

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20061223

1. ACTION REQUESTED/PURPOSE: Approve recommended hearing dates for an amendment to the Land Development Code (LDC) to update the Road Impact Fee Schedule set forth in Chapter 2 of the LDC. Public hearing dates are as follows:

First public hearing - 10/10/06 at 5:05 p.m.
Second public hearing - 10/24/06 at 5:05 p.m.

2. WHAT ACTION ACCOMPLISHES: Public hearings are required to adopt amendments to the Land Development Code. Allows public the opportunity to comment on proposed fee increases. Establishes public hearing date for advertising purposes.

3. MANAGEMENT RECOMMENDATION: Authorize scheduling public hearings.

4. Departmental Category: Countywide

C12C

5. Meeting Date: 9-26-06

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	163.31801
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Ordinance	LDC, Ch 2
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input type="checkbox"/> Other	
<input type="checkbox"/> Walk-On		

Commissioner
Department
Division
By: *Donna Marie Collins*
County Attorney
Land Use
Donna Marie Collins

9. Background:

The Board of County Commissioners has the authority to adopt impact fees pursuant to both the Florida Constitution and Florida Statutes. The Lee Plan requires that the cost for the provision and expansion of services and facilities that benefit new development be borne primarily by those who benefit, and that such funding may include impact fees. The Lee Plan also requires that road impact fees be reviewed regularly and updated when necessary to reflect travel characteristics, construction and right-of-way costs, and to determine if the capital impacts of new growth are met by the fees. The LDC specifically requires the Board to review the Road Impact Fee Schedule every three years and update when necessary.

The Board approved a contract with Duncan and Associates, Inc., to review and update the County Road Impact Fee Schedule. Duncan and Associates, Inc., prepared a report entitled "Road Impact Fee Study - Lee County, Florida" dated July 2006. This report forms the basis of the proposed amendments to the Road Impact Fee Schedule. The Duncan Study and revised fee schedule relies on the best available technical data, as well as the use of sophisticated methodology to determine the impacts of development in an effort to establish an appropriate level of impact fees based on the most recent localized data.

(Continued on Page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
	N/A	N/A	N/A	<i>DMC</i>	RK 9/13	<i>9/13/06</i>	<i>9/13/06</i>	<i>9/13/06</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
9/13/06 9:44 AM
COUNTY ADMIN
FORWARDED TO: *PL*
9-14-06
1/4M

CO. ATTY.
FORWARDED
TO CO. ADMIN.
9/13/06 9:15

Subject: Road Impact Fee Schedule Update

The study proposes an update to the fee schedule. The draft Ordinance reflects two alternatives, one bases the fee on local roads only. The second alternative bases the fee on both local and State roads, reflecting the County's increasing participation in the improvement of State road facilities. At the public hearing, the Board must make a policy decision as to whether to adopt the updated fee schedule based on local roads alone, or local and State roads. In either case, the proposed amendment to the LDC updating the Road Impact Fee Schedule recommends a three-month phase in of the new fee schedule.

The Florida Impact Fee Act requires local governments to provide for accounting and reporting of impact fee collections and expenditures. The act further requires local governments that impose impact fees to address infrastructure needs to account for the revenue and expenditure of the impact fees in separate accounting funds. The Act also requires that local government limit administrative charges for the collection of impact fees to the actual cost. Finally, the Act requires that the financial statements of local governmental entities submitted annually to the Auditor General include an affidavit signed by the County's CFO confirming that the County has complied with all accounting and reporting requirements of the Act. These statutorily mandated provisions have been incorporated into the proposed amendments to Chapter 2 of the LDC.

The proposed amendments to the Road Impact Fee Schedule and Chapter 2 of the LDC have been reviewed by the following committees: 1) Land Development Code Advisory Committee; 2) Executive Regulatory Oversight Committee 3) Lee County Affordable Housing Committee; and, 4) Local Planning Agency.