

Item# _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Amendments to the Land Development Code of Seminole County
establishing a new Sunset Date for the East Collector Road Impact Fee
District

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Tina Williamson **CONTACT:** Jeff Hopper **EXT.** 7377

Agenda Date <u>09/05/07</u> Regular <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Special Hearing – 6:00 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

1. RECOMMEND APPROVAL of an Ordinance amending the Land Development Code of Seminole County establishing a new Sunset Date for the East Collector Road Impact Fee District ; or
2. RECOMMEND DENIAL of an Ordinance amending the Land Development Code of Seminole County establishing a new Sunset Date for the East Collector Road Impact Fee District ; or
3. CONTINUE the item to a time and date certain.

(Countywide)

(Jeff Hopper, Senior Planner)

BACKGROUND:

On August 13, 2002, the Board of County Commissioners adopted Ordinance 2002-31, amending the Road Impact Fee Chapter of the Land Development Code. The 2002 amendments:

- adopted the "Analysis of the Use of Road Impact Fees" Study which reviewed the 20-year period from Fiscal Year 1991/92 through 2000/01 and determined that the County's 1991 Infrastructure Sales Tax fund had advance-funded approximately \$120 million of eligible impact fee expenditures;
- confirmed that authorized uses of impact fee revenues included repayment for front-ending of improvement costs by the County from other funding sources – specifically, the 1991 Infrastructure Sales Tax;

Reviewed by: <u> <i>JR</i> </u> Co Atty: _____ DFS: _____ Other: _____ DCM: _____ CM: _____ File No. _____

- established a sunset of 2021 for the levy of the Countywide Arterial Road Impact Fee based upon projections of when eligible project costs would be repaid;
- established sunsets for each of the 4 Collector District Road Impact Fees as 2021, corresponding to the sunset of the primary Arterial fee, or the year when eligible costs would be repaid if earlier than 2021.

At the time of the 2002 actions, the final East Collector road improvement project, Chapman Road, the widening of West Chapman Road from SR 426 to SR 434, was on hold pursuant to County Commission direction of April 15, 1992. As a result, the East Collector Road Impact Fee sunset was established at December 31, 2007, with identification that the sunset date would be extended pending re-activation of the Chapman Road improvement project. The improvements involve the widening of West Chapman Road, from SR 426 to SR 434, from a 2-lane facility to 4 lanes.

On June 28, 2005, the Board approved Budget Amendment Resolution 05-43 to formally establish the front-ending and repayments as interfund loan activity in the County's Budget and financial systems. The agenda item discussion additionally identified that the interfund loan would be trued up annually at the close of each fiscal year, and that balances and projections would also be evaluated annually during the Budget process. In 2005, it was again noted that the East Collector sunset date would need to be extended to approximately the Arterial sunset year, pending re-activation of the Chapman Road project. It was further identified that conclusive Board direction regarding whether to proceed with Chapman Road improvements would be needed in the near future. On January 10, 2006, the County Commission authorized staff to move forward with the Chapman Road improvement project, including the updating of engineering plans to current design standards and subsequent acquisition of the remaining necessary right-of-way.

The final step remaining to fully implement the improvements is to extend the East District Road Impact Fee sunset date to an appropriate sunset date. The Comprehensive Annual Financial Report for the close of Fiscal Year 2005/06 was presented to the Board of County Commissioners on June 12, 2007; accordingly, the annual true-up of the interfund loan has been completed. The yearly evaluation of updated balances and projections takes place in conjunction with the Board's annual budget process, which is occurring now. As shown on the attached interfund loan analysis for the East District, extension to 2021, corresponding to the Arterial Impact Fee sunset, appears warranted. The attached analysis is consistent with the Proposed Budget for Fiscal Year 2007/08 as well as the preliminary Capital Improvements Program update for Fiscal Years 2007/08 – 2011/12.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Commission recommend APPROVAL of an ordinance amending the Land Development Code of Seminole County to establish a new Sunset Date for the East Collector Road Impact Fee District .

Attachments:

**Interfund Loan Analysis for East District
Ordinance**

Economic Impact Statement

Private Property Rights Statement

Transportation Projects Memo from Public Works

Interfund Loan: Infrastructure Sales Tax to Impact Fee Funds

NOTE: FY 2005/06 Actual includes audited actuals. Year end reserve balances are based on budgetary project costs and will be higher on an actual cost basis. Budgeted expenditures for FY 2006/07 are equal to the amounts reported in J D Edwards on July 6, 2007. Expenditures for FY 2007/08 to FY 2010/11 based upon planned capital improvements for Fiscal Years 2007/08 to 2010/11 and entered into GovMax for Worksession. FY 2011/12 & Thereafter based upon Public Works projections. Revenues from Public Work projections or as calculated.

	FY 2005/06 Actual (audited)	FY 2006/07 (7/6/2007)		Budgetary Projections					
		Budget	Exp / Enc	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Thereafter
EAST - 12604									12/31/2021 (PROPOSED)
Beginning Fund Balance Forward	\$ 2,757,757	\$ 3,146,618	\$ 3,146,618	\$ 748,224	\$ 1,094,663	\$ 1,451,007	\$ 1,817,490	\$ (2,405,549)	\$ (2,080,549)
Impact Fees	223,020	295,000	332,297	325,000	325,000	325,000	325,000	325,000	3,006,250
Interest	168,471	40,000	111,822	21,439	31,344	41,483	51,961	-	-
Other	-	(15,000)	-	-	-	-	-	-	-
Total Revenue	391,491	320,000	444,119	346,439	356,344	366,483	376,961	325,000	3,006,250
Project Costs	(2,630)	(2,718,394)	(188,425)	-	-	-	(4,600,000)	-	-
Revenue over (under) Expenditure	388,861	(2,398,394)	255,694	346,439	356,344	366,483	(4,223,039)	325,000	3,006,250
Advance from Sales Tax Fund	-	-	-	-	-	-	-	-	-
Pay-Back to Sales Tax Fund	-	-	-	-	-	-	-	-	-
Transfer Back to Sales Tax Fund	-	-	-	-	-	-	-	-	-
Reserves	\$ 3,146,618	\$ 748,224	\$ 3,402,312	\$ 1,094,663	\$ 1,451,007	\$ 1,817,490	\$ (2,405,549)	\$ (2,080,549)	\$ 925,701
Beginning Balance: Interfund Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,405,549	\$ 2,080,549
Plus Advances	-	-	-	-	-	-	2,405,549	-	-
Less Payback	-	-	-	-	-	-	-	(325,000)	(2,080,549)
Transfer Back to Sales Tax Fund	-	-	-	-	-	-	-	-	-
Ending Balance: Interfund Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,405,549	\$ 2,080,549	\$ -

Updated engineering plans were completed in late June 2007 for Chapman Rd., the remaining improvement to be constructed in this District. Updated cost estimates from the design engineer will be available in late July 2007. The updated cost estimates will be incorporated into this projection when finalized. At that time, the 2021 Reserves balance for this District is anticipated to approach or drop below zero.

AN ORDINANCE AMENDING CHAPTER 120 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR A NEW SUNSET DATE FOR THE EAST DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, transportation facility construction and improvement is an integral and vital element of the regulatory plan of growth management incorporated in the Seminole County Comprehensive Plan; and

WHEREAS, significant development in incorporated and unincorporated Seminole County greatly increased the need and demand for transportation facility construction and improvement; and

WHEREAS, the Board of County Commissioners (“the Board”) seeks to reasonably and fairly spread the cost of transportation construction and improvement among new development and redevelopment occurring in Seminole County; and

WHEREAS, the proposed widening of West Chapman Road, originally scheduled for the year 2000, was placed on hold for several years; and

WHEREAS, the costs of right-of-way and construction have significantly increased since that time; and

WHEREAS the project has been reinstated, with construction planned for 2010-11; and

WHEREAS, the 2002 amendment to the road impact fee chapter of the Land Development Code established a Sunset Date of December 31, 2007 for the East Collector Road District; and

WHEREAS, an extension of the impact fee is needed to fund the costs of the project; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public

WHEREAS, the Seminole County Comprehensive Plan requires that a property rights analysis be accomplished relative to any changes in land development regulations and such analysis has been accomplished; and

WHEREAS, the Board of County Commissioners of Seminole County (the "Board") hereby finds that this Ordinance is consistent with the objectives, goals and policies of the Seminole County Comprehensive Plan.

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

Section 1. Legislative Findings. The recitals set forth above are hereby adopted as legislative findings relative to the enactment of this Ordinance and shall be codified.

Section 2. Amendment to Collector Road Impact Fees. Part 3, Section 120.25, Land Development Code of Seminole County, is hereby amended to read as follows:

Sec. 120.25 Sunset Date.

There are hereby created Sunset Dates for Collector Road District Impact Fees. The Sunset Dates are as follows:

North Collector:	December 31, 2005
East Collector:	December 31, 2007 <u>2021</u>
South Collector:	December 31, 2021
West Collector:	December 31, 2021

Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Land Development Code of Seminole County, Florida and the word "Ordinance" may be changed to "Section," "Article," or other appropriate word or phrase and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Sections 3, 4, and 5 shall not be codified.

Section 4, Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 25th day of September, 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

CARLTON D. HENLEY, Chairman

Seminole County ECONOMIC IMPACT STATEMENT

Date:	9/25/07	Department//Division:	Planning and Development- Planning Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Ordinance amending the Land Development Code		
Topic:	Amendment to the Land Development Code of Seminole County to establish a new Sunset Date for the East Collector Road Impact Fee District.		

Describe Project/Proposal

The Seminole County Road Impact Fee Ordinance helps provide funding for public improvements needed to accommodate newly approved development in the County. As adopted in 1987, this Ordinance established one countywide arterial district and four separate collector districts for which impact fees were to be collected for the purpose of improving designated roads. In 2002, a Sunset Date for expiration of each district road impact fee was established through adoption of an amending ordinance and supporting study.

At this time, the County is preparing to improve a 1.7 mile segment of Chapman Road from SR 426 to SR 434. This project is located in the East Collector District, which currently is subject to a Sunset Date of December 31, 2007. The proposed amendment to the Land Development Code would extend the time period for collection of this impact fee to 2021.

This Ordinance may have an economic impact on individuals, businesses, or government, based on the following provisions of the proposed amendments to the Land Development Code:

The proposed ordinance would extend the applicability of impact fees within the designated area for an additional 14 years. The function of an impact fee is to assess the specific costs of new development relative to needed improvements in public facilities, and assign such costs to that development.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

This ordinance may have a direct economic impact upon County operations in terms of providing funding for a public facility which the County is in the process of constructing.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

No increase in development costs to property owners is anticipated as a result of the proposed new regulation. Failure to approve the proposal could increase development costs by delaying a needed public facility improvement, or distributing its cost unevenly among affected property owners.

Identify Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

The proposed impact fee extension would benefit area property owners and the community in general by providing road improvements that facilitate traffic circulation, public safety, and economic growth in the area.

Citation

Seminole County Home Rule Charter.

Seminole County
PRIVATE PROPERTY RIGHTS ANALYSIS
Amendments to the Land Development Code to Establish
Regulations for East Collector Road Impact Fee District

Date:	9/25/07	Department//Division:	Planning and Development- Planning Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Ordinance amending the Land Development Code		
Topic:	Amendment to the Land Development Code of Seminole County to establish a new Sunset Date for the East Collector Road Impact Fee District.		

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Estimated Economic Impact on Individuals, Businesses, or Government

The proposed ordinance would extend the applicability of impact fees within the designated area for an additional 14 years. The function of an impact fee is to assess the specific costs of new development relative to needed improvements in public facilities, and assign such costs to that development. The economic impact on individuals and/or businesses would be an increase in development costs to property owners and other private entities. The economic impact on government is to provide funding for those public facilities which are specifically needed to serve new growth.

Anticipated New, Increased or Decreased Revenues

These amendments are intended to increase available revenues to local government for the purpose of constructing public facilities needed to serve new development.

Method Used in Determining Analysis

The analysis used to determine potential impacts of the proposed amendment is based on existing methodologies already adopted in the Land Development Code, and professional expertise.

Citation

Seminole County Comprehensive Plan (Vision 2020 Plan).



SEMINOLE COUNTY

Engineering Division
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773
Phone: (407) 665-5674
FAX: (407) 665-5789

August 13, 2007

MEMORANDUM

TO: Commissioner Carlton Henley, District 4, Chairman
Commissioner Brenda Carey, District 5, Vice Chairman
Commissioner Bob Dallari, District 1
Commissioner Michael J. McLean, District 2
Commissioner Dick Van Der Weide, District 3
Cynthia A. Coto, County Manager

FROM: Jerry McCollum, P.E., County Engineer

SUBJECT: Major Transportation Projects – Budget Work Session – Follow-Up

As a follow-up to the Budget Work Session, the following information is provided:

Second Generation Sales Tax Projects

State Road 434 (Interstate 4 to Range Line Road)

State Road 436 Interchange at Red Bug Lake Road

As discussed with the Board at the Work Session, there have been substantial increases in right-of-way costs associated with the 4-laning of State Road 434 especially from Palm Springs to Range Line Road in Longwood and the grade separated interchange at State Road 436 and Red Bug Lake Road. At this time, we are evaluating the construction limits of the State Road 434 project that is currently planned for construction from Interstate 4 to Range Line Road. It may be necessary to readjust the limits of this project so that only the section from Interstate 4 to Palm Springs Drive is built as part of the 2001 Sales Tax Program. If this is necessary, we would look at acquiring a potential retention basin on the section of State Road 434 between Palm Springs Drive and Range Line Road.

New Oxford Road

We have conducted a Preliminary Engineering Study to determine a typical section and alignment for this project. On a preliminary basis, it appears that a 4-lane road may be necessary in the future and the most practical alignment for the New Oxford Road would be to come in behind the Lowe's site and tie into a realigned South street. However, in reviewing the cost of the project and the economic benefit, it is felt that the costs of the project outweigh the benefit provided. Also, as the Board is aware, this project was not part of the 2001 Sales Tax Program Referendum. As discussed, the increased costs for the State Road 434 and State Road 436/Red Bug Lake Road Interchange projects should receive first priority for funding. Therefore, at this stage, we would not recommend that this project move forward with final design and have not included it in the proposed budget or Capital Improvement Program update. Should a new revenue source become available, New Oxford Road could be reconsidered as a future road project.

1991 Infrastructure Sales Tax

In the summer of 2006, the Board was made aware that Bunnell Road and Eden Park Road would be delayed a year and that Wymore Road, Sand Lake Road and Airport Boulevard Extension would need to be delayed past FY 2011 to fund the Commuter Rail Transit Project. The Board was additionally advised that the East Collector District Road Impact Fee sunset date would need to be extended in conjunction with implementing Chapman Road improvements. Based on our latest funding assessment, the following is provided:

Wymore Road

Right-of-Way Acquisition Phase / FY 2012/2013
Construction Phase / FY 2013/2014

Sand Lake Road

Right-of-Way Acquisition Phase / FY 2012/2013
Construction Phase / FY 2014/2015

New Airport Boulevard Extension (State Road 46 to County Road 15)

Preliminary Engineering - Completed
Final Design Phase would be delayed until FY 2012/2013

East Collector District Road Impact Fee

Extend to December 31, 2021, coinciding with the sunset of the Arterial Road Impact Fee.

As requested, a map depicting the East Collector Road Impact Fee District Boundaries is attached. I hope this information has supplemented the slide presentation at the Work Session. If you have any questions, please contact me.

JM/dr

Attachment (Map)

- c: Donald S. Fisher, Deputy County Manager (w/attachment)
- April Boswell, Assistant County Manager (w/attachment)
- W. Gary Johnson, P.E., Director, Department of Public Works (w/attachment)
- Pam Hastings, Manager, Department of Public Works Administration (w/attachment)
- Antoine I. Khoury, P.E., Assistant County Engineer (w/attachment)

ROAD IMPACT FEE COLLECTOR DISTRICTS SEMINOLE COUNTY, FLORIDA

--- Collector Districts

0 0.5 1 2 Miles

