

JANUARY 29, 2004

The Planning Commission, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, January 29, 2004, at 9:03 a.m.

Present were Commissioners:

Richard Bedford, Chairman
Steve Belack, First Vice-Chairman
Marie Hastings, Second Vice-Chairman
Paul Sayers, Third Vice-Chairman

Absent were:

Thomas Burke
Michael Pendley (non-voting member representing the School Board)
Mary Sheppard
David Wernicke

Also present were:

Jeffrey Steinsnyder, Chief Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

AGENDA

Agenda of January 29, 2004.

[PC20040129DOC001](#)

IMPACT FEES – DEWEY REPORT

Jim Dewey, University of Florida Economist, used a slide presentation to review his report on “Growth and Infrastructure in Manatee County, Florida: Does New Development Pay Its Share of Public Costs?” The report was prepared for the Home Builders Association of Manatee County and the Gulf Coast Builders Exchange.

Discussion: The more impact fees are raised, the more growth will slow down; transportation/traffic congestion; etc.

[PC20040129DOC002](#)

LAND DEVELOPMENT CODE – IMPACT FEES

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 1/14/04) was held to consider

ORDINANCE 04-19 AN ORDINANCE OF THE MANATEE COUNTY, FLORIDA, BOARD OF COUNTY COMMISSIONERS, AMENDING, REPEALING, AND ADDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED) TO PROVIDE FOR IMPACT FEES FOR CAPITAL LOCAL PARK FACILITIES; CAPITAL COUNTYWIDE PARKS/OPEN SPACE FACILITIES; CAPITAL TRANSPORTATION FACILITIES; CAPITAL LAW ENFORCEMENT FACILITIES; AND CAPITAL PUBLIC SAFETY FACILITIES; AND PROVISIONS RELATING TO IMPLEMENTATION OF THE ORDINANCE; PROVIDING TITLE, AUTHORITY, AND APPLICABILITY; PROVIDING LEGISLATIVE FINDINGS, RELIANCE ON THE IMPACT FEE STUDY, AND INTENT; PROVIDING FOR IMPACT FEES TO BE IMPOSED; PROVIDING FOR USE OF IMPACT FEE FUNDS; PROVIDING FOR BENEFIT DISTRICTS; PROVIDING FOR REFUNDS OF IMPACT FEES PAID; PROVIDING FOR CREDITS AGAINST IMPACT FEES; PROVIDING FOR APPEALS; PROVIDING FOR MISCELLANEOUS PROVISIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR ENFORCEMENT, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Carol Clarke, Planning Director, advised that staff is recommending impact fees that are less than those recommended by Tischler & Associates, Inc., County consultants. The Planning Commission is considering: (1) updating the basis upon which the impact fees are based; and, (2) determining the fee level.

Jeffrey Steinsnyder, Chief Assistant County Attorney, stated the term “maximum supportable” is the maximum amount of a fee that could be defended in court as being attributable to new development.

Dwayne Guthrie, Tischler & Associates, Inc., used a slide presentation to review the Ordinance and the impact fee basics, study, and proposal.

Recess/Reconvene. All members present except Mr. Burke, Mr. Pendley, Ms. Sheppard, and Mr. Wernicke.

Jim Seuffert, Financial Management Director, advised that due to the change in the impact fee methodology, there is no “across the board” increase. In discussing the maximum supportable fees, the County Commission suggested that the increases be phased. He reviewed the process used to determine the percentage of the maximum allowable fee for the first year, to be increased over three years, for roads, parks, public safety, and law enforcement.

Discussion: If the impact fees are justifiable, the full increase should be collected immediately; cannot be used to catch up with impacts that have already occurred; the new study indicates there is a higher maximum supportable fee; the methodology of this impact fee is for the impact of new development on the County infrastructure; the impact fee report identifies what capital needs are going to be for an increment of new development to maintain the existing level of service; in collecting less than “maximum supportable” impact fees, the funds will be made up with other revenue sources; phasing in the increase will make it more palatable for projects that are already on the books; etc.

Ernie Padgett, County Administrator, advised that staff is recommending the impact fees stay below the maximum allowable. He stated the County has other revenue sources that will continue to be used to meet the growth needs.

Ms. Clarke reviewed slides regarding the housing impact, affordable housing, and a comparison of Manatee County's existing and proposed fees with fees collected by other counties in Florida.

Jay Grafton, Federation of Manatee County Community Associations, opposed the exclusion of the cities, with the possible exception of the cities on Anna Maria Island, stating that countywide impact fees should be instituted. He also stated the Ordinance should address the issue of equivalent impact fees and needs to be more specific with regard to the level of development in order to more specifically define how the monies are to be spent. Ms. Clarke submitted a copy of a letter (1/5/04) from Mr. Grafton regarding annexation impact fees.

Ernest Marshall supported the increase of impact fees and recommended they be countywide.

William Wheeler spoke in favor of the impact fees.

Evelyn Treworgy, representing the Home Builders Association of Manatee County, spoke in opposition to the impact fees. She stated this is passed on to the home buyer; the homebuyers in the \$110,000 to \$200,000 range will be most affected; and that legislation has been proposed that will give local municipalities the authority to fund infrastructure in alternate ways.

Jim Dewey, representing the local builders association, responded to comments regarding his report (reviewed earlier in the meeting).

Jay Brady, Gulf Coast Builders Exchange, spoke in opposition to the impact fees and stated that Dr. Dewey (the Dewey Report) has demonstrated that new growth more than pays its way. He commented on affordable housing, gas tax credits (Figure 18 of the Tischler Report), and alternatives for funding the infrastructure.

Jim Kaiser expressed concern with the rate of growth in the County.

Recess/Reconvene. All members present except Mr. Burke, Mr. Pendley, Ms. Sheppard, and Mr. Wernicke.

Mr. Guthrie responded to comments regarding: cost factors/guidelines on County expenditures for park and open space improvements (Figures 6, 7, and 8 in the Tischler Report); road fees and the calculation of road credits; lane capacity (Page 19 of the Tischler Report); dollars for state road improvements being used for credits for right-of-way; cost of growth-related road improvements (Page 20 of the Tischler Report); gas taxes/gas tax credits (Figure 18); etc.

Discussion: Gas taxes; why there would be a corresponding change in the impact fee revenue and capital costs with the acceleration/deceleration in the rate of development; why were the cities excluded; *The Accord* provides that equivalent impact fees be paid for annexed properties; solid waste capacity and impact fees; the effect on the low end of the housing market; etc.

Ms. Clarke clarified that the County would pay the increase in impact fees for affordable housing (impact fees for affordable housing proposed to be capped, with the difference to be paid by the County). She suggested that the motion could include that the Planning Commission supports the proposal presented regarding affordable housing.

Motion - Failed

Based upon the staff report, evidence presented at the public hearing, and finding Ordinance 04-19 to be consistent with the Manatee County Comprehensive Plan and the Land Development Code, Mr. Belack moved to recommend APPROVAL of **Ordinance 04-19**, with staff's recommendation regarding affordable housing. The motion was seconded by Mr. Sayers.

Discussion: No real justification for making a big impact fee change at this time; need more explanation and understanding of why this is better; there is a lot of merit to what the Dewey Report says; new growth should pay its own way, but these fees are disproportionately high; not capturing the new homes in the municipalities makes it inequitable to put it all on the other new homes; use of impact fees for the Judicial Center; would like to know the impact the current fees are having for new development; seems there is a surplus of tax money that can be applied toward these capital improvements; additional five cent gas tax should be explored; what is the anticipated dollar figure that impact fees will generate over the next five years; Capital Facilities Needs and Costs/Projected Expenditures (Figure 36 of the Tischler Report) and the variety of revenue sources, other than impact fees, that will be used to pay for those expenditures; etc.

The motion failed 1 to 3, with Ms. Hastings, Mr. Sayers, and Mr. Bedford voting nay.

Further discussion: Approve the text of the Ordinance with the fees to be maintained at their current level; County Commissioner's ability to move funds out of each of the districts; money collected in certain areas needs to benefit those areas; roads and local parks have benefit districts; there has to be a specific finding by the County Commission that the expenditure of the funds in another district will benefit the fee payers; Section 805.1, Local Park Benefit Districts; Section 806.1, Failure to Encumber Impact Fee Funds; etc.

Ms. Clarke recommended the Ordinance be amended to modify **Section 805.1** to: "... (b) outside the Benefit District in which the Impact-Generating Land Development paying the Fees is located, in an adjacent district, if the Board first makes a written determination..."

Motion – Carried

Based upon the staff report, evidence presented at the public hearing, and finding Ordinance 04-19 to be consistent with the Manatee County Comprehensive Plan and the Land Development Code, Ms. Hastings moved to recommend APPROVAL of **Ordinance 04-19** with the changes made by staff and keeping impact fees at their current level. The motion was seconded by Mr. Sayers and carried 4 to 0.

[PC20040129DOC003](#)

Recess/Reconvene. All members present except Mr. Burke, Mr. Pendley, Ms. Sheppard, and Mr. Wernicke.

COMPREHENSIVE PLAN AMENDMENTS - EVALUATION AND APPRAISAL REPORT

Michael Wood and John Osborne, Planning Department, used a slide presentation to review the Evaluation and Appraisal Report of the 2020 Manatee County Comprehensive Plan. Mr. Wood referenced a letter to the Department of Community Affairs which identified the major issues: Maintain/Reinforce the Urban Core; Agriculture Protection; Environmental Protection; Hazard Mitigation; and Affordable Housing.

Discussion: Airport; redevelopment efforts; expansion/maintenance of utility service areas; is it taking people longer to get to work because they moved farther from their workplace or because there is more traffic; comparison of number of dwelling units per acre from 1990 to 2050 of total urbanized land area; the higher the density, the least amount of land that will be used; major intersections are always going to be clogged; the statistical numbers come from the U.S. Census Bureau; assign density to the vacant property, one acre or larger, inside the urban core; increase Comprehensive Plan densities within the urban core to encourage development in that area instead of spreading it east; there are issues other than density; staff wants to do an evaluation on vacant land in the core and determine redevelopment potentials; offering transportation alternatives will create land use demands; etc.

[PC20040129DOC004](#)

PARRISH OVERLAY DISTRICT

Mr. Wood advised that there will be a joint work session of the Planning Commission and the Board of County Commissioners in Parrish (2/23/04, 7:00 p.m.) regarding the design principles of the 34219 Zip Code area, the Parrish Overlay District.

[PC20040129DOC005](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 2:58 p.m.
/dev

Minutes Approved: March 11, 2004