

RESOLUTION NO. 2015-02

A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF THE NORTH RIVER FIRE DISTRICT; REPEALING RESOLUTION 92-05 IMPACT FEE RATES; ADOPTING FINDINGS AND RECOMMENDATIONS SET FORTH IN THE IMPACT FEE STUDY PREPARED BY BURTON & ASSOCIATES, INC.; ESTABLISHING A NEW AND INCREASED SCHEDULE OF IMPACT FEES FOR NEW CONSTRUCTION; PROVIDING FOR ANNUAL ADJUSTMENTS TO THE IMPACT FEE SCHEDULE BASED UPON THE CONSUMER PRICE INDEX; PROVIDING FOR IMPACT FEE CREDITS; PROVIDING FOR COMPLIANCE WITH APPLICABLE FLORIDA LAW; PROVIDING FOR SEVERABILITY; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the North River Fire District ("District") is an independent special fire control district established pursuant to Chapters 189 and 191, Florida Statutes, and Chapter 2007-280, Laws of Florida, to provide fire and rescue services within its geographical boundaries in northern Manatee County, Florida; and,

WHEREAS, the District is authorized to raise funds to pay for the cost of new facilities and equipment through charges of impact fees upon new construction within its corporate boundaries in compliance with the provisions set forth in sections 163.31801 and 191.009, Florida Statutes, and Chapter 2007-280, Laws of Florida; and,

WHEREAS, due to the anticipated growth and new construction within the District, the Fire Commissioners of the District ("Fire Commission") commissioned a study by Michael Burton of Burton & Associates, Inc., to examine the District's existing impact fee schedule as set forth in District Resolution No. 92-05 and determine whether updates to the District's impact fee schedule were needed; and,

WHEREAS, the consultants from Burton & Associates conducted a thorough evaluation and analysis of localized data in a report entitled "Fire Impact Fee Study" dated February 5, 2015 (hereinafter "Burton study") that included consideration of: the anticipated population growth and new construction within the District; the level of service for fire protection services needed by future new construction within the District; and the District's capital infrastructure needs and costs for new facilities, equipment, and firefighter/paramedic personnel arising from said growth and new construction; and

WHEREAS, based upon all of the localized data evaluated, the consultants from Burton & Associates recommended in the Burton study that the District's impact fees as set forth in Resolution No. 92-05 be increased; and,

WHEREAS, in consideration of the amount of impact fee revenue needed for future capital infrastructure arising out of new construction, the Burton study recommended an impact fee methodology for new construction that that establishes a property

classification system that considers the benefits conferred to classes of property (residential and non-residential), allocates costs for said infrastructure needs between anticipated new residential and non-residential property construction within the District, and provides a rational basis for the impact fee allocation to the particular classes of property; and

WHEREAS, during a public hearing held on February 19, 2015, the Fire Commission heard testimony and evidence relating to the District's anticipated growth and new construction within the District, the infrastructure and capital needs arising from that growth, and the findings and recommendations provided within the Burton study; and

WHEREAS, after considering all evidence and testimony provided at the public hearing on February 19, 2015, the Fire Commission determined that it is in the best interest of the public to: adopt the impact fee methodology, fee schedule and recommendations relating to impact fees as set forth within the Burton study and increase impact fees within the District for new construction in accordance with said study.

NOW THEREFORE BE IT RESOLVED by the Fire Commission that:

1. The above recitals are true and correct, and are fully incorporated herein.
2. The North River Fire District hereby adopts and incorporates the findings, recommendations, calculations, results, and conclusions set forth in the Burton & Associates Fire Impact Fee Study dated February 5, 2015. A copy of said study is attached hereto and incorporated fully herein as Exhibit 1.
3. In accordance with the "Recommended Fire Impact Fees" set forth in the above referenced Burton study, the North River Fire District hereby adopts the following schedule of impact fee charges upon new construction:

PROPERTY CLASS/USE:

IMPACT FEE:

a. New Residential Dwelling	\$311.00
b. Commercial or Industrial Structures 5,000 square feet or less	\$600.00
c. Commercial or Industrial Structures 5,000 square feet a base fee of: -Plus over 5,000 square feet an additional fee per square feet	\$600.00 <i>Plus</i> \$0.15/sq. ft.
d. New travel trailer or recreational park Developments per lot or permitted space.	\$78.00

4. To ensure that the above listed impact fee schedule does not become deficient over time as costs escalate and in accordance with the recommendation provided in the Burton study, the North River Fire District shall annually increase the impact fees by the annual cost escalation factor set by the Consumer Price Index, All Urban Consumers -(CPI-U), U. S. City Average, as published by the United States Department of Labor Statistics.
5. In accordance with the recommendation provided in the Burton study, the North River Fire District finds that when a residential or commercial/industrial structure is rebuilt or replaced by a property owner and the rebuilt/replacement structure increases the original density in number of units for residential or square footage for commercial/industrial, such an increase will create a greater impact and need for fire services within the North River Fire District and a proportionally greater benefit to the property on which the structure is rebuilt/replaced. When there is such an increase, the North River Fire District hereby finds it is reasonable to impose an impact fee on the newly constructed rebuilt/replacement structure based upon the differential increase in units for residential or square feet for commercial/industrial between the original structure and the rebuilt/replacement structure. In such instances, the impact fees charged by the North River Fire District shall reflect an impact fee credit to the property owner for the original structure that is being rebuilt and replaced.
6. To the extent an impact fee credit is requested by the fee payer and applicable, impact fee credits shall be determined by the North River Fire District prior to the time of issuance of a building permit. If rates have increased between the time impact fees were paid and the date a building permit is issued, the owner will be responsible for paying the difference, and the burden of proof shall be the responsibility of the owner.
7. Any impact fee credits for residential or commercial structures shall run with the land perpetually.
8. The North River Fire District hereby adopts by reference the Manatee County Land Development Code for the property classes and uses referenced above.
9. The Fire Chief of the North River Fire District is authorized to coordinate with Manatee County Building Department for collection of these fees prior to the issuance of a building permit.

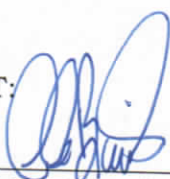
10. Impact fees shall be collected and kept separate from other District revenue and used exclusively in the manner provided for under applicable Florida law including the requirements provided for in sections 163.31801 and 191.009, Florida Statutes.
11. If any section, subsection, sentence, clause, or provision of this Resolution is held invalid, the remainder of the Resolution shall not be affected.
12. All prior Ordinances, resolutions or parts thereof in conflict herewith shall be and the same are hereby repealed.
13. This Resolution shall have an effective date of June 1, 2015. Pursuant to section 163.31801(3)(d), Florida Statutes, the Fire Chief or his designee shall publish a legal notice in a newspaper of general circulation on or before February 24, 2015, stating that the Fire Commission has adopted this Resolution imposing new and increased impact fees, effective June 1, 2015.

Adopted with a quorum present in regular session on this 19th day of February, 2015.



Robert M Bell, Vice-Chairman

ATTEST:



Michael P. Browning, Secretary