

Fees for Administrative Subdivision Plans

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Description

Recommend revisions to the regulatory application fee schedule to:

1. Establish an Administrative Subdivision Plan fee of:
 - a) \$3,310.00 for existing places of worship and institutional uses
 - b) \$2,500.00 for the creation of up to 5 lots in the AR zone or 3 lots in any residential zone
 - c) \$4,000.00 for consolidation of existing lots or parts of lots in a nonresidential zone.
2. Continue the fees identified in the February 1, 2016 Fee Schedule and Worksheet for Pre-Application Submissions, Preliminary Plan of Subdivision, Record Plats, Preliminary Plan Amendments, Approved Plan Extensions, and Subdivision Waivers.

Authority to Establish Fees

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 existing 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.

The Planning Board's authority to assess application fees changes with the subdivision regulations that become effective on February 13, 2017. Effective February 13, 2017 the

appropriate section that will allow the Planning Board to assess application fees will be Section 50.10.5. This section reads:

The Board must approve by resolution the fees necessary to cover the cost of Administering this Chapter.

In this memorandum, staff requests the inclusion of new fees for Administrative subdivision plans and the retention of the existing fee schedule for all plan types included in the subdivision regulations.

Background

Section 50.6 of the subdivision regulations, which will become effective on February 13, 2017, allows a subdivider to submit an administrative subdivision plan instead of a preliminary plan under limited circumstances. In general, the administrative subdivision plan is limited to:

1. The creation of a lot for existing facilities such as places of worship, private schools, country clubs, and private institutions.
2. The creation of up to 5 lots for detached houses in the AR zone.
3. The creation of up to 3 lots for detached houses in any residential zone.
4. Consolidation of existing lots or parts of lots in a nonresidential zone.

The administrative subdivision plan review process will be very similar to a preliminary plan of subdivision. This type of plan will be reviewed by all regulatory agencies involved with the development review process, there will be a Development Review Committee meeting, and there is still the need to make the appropriate findings. The major exception is that administrative subdivisions will be approved by the Planning Director and not the Planning Board. However, the Planning Director has the ability to require the plan be acted upon by the Planning Board.

New Application Fees

Staff is recommended three new fees associated with administrative subdivision plans. Each fee is discussed in greater detail below.

1. Places of worship, private schools, country clubs and private institutions. Staff recommends an application fee of \$3,310.00 for all administrative subdivision applications that meet this category. The \$3,310.00 application fee is consistent with the fee that the Planning Board previously approved for private institutions and places of worship that must submit a preliminary plan of subdivision.

2. The creation of up to 5 lots for detached houses in the AR zone. Staff recommends an application fee of \$2,500.00 for all administrative subdivision applications that meet this category. The \$2,500.00 application fee is consistent with the base fee previously approved by the Planning Board for residential preliminary plans of subdivision. However, the preliminary plan of subdivision fee also requires a variable fee, in addition to the base fee, for each dwelling unit. The additional preliminary plan fee is \$365.00 per dwelling unit. Staff is not recommending the additional variable fee, but only the base fee for applications submitted in this category.

3. The creation of up to 3 lots for detached houses in residential zones. Staff recommends an application fee of \$2,500.00 for all administrative subdivision applications that meet this category. The \$2,500.00 application fee is consistent with the base fee previously approved by the Planning Board for residential preliminary plans of subdivision. However, the preliminary plan of subdivision fee also requires a variable fee, in addition to the base fee, for each dwelling unit. The additional preliminary plan fee is \$365.00 per dwelling unit. Staff is not recommending the additional variable fee, but only the base fee for applications submitted in this category.

4. Consolidation of existing lots or parts of lots in a nonresidential zone. Staff recommends an application fee of \$4,000.00 for all administrative subdivision applications that meet this category. The \$4,000.00 application fee is consistent with the base fee previously approved by the Planning Board for commercial/industrial properties of less than 10,000 square feet. Under the established fee schedule there is a \$5,000.00 base fee for properties with 10,000 to 24,999 square feet, and a \$6,000 base fee for each property of 25,000 square feet or greater. In addition, each subcategory has a variable application fee of \$0.15 per square feet. Staff recommends only a base fee of \$4,000.00 for any administrative subdivision plan that meets this criteria and no additional fee based on square footage.

Existing Application Fees

Since the subdivision regulations that become effective on February 13, 2017, in which the legislation changes the section that grants to the Planning Board authority to adopt a fee schedule. Staff recommends that the Planning Board also adopt the fee schedule that is already in effective, and last updated on February 1, 2016 for all application types covered by the subdivision regulations (Attachment A). This includes but is not limited to: preliminary plans of subdivisions, record plat, preliminary plan amendments, plan extensions, and subdivision waiver requests.

Other sections of the fee schedule that concern Forest Conservation plans, site plans, and sketch plans have separate legislation which is included in the legislation which enables the Planning Board to collect fees.

Development Review Special Revenue Fund

The application fee changes proposed by staff could have minor impacts to revenues deposited into the Development Review Special Revenue Fund. The elimination of the variable fee for some of the Administrative subdivision plans, as compared to the a preliminary plan of subdivision will reduce fee, but at the same time there should be a cost saving for the Department in that were no longer need to be a staff report generated and a presentation of the staff report to the Planning Board. Staff will monitor the revenues attributed to Administrative subdivision plans over the next 15 months to determine what kind of revenue loss occurred, if any.

Recommendation

Staff is recommending the Planning Board approve fee changes and the re-adoption of the existing fees for preliminary plans of subdivision, record plats, preliminary plan amendments, extensions of approved plans, and subdivision regulation waivers. The effective date of these changes would be February 13, 2017, but staff will start accepting administrative subdivision plans on February 1.