

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown
County Administrator

THROUGH: Stan Boling, AICP
Community Development Director

THROUGH: Sasan Rohani, AICP; Chief, Long-Range Planning

FROM: Bill Schutt, AICP; Chief, Long-Range Planning

DATE: February 18, 2019

RE: Request for the Board of County Commissioners to Consider an Ordinance
Modifying Section 1000.13 of Title X Impact Fee Ordinance Regulations
(Legislative)

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of March 5, 2019.

DESCRIPTION AND CONDITIONS

On June 13, 2017, three years after the most recent 2014 impact fee update, the Board of County Commissioners (BCC) reviewed the County's impact fee schedule, considered updating it, and decided to postpone an impact fee schedule update until 2019. At that time, the BCC also indicated it wanted a regular schedule of updating impact fees every five years versus reviewing the impact fee schedule "at least once every third year" (Attachment 1).

On November 20, 2018, the BCC reviewed a draft impact fee ordinance revision requiring the fees to be updated every five years and reviewed a proposed scope of services for a Request for Proposals (RFP) for a consultant to update the impact fees. After discussion, the BCC decided to authorize staff to proceed with advertising for a public hearing for the ordinance revision and to proceed with drafting and issuing an RFP for impact fee consultant services (Attachment 2).

As directed by the BCC, staff initiated the RFP process for consultant services in December 2018 and that process resulted in the Board's approval of the impact fee consultant selection committee's recommendation at its February 12, 2019 meeting. Consequently, the 2019 impact fee update will begin shortly. With respect to the impact fee ordinance change, staff coordinated with the County Attorney, drafted an ordinance change, and advertised the proposed ordinance revision for a March 5, 2019 public hearing. The Board is now to conduct the public hearing and consider adopting the proposed change.

ANALYSIS

The current impact fee ordinance, which regulates impact fees county-wide (including within the municipalities), requires the County's impact fee schedules to be reviewed by the BCC at least once every third year. While this existing language requires the impact fee schedules to be reviewed, it does not specifically require that the impact fee schedules be updated. Periodic updates are needed to maintain the integrity of the impact fee program and to comply with state requirements.

Consistent with the Board's previous direction, the proposed ordinance revision will require an impact fee schedule review and update every five (5) years. This proposed 5 year update requirement will help to ensure that the County is in compliance with Florida Statutes 163.31801 which requires impact fees to be based on the most recent and localized data, while at the same time keeping the County out of a continuous study and update cycle for impact fee rates that would be involved with shorter review and update time frames. Establishing a standard five year cycle for review and update of impact fees will also help to bring certainty to the market place that will allow the private sector to plan for and anticipate regularly scheduled reviews and update changes in impact fee rates.

RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed modifications to Title X, Impact Fees, to modify the time period for impact fee schedule review, and require impact fee schedule updates every five (5) years, as contained in the attached ordinance.

ATTACHMENTS:

1. Portion of June 13, 2017 Board of County Commissioners Meeting Minutes
2. Portion of November 20, 2018 Board of County Commissioners Meeting Minutes
3. Impact Fee Ordinance Amendment for Specific 5 Year Update Timeframe

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