

Proposed Change to Fees for Sketch Plans submitted Concurrently with Preliminary and Site Plan Amendments, Site Plan Amendments, Plats, and Exemptions from Submitting a Forest Conservation Plan



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Description

Recommend revisions to the regulatory fee schedule, with an effective date of February 1, 2016, for the following:

- A reduction in the fees that will be collected when additional plans types, such as preliminary and site plan amendments are submitted concurrently with a new sketch plan.
- A \$100 reduction in the application fee for record plats.
- Elimination of application fees for certain exemptions from submitting forest conservation plans.
- A \$20 application fee increase for certain exemptions from submitting forest conservation plans.
- A single application fee, of \$2,500, for all administrative site plan amendments.
- Clarification on the uses that qualify for the “Institutional” application fee structure category.
- An effective date of February 1, 2016.

Background

The Planning Board’s authority to charge fees for various development applications falls under different regulations. Preliminary plan fees, including record plats, are authorized under Section 50-34(b) of the Subdivision Regulation and requires the fee by resolution:

Filing of plan with application and processing fee. The subdivider or an agent shall file the preliminary plan with the board in the form of a tracing drawing, together with the application for its approval at the same time shall deposit the appropriate fee for its processing. Fees for processing shall be established by resolution adopted by the board from time to time. Such fees shall not be higher than reasonably necessary to cover the cost of the processing and administration.

Sketch plan and site plan fees are authorized by Section 59-7.3.3.B.2.a and 59-7.3.4.B.2.a of the County code where both sections state that the submission requirements include:

Application form and fees required by the Planning Director.

Forest conservation fees are authorized by Section 22-26(d) of the County code:

Administrative fee. The Planning Board must charge a fee to cover at least partially the costs of administering this Chapter, including review of submittals and field inspections. The fee schedule must be set by the Planning Board as part of the development application process. Different fees may be set based on the size of the tract or other relevant factors.

In this memorandum, staff is requesting a change in application fees for selected plan types. The revenues collected from the various applications are allocated either to the Development Review Special Revenue Fund or the Administrative Fund. In order to ensure consistency with the subdivision regulations staff requests that all fee changes be adopted by resolution. Each proposed application fee change is discussed below based on which account the fees are deposited.

Development Review Special Revenue Fund

Staff is proposing application fee changes that could affect revenues deposited into the Development Review Special Revenue Fund. The proposed fee changes apply to: sketch plans submitted concurrently with both a preliminary plan amendment and a site plan amendment; record plats; and site plan amendments. Each application fee change is discussed in greater detail below.

Sketch Plans

In 2010, the Board established an application fee for Sketch Plans, a plan type associated with the CR zone. When the Board established the fee schedule it capped the fee at \$260,000 and allowed a credit of up to 50 percent of the sketch plan fee to be applied to preliminary and site plans filed concurrently after the approval of the Sketch Plan.

Since 2010 many more properties have obtained the CR zone designation and have a requirement to submit a sketch plan with a new optional method of development application. Prior to the zoning changes, that took effect on October 30, 2014, some property owners obtained approval of preliminary and site plans. With the zoning change, some property owners are now interested in revising their approved and unbuilt plans using the new CR zone designation. The property owners do have the choice of constructing under the existing approvals or to change their approved plans to realize additional density that may have occurred with the CR zone. In order to take advantage of the CR zone, the property owner

must submit a new sketch plan and revise the approved preliminary and site plans before construction can occur.

Staff proposes that if a property owner wishes to modify their previously approved but unbuilt preliminary and site plans to capture changes afforded by the CR zone that a sketch plan credit be made available when all three plans are submitted concurrently. If approved, the sketch plan credit would be similar to the reduction that is already available to property owners who receive approval of a sketch plan then submit concurrent preliminary and site plans.

To clarify what the impact of this change, a specific example is provided below.

SKETCH PLAN CREDIT EXAMPLE				
Plan Type	Description	Maximum Fee¹	Discount Applied to Concurrent Plans	Fee Due²
Sketch Plan	1,740,800 sq.ft.	\$260,000 ³		\$260,000
Preliminary Plan Amendment	Residential = 172 TH Commercial = 1,334,560 sq.ft.	\$46,200 \$206,184 \$252,384	\$65,000 ³	\$187,384
Site Plan Amendment	Residential = 173 TH Commercial = 689,980 sq.ft.	\$33,880 \$108,997 \$142,877	\$65,000 ³	\$77,877
Total		\$655,261		\$525,261
<ol style="list-style-type: none"> 1. The maximum fee is the application fee required before any discount is credited. 2. The fee due is the application fee required if an applicant is allowed discount the current sketch plan fee if a preliminary and site plan is submitted concurrently <u>and after</u> the sketch plan is approved. 3. Under the existing fee schedule applicants pay the entire sketch plan fee and then are allowed to use up to 50% of the fee as a credit to future and concurrently submitted preliminary and site plans. Since the sketch plan fee is capped at \$260,000 the maximum amount is \$130,000 for both plans or \$65,000 for each the preliminary and site plan amendments. 				

In this example, the property owner obtained approval of a preliminary plan and site plan before the property was rezoned CR, but now the property owner wishes to revise those plans under the CR zone. The applicant would submit the sketch plan and amendments to the preliminary and site plans concurrently so that all three plans would be reviewed by staff and the Planning Board at once. Staff is recommending the change to the fee schedule which will then provide a sketch plan credit to new sketch plans that are submitted concurrently with both the preliminary plan amendment and site plan amendment. It is unknown how many projects would be able to take advantage of this credit for there are not many applications that have both preliminary and site plan approval, remain unbuilt, and were rezoned to CR after the regulatory plans were approved.

Record Plats

The current record plat application fee is \$2,100 dollars. From this amount \$1,995 is deposited into the Development Review Special Revenue Fund, \$100 goes for reproduction, and \$5 is used for recordation. Staff is requesting a reduction in the record plat fee to \$2,000. If approved \$1,995 would still go into the Development Review Special Review Fund. The remaining \$5 would be used for couriers to transport the plat to the Land Records office for recordation. Personnel that reproduce the records plats are already funded from the Development Review Special Fund.

Since the \$100 fee reduction for plats does not change the total revenue deposited into the Development Review Special Revenue fund staff is recommending the Planning Board accept the fee change for record plat applications. If approved, the new record plat application fee would be \$2,000 per plat.

Site Plan Amendments

The current fee schedule has different application fees for administrative, consent, and limited site plan amendments. The price ranges from \$1,000 to \$4,500. Major site plan amendments, which are substantial changes to the previously approved plans, must submit an application fee equivalent to a new plan. Consent and limited site plan amendments are fixed at \$3,250 and \$4,500 respectively. Administrative site plan amendments, which are approved by the Planning Director, have an application fee which ranges from \$1,000 to \$3,250. Staff is proposing one fee for all administrative amendments. The proposed application fee is \$2,500. A single fee introduces certainty for applicants. It also provides consistency in that Area team supervisors currently assess administrative site plan application fees based on the number and type of revisions, but each Area supervisor determines the fee separately. A single application fee for Administrative site plan amendments removes the inconsistencies.

Current and Proposed Site Plan Amendment Fees		
<u>Amendment Type</u>	<u>Current Application Fee</u>	<u>Proposed Application Fee</u>
Limited	\$4,500	No change
Consent	\$3,250	No change
Administrative	\$1,000 to \$3,250	\$2,500
Major	Same as New Site Plan	No change

In fiscal year 2015, the Planning Department received 27 administrative site plan amendments. The application fees charged ranged from \$1,000 to \$3,250 and the total revenue was \$46,250. The average administrative application fee was \$1,652, but the number of individual changes per amendment varied from application to application and there was little consistency. If all the administrative amendments received in fiscal year 2015 were charged the proposed flat fee of \$2,500 revenues would be \$67,500. The purpose of this application fee change is to provide consistency and clarity for all administrative site plan amendments by introducing a fixed price. The purpose is not to raise revenues.

Institutional Application Fees

Staff is not requesting application fee changes for Institutions but needs to clarify the type of uses that should qualify as “Institutional” for application purposes. The zoning ordinance in effect in October 29, 2014 did not have an institutional category. When applicants submitted applications for private institutions such as schools, hospice facilities, community pools, cultural facilities they were assessed the “Institutional” fee. The new zoning ordinance created a new Division called “Civic and Institutional Uses” but does not include all the uses that were previously permitted to file an application and pay the “Institutional” application fee. Therefore, staff would like to clarify the uses that are applicable to pay application fees at the “Institutional” rate. The uses that should qualify for the “Institutional” application fee schedule are: dormitories; residential care facilities (any size); private ambulances or rescue; charitable philanthropic institutions; cultural institutions; family day care; group day care; day care centers; private educational institutions; private outdoor playground areas; publicly owned or operated swimming pools; and private club, service organizations.

Administrative Fund Changes

Revenues allocated to the Administrative Fund are primarily from forest conservation related activities and include application fees for Natural Resource Inventories, Forest Conservation Plans, and other forest conservation related incidental applications such as forest conservation bond releases and fence permits in conservation easements. The proposed application fee change is only applicable to forest conservation exemptions which is discussed in greater detail below.

Forest Conservation Exemptions

Staff proposes a modification to the fee structure that will result in some exemptions having no application fee and others a small dollar increase. Fees for forest conservation exemptions have not changed in almost 10 years. There are 22 exemptions from submitting a forest conservation plan. Most exemptions have criteria that limit the amount of forest that can be removed and still be exempt from submitting a forest conservation plan. The level of review and difficulty for each exemption varies based on the type of exemption requested, the amount

of forest onsite and proposed for removal, and the presence of environmentally sensitive features. Not all exemptions require field verifications by Planning Department reviewers, but most do.

Staff proposes that if a property owner needs to submit a development application to change the feature of a plan approved before the forest conservation law came into effect, and the application does not include any land disturbance that the property owner/applicant prepare a simple one page form to satisfy the requirements for an exemption from submitting a forest conservation plan. The applicant would attest that they meet the criteria of either a small property exemption or a modification to an existing developed property exemption and submit the exemption request with the development application. This would only apply to exemptions from submitting a forest conservation plan that can meet the requirements of section (k), (s), and (t) of Chapter 22A-5 of the County code.

Under the new process applicants submit the exemption request form concurrently with their initial development application. The process does not require the preparation of a plan drawing to justify the exemption from submitting a forest conservation plan because the applicant is requesting to change a condition of approval or has not proposed any land disturbance. Less than 2 percent of the exemption requests filed in fiscal year 2015 met this requirement.

Staff receives numerous other exemptions from submitting forest conservation plans that require field visits to determine if the natural features shown on the drawing are accurate. The current exemption application fee is \$180 and it has not changed since 2007. Since then the consumer price index for the Washington-Baltimore area has shown a 20% increase (19.94%). Staff is requesting a \$20 increase in the application fee, which is 11 percent increase. In fiscal year 2014, staff billed approximately 1,300 hours for the review of 136 forest conservation exemption plans. Which equates to approximately 9.5 hours per application. Revenues received that are associated with exemptions from submitting forest conservation plans do not cover expenditures. The modest increase in forest conservation exemption fees will still not be sufficient to recover all cost incurred through the review and processing of these types of plans.

Recommendation

Staff is recommending the Planning Board approve fee changes, with an effective date of February 1, 2016, for the following:

1. Allow applicants that submit a new sketch plan concurrently with a preliminary plan of subdivision amendment and site plan amendment to utilize a portion of the sketch plan to offset the application fees for the preliminary and site plan amendments.
2. Reduce the application fee for record plats, by \$100, to \$2,000.

3. Eliminate the application fee for an exemption from submitting a forest conservation plan for a project that qualifies for the exemption under Sections 22A-5(k), (s), and (t) of the County code when the application is submitted concurrently with preliminary or site plan amendment and the activity does not include any land disturbance.
4. Increase the application fee for all other request for an exemption from submitting a forest conservation plan by \$20 to \$200.
5. Establish one \$2,500 application fee for all administrative site plan amendments.
6. The following uses are permitted to use the “Institutional” application fee schedule: dormitories; residential care facilities (any size); private ambulances or rescue; charitable philanthropic institutions; cultural institutions; family day care; group day care; day care centers; private educational institutions; private outdoor playground areas; publicly owned or operated swimming pools; and private club, service organizations.