	\$37,194,065
Administration Center	70,512	\$9,981,000	\$3,975,730	\$13,956,730
Building Department Building	9,996	\$2,036,800	\$346,800	\$2,383,600
County Courthouse	50,556	\$8,969,300	\$2,261,600	\$11,230,900
General Services Administration	6,662	\$1,000,000	\$311,200	\$1,311,200
Governmental Complex	19,990	\$3,592,900	\$333,800	\$3,926,700
Warehouse (Records Storage)	961	\$46,600	\$26,700	\$73,300
Subtotal, Facilities Primarily Serving Unincorp. Area	158,677	\$25,626,600	\$7,255,830	\$32,882,430
Total Owned Space	320,565	\$51,629,244	\$18,447,251	\$70,076,495

* portion of Building A and B occupied by the Tax Collector, an additional 4,000 sq. ft. is either occupied by the Sheriff's Office Internal Affairs Division or leased to a private firm.

Source: Martin County Growth Management Department, February 10, 2016 and August 5, 2016.

In addition to the above facilities, the County has made a major capital investment in fiber/broadband infrastructure that interconnects a range of public facilities, including administrative buildings, traffic signals, the emergency operations center, parks, libraries, schools and hospitals. The County's net cost for fiber/broadband infrastructure, after deducting for the value of sections of fiber provided by a private firm, State highway funding, and the contribution by the School Board, is \$7.38 million, as summarized in Table 10.

Table 10. Fiber/Broadband Network Cost

Total Cost of Backbone Fiber Network	\$11,653,113
Networking Equipment	\$1,370,195
– Indiantown ITS Fiber Network Value	-\$2,400,185
– FDOT FHWA Grants	-\$1,993,861
– School Board Capital Contribution	-\$1,245,000
Net County Fiber/Broadband System Cost	\$7,384,263

Source: Total cost and Indiantown ITS value from Table 42 in Appendix B; FDOT grants from Martin County Information Technology Services Department (IT) on October 23, 2015; School Board contribution from Martin County IT, March 10, 2015; networking equipment cost from Martin County IT, March 16, 2015;

The public building cost per service unit is calculated by dividing the replacement cost of existing facilities by the existing number of service units (functional population). As shown in Table 11, the county-wide cost per service unit, which is applicable to the municipalities, is \$291 per functional population. The total of county-wide and unincorporated costs per service unit is \$505 per functional population, which represents the cost applicable to development in the unincorporated area.

Table 11. Public Building Cost per Service Unit

Capital Improvement Type	Amount	Functional Population	Cost per Func. Pop.
Facilities Primarily Providing County-Wide Services	\$37,194,065	n/a	n/a
Fiber/Broadband System Cost	\$7,384,263	n/a	n/a
Subtotal, County-Wide Replacement Cost	\$44,578,328	153,321	\$291
Facilities Primarily Serving Unincorp. Area	\$32,882,430	153,321	\$214
Total, Public Building Facilities/Equipment	\$77,460,758	n/a	\$505

Source: County-wide and unincorporated area facility costs from Table 9; fiber/broadband cost from Table 10; functional population from Table 7.

Net Cost per Service Unit

The net cost per service unit is the cost per service unit, less credits to account for revenue generated by new development that will be used to pay for capacity-related capital improvements. As described in the Legal Framework, revenue credits are clearly required for revenue generated by new development and used to remedy existing deficiencies, or to retire outstanding debt on existing facilities that are providing the current level of service for existing development. There are no existing deficiencies, because the fees are based on a lower-than-existing level of service. The County does have some outstanding debt on public building facilities and equipment, and a debt credit is calculated below. Credit for grants is not as clearly required, but consideration of grant revenue and donations has been provided in the calculation of the cost per service unit, which is based on only the County's share of acquisition costs.

A straight-forward method that ensures that new development is not required to pay for existing facilities, through taxes used for debt retirement, as well as new facilities through impact fees, is to calculate the credit by dividing the outstanding debt by existing service units. This puts new development on the same footing as existing development in terms of the share of capital costs funded through debt. As shown in Table 12, dividing the outstanding debt by the number of existing service units results in a debt credit of \$69 per person.

Table 12. Public Building Debt Credit

Debt Issue	Purpose	Outstanding
Series 2011 Revenue Note	Constitutional Officers Space	\$4,246,000
Series 2010 Revenue Note	Fiber/Broadband System	\$2,201,000
Series 2005 Revenue Bonds	EOC Building and Equipment	\$1,558,000
Series 2004 Revenue Note	EOC Building and Equipment	\$2,562,750
Total, Outstanding County-Wide Public Building Debt		\$10,567,750
÷ 2015 Functional Population		153,321
County-Wide Public Building Debt Credit per Functional Population		\$69

Source: Outstanding debt principal as of September 30, 2015 from Finance Division, Martin County Clerk, November 23, 2015 and February 11, 2016; 2015 functional population from Table 7.

As shown in Table 13, reducing the cost per service unit by the debt credit results in a net cost of per service unit of \$145 per functional population for county-wide facilities and \$436 for all public building facilities.

Table 13. Public Building Net Cost per Service Unit

	County- Wide	Unincorp. Area	Total
Cost per Functional Population	\$214	\$291	\$505
– Debt Credit per Functional Population	-\$69	0	-\$69
Net Cost per Functional Population	\$145	\$291	\$436

Source: Cost per service unit from Table 11; debt credit from Table 12.

Updated Fee Schedule

The maximum fees that can be adopted by the County based on this study are derived by multiplying the number of service units associated with a unit (dwelling unit, 1,000 sq. ft., etc.) of each land use type by the net cost per service unit. The updated public building impact fee schedule is shown in Table 14. For a comparison of updated fees with current fees, see the Executive Summary.

Table 14. Updated Public Building Impact Fees

Land Use Type	Unit	Func. Pop./ Unit	Net Cost/Func. Pop		Net Cost/Unit	
			Co.-Wide	Total	Cities	Unincorp.
Residential Unit, 800 sf or less	Dwelling	1.106	\$145	\$436	\$160	\$482
Residential Unit, 801-1,100 sf	Dwelling	1.186	\$145	\$436	\$172	\$517
Residential Unit, 1,101-2,300 sf	Dwelling	1.353	\$145	\$436	\$196	\$590
Residential Unit, more than 2,300 sf	Dwelling	1.548	\$145	\$436	\$224	\$675
Retail/Commercial	1,000 sq. ft.	2.070	\$145	\$436	\$300	\$903
Office	1,000 sq. ft.	1.233	\$145	\$436	\$179	\$538
Industrial	1,000 sq. ft.	0.687	\$145	\$436	\$100	\$300
Warehouse	1,000 sq. ft.	0.354	\$145	\$436	\$51	\$154
Mini-Warehouse	1,000 sq. ft.	0.074	\$145	\$436	\$11	\$32
Public/Institutional	1,000 sq. ft.	0.950	\$145	\$436	\$138	\$414
Hotel/Motel	Room	1.340	\$145	\$436	\$194	\$584
RV Park	Space	1.005	\$145	\$436	\$146	\$438
Gasoline/Service Station	Fuel Position	0.439	\$145	\$436	\$64	\$191
Golf Course	Hole	2.153	\$145	\$436	\$312	\$939
Marina	Slip	0.145	\$145	\$436	\$21	\$63
Boat Storage	Slip	0.124	\$145	\$436	\$18	\$54
Park	Acre	0.222	\$145	\$436	\$32	\$97
Tennis Facility	Court	1.566	\$145	\$436	\$227	\$683

Source: Functional population per unit from Table 7; net cost per functional population from Table 13.

APPENDIX A: LAND USE DATA

Persons per Unit

An important input into the impact fee calculations is the number of persons associated with the housing units of different types and sizes. Two different measurements are available: “average household size” (household residents divided by occupied units) and “persons per unit” (household residents divided by total units). Average household size in Martin County for all housing types and sizes is 2.23, and average persons per unit is 1.82, based on data from the 2010 Census summarized in Table 15. Both measures are considerably lower than the average occupancies for the nation or the southern United States, due to Martin County’s higher proportion of retirees and seasonal units.

Table 15. Average Dwelling Unit Occupancies, 2010

	United States	South Region	Martin Co.
Household Population	300,758,672	111,605,775	142,385
÷ Occupied Dwelling Units	116,716,467	43,609,929	63,899
Average Household Size	2.58	2.56	2.23
Household Population	300,758,672	111,605,775	142,385
÷ Total Dwelling Units	131,704,954	49,980,829	78,131
Persons per Unit	2.28	2.23	1.82

Source: U.S. Census Bureau, 2010 Census SF-1 (100% count) data.

The most current available data source on persons per unit by housing type in Martin County is the U.S. Census Bureau’s American Community Survey sample estimates for 2009-2013. Data for both average household size and persons per unit from these sample data are shown in Table 16. The sample data under-estimate the overall 2010 average household size and persons per unit. Nevertheless, they provide a reasonable basis for determining relative occupancies for different housing types. Adjusting them upward to match the actual total occupancies per unit yields the adjusted occupancies by housing type for Martin County. The County uses weighted population (7 months of year-round population plus 5 months of peak population) in the impact fee calculations. Year-round population per unit is represented by persons per unit. Peak season population, when seasonal units are occupied, is reasonably represented by average household size. The weighted person per unit multipliers to be used in the impact fee calculations are shown in the final column of Table 16.

Table 16. Weighted Persons per Unit by Housing Type

Housing Type	2009-2013 U.S. Census 5% Sample Data						Adjusted		Weighted
	Sample Size	Occupied Units	Total Units	Household Residents	Avg. HH Size	Persons/Unit	Avg. HH Size	Persons/Unit	Persons/Unit
Single-Family Detached	1,476	20,040	24,226	48,929	2.44	2.02	2.52	2.26	2.37
Multi-Family	804	11,385	17,193	19,168	1.68	1.11	1.73	1.24	1.44
Mobile Home	233	3,301	4,519	6,924	2.1	1.53	2.17	1.71	1.90
Total	2,513	34,726	45,938	75,021	2.16	1.63	2.23	1.82	1.99

Source: U.S. Census Bureau, American Community Survey, 2009-2013 5% sample microdata file for Martin County, Florida; analyzed by Duncan Associates using database software (average household size is household residents divided by occupied units, persons per unit is household residents divided by total units); total adjusted persons per unit and average household size from 2010 U.S. Census, SF-1 100% counts for Martin County; adjusted persons per unit by housing type are estimates based on multiplying persons per unit from 5% sample data by the ratio of 2010 adjusted total persons/unit to sample data total persons per unit; weighted persons per unit is the average of average household size and persons per unit, weighted 5 months and 7 months respectively.

While persons per unit by housing type are useful in determining existing levels of service, Martin County assesses residential impact fees based on the size of the dwelling unit, broken down by four size categories. The Census, however, does not provide information on dwelling unit size. The American Housing Survey provides that information at a regional level (south region), although only for occupied units (average household size). While average household size for all recently-built units in the south (2.54) exceeds the weighted persons per unit for all units in Martin County (1.99), the regional differences by unit size provide a reasonable guide for estimating weighted persons per unit by unit size for Martin County. The resulting estimates are shown in Table 17.

Table 17. Weighted Persons per Unit by Unit Size

Unit Size	Avg. HH Size, U.S. South	Wtd. PPU, Martin Co.
800 sf or less	2.10	1.65
801-1,100 sf	2.26	1.77
1,101-2,300 sf	2.58	2.02
More than 2,300 sf	2.95	2.31
All Units	2.54	1.99

Source: Average household size for U.S. from 2011 American Housing Survey for occupied units in the southern region built 1970 or later; weighted persons per unit for all units in Martin County from Table 16; weighted persons per unit by units size based on average household sizes in the south and the ratio of weighted person per unit to average household size for all units.

Residential Units

Estimates of the existing number of single-family detached, multi-family and mobile home dwelling units were derived in the following manner. The starting point is the total number of housing units enumerated in Martin County in the 2010 Census. The decennial census does not differentiate by housing type. However, the Census Bureau does collect data on housing type in its annual American Community Survey (ACS). The ACS survey data consist of 1% samples taken annually, and are available in consolidated three -year files that approximate a 3% sample as of the mid-year of the sample. The 2009-2011 sample data most closely approximate the date of the 2010 U.S. Census (i.e., April 2010). The weighted 3-year sample data slightly over-estimate the 100% count of total housing units from the 2010 census, and are adjusted downward slightly to estimate the number of housing units by housing type in 2010, as shown in Table 18.

Table 18. Dwelling Units by Housing Type, 2010

Housing Type	2009-11 ACS Est.	2010 Census	2010 Estimate
Single-Family Detached	40,945	n/a	40,966
Multi-Family	29,348	n/a	29,363
Mobile Home	7,798	n/a	7,802
Total, Housing Units	78,091	78,131	78,131

Source: 2009-2011 estimates of housing units by housing type for Martin County are from published data from U.S. Census Bureau, *American Community Survey* on the American FactFinder site, which are weighted values based on 3% sample collected from 2009-2011; total units from 2010 Census are published data from SF-1 100% counts; 2010 housing unit estimates are sample data multiplied by an adjustment factor (the ratio of total units from the 2010 Census to the total units from the sample data).

The final step is to add the number of dwelling units by housing type permitted by Martin County over the last five years (2010-2014) to the 2010 estimates to arrive at 2015 estimates of the current numbers of housing units by housing type. As shown in Table 19, it is estimated that there are currently 79,802 dwelling units in Martin County.

Table 19. Dwelling Units by Housing Type, 2015

Housing Type	2010	2010-14	2015
	Estimated Units	Units Permitted	Estimated Units
Single-Family Detached	40,966	1,511	42,477
Multi-Family	29,363	160	29,523
Mobile Home	7,802	0	7,802
Total Housing Units	78,131	1,671	79,802

Source: 2010 estimates for Martin County from Table 18; county-wide building permits from U.S. Census Bureau.

Current and projected dwelling units by size are estimated in Table 20.

Table 20. Dwelling Units by Size, 2015-2025

Dwelling Unit Size	2011	2015	2025	New Units
				2015-25
800 sq. ft. or less	7,229	7,918	8,678	760
801-1,100 sq. ft.	13,966	15,298	16,767	1,469
1,101-2,300 sq. ft.	32,868	36,001	39,457	3,456
2,301 sq. ft. or more	18,793	20,585	22,561	1,976
Total Units	72,856	79,802	87,463	7,661

Source: 2011 units derived from Martin County Property Appraiser's 2011 Real Improvement Residential Files summarized in Walter H. Keller, Inc., *Martin County Impact Fee Study Technical Report*, December 2012, Table 3; 2015 total units from Table 19; 2015 units by size based on 2011 distribution; 2025 units increased from 2015 based on 2015-2025 percent increase in weighted population from Table 8.

Nonresidential Square Footage

For nonresidential development, the relevant characteristic is the amount of existing building square footage. The Martin County Property Appraiser provided the following information on existing nonresidential building floor area (see Table 21).

Table 21. Nonresidential Building Floor Area, 2015

Land Use	Bldg. Sq. Ft.
Retail/Commercial	14,736,133
Office	2,962,686
Industrial	2,084,133
Warehouse	6,332,040
Public/Institutional	10,121,447
Total	36,236,439

Source: Martin County Property Appraiser, November 20, 2015.

APPENDIX B: FIBER/BROADBAND NETWORK INVENTORY

Table 22. Fiber/Broadband Network Inventory

Street/Route	From-To	Cost
Willoughby Blvd	Public Safety Complex to Health Services	\$60,806
Witham Field	Airport Gates 1-12	\$69,916
General Services	Mosquito Control, Bldg Maint, Veh Maint	\$11,374
US1	Bridge Road to Hercules Ave	\$15,391
Riverside Bank Property	US1 to Florida Ave/Lincoln Street	\$9,027
Florida Ave	Lincoln Street to Dixie Highway	\$25,581
Lincoln/Dixie/MLK	Florida Ave to Supervisor of Elections	\$16,584
Gran Park Way	US1 to Liberator Medical	\$16,565
Palm Beach Road	Monterey/Dixie To 7th St/MLK	\$17,846
Lincoln/Dixie/MLK	Florida To Flagler	\$14,246
Gran Park Wy/Lionel Terrace/Commerce Av	US1 to Dixie Highway	\$42,016
MLK/7th St	Dixie Highway to Flagler Ave	\$7,299
Savannah Road	Wright Ave to Jensen Beach Blvd	\$19,225
Citrus Blvd	Citrus Grove Elem to Becker Road	\$209,391
Palm Beach Road	Monterey Road to E Ocean Blvd	\$28,460
MLK/Flagler Ave	Dixie Highway to E Ocean Blvd	\$18,908
Kanner Highway	Indian/Willoughby to Fire Station 23	\$27,703
Kanner Highway	Jack James to Lock Road	\$21,258
Kanner Highway	Kanner Highway and I-95	\$7,350
Witham Field	Gen Svcs to Airport LifeStar/Sheriffs Hanger	\$12,563
Savannah Road	Dixie Highway to Jensen Beach Blvd	\$16,466
Savannah Road	Dixie Highway to Jensen Beach Blvd	\$6,696
US1/Monterey Road	Dixie Highway to Central Blvd	\$5,092
Savannah Road	Wright Ave to Jensen Beach Blvd	\$21,198
US1	Bridge Road to Hercules Ave	\$28,357
Florida Ave	US1/Johnson to Florida Street	\$7,150
Monterey Road	Admin Center to Airport Tower	\$34,201
Monterey Road	Airport Tower to Dixie Highway	\$8,691
Monterey Road	Dixie Highway to Public Safety Complex	\$14,326
General Services	General Services	\$8,366
Ruhnke Street	Building Dept to New ESD Support Services	\$7,459
US1	Liberator Medical Gran Park Way to Monroe St Site	\$9,210
Railroad Ave	Indian Street to Garden Street	\$33,551
Salerno Road/Tower Road	US1 to MCDRC	\$45,220
Kanner Highway	Salerno Road to Cove Road	\$15,756
Willoughby Blvd	MCDRC to Public Safety Complex	\$107,757
Kansas Ave	Tropical Farms Water Plant to Turnpike	\$13,228
Witham Field	General Services to Airport Directors	\$23,860
E Ocean Blvd	County Admin Center to Smithfield Plaza	\$37,589
Monterey Road	County Admin Center to Blake Library	\$16,653
Dixie Highway	Aviation Way to Indian Street	\$30,000
Osprey Street	SMRU Osprey Water Plant to Dixie Highway	\$15,000
Dixie Highway	Osprey Street to SMRU Dixie Water Treatment Plant	\$6,000
Indian St/Martin Highway	Kanner Highway to Mapp Road	\$120,000
Bridge Road	US1/Bridge & Bridge/Pratt Whitney	\$900,000
Airport	General Services Administration to Hanger 20	\$7,325
Witham Fld Arprt/Golf Club	Stuart Jet Ctr to Golf Club Pro Shop	\$52,685

Table continued on next page

Appendix B: Fiber/Broadband Network Inventory

Table 22. Fiber/Broadband Network Inventory, continued

Street/Route	From-To	Cost
Traffic Control System	Traffic Control System	\$107,274
Master Network Design, Part 1	Master Network Design, Part 1	\$31,500
Martin Highway CR714	Mapp Road to Turnpike/Martin Downs Blvd	\$66,524
Martin Highway CR714	Mapp Road to Turnpike/Martin Downs Blvd	\$92,651
E Ocean Blvd	Palm Beach Road to St Lucie Road	\$38,908
US1	Summerfield Way to Heritage Ridge Blvd	\$72,874
US1	Heritage Ridge Blvd to Bridge Road	\$244,369
Kanner Highway	Fire Station 23 to Pomeroy Street	\$89,960
US1	Roosevelt Bridge	\$4,475
Kanner Highway	Salerno Road to I-95	\$35,297
Indian Street	US1 to Kanner Highway	\$100,000
Martin Downs Blvd	Mapp Rd. to Monarch Club Dr	\$15,000
Green River Parkway	Jensen Beach Blvd to Wright Blvd	\$39,070
Monterey Extension	US-1/LUCKHART	\$8,286
Dixie Highway	Seaward to Salerno Rd	\$15,703
Monterey Extension	US-1/LUCKHART	\$10,136
Martin Highway SR714	Turnpike to Citrus Blvd	\$85,453
Martin Highway SR714	Turnpike to Citrus Blvd	\$20,531
Jensen Beach Blvd	Pinecrest Lakes to Savannah Road	\$54,928
US1	Monterey Rd to J Jefferson Way/Colorado to MLK	\$7,638
Monterey Road	KANNER TO US1	\$80,182
US1	Joan Jefferson Way to Westmoreland Av	\$210,526
US1	Joan Jefferson Way to Westmoreland Av	\$167,949
US1	Joan Jefferson Way to Westmoreland Av	\$194,984
US1	Joan Jefferson Way to Westmoreland Av	\$27,065
Monterey Rd/Martin Downs	Kanner to SR 714	\$158,969
US1	Indian St to Summerfield Way	\$172,830
Jensen Beach Blvd	US1 to Pinecrest Lakes	\$82,930
Kanner Highway	Salerno Road to Pomeroy Street	\$156,178
US1	US1 AND BRIDGE ROAD	\$7,995
Britt Road	US1 to Fire Station 18	\$65,610
Baker Rd	US1 to Green River Pkwy	\$39,018
Jensen Beach Blvd:	Savannah to Pineapple	\$58,839
Dixie Highway	Savannah Rd to Indian River Dr	\$232,203
Joan Jefferson	US1 to Flagler	\$18,844
Seminole/Denver	Flagler to E Ocean	\$33,825
E Ocean Blvd	Georgia to Palm Beach Road	\$134,493
E Ocean Blvd	Monterey Rd to Fire Station 14	\$311,414
Georgia Ave	E Ocean to MLK/7th ST	\$25,373
MLK/7th St	Flagler to Palm Beach Rd	\$71,948
Bahama Ave	7th to 10th St	\$25,777
10th St	Bahama to Palm Beach Rd	\$38,536
Cove Road	Kanner to Willoughby	\$213,171
Cove Road	US1 to 46th St Ebttide to Salerno	\$122,654
High Meadows	Martin Downs to Tax Collectors Office	\$9,754
Martin Highway SR714	Citrus to Cobblestone	\$275,270
Kanner Highway	Locks Rd to Bridge Rd	\$261,261
Pratt Whitney Road	Kanner to Bridge	\$264,952
Bridge Road	US1 to Gomez Road	\$46,157
Seabbranch Blvd	US1 to Seabbranch	\$146,789

Table continued on next page

Appendix B: Fiber/Broadband Network Inventory

Table 22. Fiber/Broadband Network Inventory, continued

Street/Route	From-To	Cost
Gomez Road	Bridge Rd to Bunker Hill	\$67,054
Indian River Drive	Jensen Beach Blvd to NE Circle Drive	\$42,710
Pineapple Ave	Jensen Beach Blvd to Ricou St. to Indian River Dr.	\$13,127
Causeway Blvd	Indian River Drive to A1A	\$138,731
A1A/N Ocean	Causeway Blvd to Fire Station 14	\$209,009
Flagler Ave	Flagler Rec Center to St Lucie Ave	\$11,934
St Lucie Ave	Flagler Ave to Seminole St	\$7,069
E Ocean Blvd	Flagler Ave to Denver St	\$3,396
Flagler Ave	E Ocean Blvd to MLK Blvd	\$9,701
Community Drive	Morgrade Library to Willoughby	\$58,747
Willoughby Blvd	EOC Tower to Cove Rd	\$32,906
Bridge Road	Gomez Road to Gomez Ave	\$51,396
US1	Olympus/Athena to Water St	\$73,464
Water Street	US1 to Water Plant	\$46,354
Kanner Highway	Bridge Road to Box Ranch	\$198,746
Indian River Drive	Causeway Blvd to Jensen Beach Blvd	\$25,990
Monterey Road	MC Admin to East Ocean East	\$15,895
Monterey Road	MC Admin to East Ocean West	\$15,895
Bridge Road	Sheriff's Tower Bridge Road	\$14,623
Goldenrod Road	JB Blvd to JBHS Diversity	\$34,853
Kanner Highway	Locks Rd. to Cove	\$29,938
Willoughby Blvd	PSC on Monterey to Old EOC Tower	\$77,657
Indian Street	Kanner Hwy. to Dixie Hwy	\$36,599
Dixie Highway	Indian St. to Monterey Rd	\$27,777
US1	Indian St. to Monterey Road	\$21,927
Martin Downs Blvd	Mapp Rd. to Monarch Club Dr	\$17,804
Aviation Way	Dixie Hwy. to Traffic Operations Center	\$11,625
US1	Joan Jefferson to Wright St.	\$26,036
Wright Street	US 1 to Dixie Highway	\$3,980
Savannah Road	Dixie Hwy to Jensen Beach Blvd.	\$45,081
Palm Beach Road	E Ocean to MLK	\$5,308
Flagler Ave	Courthouse to MLK	\$5,117
Dixie Highway	Wright St. to Savannah Rd.	\$17,521
SR76A	Kanner Highway to Crystal River Elementary	\$0
Tier 1 Locations - Trunk Extensions	Tier 1 Locations - Trunk Extensions	\$16,844
Tier 1 Locations - Trunk Extensions	Tier 1 Locations - Trunk Extensions	\$39,298
Monterey Road	Admin Center to Airport Tower	\$0
Monterey Road	Airport Tower to Dixie Hwy	\$22,298
Dixie Highway	Monterey Rd to Aviation Way	\$20,525
Witham Field	Dixie Highway to Galaxy Aviation	\$12,325
Indian Street	Dixie Hwy to US1	\$21,995
Indian Street	US1 to Willoughby Rd	\$22,685
Monterey Rd/Dixie Hwy/Indian St	E Ocean to Willoughby Blvd	\$3,200
Lionel Terrace/Commerce Ave	Gran Park Way to Salerno Road	\$0
Subtotal, County/School-Owned Backbone		\$8,596,555
Citrus Blvd	Osceola St to Timer Powers Park	\$31,680
CR-609 Allapattah Road	SR-710 Beeline Hwy to SFWMD Tower	\$79,200
Farm Road	169th St to SR-710 Beeline Hwy	\$99,193
Fox Brown Road	Martin Hwy CR-714 to SR-710 Beeline Hwy	\$681,120

Table continued on next page

Table 22. Fiber/Broadband Network Inventory, continued

Street/Route	From-To	Cost
Indian Mound Drive	Osceola St to Big Mound Park	\$15,840
Kanner Highway	Box Ranch to SR-710 Beeline Hwy	\$494,404
Martin Highway SR714	Cobblestone to CR-609 Allapattah Road	\$475,200
Martin Highway SR714	CR-609 Allapattah Road to Fox Brown Road	\$356,400
Osceola St	Washington Ave to Citrus Blvd	\$178,992
SR-710 Beeline Hwy	Fox Brown Road to Indianwood Drive	\$213,840
153rd St	Monroe Ave to Washington Ave	\$7,920
169th St	Lincoln St to Farm Road	\$46,310
174th Ct	Lincoln St to Sheriff's Substation	\$72,976
Citrus Blvd	Osceola St to Kanner Hwy	\$31,680
Lincoln St	169th St to 174th Ct	\$30,243
Martin Luther King Dr	Indianwood Drive to Lincoln St	\$102,960
Monroe Ave	SR-710 Beeline Hwy to 153rd St	\$3,960
Cobblestone	Martin County Landfill to Martin Hwy-SR714	\$134,640
Subtotal, ITS-Owned Backbone		\$3,056,558
Total Network		\$11,653,113

Source: Martin County Information Technology Department, October 29, 2015.

APPENDIX C: DETAILED FEE COMPARISON

Table 23 shows current fees, updated fees, and percent change for each land use category in the current fee schedule. Updated fees tend to have broader land use categories, and the updated fee for a broad category applies to multiple uses in the current fee schedule.

Table 23. Detailed Current and Updated Public Building Fees

Land Use	Unit	Current Fees		Updated Fees	% Change from	
		Study	Adopted		Study	Adopted
Residential						
800 sq. ft. or less	Dwelling	\$410	\$410	\$482	18%	18%
801 to 1,100 sq. ft.	Dwelling	\$469	\$469	\$517	10%	10%
1,101 to 2,300 sq. ft.	Dwelling	\$646	\$646	\$590	-9%	-9%
2,301 sq. ft. or more	Dwelling	\$810	\$810	\$675	-17%	-17%
Transient/Institutional						
Hotel/Motel	Room	\$496	\$394	\$584	18%	48%
RV Park	Space	\$372	\$273	\$438	18%	60%
Nursing Home	1,000 sq. ft.	\$231	\$228	\$414	79%	82%
ACLF	1,000 sq. ft.	\$213	\$120	\$414	94%	246%
Retail/Commercial						
Retail under 50,000 sq. ft.	1,000 sq. ft.	\$710	\$425	\$903	27%	113%
Retail 50,000 to 99,999 sq. ft.	1,000 sq. ft.	\$620	\$616	\$903	46%	47%
Retail 100,000 to 199,999 sq. ft.	1,000 sq. ft.	\$551	\$551	\$903	64%	64%
Retail 200,000 to 399,999 sq. ft.	1,000 sq. ft.	\$496	\$496	\$903	82%	82%
Retail 400,000 to 599,999 sq. ft.	1,000 sq. ft.	\$496	\$496	\$903	82%	82%
Retail 600,000 to 799,999 sq. ft.	1,000 sq. ft.	\$452	\$452	\$903	100%	100%
Retail 800,000 to 999,999 sq. ft.	1,000 sq. ft.	\$452	\$452	\$903	100%	100%
Retail 1,000,000 sq. ft. or more	1,000 sq. ft.	\$414	\$414	\$903	118%	118%
Bank Walk-In	1,000 sq. ft.	\$869	\$693	\$903	4%	30%
Bank w/ Drive-In	1,000 sq. ft.	\$1,191	\$554	\$903	-24%	63%
Auto Sales and Repair	1,000 sq. ft.	\$551	\$551	\$903	64%	64%
Restaurant	1,000 sq. ft.	\$551	\$551	\$903	64%	64%
Fast Food Restaurant	1,000 sq. ft.	\$2,481	\$2,482	\$903	-64%	-64%
Car Wash	1,000 sq. ft.	\$993	\$993	\$903	-9%	-9%
Convenience Store w/o Gas	1,000 sq. ft.	\$496	\$496	\$903	82%	82%
Convenience Store w/Gas	1,000 sq. ft.	\$745	\$745	\$903	21%	21%
Pharmacy w/ Drive-Thru	1,000 sq. ft.	\$551	\$327	\$903	64%	176%
Racquet Club	1,000 sq. ft.	\$310	\$310	\$903	191%	191%
Fitness Center	1,000 sq. ft.	\$310	\$310	\$903	191%	191%
Movie Theatre	1,000 sq. ft.	\$50	\$50	\$903	1706%	1719%
Gasoline/Service Station	Fuel Position	\$77	\$77	\$191	148%	148%
Golf Course	Hole	\$432	\$432	\$939	117%	117%
Marina	Slip	\$8	\$7	\$63	688%	746%
Boat Storage	Slip	\$8	\$7	\$54	575%	625%

Continued on next page.

Table 23. Current and Updated Public Building Fees, continued

Land Use	Unit	Current Fees		Updated Fees	% Change from	
		Study	Adopted		Study	Adopted
Office						
Office under 100,000 sq. ft.	1,000 sq. ft.	\$918	\$316	\$538	-41%	70%
Office 100,000 to 199,999 sq. ft.	1,000 sq. ft.	\$866	\$314	\$538	-38%	71%
Office 200,000 to 399,999 sq. ft.	1,000 sq. ft.	\$817	\$306	\$538	-34%	76%
Office 400,000 to 599,999 sq. ft.	1,000 sq. ft.	\$789	\$286	\$538	-32%	88%
Office 600,000 to 799,999 sq. ft.	1,000 sq. ft.	\$772	\$303	\$538	-30%	78%
Office 800,000 to 999,999 sq. ft.	1,000 sq. ft.	\$757	\$348	\$538	-29%	54%
Office 1,000,000 sq. ft. or more	1,000 sq. ft.	\$710	\$410	\$538	-24%	31%
Medical Office	1,000 sq. ft.	\$238	\$238	\$538	126%	126%
Industrial						
Gen. Industrial	1,000 sq. ft.	\$516	\$182	\$300	-42%	65%
Manufacturing	1,000 sq. ft.	\$171	\$155	\$300	75%	94%
Warehouse						
Warehouse	1,000 sq. ft.	\$211	\$98	\$154	-27%	57%
Mini-Warehouse	1,000 sq. ft.	\$10	\$10	\$32	220%	222%
Public/Institutional						
House of Worship	1,000 sq. ft.	\$124	\$124	\$414	234%	234%
Post Office	1,000 sq. ft.	\$946	\$411	\$414	-56%	1%
Library	1,000 sq. ft.	\$362	\$362	\$414	14%	14%
Day Care Center	1,000 sq. ft.	\$730	\$395	\$414	-43%	5%
Hospital	1,000 sq. ft.	\$787	\$496	\$414	-47%	-17%
Elem School	1,000 sq. ft.	\$243	\$243	\$414	70%	70%
Middle School	1,000 sq. ft.	\$208	\$208	\$414	99%	99%
High School	1,000 sq. ft.	\$161	\$161	\$414	157%	157%
Park	Acre	\$99	\$66	\$97	-2%	47%
Tennis Facility	Court	\$124	\$124	\$683	451%	450%

Source: Current study fees from Walter H. Keller, Inc., *Martin County Impact Fee Study*, December 2012; adopted fees effective June 20, 2016 from Martin County website (excludes administrative charge); updated fees (for unincorporated area) from Table 14.

**MARTIN COUNTY, FLORIDA
SUPPLEMENTAL MEMORANDUM**

TO: Honorable Members of the Board of County Commissioners
DATE: January 5, 2017

VIA: Taryn Kryzda
County Administrator

FROM: Nicki van Vonno, AICP
Growth Management Director

REF: 8083039b

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 6, IMPACT FEES, OF THE LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE REGARDING PUBLIC BUILDING IMPACT FEES

In addition to the Public Building impact fee issue, the Board may also wish to discuss the following two items.

City of Stuart Evaluation of County Impact Fees

On October 20, 2016, the County received a letter from the City of Stuart that contained a consultant evaluation of the County's impact fee methodology. The County's consultant has reviewed this analysis.

Please find attached the memorandum from the Growth Management Department to the Board regarding this issue, the review from the County's consultant, the City of Stuart's analysis and the interlocal agreement. The County Attorney's Office has not had an opportunity to thoroughly review this matter.

Impact fees and Affordable Housing

On December 20, 2016 the Board discussed the County's affordable housing incentives and the idea of modifying impact fee requirements. The Board deferred further discussion of waiving or reducing impact fees and providing alternative methods of fee payments to this public hearing.

From an historical perspective, on September 22, 2009 the Board discussed the issue of waiving impact fees for certain projects. Attached is the Board item from that discussion and the Action Summary. The Action Summary shows that the Board voted not to allow the waiving of impact fees and staff has adhered to that policy decision since then.

Further, there are several Comprehensive Plan policies that require existing and future development to pay for the costs of needed public facilities. Below is policy 14.1B.2 from the Capital Improvements Element.

Policy 14.1B.2. Existing and future development to pay for facilities. Both existing and future development shall pay for the costs of needed public facilities.

(1) *Existing development:*

- (a) *Existing development shall pay for some or all of the capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn-out facilities and may pay a portion of the cost of capital improvements needed by future development.*
- (b) *Existing development's payments may take the form of user fees, special assessments and/or taxes.*

(2) *Future development:*

- (a) *Future development shall pay for the full cost of the capital improvements needed to address the impact of such development. Future development's proportion of the cost of capital improvements needed to address the impact of such development shall be determined, in part, by the local government's impact fee ordinances and supporting studies, and it may include credits for other payments by future development. Impact fees, enterprise fund user charges, connection fees and other user fees paid by new development shall be reviewed every two years to assure that provision of capital improvements needed to address the impact of future development will not increase ad valorem tax rates. Upon completion of construction, future development becomes present development, and it shall contribute to paying the costs of the replacement of obsolete or worn-out facilities. The County will allocate the cost of new public facilities on the basis of the benefits received by existing and future residents so that current residents will not subsidize an urban sprawl pattern of new development.*
- (b) *Future development's payments may take the form of voluntary contributions for the benefit of any public facility, impact fees, capacity fees, dedications of land, provision of public facilities and future payments of user fees, special assessments and taxes. Future development shall not pay impact fees for the portion of any capital improvement that reduces or eliminates existing deficiencies.*

Newer language from Ordinance 938 also addresses impact fees:

Objective 2.3D. Martin County shall coordinate with and support the county's public schools as an incentive to business creation, expansion, and relocation.

Policy 2.3D.3. Impact fees shall be kept current to avoid school overcrowding.

Goal 2.4. Prudent fiscal management shall be a primary goal in all County actions and in all development approvals.

Objective 2.4A. Martin County shall limit local tax burdens while funding facilities and services needed to maintain the quality of life and support services necessary for growth.

Policy 2.4A.1. New development shall pay the cost of the facilities it requires. Impact fees, enterprise fund user charges, connection fees, and other user fees paid by new development shall be reviewed every two years to ensure that provision of capital improvements needed to address the impact of future

development will not increase ad valorem tax rates.

Policy 2.4A.2. Impact fees shall be designed to make sure that there is a rational nexus between the fees collected and the impact of the project paying the fees. Fees collected for a category of public facilities must be expended for those kinds of facilities.

Policy 2.4A.3. The County shall ensure honesty and efficiency in all departments and agencies receiving county funds by requiring open meetings and transparency in decision making; by requiring strict conflict of interest and disclosure policies; and by requiring objective accountability for results.

Policy 2.4A.4. The County shall not waive impact fees for any project. Where a super-majority of the county commission determines that a public purpose is being served, the commission may pay impact fees with other county revenues.

Attachments:

- Duncan Associates: Martin County Impact Fee Evaluation for the City of Stuart, December 11, 2016
- TischlerBise: Martin County Impact Fee Evaluation Prepared for the City of Stuart, Florida, October 3, 2016
- Interlocal Agreement between Martin County and City of Stuart for the Collection of Impact Fees, April 18, 2008
- Board item from September 22, 2009 regarding a Policy to Waive Fee Payments
- Action Summary from September 22, 2009
- Advertisement for public hearing

Reviewed by County Attorney's Office

**MARTIN COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM**

TO: The Honorable Board of County
Commissioners

DATE: December 14, 2016

VIA: Roger Baltz
Assistant County Administrator

FROM: Nicki van Vonno, AICP
Growth Management Director

SUBJECT: City of Stuart Evaluation of County Impact Fees

The City of Stuart collects Martin County impact fees for projects within the City. Some of the County impact fees are discounted at rates that are found within the County/City interlocal agreement from April 18, 2000.

On October 20, 2016, the County received a letter from the City of Stuart that contained a consultant evaluation of the County's impact fee methodology. The evaluation concluded that the County's impact fees:

- Do not meet requirements of State Statutes
- Are not based on the most recent and localized data
- Overstates the need for public facilities within the City of Stuart
- Are not proportionate because they subsidize large housing units and are derived using outdated countywide demographic data.

The City's consultant has recommended that the City place the County's impact fee revenue in an escrow account and not transfer these funds to the County until the County updates its impact fee analysis and renegotiates the interlocal agreement.

The County currently has a consultant contracted to review the County's public building impact fees. Staff requested that the consultant review the City's evaluation of the County impact fees. That review is attached.

The County's consultant concluded that the County's fees meet all applicable legal requirements and the City has no legal basis for the City to withhold the fees it collects.

County staff would also like to note that the City's website shows the County's full fee schedule, without discounts. Staff has no evidence that the City is discounting the County's fees as per the interlocal agreement.

The Board of County Commissioners may wish to discuss this issue at the public hearing for the Public Building impact fee on January 10, 2017.

RB:NvV:sh

Attachments:

- Duncan Associates: Martin County Impact Fee Evaluation for the City of Stuart, December 11, 2016
- TischlerBise: Martin County Impact Fee Evaluation Prepared for the City of Stuart, Florida, October 3, 2016
- Interlocal Agreement between Martin County and City of Stuart for the Collection of Impact Fees, April 18, 2008

cc: Taryn Kryzda, County Administrator
Sarah Woods, Interim County Attorney
Krista Storey, Senior Assistant County Attorney
Paul Nicoletti, City Manager

December 11, 2016

Samantha Lovelady, AICP
Principal Planner
Martin County Growth Management Department
Martin County Board of County Commissioners
sent via email to slove@martin.fl.us

RE: Martin County Impact Fee Evaluation Prepared for the City of Stuart

At the County's request, we have prepared this response to the above-captioned analysis of Martin County's impact fee system prepared by TischlerBise on October 3, 2016. The critique by TischlerBise focuses on the fees that were based on a 2012 study by Walter H. Keller, Inc., which we were not involved in. We recently prepared an update to the County's library fees and developed new impact fees for open space, both of which were adopted by the County earlier this year. We are also currently in the process of updating the County's public building impact fees. The issues raised in the critique are discussed below in the order in which they are presented in the report.

Fees not Based on Most Recent and Localized Data

The TischlerBise report states that a "fatal flaw" in the County's current impact fees is that they are not based on the "most recent and localized data," as required by the Florida Impact Fee Act. The most reasonable interpretation of this phrase from the statute is that an impact fee study should use the most recent and localized data available when the study is prepared.

While acknowledging that the Act does not specify how much time may elapse between updates, the report notes that some state acts require fees to be updated every five years, and frequent updates are the best practice. All the County's fees were updated in 2012, or within the last five years (although the updated school fees were not adopted).

In support of its claim that the County's fees are fatally flawed, TischlerBise offers several erroneous statements: (1) the school fees have not been updated since 2004 (the adopted fees are based on a 2007 study, and a 2012 study was prepared in 2012, although not adopted); (2) the road fees are not based on the most recent ITE trip generation manual (they were based on the 8th edition, which was the most recent available when the study was prepared); and (3) the public building, fire and law enforcement fees are based on trip generation rates from 2004 (trip generation rates were not used in the calculations for these fees).

A more valid criticism is that the adopted school fees are based on student generation rates developed in 1995. However, this is only because the 2012 study, which included a complete update of the student generation rates and calculated higher fees, was not adopted.

The remaining criticism is that the fees other than schools are based, to some extent, on person-per-unit occupancies by housing type and number of bedrooms derived from the 2000 census. This continued reliance on 2000 census data reflects the fact that the Census Bureau discontinued

collecting 1-in-6 sample data on housing characteristics as part of the decennial census, and now provides only annual 1% sample data (which may be aggregated into 5-year datasets). The sample sizes that are now available in more current data sets yield much more unreliable results than the 2000 census data. In this case, the most current data may be inferior to somewhat older data.

Of course, the County cannot continue to rely on 2000 census data forever. The County should explore an alternative approach to developing residential fees by the size of the dwelling that either does not require data on persons per unit by housing types and number of bedrooms or that can accommodate the quality of data now available. But to suggest that the current reliance on somewhat older Census data constitutes a fatal flaw is hyperbole.

Overlapping Infrastructure

TischlerBise points out that both City and County provide parks, open space, fire and police facilities, and suggests that lower County fees should be assessed in Stuart to account for this, because City facilities reduce the impact of new development in Stuart on County facilities. This seems like a reasonable suggestion that should be considered.

Residential Fees are not Proportionate

TischlerBise argues that residential fees are not proportionate to impact because the largest size category is for units larger than 2,300 square feet. Certainly, as the consultants note, there are dwelling units that are considerably larger than 2,300 square feet. However, data from the American Housing Survey indicate that units larger than about 3,000 square feet do not tend to have more residents. How the choice of a 2,300-square-foot threshold would result in disproportionately high fees for smaller, more affordable units is not clear. Is the argument that only by having a 2,300-3,000-square-foot category would the County's fees be proportionate, or would even more categories be required? Perfectly proportionate fees are not possible nor legally required. Many jurisdictions in Florida assess impact fees based on a flat rate per unit by housing type, and this includes jurisdictions whose fees have been upheld by the courts as sufficiently proportionate.

No Benefit from School Fees

TischlerBise claims that new development in Stuart has not benefited from school impact fees because no new schools have been built within the city limits in recent years. This fact however, does not demonstrate that development in Stuart has not benefitted from County school impact fees. Capital improvements to a school system are not limited to new schools, and provide system-wide benefits. Construction of a new school can benefit students living in Stuart even if they do not attend it, through school assignment policies that avoid over-crowding in schools that Stuart students do attend. If TischlerBise is suggesting that new residential development in Stuart should not be charged school impact fees, that could run counter to the Florida Supreme Court decision in the St. Johns County case.

Justification for Lower Road Fees in Stuart

TischlerBise cites recent research indicating that mixed use development in higher-density urban settings with access to alternative modes of travel tends to be associated with reduced vehicular travel demand. It is not clear how applicable these findings are to new development in Stuart, or

how much of a fee reduction, if any, might be warranted, but the County may want to have further discussions with the City on this topic.

Conclusion

TishlerBise starts the report with some very strong statements that the County's impact fees do not meet the requirements of Florida statutes or the rational nexus test, along with a recommendation that the City hold the County fees it collects in escrow until the County updates its fees and renegotiates its interlocal agreement. An examination of the evidence offered indicates that the County's fees meet all applicable legal requirements. This is not to say that they could not be improved, but any shortcomings hardly provide a legal basis for the City to withhold the fees it collects until the County creates an impact fee system more to its liking.

On the other hand, the report does identify some issues that the County and City might fruitfully explore. County fees for facilities that the City also provides should probably be reduced, and this would be an obvious topic to address as part of updating the interlocal agreement. Reduction of County road fees within the City could also be explored.

Sincerely,
DUNCAN ASSOCIATES



Clancy Mullen
Principal



City of Stuart

121 S.W. FLAGLER AVENUE • STUART, FLORIDA 34994



VIA HAND DELIVERY

October 20, 2016

Taryn G. Kryzda, MPA, CPM
Martin County Administrator
2401 SE Monterey Road
Stuart, Florida 34996

RE: Martin County Impact Fee Evaluation

Dear Taryn:

Attached is a 14 page draft document entitled "Martin County Impact Fee Evaluation" recently prepared by the city's impact fee consultant, TischlerBise.

The document makes certain direct observations regarding impact fees collected by Martin County. I ask you to consult with your own experts, and upon doing so, discuss their review with me. It is important that we have a reply in a timely manner. As a result, I am requesting that you be prepared to discuss this report with me no later than the the first week in November.

In furtherance of your email to me about six months ago regarding the need to revise the impact fee Interlocal Agreement, I agree that now would be a good time to revisit this topic.

If you have any questions, please let me know.

Sincerely,

PAUL J. NICOLETTI
City Manager

Martin County Impact Fee Evaluation

Prepared for City of Stuart, Florida

October 3, 2016

DRAFT

Prepared by:



4701 Sangamore Road
Suite S240
Bethesda, Maryland 20816
800.424.4318
www.tischlerbise.com

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EXECUTIVE SUMMARY

In 2014, TischlerBise updated the City of Stuart's impact fees for Parks/Recreation, Multimodal Transportation, and Public Safety Facilities (police and fire). Impact fees are one-time payments used to construct system improvements needed to accommodate new development. An impact fee represents new growth's proportionate share of capital facility needs. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement or correcting existing deficiencies.

General Legal Framework

For local governments, the first step in evaluating funding options for infrastructure improvements is to determine basic options and requirements established by state law. Some states have more conservative legal parameters that basically restrict local government to specifically authorized actions. In contrast, "home-rule" states grant local governments broader powers that may or may not be precluded or preempted by state statutes, depending on the circumstances and on the state's particular laws. Home rule municipalities in Florida, like the City of Stuart, have the authority to impose impact fees based on both their home rule power granted in the Florida Constitution and the impact fee enabling legislation known as the Florida Impact Fee Act, which is discussed in more detail below.

Impact fees are one-time payments imposed on new development that must be used solely to fund growth-related capital projects, typically called "system improvements". An impact fee represents new growth's proportionate share of capital facility needs. In contrast to project-level improvements, impact fees fund infrastructure that will benefit multiple development projects, or even the entire service area, as long as there is a reasonable relationship between the new development and the need for the growth-related infrastructure. Project-level improvements, typically specified in a development agreement, are usually limited to improvements near a proposed development, such as ingress/egress lanes for vehicular access.

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end are also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e. stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction

cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an “essential nexus” between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. City of Tigard, OR*, 1994), the Court ruled that an exaction also must be “roughly proportional” to the burden created by development.

There are three reasonable relationship requirements for development impact fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts. Although the term “dual rational nexus” is often used to characterize the standard by which courts evaluate the validity of development impact fees under the U.S. Constitution, TischlerBise prefers a more rigorous formulation that recognizes three elements: “need,” “benefit,” and “proportionality.” The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the Dolan case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Development impact fees may be used to cover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle likely applies to impact fees. The impact of development on infrastructure needs should be analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the Dolan case and is logically necessary to establish a proper nexus.

Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g. a typical housing unit’s average number of persons).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. The calculation of impact fees should also assume that they will be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available exclusively to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements

as part of subdivision or zoning review.

Unique Requirements of the Florida Impact Fee Act

In Florida, impact fees are an outgrowth of home rule power and compared to other states, the enabling legislation is relatively brief. The Act requires the calculation of impact fees to be based on most recent and localized data. Administrative charges for the collection of impact fees are limited to actual costs. Also, the chief financial officer of the local government has specific responsibilities for accounting and reporting collections and expenditures of impact fees. In contrast to the legal precedent in other states, Florida law states, "In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section." [See F.S. 163.31801(5)]

Comparison of Impact Fees

New development within Stuart pays Martin County and City of Stuart impact fees, plus utility fees. Figure 1 provides a summary of County and City impact fees for residential development in 2013.

Figure 1: County vs. City Residential Fees

Residential Unit with 2,301 Square Feet

	Schools	Roads	Public Buildings & Safety	Parks & Recreation	Library
Martin Co 2013	\$1,516	\$4,063	\$2,318	\$2,699	\$721
Stuart 2013		\$1,538	\$741	\$1,150	

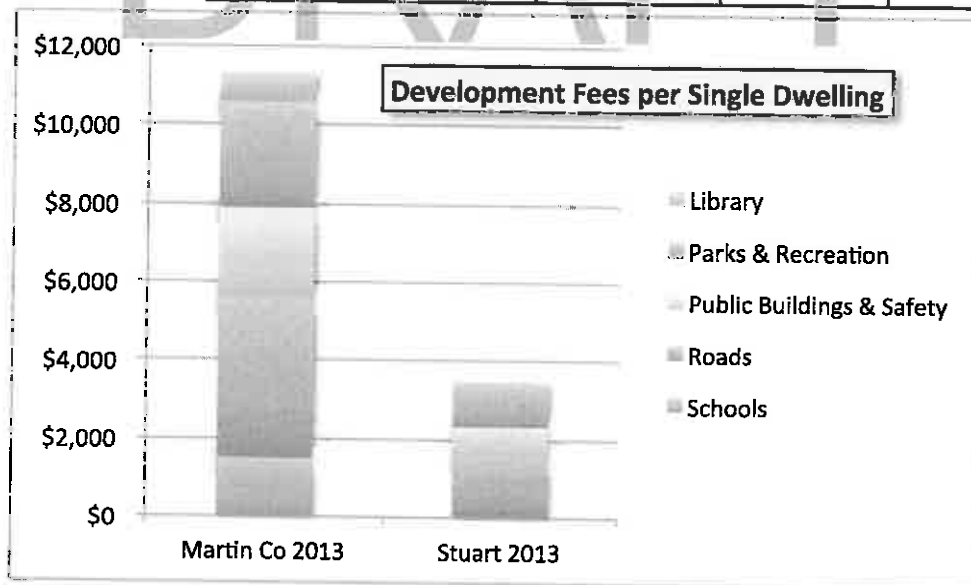


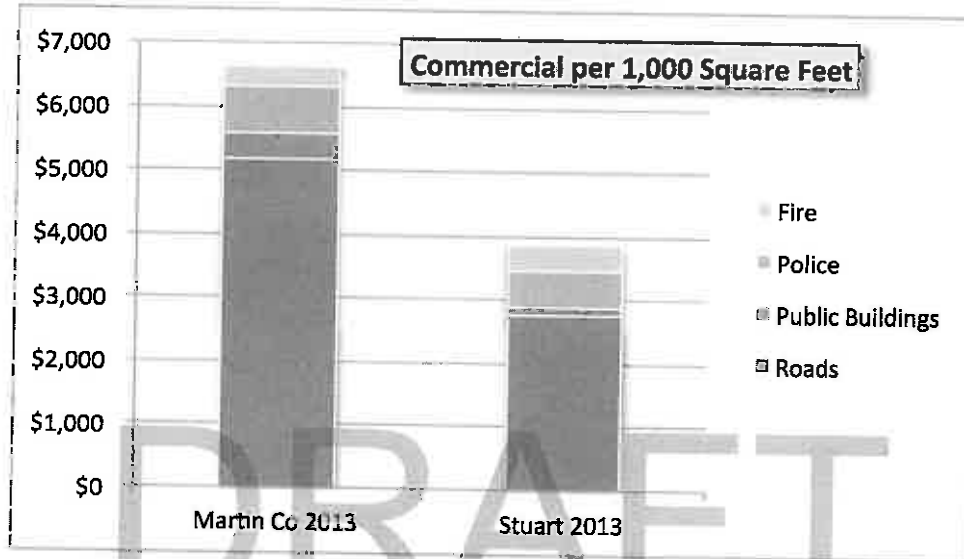
Figure 2 provides a summary of County and City impact fees for commercial development in 2013.

Figure 2: County vs. City Commercial Fees

Commercial per 1,000 Square Feet of Floor Area*

	Roads	Public Buildings	Police	Fire
Martin Co 2013	\$5,183	\$372	\$742	\$319
Stuart 2013	\$2,770	\$130	\$560	\$390

* assumes building is 101,000 square feet



Conclusion and Recommendation

Martin County impact fees do not meet the requirements of Florida's Impact Fee Act. They are not based on most recent and localized data. As applied to new development within the City of Stuart, Martin County's impact fees do not pass the rational nexus test for the following reasons:

- County impact fees overstate the need for public facilities within the City of Stuart
- County impact fees provide insufficient benefit to new development in the City of Stuart
- County impact fees are not proportionate because they subsidize larger housing units and are derived using outdated countywide demographic data

TischlerBise recommends that the City of Stuart place Martin County's impact fee revenue in an escrow account and not transfer these funds to the County until the County updates its impact fee analysis, complies with the Florida Impact Fee Act, and renegotiates the intergovernmental agreement with the City of Stuart.

FINDINGS

The findings discussed below only highlight problems and inadequacies in the Martin County impact fee studies and implementation policies. The TischlerBise evaluation is not intended to recalculate or update County impact fees, nor recommend specific solutions that will require additional analysis.

Fee Are Not Based on Most Recent and Localized Data

A fatal flaw in the current Martin County impact fees is a blatant disregard to use most recent and localized data, as required by the Florida Impact Fee Act. Although not specifically required in Florida, other states like Arizona require impact fees to be updated at least every five years. Also, best practices for impact fees clearly call for rigorous quantitative analysis to ensure proportionality and realistic development assumptions.¹

Schools

Student generation rates are still based on the original study prepared by Dr. Jim Nicholas that used 1995 data. There has been no update of the school impact fee methodology for the City of Stuart since 2004.

Ordinance 786, 10/1/2008

Reviewed in 2012. SB opted for no change.

Roads

Martin County's road impact fees do not use the latest version of trip generation rates published by the Institute of Transportation Engineers. The average number of persons by bedroom range is based on data from 2000.

Public Buildings, Law Enforcement and EMS

Proportionate share factors by type of development uses generic function population multipliers that are not customized using local data. These proportionate share factors are based on trip generation rates from 2004.

Parks/Recreation and Library

Martin County impact fees are derived using average number of persons by bedroom range in 2000.

Martin County Fees Overstate the Need for Infrastructure

Most impact fees imposed by Martin County are based on a countywide service area and fee schedule. Currently, new development within the City of Stuart pays slightly reduced fees for only schools and public buildings.

¹ See "Next-Generation Transportation Impact Fees" by Guthrie and Bise, PAS Memo January/February 2015, American Planning Association, Chicago, IL.

Duplication of Infrastructure

Martin County and the City of Stuart both provide:

1. Community Parks
2. Conservation Lands
3. Police Buildings and Vehicles
4. Fire Stations and Apparatus

Because municipal infrastructure for parks and public safety reduce the need for public facilities provided by Martin County, new development within Stuart creates less demand for County facilities and thus County impact fees must be lower than what is charged in the unincorporated area.

County Impact Fees Are Not Proportionate

For residential development, Martin County collects impact fees by dwelling size, but the fee schedule is capped at 2301 square feet. According to the U.S. Census Bureau survey of construction, the average size of a three-bedroom single family housing units constructed in 2014 within the South Atlantic Census Division was 2302 square feet. In comparison, four-bedroom units averaged 3,445 square feet. By not charging larger dwellings their proportionate share, Martin County has essentially discriminated against smaller and thus more affordable housing.

New Development Within Stuart Has Not Benefited from School Impact Fees

According to the Martin County School Boards latest Comprehensive Annual Financial Report (FY14-15) the last new Elementary School constructed was Citrus Grove in 2009; the last new Middle School constructed was Anderson in 2005; and the last new High School constructed was Jensen Beach in 2002.

Justification for Lower County Road Impact Fees in Stuart

In recent decades, transportation planning has experienced a progression of thought regarding the interaction of transportation and land use development. In the early years of transportation planning, moving vehicles was the major concern of traffic engineers, with limited recognition of the interaction between transportation and land use. The classic, four-step transportation models used by most Metropolitan Planning Organizations emphasized mobility and focused on expanding infrastructure (wider and farther out). Transportation planning accommodated suburban development patterns and tended to function in modal silos. Our "predict and provide" approach, lacked connectivity between modes and land uses, while ignoring social and environmental costs.

Lately, more sustainable transportation systems are emphasizing complete streets, multimodal improvements, and the important interaction between transportation and land use. The City of Stuart desires to integrate transportation and land use planning to manage demand, provide multimodal improvements, and ensure a quality built environment. General solutions to transportation problems include greater density and mix of uses in urban areas, less suburban development in fringe areas, adding housing close to employment centers, and redevelop/infill (also known as "refill"). Prime

locations for refill include shopping centers, commercial strips, and surface parking (also known as “gray fields”).

Martin County’s generic, formula-driven road impact methodology overstates the need for improvements by assuming lane miles will be added at the same rate in Stuart as in the unincorporated area. In contrast to the methodology used to derive County road impact fees, the City of Stuart’s intent is to encourage urban area infill and redevelopment that can accommodate the demand for future development while reducing the cost of additional transportation improvements. To be proportionate, urban development in Stuart must pay lower fees than in the unincorporated suburban fringe.

The City of Stuart also recognizes the preferences of two important generational cohorts that will shift demand from drivable sub-urban housing to favor more walkable urban development. Now that baby boomers are entering retirement, this generation seems to resist moving to the type of retirement communities favored by their parents. Instead, many boomers are looking for smaller units in more urban and less auto-dependent areas. Also, millennials are less attracted to suburban settings, thus further weakening the market for low density housing on the fringe of urban areas.

Consistent with the literature summarized below, a recent analysis of mixed-use developments in six regions of the United States found an average 29% reduction in trip generation as a function of “D” variables, including: density, diversity, design, destination accessibility, distance to transit, demographics, and development scale (see Ewing, Greenwald, Zhang, Walters, Feldman, Cervero, Frank, and Thomas 2011). Because new development located in Stuart will put less strain on the external street network, transportation impact fees should be less within the city than standalone suburban development in the unincorporated area.

Lower Residential Trip Generation Rates in Urban Areas

Single-family housing is generally located in low-density suburbs where there are few alternatives for travel except by private motor vehicle. On average, urban housing has fewer persons and vehicles available, thus lowering vehicular trip generation rates per unit when compared to housing in the suburban unincorporated area. Currans and Clifton (2015) developed and tested methods for adjusting ITE trip generation rates for urban settings. They recommend mode-share adjustments based on the number of residents and jobs per acre, which serves as a proxy for urban form.

Less Auto Dependency in Urban Areas

Urban areas have distinct demographic profiles and physical traits that reduce vehicle trips, such as higher internal capture, design characteristics that promote walking and biking, and superior transit service. Urban areas with grid streets and small blocks offer a variety of routes that encourage walking and biking. Interesting streetscapes with human-scale design features encourage people to walk and bike farther in urban areas, while lowering our perception of distance (Jacobs 2001). Urban areas also have more diverse travel options including public transportation and muscle-powered mobility. A study titled *Trip Generation Rates for Urban Infill Land Uses in California* documented auto trips for infill development averaged approximately 50% of the modal share, compared to 90% or higher auto

dependency in most metropolitan areas (Daisa and Parker, 2009). Lower dependency on private vehicles reduces the need for street capacity and supports an impact fee reduction for new development.

Shorter Trip Lengths

Mixed land use and better job-housing balance reduces average trip length. By balancing the number of jobs with nearby housing units, urban centers have the potential for reducing journey-to-work travel. The magnitude of effect is dependent on matching job and housing locations of individual workers, which can be aided by offering a variety of housing styles and price ranges. Inclusionary policies, such as requiring at least 10% affordable housing units within each development, can foster a better jobs-housing balance and reduce the need for street capacity (Nelson, Dawkins and Sanchez 2007).

Mixed-use areas like downtown Stuart exhibit lower vehicular trip rates because of "internal capture" (i.e., many daily destinations do not require travel outside the area). For example, a study titled *Internalizing Travel by Mixing Land Uses* examined 20 mixed use communities in South Florida, documenting internal capture rates up to 57 percent with an average of 25 percent. In addition to a percent reduction for the jobs-housing balance, credit can be given for local-serving retail. Urban, transit-oriented development offers coffee shops, restaurants, general retail stores and services that reduce the need for vehicular trips outside the area (Ewing, Dumbaugh and Brown 2003).

The report *Driving and the Built Environment* found a strong link between development patterns and vehicle miles of travel, encouraging mixing of land uses to reduce vehicle trip rates and reduce trip lengths. Reductions up to 24% for transit service and pedestrian/bicycle friendliness are recommended for nonresidential development in a 2005 study titled *Crediting Low-Traffic Developments* (Nelson/Nygaard Consulting Associates 2005).

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DRAFT



BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

PLACEMENT: Departmental		PRESET:	
AGENDA ITEM DATES:			
MEETING DATE:9/22/2009		COUNTY ATTORNEY:8/31/2009	
COMPLETE BY:8/26/2009		DCA AND ACA:9/7/2009	
TITLE:			
REQUEST THE BOARD TO ADOPT A POLICY ON THE WAIVING OF FEES			
REQUESTED BY: Board of County Commissioners	Growth Management: Nicki van Vonno, AICP Growth Management Director	PREPARED BY: Peggy Jennette Executive Aide	
DOCUMENT(S) REQUIRING ACTION:			
QUASI-JUDICIAL: NO			

EXECUTIVE SUMMARY:

At the Board of County Commissioners meeting on May 12, 2009, the Boy Scouts requested their development review application fees be waived. The Board directed staff to create a policy for when these requests come forward in the future.

APPROVAL:

ADM

COUNTY ADMINISTRATOR
ASSISTANT COUNTY ADMINISTRATOR
COUNTY ATTORNEY

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

TITLE

REQUEST THE BOARD TO ADOPT A POLICY ON THE WAIVING OF FEES

BACKGROUND/RELATED STRATEGIC GOAL

At the May 12, 2009 Board of County Commissioner meeting, the Boy Scouts requested the Board waive their development review fees. The Board requested staff to return with a policy on the waiving of fees for state and county groups.

Over the years, several different organizations have come before the Board of County Commissioners requesting the Board waive fees ranging from permit fees to impact fees. The following is a list of those requests:

- April 14, 1987 – Florida Oceanographic Society – Waive payment of road impact fees. The BCC recommended an exemption to payment of the road impact fee is in the public interest and, therefore, waive the impact fee for the FOS.
- June 26, 1990 – St. Joseph’s School – Request for Waiver of Impact fee because the BCC approved the waiver of impact fees for the private school, at that time schools did not pay impact fees. There is now a fee for schools on the impact fee schedule.
- April 23, 1991 – Habitat for Humanity requested a waiver of both building permit and impact fees for three lots in Booker Park. The BCC granted this request.
- May 12, 1992 – Habitat for Humanity requested a waiver of impact and permit fees for its one home and any additional home(s) in Indiantown. The BCC granted the request with payment being transferred from districts funds.
- July 12, 1994 – Habitat for Humanity requested building permit fees be waived for the construction of a house in Indiantown. The BCC authorized payment of building permit fees from District funds.
- August 14, 2001 – Florida Oceanographic Society requested a waiver of the development review fees. The BCC granted the waiver of the development review fees.
- March 20, 2007 – The Historical Society of Martin County requested the BCC waive the development review application fee associated with the redevelopment of the Elliott Museum. The BCC approved the waiver of this fee.
- September 30, 2008 – Council on Aging requested to waive development review fees. The BCC approved the waiver of the development review fees.

- May 12, 2009 – Boy Scouts requested waiver of application fees. The BCC approved the request and requested a policy.

ISSUES

Comprehensive Amendment Fees

The Comprehensive Plan contains a specific exemption from fees in Section 1.11.J. for plan amendments. It exempts the School Board, Martin County, the State of Florida, the United States and all municipalities within Martin County for paying fees for an amendment request. While the County has not had many requests to waive fees for Plan Amendments, in general the BCC has simply initiated the amendment on behalf of the entity. Recent examples include the plan amendments for the State of Florida for Jonathan Dickenson State Park and the Council on Aging for their senior center on Cove Road.

Other Fees

On September 24, 1991, staff requested that the Board establish a policy regarding waivers and/or exemption from application, impact and building permit fees. The Board of County Commissioners approved a policy that allowed building permit and application fees to be waived for County projects only. Impact fee waivers for other projects would be considered on a case by case basis as recommended by staff. A source of funding would be required to pay the impact fees waived.

The waiver policy was followed for County projects and for the Habitat requests in 1992 and 1994. No requests were received for several years. The requests from 2001 have requested the waiver of application fees, not impact fees.

With the recent adoption of Resolution 09-3.18, the Board determined that County projects would pay all fees. Therefore, the remaining policy issue is related to other entities, specifically other governmental entities and non-profit agencies. The County has generally required applicants to pay all fees associated with the development of land, including application fees and impact fees. To make a distinction between profit and not for profit fee payers is difficult to justify since the review process, and impacts of development are the same regardless of ownership.

If the Board wishes to establish a policy on waiving fees, staff would recommend a modified version of the 1991 policy:

Request for application and/or impact fee waivers shall be granted only if a source of funding is identified to pay the fees requested to be waived.

RECOMMENDED ACTION

RECOMMENDATION

Staff recommends that no fee waivers be granted.

ALTERNATIVE RECOMMENDATIONS

Staff recommends that the Board approve the policy recommended which allows waiving fees only if a funding source is identified.

Board consider the report from staff and provide staff with direction.

FISCAL IMPACT

RECOMMENDATION

Amount unknown, but the waiver of fees reduces county revenue to support development review services and to provide infrastructure improvements supported by impact fees.

Funding Source	County Funds	Non-County Funds	Authorization
Subtotal			

Project Total	
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ALTERNATIVE RECOMMENDATIONS

Amount unknown but the impact will be the funding source being used to replace development review and impact fees.

802

[8756]

1. WORDING FOR AGENDA 2. MEMO NUMBER: 3. MEETING DATE:
 REQUESTING DETERMINATION OF POLICY REGARDING WAIVER AND/OR EXEMPTION FROM APPLICATION, IMPACT AND BUILDING PERMIT FEES GMD-DR-91-399 SEPTEMBER 24, 1991
 REGULAR: X SPECIAL:

4. PREVIOUS AGENDA ITEM:
 A. Yes: B. No: X
 Date: Agenda No:

5. AGENDA PLACEMENT: 6. REQUIREMENT/PURPOSE: 7. REQUESTOR'S NAME:
 CONSENT (specify) STATUTE
 PUBLIC HEARING ORDINANCE
 REQUEST/PRESENTATION X BCC REQUEST
 X DEPARTMENTAL OTHER
 COMMISSIONERS (explain)
 NOTED ITEM
 OTHER
 TIME REQUIRED: A. (ALL REQUESTS)
 NAME: Henry B. Iler, Director
 DEPT.: Growth Management Dept.
 B. (PUBLIC ONLY)
 CITIZEN NAME:
 CITIZEN PHONE:

8. BACKGROUND:

At the April 23, 1991 meeting, the non-profit organization, Habitat for Humanity, petitioned the Board of County Commissioners (BCC) to waive impact and permit fees. Staff recommended that the BCC utilize the waiver provision in the existing impact fee ordinances which provided for waiver of fees for government and charitable organizations, but to impose the building permit fee because the operation of the Building Department was fee supported.

The BCC supported staff recommendation, but also added a motion to waive building permit fees for this applicant by funding the building permit fee from the appropriate taxing district and to ask the Affordable Housing Task Force to look at the long term question.

On May 28, 1991, the Hospice of Martin petitioned the BCC to waive all fees associated with this project. The BCC questioned what fees they had waived in the past for non-profit organizations. The final determination by the BCC regarding the waiver of fees for this request was: "If we have waived building permit fees for others, we do it for this; if we have waived impact fees for others, we do it for this; if we have waived application fees for others, we do it for this". (Note: Development application fees have not been waived.) At this meeting, the Board asked staff to research past actions and bring back a policy recommendation.

Since the impact fees for the Habitat for Humanity were waived and the building permit fees were to be funded from the appropriate Taxing/Commission District, then the same action, per BCC decision, should be applied to the Hospice.

On June 18, 1991, the BCC adopted the revised impact fee ordinances (Roads, Public Capital Facilities and Public Recreation). The newly adopted ordinances do not provide for exemptions for government and charitable entities. The ordinances do provide for an applicant to petition for total exemption status (because there is no impact) or reduced impact status at the time of request for building permits or Certificate of Public Facilities Reservation.

Staff has researched the fee waiver/exemption issue and prepared recommendations for the Board to review and approve. Based on a telephone conversation with Dr. Jim Nicholas (the County's impact fee consultant), staff has concluded that a future revision to the impact fee ordinances include the exemption from fee payment for unincorporated Martin County governmental entities (e.g. Martin County Public Works Department, Martin County Parks Department, Martin County Utilities Department). Both Dr. Nicholas and staff believe that a policy finding of the Board to that effect is sufficient until the next amendment to the ordinances. Recommendations for policy direction by the Board are listed in the following Recommended Action section.

9. RECOMMENDED ACTION:

- 1) Regarding the waiver of building permit and application fees, staff recommends that:
 - a. Government (other than unincorporated Martin County) and charitable entities petition the Martin County Board of County Commissioners to waive these fees on a case by case basis; (Note: Charitable entities would be as defined in 26 United States Code Section 501 (c.3.)).
 - b. The Board decline to waive these fees unless an alternative revenue source is identified (i.e., District Funds);
 - c. The petitioner represent a public purpose (e.g., Habitat for Humanity, American Red Cross);
 - d. No fee be charged to unincorporated Martin County government entities; and
 - e. The current fee resolution be amended to reflect Statements a-d, above.
- 2) Regarding the waiver of impact fees, staff recommends that:
 - a. Projects creating impacts on public systems should not be exempted from fee payments however may utilize the existing Ordinance provision for the applicant to petition for total exemption or reduced fee status if reduced or no impact can be documented at the time of request for building permits or Certificate of Public Facilities Reservation.
 - b. The adopted impact fee ordinances be amended at next revision to clearly reflect an exemption from fee payment for unincorporated Martin County government projects.
- 3) Staff also recommends that the Affordable Housing Task Force be directed to consider additional fee waiver/reduction options.

10. RECOMMENDED APPROVAL:

DEPARTMENT DIRECTOR	CONCURRENCES								COUNTY ADMINISTRATOR	COUNTY ATTORNEY
	PS	B&Z	GMD	PW	ENG	UT	BUDG	PUR		
X									<i>[Signature]</i>	<i>[Signature]</i>

11. COMMISSION ACTION:

- X APPROVED 1. bldg. permit and applic. fees be waived for County projects only;
 DENIED 2. impact fee waiver as recommended by Staff;
 DEFERRED 3. direction to Afford. Housing Task Force to consider add'l.
 OTHER fee waiver and in lieu of fee waivers, find source to pay these fees.

Growth Mgmt. Dir. and Building and Zoning Dir. will implement as approved.

Growth Mgmt. Dir. will prepare Resolution reflecting modifications (applic. and deve. review fees), working to incorporate the impact fee waiver for County projects into the next update of the Ordinances.

Growth Mgmt. Dir. and Comm. Serv. Coord. will work with Affordable Housing Task Force as directed.

SEPTEMBER 22, 2009
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS
ACTION SUMMARY
9:00 AM - MARTIN COUNTY COMMISSION CHAMBERS
2401 SE MONTEREY ROAD, STUART, FLORIDA 34996

COUNTY COMMISSIONERS

Susan L. Valliere, Chairman
 Doug Smith, Vice Chairman
 Patrick Hayes
 Sarah Heard
 Edward Ciampi

Taryn Kryzda, Acting County Administrator
 Stephen Fry, County Attorney
 Marsha Ewing, Clerk to the Board

Approved JS 09/24/2009

PRESETS

8B1	Executive Session – Labor Negotiations	12:00 PM
10	Public	5:05 PM

1. CALL TO ORDER – 9:00 AM

- A. INVOCATION** – Reverend James Brocius ~ Stuart Alliance Church
- B. PLEDGE OF ALLEGIANCE**
- C. ADDITIONAL ITEMS** ~ The Board added to the agenda the additional items of 2E, 4C5, 8B1, 8C1, 8D1, and 8E1.
- D. APPROVAL OF AGENDA** ~ The Board added to the agenda the additional items of 2E, 4C5, 8B1, 8C1, 8D1, and 8E1. The Board approved the consent agenda minus the pull for discussion of item 4C5. The Board continued item 2A to the October 13, 2009 BCC meeting. The Board withdrew additional item 8D1 from the agenda.
- E. APPROVAL OF CONSENT AGENDA** ~ The Board approved the consent agenda minus the pull for discussion of item 4C5.
NOTE: Consent Agenda items are considered routine and are enacted by one motion and will have no action noted, but the "Recommendation" as it appears on the Board item is the approved action.

2. PROCLAMATIONS, OFFICIAL ACTS, SPECIAL PRESENTATIONS, AND LEGISLATIVE AFFAIRS

- A. THE LIBRARY FOUNDATION OF MARTIN COUNTY WILL PRESENT A CHECK TO THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS FROM FUNDS RAISED FOR THE PETER & JULIE CUMMINGS LIBRARY EXPANSION**
The Library Foundation of Martin County raised \$853,622 to fund the Peter & Julie Cummings Library's 10,000 square foot expansion. These funds were an important funding component for the completion of this project. Foundation President Jack Christin will present the pledged check to the Martin County Board of County Commissioners.
 AGENDA ITEM: 804d557b

SUPPLEMENTAL MEMO

ACTION TAKEN: The Board continued this item to the October 13, 2009 BCC meeting.

- B. REPRESENTATIVES FROM THE FLORIDA INLAND NAVIGATION DISTRICT WISH TO PRESENT A CHECK TO THE BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF \$325,000 FOR THE JENSEN BEACH BOAT RAMP**
The Florida Inland Navigation District (FIND) provided grant funding for the Jensen Beach Boat Ramp. The project was successfully completed in May 2009 and Mr. David Roach, Executive Director; Mr. Mark Crosley, Assistant Executive Director and Don Couzzo, Martin County FIND Commissioner requested the opportunity to present the \$325,000 check to the Board of County Commissioners.
 AGENDA ITEM: 804da478
ACTION TAKEN: The Board accepted the check from the Florida Inland Navigation District in the amount of \$325,000.
- C. ADOPT A PROCLAMATION DECLARING HISTORIC PRESERVATION MONTH IN MARTIN COUNTY, FLORIDA**
Each year the Board recognizes Historic Preservation Month and the work of the Historic Preservation Board.
 AGENDA ITEM: 804d9551
ACTION TAKEN: The Board adopted the proclamation.

BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA
ACTION SUMMARY
SEPTEMBER 22, 2009

2. PROCLAMATIONS, OFFICIAL ACTS, SPECIAL PRESENTATIONS, AND LEGISLATIVE AFFAIRS

D. HEAR A BRIEF PRESENTATION BY THE MARTIN COUNTY HEALTH DEPARTMENT REGARDING THE H1N1 VIRUS (SWINE FLU)

Martin County Health Department Director, Mark Chittum, will provide a brief presentation to the Board regarding local preventative actions being taken in advance of the H1N1 virus.

AGENDA ITEM: 804d775c

ACTION TAKEN: The Board observed the presentation.

ADDITIONAL ITEM

E. 2009 DIGITAL COUNTIES SURVEY AWARD PRESENTATION TO INFORMATION TECHNOLOGY SERVICES

Ed Sweeney of Quest Software, sponsor for Digital Communities is presenting 2009 Digital Counties Survey Award to Martin County Information Technology Services for placing in the top ten in the national contest. The annual study is conducted by a partnership between the National Association of Counties (NACo) and Digital Communities and identifies best practices and recognizes those counties with exemplary digital service to their citizens.

AGENDA ITEM: 804e4e9f

ACTION TAKEN: The Board accepted the award.

3. COMMENTS

A. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

B. COMMISSIONERS

C. COUNTY ADMINISTRATOR

4. CONSENT

A. Clerk of the Circuit Court, Marsha Ewing

1. Minutes from the September 1, 2009 BCC meeting.

B. Administration, David Graham, Director

1. ITEMS RELATED TO CONSTRUCTION AND CONSULTANT COMPETITIVE NEGOTIATION ACT (CCNA) ITEMS WHICH MEET THE THRESHOLD FOR BOARD APPROVAL

This item is a placeholder on all Board meeting agendas in an effort to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum.

AGENDA ITEM: 804d14c2

SUPPLEMENTAL MEMO

2. GRANT APPLICATION, AWARD AND/OR AMENDMENT ITEMS WHICH REQUIRE BOARD APPROVAL

This item is a placeholder on all Board meeting agendas in an effort to streamline the process for grant related items requiring Board approval. Specific items requiring approval, if any, will be provided by Supplemental Memorandum.

AGENDA ITEM: 804d5702

SUPPLEMENTAL MEMO

RESOLUTION NO. 09-9.57 ~ Florida Homebuyer Program

RESOLUTION NO. 09-9.58 ~ Division of Library Grant

RESOLUTION NO. 09-9.59 ~ Bathtub Beach renourishment

3. NOTED ITEMS

Noted Items are documents for the Board's information that must be a part of the record but do not require any action. Transactions included in the Noted Items have been budgeted and are normally complete.

AGENDA ITEM: 804ca33d

4. FY 2009 MARTIN COUNTY STRATEGIC PLAN UPDATE

Staff will provide an update of activities related to the Board's 2009 Strategic Goals by Supplemental Memorandum.

AGENDA ITEM: 804d14a5

SUPPLEMENTAL MEMO

BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA
ACTION SUMMARY
SEPTEMBER 22, 2009

4. CONSENT

B. Administration, David Graham, Director

5. APPROVE CONTRACTS WITH COUNTY LOBBYIST FIRMS AND GRANTS RESEARCH AND PREPARATION COMPANY

Staff is requesting approval of three contracts for legislative and grants services. The firms are Langton & Associates, Inc. (grants); Smith & Ballard, Inc. (state lobbyist); and Clark & Weinstock, formerly The Washington Group, (federal lobbyist). All three firms have provided services to Martin County since 2004, 1999, and 2004 respectively.

AGENDA ITEM: 804dcadd

C. Engineering, Don G. Donaldson, P.E., Director

1. APPROVAL OF A SUBMERGED LAND LEASE WITH THE STATE OF FLORIDA (TIITF) FOR DOCK AT INDIAN RIVERSIDE PARK

This is a renewal of the Submerged Land Lease for approximately 41,000 square feet of river bottom under the dock at Indian RiverSide Park. This renewal extends the lease until September 26, 2010 at a cost of \$300 annually. Staff recommends approval of this Submerged Land Lease. The new lease has an effective date of April 2, 2009 and is set to expire on September 26, 2010.

AGENDA ITEM: 804d6e7c

2. ACCEPT THE DONATION OF A TEMPORARY CONSTRUCTION EASEMENT FOR RIO TOWN CENTER STREETScape PROJECT ALONG DIXIE HIGHWAY IN RIO

The County is asking that residents in Rio, along a portion of Dixie Highway, donate Right-of-Way and Temporary Construction Easements to the County so the County can build the Rio Town Center Streetscape project approved by the Board. Joanne Marie Coyle is the owner of property along Dixie Highway and has now provided the County with a Temporary Construction Easement. Staff recommends accepting the Temporary Construction Easement.

AGENDA ITEM: 804d763b

RESOLUTION NO. 09-9.60

3. THE WORKFORCE DEVELOPMENT BOARD OF THE TREASURE COAST HAS REQUESTED THAT THE COUNTY ALLOW THEM AN ADDITIONAL THREE YEARS TEMPORARY USE OF THE OLD JENSEN BEACH LIBRARY LOCATED ON RICOU TERRACE IN JENSEN BEACH

The Workforce Development Board of the Treasure Coast (Workforce) current License Agreement for a portion of the old Jensen Beach Library building expires on October 28, 2009. Workforce is requesting that the Board grant them an additional three year use of this building. Staff recommends approval of the three year License Agreement.

AGENDA ITEM: 804da1df

4. THE FLORIDA DEPARTMENT OF TRANSPORTATION IS REQUESTING THAT THE COUNTY TRANSFER OWNERSHIP OF VARIOUS COUNTY OWNED PROPERTIES NEEDED FOR THE INDIAN STREET BRIDGE PROJECT

The Florida Department of Transportation (FDOT) has been acquiring the needed right of way for the Indian Street Bridge. FDOT is now requesting land from the County that was purchased in anticipation of this bridge. Staff recommends that the Board approve the transfer of County parcels to FDOT, pursuant to Florida Statute 125.38.

AGENDA ITEM: 804dabc2

RESOLUTION NO. 09-9.61 ~ Parcel #185

RESOLUTION NO. 09-9.62 ~ Parcel #180

RESOLUTION NO. 09-9.63 ~ Parcel #242

RESOLUTION NO. 09-9.64 ~ Parcel #900

4. CONSENT

C. Engineering, Don G. Donaldson, P.E., Director

ADDITIONAL ITEM

5. THE JENSEN BEACH CHAMBER OF COMMERCE HAS REQUESTED THAT THE COUNTY ALLOW THEM AN ADDITIONAL THREE YEARS TEMPORARY USE OF THE OLD JENSEN BEACH LIBRARY LOCATED ON RICOU TERRACE IN JENSEN BEACH

The Jensen Beach Chamber of Commerce's (Chamber) current License Agreement for the old Jensen Beach Library building expires on January 10, 2010. The Chamber is requesting that the Board grant them an additional three (3) year use of this building. Staff recommends approval of the three (3) year License Agreement.

AGENDA ITEM:804e5acf

CONTINUED FROM 9/15/2009

BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA
ACTION SUMMARY
SEPTEMBER 22, 2009

ACTION TAKEN: The Board authorize the Chair to execute the Letter Agreement allowing the Jensen Beach Chamber of Commerce an additional three years use of a portion of the County's old Jensen Beach Library located at 1900 Ricou Terrace, Jensen Beach User Agreement.

D. Parks and Recreation, Richard Blankenship, Director

1. APPROVAL OF THE FY10 CONTRACT WITH THE CONVENTION AND VISITORS BUREAU AND PROPOSED BUDGET FOR THE MAXIMUM AMOUNT OF \$380,176

The Office of Tourism recommends that the Board of County Commissioners approve the contract for FY10 with the Convention and Visitors Bureau (CVB), the official marketing arm of the County, and the proposed budget in the amount of \$380,176. The official name of the CVB is "Martin County Destination Marketing Corporation." Please note that the updated Certificate of Insurance (Attachment D) will be provided upon renewal of the contract.

AGENDA ITEM: 804bb35f

SUPPLEMENTAL MEMO

5. BOARD AND COMMITTEE APPOINTMENTS

A. VALUE ADJUSTMENT BOARD CITIZEN APPOINTMENT

The Board is asked to make one citizen appointment to the Value Adjustment Board.

AGENDA ITEM: 804ca41d

ACTION TAKEN: The Board appointed Daniel Carmody to the Value Adjustment Board for a term to begin October 1, 2009 and end when the 2009 Value Adjustment Board completes their function. **RESOLUTION NO. 09-9.65**

6. PUBLIC HEARINGS

A. PUBLIC HEARING REGARDING AMENDMENT TO CHAPTER 47 COURTS TO INCREASE THE SURCHARGE ON NON-CRIMINAL TRAFFIC INFRACTION AND CRIMINAL VIOLATIONS

The Florida Legislature has amended Florida Statutes to allow each county to increase the surcharge to assist in funding court facilities.

AGENDA ITEM: 804d95db

ACTION TAKEN: The Board approved increasing the surcharge from \$15.00 to \$30.00 for any non-criminal traffic violations listed under Section 318.17. **ORDINANCE NO. 830**

B. QUASI JUDICIAL: COASTAL HEALTH PARK PUD - REQUEST FOR NINTH AMENDMENT TO THE PUD AGREEMENT TO REVISE THE MASTER PLAN AND EXTEND THE TIMETABLE OF DEVELOPMENT WITH DEFERRAL OF PUBLIC FACILITIES RESERVATION

Staff requests that the public hearing regarding Martin Memorial Health Care Systems' request for the 9th Amendment to the PUD Agreement be continued until October 13, 2009. Although the mailed notices reflected the anticipated September 22, 2009 public hearing date, the newspaper ad incorrectly indicated a public hearing date of September 7, 2009. Continuation of the public hearing to October 13, 2009 will allow the corrected newspaper advertisement to be published.

AGENDA ITEM: 804d8ccf

ACTION TAKEN: The Board continued this agenda item to the October 13, 2009 BCC meeting.

6. PUBLIC HEARINGS

C. QUASI JUDICIAL: COUNCIL ON AGING OF MARTIN COUNTY - SECOND PUBLIC HEARING TO CONSIDER APPROVAL OF PROPORTIONATE FAIR SHARE AGREEMENT FOR A 34,614 SQUARE FOOT BUILDING HOUSING ADMINISTRATIVE OFFICES AND ADULT DAY CARE ACTIVITIES ON +/- 9 ACRES AT 900 SE SALERNO ROAD

The Council on Aging of Martin County, Inc. through Barbara Kauffman, President/CEO, is requesting Board approval of the Proportionate Fair Share Agreement at this second public hearing to allow future staff approval of a pending final site plan to construct the subject building on their Lot, designated for General Institutional Land Use, Public Service (PS-1) Zoning District, and located at the southwest corner of the intersection of SE Salerno Road and SE Pepperwood Drive in the Port Salerno/ SR 76 Corridor Planning Area.

AGENDA ITEM: 804d75c0

ACTION TAKEN: The Board approved the Proportionate Fair Share Agreement.

D. PUBLIC HEARING REGARDING COUNTY ACQUISITION OF THE MILES GRANT AND INDIAN RIVER PLANTATION UTILITY SYSTEMS AND ACME WATER SUPPLY AND MANAGEMENT COMPANY PURSUANT TO SECTION 125.3401, FLORIDA STATUTES; APPROVAL OF THE UTILITY ASSET PURCHASE AND SALE AGREEMENT AND APPROVAL OF THE INITIAL ASSESSMENT RESOLUTIONS

This is a public hearing held pursuant to the requirements of Section 125.3401, Florida Statutes in order for the Board to make a determination that the purchase of the Miles Grant, Indian River Plantation Utilities System and Acme Water Supply and Management Company is in the public interest to approve the Utility Asset Purchase and Sale Agreement between Miles Grant Water and Sewer Company, Utilities Inc. of Hutchinson Island and ACME Water Supply and Management and to approve the Initial Assessment Resolutions.

AGENDA ITEM: 804d566e

SUPPLEMENTAL MEMO (2)

ACTION TAKEN: The Board approved the acquisition and adopted a resolution determining that that acquisition of the Miles Grant and Indian River Plantation Utility Systems and Acme Water Supply and Management Company is in the public interest. The Board authorized the Chair to sign the Utility Assets Purchase and Sale Agreement and authorize the Chair to execute any and all documents necessary to complete the closing. The Board adopted the Indian River Plantation Municipal Service Benefit Unit Initial Assessment resolution. The Board adopted the Miles Grant Municipal Services Benefit Unit Initial Assessment resolution. The Board authorized the addition of 2 FTE's subject to the closing.

RESOLUTION NO. 09-9.67 ~ Acquisition

RESOLUTION NO. 09-9.68 ~ Indian River Plantation Municipal Service Benefit

RESOLUTION NO. 09-9.69 ~ Miles Grant Municipal Service Benefit

E. PUBLIC HEARING TO ADOPT THE FINAL ASSESSMENT RESOLUTION FOR FY09/10 SOLID WASTE ASSESSMENT AND CERTIFICATION OF THE SPECIAL ROLL TO THE TAX COLLECTOR

The Board of County Commissioners is required to adopt the Final Assessment Resolution for FY09/10 single-family solid waste assessment rates as established in Section 3.06 of Ordinance No. 529 and certify the special assessment roll to the Tax Collector.

AGENDA ITEM: 804b1a6b

SUPPLEMENTAL MEMO

ACTION TAKEN: The Board approved the Final Assessment resolution for the East and West Municipal Service Benefit Units. The Board certified and approved the Special Assessment Roll to the Tax Collector.
RESOLUTION NO. 09-9.66

7. REQUESTS AND PRESENTATIONS

A. PRESENTATION REGARDING WIND TEST STRUCTURES

World Wide Wind Development plans to install a structure to test the wind for potential wind farm operations. The structure would be located in western Martin County and be in place for approximately one year. Today's presentation provides for an overview of this matter.

AGENDA ITEM: 804d4ad1

ACTION TAKEN: The Board directed staff to look into Land Development Regulations that might implement wind facilities.

8. DEPARTMENTAL

A. Growth Management, Nicki van Vonno, Director

1. REQUEST THE BOARD TO ADOPT A POLICY ON THE WAIVING OF FEES

At the Board of County Commissioners meeting on May 12, 2009, the Boy Scouts requested their development review application fees be waived. The Board directed staff to create a policy for when these requests come forward in the future.

AGENDA ITEM: 804b53d0

ACTION TAKEN: The Board approved the staff recommendation not to waive fees. The Board directed staff to return with an affordable housing program which should show incentives, creation of a trust fund, and the consequences.

BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA
ACTION SUMMARY
SEPTEMBER 22, 2009

ADDITIONAL ITEM

B. Administration, David Graham, Director

1. EXECUTIVE SESSION - LABOR NEGOTIATIONS

Staff is requesting an executive session to discuss labor negotiations with the Teamsters Union.

AGENDA ITEM: 804e4ef0

12:00 PM PRESET

ACTION TAKEN: The Board met in an executive session.

ADDITIONAL ITEM

C. County Attorney, Stephen Fry, County Attorney

1. CONSIDERATION OF SETTLEMENT AGREEMENT RESOLVING THE CASE OF ANDREW A. PERL V. MARTIN COUNTY, CASE NO. 08-1441 CA

The County Attorney requests that the Board of County Commissioners consider the proposed settlement agreement that has been negotiated to resolve the case of Andrew A. Perl v. Martin County, Case No. 08-1441 CA.

AGENDA ITEM: 804e1ebb

ACTION TAKEN: The Board approved the proposed settlement agreement between Andrew A. Perl and Martin County and approved the transfer of funds from reserves.

ADDITIONAL ITEM

D. Engineering, Don G. Donaldson, P.E., Director

1. THE BOARD IS REQUESTED TO CONSIDER APPLYING FOR A GRANT FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION'S BOATING INFRASTRUCTURE GRANT (BIGP) PROGRAM AS PARTIAL FUNDING TO CONSTRUCT A MOORING FACILITY SOUTH OF THE JENSEN BEACH CAUSEWAY

Staff has reviewed potential funding sources for construction of a mooring facility in the Indian River Lagoon, adjacent to the Jensen Beach Causeway. A new grant opportunity has been identified. The grant application requires the adoption of an accompanying resolution and commitment of matching funds.

AGENDA ITEM: 804db6ef

ACTION TAKEN: The Board withdrew this item from the agenda.

ADDITIONAL ITEM

E. Growth Management, Nicki van Vonno, Director

1. NEW MOUNT ZION MISSIONARY BAPTIST CHURCH PROPOSED IMPROVEMENTS

The representatives of the New Mount Zion Missionary Baptist Church scheduled a pre-application meeting with County staff to discuss a proposed parking lot addition for the existing church located on 2.35 acres, on the south side of Pettway Street in Hobe Sound. The meeting was held on Thursday, October 9, 2008 in the Growth Management Department Conference Room. The purpose of a pre-application meeting is to assist applicants with the submittal of a complete and successful application.

AGENDA ITEM: 804d94af

ACTION TAKEN: The Board accepted the findings and conclusions in the report.

8. DEPARTMENTAL

ADDITIONAL ITEM

F. Parks and Recreation, Richard Blankenship, Director

1. DISCUSSION REGARDING THE ISSUES AT BATHTUB BEACH

Discussion with the Board of County Commissioners regarding the issues and updates on the conditions at Bathtub Beach.

AGENDA ITEM: 804e4286

ACTION TAKEN: The Board directed staff to restructure the operations and the future functions of the beach seasonal or not. The Board directed staff to return with alternative plans including the cost to refurbish the north parking lot and reinvestigate the Wentworth property.

9. COMMISSIONERS - None at this time.

10. PUBLIC - TO BE HEARD AT 5:05 PM. PLEASE LIMIT COMMENTS TO THREE MINUTES.

11. ADJOURN

FROM PAGE 1A

Mercury

Continued from Page 1A

per million of mercury in their systems, the limit the federal Environmental Protection Agency recommends for human health. People who had seafood daily were four times as likely to exceed the threshold, researchers found.

The mercury typically doesn't kill dolphins or humans, said Jeremy Kiszka, an FIU marine scientist who co-authored that school's study, but it can affect their livers, kidneys, immune systems and their ability to reproduce.

"It doesn't kill on its own so much as make you susceptible to diseases that you normally could fight off," Schaefer agreed.

COAL-FIRED GENERATORS

Where does mercury come from? It literally falls from the sky.

Smokestacks at coal-fired generators send mercury into the sky, where it accumulates in clouds and falls back to earth in rain hundreds or thousands of miles away.

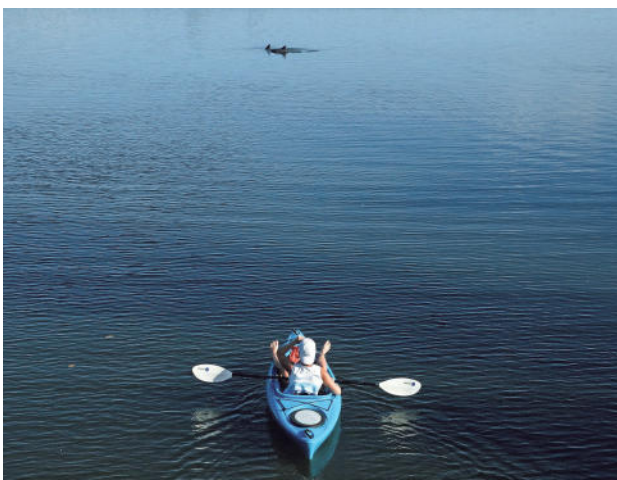
"Because of prevailing weather patterns, a lot of mercury falls on South Florida," Schaefer said.

At sites like the lagoon and the Everglades, the mercury finds favorable conditions to accumulate.

A 2011 study by Melodie Naja of the Everglades Foundation found the use of sulfates as a fungicide and fertilizer enhancer in fields north of the Everglades boosted mercury growth in the Everglades.

The mercury also accumulates naturally, Kiszka said. Water in mangrove ecosystems, such as the Everglades and Indian River Lagoon, contains a lot of organic matter that promotes the growth of bacteria that absorb and hold the mercury.

AG RUNOFF



ALEX BOERNER/TREASURE COAST NEWSPAPERS
Judy Rankin, of Frederick, Maryland, watches from her kayak on January 10, 2013, as two dolphins come to the surface at Round Island Park in Vero Beach. Rankin and her husband, Bill Rankin, had been going out kayaking for 2 to 3 hours per day every day this past week. "We were following about 7 dolphin earlier this week," Bill said on Thursday.

The FIU study found pesticides and other compounds in dolphins from the Everglades to the lower Florida Keys, but mercury levels were much lower in dolphins in the Keys, which don't have agricultural runoff.

"We know the mercury has both human-induced and natural sources, as well as a combination of the two," Kiszka said. "We can hypothesize that (the high mercury levels) are the result of long-term agriculture, but the specific sources are still unknown. That would take a lot more investigation."

The FIU research team, which also includes scientists from the University of Liège in Belgium, the University of Groningen in the Netherlands and the Tropical Dolphin Research Foundation in the United States, plans to expand the study to examine mercury contamination in sharks, alligators, fish and other animals.

Dock

Continued from Page 1A

or hold the many environmental education programs staffers used to put on at the site.

"The deck gets quite a bit of use," Perry said. "It's at the end, and kind of the highlight, of our guided nature walks. People walk out the dock and onto the deck, and they can see the Stuart Causeway to the south, the Jensen Beach Causeway three miles to the north and the western shore of the lagoon a mile away." The deck is the perfect spot, Perry said, to teach about the importance of sea grass beds and oyster beds, as there are some right below it.

The lowest of three quotes to rebuild the 436-square-foot

ABOUT THIS SERIES

Treasure Coast groups that research, protect and restore the Indian River Lagoon need more than holiday cheer to continue their missions of saving the waterway. Find out what they need — and how you can help them — as Treasure Coast Newspapers highlights a lagoon-friendly organization each day from Dec. 25 to Jan. 5: The 12 Days of Christmas. To see what organizations have asked for in previous stories, go to TCPalm.com/lagoon.

dock, railings and observation deck was \$13,843.

"Unfortunately, this was not planned for in our budget," Perry said, "so we really need some help to rebuild this important part of our Coastal Center."

"High levels of mercury in dolphins shows that there are high levels of mercury in animals throughout the food chain. Dolphins are telling us there is mercury throughout lagoon species and throughout Everglades species."

ADAM SCHAEFER
HARBOR BRANCH RESEARCH PROFESSOR

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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Martin County, Florida, will, at its regular meeting to be held on January 10, 2017 at 9:00 am or as soon thereafter as the matter may be heard, hold a public hearing at the Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida. This public hearing will be held for the purpose of considering the purchase offer received for the sale of a property owned by the Martin County Community Redevelopment Agency located at SE Flounder Avenue and described as Lot 3, Block 20, Port Salerno.

All interested persons are invited to attend and be heard. Written comments can be mailed to Kate Parmelee, Manager, Office of Community Development, 2401 SE Monterey Rd., Stuart, FL 34996. Copies of the item will be available from the Office of Community Development.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the County Administrator at (772) 221-2360, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the meeting date. Persons using a TDD device, please call 711 for Florida Relay Services.

If any person decides to appeal any decisions made with respect to any matter considered at the meetings or hearings of any board, committee, commission, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

THIS NOTICE EXECUTED AND DATED THIS 20th DAY OF DECEMBER 2016.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Martin County will conduct a public hearing on January 10, 2017 to consider the adoption of an ordinance related to the Martin County Land Development Regulations. The hearing will be conducted beginning at 9:00 AM., or as soon thereafter as the following item may be heard. The title of the proposed ordinance is:

AN ORDINANCE AMENDING ARTICLE 6, IMPACT FEES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE INCLUDING FIGURE 6.1. IMPACT FEE SCHEDULE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be sent to: Nicki van Vonno, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the item will be available from the Growth Management Department. For more information, contact Samantha Lovelady, Principal Planner at (772) 288-5664.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 221-1396 or the Office of the County Administrator at (772) 221-2360, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TDD device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

We'll be there!

Downtown Fort Pierce Farmers Market

Open Every Saturday *Rain or Shine*
8:00 a.m. - Noon

Located at the East End of Orange Avenue
along the Indian River Lagoon

Stop in to see us at the
Treasure Coast Newspapers booth!

Treasure Coast Newspapers

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**INTERLOCAL AGREEMENT
BETWEEN
MARTIN COUNTY
AND
CITY OF STUART
FOR COLLECTION OF IMPACT FEES**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into by and between the City of Stuart, Florida, a municipal corporation organized under the laws of the State of Florida ("City"), and Martin County, a political subdivision of the State of Florida ("County").

WHEREAS, the City and Martin County are authorized to enter into interlocal agreements pursuant to Chapter 163, Florida Statutes; and

WHEREAS, Article 6, Impact Fees, of the Martin County Land Development Regulations (Article 6) provides that a municipality and the County may, by interlocal agreement, eliminate or adjust an impact fee which is applicable within a municipality based upon evidence that the municipality is providing all or a portion of the facilities for which an impact fee is imposed; and

WHEREAS, the City has provided evidence to the County that portions of the impact fees set forth in Article 6 are not appropriate for the City because the City is providing all or a portion of the facilities for which the impacts are imposed; and

WHEREAS, Article 6 provides that the County shall be the collecting agent for impact fees unless a municipality is so designated through an interlocal agreement; and

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WHEREAS, the County and the City wish to establish the City as the collecting agent within the corporate limits of the City; and

WHEREAS, the City and the County wish to terminate and supersede the prior Interlocal Agreement for Collection of Impact Fees Under the Martin County Public Capital Facilities Impact Fee Ordinance, Public Recreation Impact Fee Ordinance and Roads Impact Fee Ordinance between the City and County.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Interlocal Agreement, the parties agree as follows:

1. This Interlocal Agreement is entered into pursuant to Section 163.01, Florida Statutes, the Florida Interlocal Cooperation Act.

2. Except as modified in this Agreement, for development within the corporate limits of the City of Stuart, the City shall collect all impact fees required pursuant to Article 6, Impact Fees, of the Martin County Land Development Regulations (Article 6). Such impact fees shall be paid prior to the issuance of any building permit or Certificate of Public Facilities Reservation or renewal or extension thereof. The collected fees, less an administrative fee of three percent (3.00 %) shall be remitted by the City to the County by the fifteenth (15th) day of the month following the calendar month in which the impact fees were collected.

3. Pursuant to Section 6.6.C. of Article 6, it is hereby acknowledged and agreed by the City and the County that the City has provided evidence that it funds and provides adequately within its corporate limits for community parks. Accordingly, development within the corporate limits of the City shall not be required to pay the community parks component of the Public Recreation Impact Fee.

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4. Pursuant to Section 6.6.C. of Article 6, it is hereby acknowledged and agreed by the City and the County that the City has provided evidence that it funds and provides adequately within its corporate limits for fire protection, emergency medical services and fire prevention . Accordingly, development within the corporate limits of the City shall not be required to pay the fire protection, emergency medical services and fire prevention components of the Emergency Services Impact Fee.

5. Pursuant to Section 6.6.C. of Article 6, it is hereby acknowledged and agreed by the City and the County that the City has provided evidence that it funds and provides for a portion of the facilities for which the Public Buildings Impact Fee is collected. Accordingly, development within the corporate limits of the City shall be required to pay sixty-seven point six percent (67.6 %) of the Public Buildings Impact Fee.

6. Pursuant to Paragraphs 3, 4 and 5, the City and County agree that Exhibit A, attached hereto and incorporated by reference, establishes the applicability of impact fees within the corporate limits of the City.

7. Except as modified through this Agreement and where a deferral or exemption is permitted, Section 6.5 of Article 6, Impact Fees, provides that any person who develops land located in Martin County shall be required to pay the impact fees established in Article 6. Section 6.5 further provides that any existing land use that is changed, redeveloped, replaced, modified or expanded shall be required to pay impact fees based on the net increase in impact for the new use as compared to the previous use. In this regard, Section 6.11.A. of Article 6 provides for certain exemptions for the payment of impact fees.

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8. In reference to development within the corporate limits of the City, consistent with the provisions of Article 6, the City Manager or designee shall determine whether proposed development shall be required to pay impact fees. The City Manager or designee may consult with the County to determine whether a proposed use will cause an impact for which a fee should be assessed. In reference to challenges by third parties to the City's decisions regarding the assessment of impact fees, the City shall be responsible for its own acts and omissions and shall defend the County from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions, damages, and costs including interest and reasonable attorneys' fees, that the County shall incur or suffer as a result of City's decisions.

9. Section 6.9.C. of Article 6 provides that each fiscal period the County Administrator, after consultation with the affected constitutional officers and the municipalities pursuant to interlocal agreements, shall present to the Board of County Commissioners a proposed Capital Improvement Plan (CIP) assigning funds from the Public Capital Facility Special Revenue Funds. Expenditures of impact fees will be annotated within the CIP consistent with current County procedures. The County shall notify the City of the annual CIP calendar as it is published. The City may then submit projects for consideration, prioritize those proposed projects, and participate in the review of those projects, both at the staff level and at the policy level. The County and City agree that Transportation Impact Fees collected within

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the corporate limits of the City shall be used to fund projects east of the North Fork and South Fork of the St. Lucie River and north of and including Cove Road as set forth in Exhibit B, attached hereto and incorporated by reference.

10. As requested by the City, the County shall provide the City with administrative assistance in setting up bookkeeping and other accounting procedures necessary for the City to collect the required impact fees.

11. The County shall maintain records of all impact fees collected within the corporate limits of the City based upon information provided by the City.

12. If any action is brought to challenge Article 6, other than a challenge regarding the City's decisions regarding the assessment of impact fees, the County shall defend the City from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions, damages, and costs including interest and reasonable attorneys' fees, that the City shall incur or suffer as a result of such a challenge.

13. Section 6.12 of Article 6 provides that the Impact Fee Schedule and interlocal agreements shall be reviewed by the Board of County Commissioners at least once each fiscal biennium. As part of that process, the City and County agree that the review shall include, but not be limited to, an updated analysis of the Public Building space allocation, an updated analysis of arterial roads and local roads within the County road network, and a reexamination of the boundary established for expenditure of Transportation Impact Fees collected within the corporate limits of the City. Unless terminated or modified as provided herein, the City and County agree

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that this Agreement shall remain in full force and effect and shall be applicable to any amendments to Article 6 or subsequent to any biennial review of the Impact Fee Schedule or interlocal agreement.

14. Either party may terminate this Agreement upon ninety (90) days written notice to the other party.

15. This Agreement may be amended only by written agreement of the parties.

16. This Agreement shall become effective upon execution by both parties and filing with the Clerk of the Circuit Court for Martin County. The prior Interlocal Agreement for Collection of Impact Fees Under the Martin County Public Capital Facilities Impact Fee Ordinance, Public Recreation Impact Fee Ordinance and Roads Impact Fee Ordinance between the City and County shall be deemed terminated upon the effective date of this Agreement.

17. This Agreement shall be governed by the laws of the State of Florida and any and all legal action instituted because of this Agreement shall be instituted in Martin County.

18. This Agreement incorporates and includes all prior and contemporaneous negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations or agreements, whether oral or written.

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19. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable for the remainder of this Agreement, then the application of such term or provision to persons or circumstances other than those as to which its held invalid or unenforceable shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

20. Any notice, request, demand, consent, approval or other communication required or permitted by this Agreement shall be given or made in writing and shall be served (as elected by the party giving such notice) by any of the following methods:

- (i) Hand delivery to the other party; or
- (ii) Delivery by commercial overnight courier service; or
- (iii) Mailed by registered or certified mail (postage prepaid), return receipt requested.

For purposes of notice the addresses are as follows:

CITY

David Collier
City Manager
City of Stuart
121 SW Flagler Ave
Stuart, FL 34994

Required Copy to:

Carl V.M. Coffin
City Attorney
City of Stuart
121 SW Flagler Ave
Stuart, FL 34994

COUNTY

Russ Blackburn
County Administrator
Martin County
2401 SE Monterey Rd
Stuart, FL 34996

Required Copy to:

Gary K. Oldehoff
County Attorney
Martin County
2401 SE Monterey Rd
Stuart, FL 34996

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Notice given in accordance with the provisions of this paragraph shall be deemed to be delivered and effective on the date of hand delivery or on the second day after the date of the deposit with an overnight courier or on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not delivered if mailed.

21. Prior to the initiation of legal action by either the County or the City to enforce the provisions of this Agreement, the County and City shall submit to nonbinding mediation. The mediator shall be impartial and shall be selected by joint agreement of the County and the City. The mediation process shall be confidential to the extent permitted by Florida law. The cost of the mediation shall be borne equally by the County and the City. If the matter is not resolved through mediation, legal action may be initiated at which time the provisions of Chapter 164, Florida Statutes shall apply. In the event legal action is initiated, the prevailing party shall be entitled to recover a reasonable attorney's fee.


IN WITNESS WHEREOF, the City of Stuart has approved this Interlocal Agreement at its meeting held on the 10th day of April, 2000 and Martin County has approved this Interlocal Agreement at its meeting held on the 18th day of April, 2000.

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ATTEST:


Diane O'Donnell
DIANE O'DONNELL, CITY CLERK

CITY OF STUART

Karl J. Krueger, Jr.
KARL J. KRUEGER, JR., MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

Carl V.M. Coffin
CARL V.M. COFFIN
CITY ATTORNEY

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

Marsha Stiller
MARSHA STILLER, CLERK

Marshal L. Wilcox
MARSHAL L. WILCOX, CHAIRMAN

APPROVED AS TO FORM
AND CORRECTNESS:

Gary K. Oldehoff
GARY K. OLDEHOFF
COUNTY ATTORNEY

**EXHIBIT A
APPLICABILITY OF IMPACT FEES WITHIN THE CITY OF STUART**

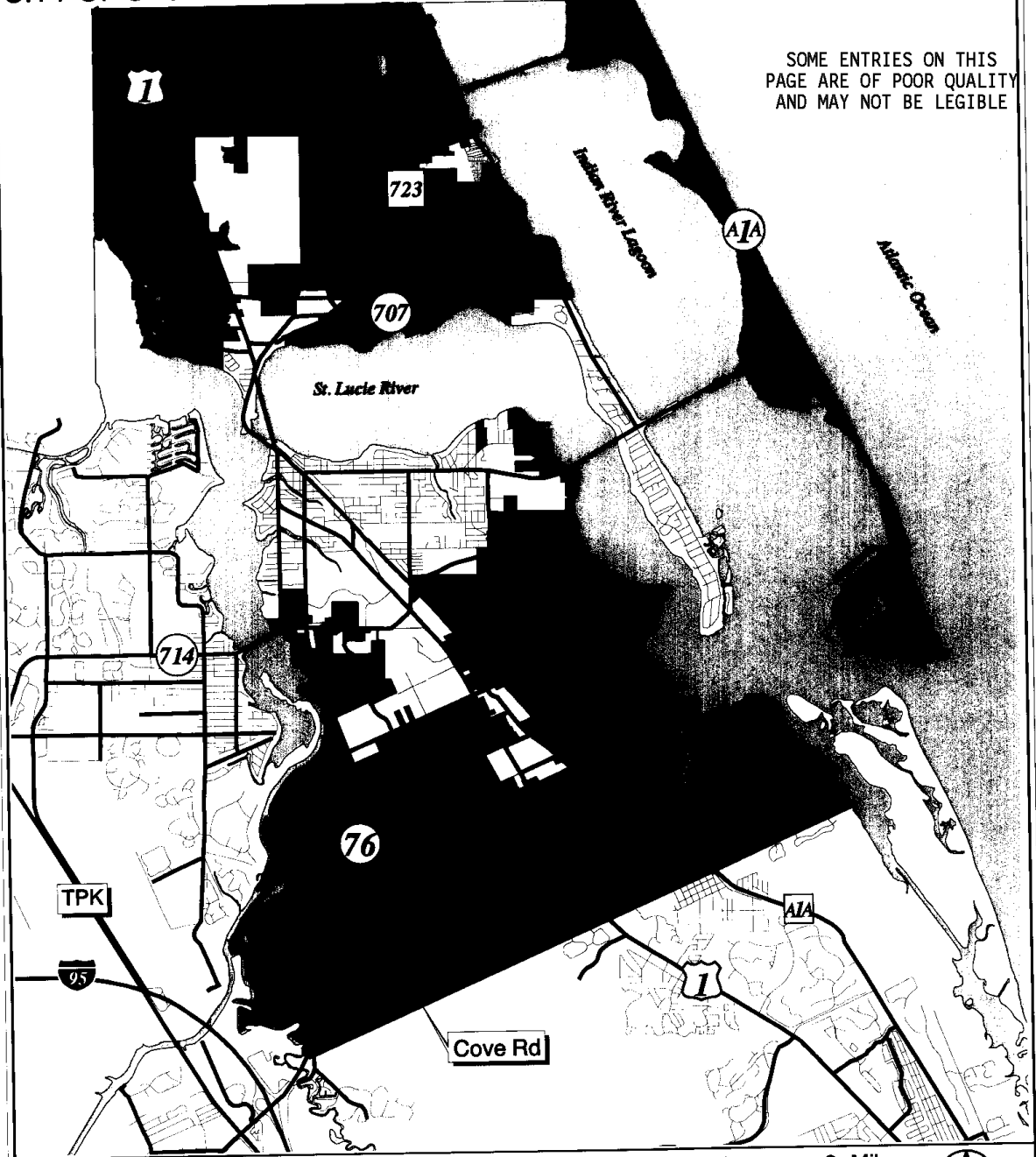
FEE CATEGORY		APPLICABLE?	COMMENT
Emergency Services			
Fire/EMS	93.00%	NO	City has own facilities
Animal Control	2.00%	YES	
Fire Prevention	1.00%	NO	City has own facilities
Emergency shelter	4.00%	YES	
Fee Paid by City	6.00%		
Corrections and Law Enforcement			
Corrections	76.00%	YES	
Law Enforcement	24.00%	YES	Judicially determined to be Countywide
Fee Paid by City	100.00%		
Public Buildings			
	67.6%	PARTIAL	Formula based on staffing and buildings
Fee Paid by City	67.6%		
Parks and Recreation			
Community Parks	27.00%	NO	City has own facilities
Regional parks	26.00%	YES	
Beach access	6.00%	YES	
Boat Ramps	17.00%	YES	
Open Space / Conservation	24.00%	YES	
Fee Paid by City	73.00%		
Libraries			
Facilities	62.00%	YES	
Materials	38.00%	YES	
Fee Paid by City	100.00%		
Transportation			
Roads	97.00%	YES	
Bike/pedestrian pathways	3.00%	YES	
Fee Paid by City	100.00%		




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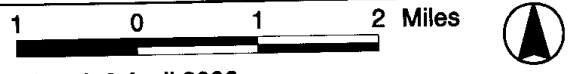
JR BK 1 4 8 4 PG 3 7 5

CITY OF STUART TRANSPORTATION IMPACT FEE EXPENDITURE ZONE

SOME ENTRIES ON THIS PAGE ARE OF POOR QUALITY AND MAY NOT BE LEGIBLE



-  Major roadways
-  Municipalities
-  Impact fee expenditure zone (inclusive of Cove Road)



printed: 6 April 2000
 Disclaimer: This map is for illustration purposes only.
 path: /data/gmd/arcview/output/st_tran_fee_zone.ps

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