

2022 FEE CHANGE ANALYSIS

05/05/2022

On November 17, 2009, more than 12 years ago, the Board of County Commissioners, adopted the Schedule of fees for the Department of Environmental Resources Management (ERM) under Resolution R-2009-2017. ERM intends to evaluate and recommend changes, as needed, to this fee schedule every 3 years.

This fee analysis explains the changes described in Exhibit A, the actual changes in the Fee Schedule. The main driver of County costs during this time are the increases in salaries and benefits of staff between November 2009 and February 2022. Some considerations were process changes, frequency of review, staff rates and the amount of time it takes to perform each task. An evaluation was undertaken regarding the continued need for each fee. The recommendation is to increase the majority of the fees in accordance with the Bureau of Labor Statistics (BLS) Consumer Price Index (CPI). Between the dates of November of 2009 and February of 2022, the CPI increased by 31%. The fees are adjusted to reflect these considerations and a number of the fees reflect a portion of the time it takes for ERM staff to perform a given task.

Since the Schedule of fees for ERM adoption in 2009, Section A. Sea Turtle Protection and Sand Preservation fees have not changed, while the cost in salaries and benefits have increased. The proposed fees represent increases based on a consideration of CPI increase and re-assessment of staff effort to process applications. For Section B. Natural Areas, the equestrian use fee is no longer charged and therefore removed from the fee structure. The estimated cumulative annual increase for Section A. is \$2,160 with no increase expected for Section B.

For Section C. Wellfield Protection, the current fees do not reflect the actual cost of the program. At the program's inception, discussions with the Board of County Commissioners and the writers of the Ordinance indicated that the County as a whole would partially cover the cost of administering and processing operating permits and annual fees as the County benefits by the protection of regional groundwater. Since 2009, County costs for salary and benefits have increased with no fee adjustment. Depending on the category, the proposed fees represent an increase based on a consideration of CPI. The estimated cumulative annual increase for Section C. is \$19,865.

Florida Statute 553.80 which pertains to the Florida Building Code restricts the Planning Zoning and Building, Building Division to only charge applications that receive a review. This applies to only some Type 4, 6, and 9, commercial, governmental, and agricultural activities for the purposes of vegetation protection, wellfield protection, storage tank compliance and stormwater pollution prevention along with building permit applications needing a sea turtle lighting plan for coastal construction require an environmental review. These applications are charged an environmental review fee of \$15. Proposed is to increase this fee to \$30 to more adequately cover County costs associated with the current staff salary and benefit expenses.

Only the Section D. Development Review fees have increased annually by CPI as part of the Planning Zoning and Building ePZB process. Proposed, however, are increases to the Environmental Review and Environmental Revision fees to more accurately reflect process changes due to code revisions and staffing changes to further cover current staff salary and benefit expenses. These fees will continue to be subject to annual CPI increases and are detailed in the ePZB system. In addition, the Development of Regional Impact (DRI) Environmental Evaluation fee now references the ePZB fee code on the fee schedule. The estimated cumulative annual increase for Section D. Environmental Review is \$24,997.

The Section E Vegetation Preservation and Protection fees are increased with consideration of CPI to more adequately offset County costs and the additional vegetation inspection fee is eliminated due to implementation considerations. The estimated annual cumulative increase for Section E. Vegetation Protection is \$11,149.

The remaining Section F. Excavation, fees also have not changed since 2009. Recommended is to increase these fees with consideration of the CPI. The estimated cumulative annual increase for Section D. Environmental Review is \$6,485.

The Section G. File Searches fee is eliminated as information requests of this type have not been requested for a number of years. Records are made available electronically with staff assistance through a public records request or through use of other available on-line databases, such as Oculus.

Conclusion

Increases are recommended for most fees in order to reflect a portion of the actual County costs to review, inspect and process applications related to the Unified Land Development Codes that ERM oversees. The majority of the fees are increased to more accurately reflect County costs based on salary and benefit increase with consideration of CPI. Some fees are increased based on process time. There are no new fees and three (3) fees are eliminated. Specifically, the equestrian use permit fee, a fee for an additional vegetation inspection and the fee for File Searches, each eliminated as they are no longer applicable to today's processes.

The overall annual revenue increase associate with this proposal is anticipated to be approximately \$64,686.

EXHIBIT "A"

PALM BEACH COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

SCHEDULE OF FEES FOR
ENVIRONMENTAL RESOURCES MANAGEMENT
Effective _____

Adopted by the Board of County Commissioners
Resolution No. _____

A. SEA TURTLE PROTECTION AND SAND PRESERVATION

Authority: Fees shall be imposed as authorized in Article 14.A., Sea Turtle Protection and Sand Preservation, of the Unified Land Development Code (ULDC).

The schedule of fees shall be based upon the level of review necessary to process approvals (i.e., the proposed number of individual lights to be installed or retrofitted, time of review and inspection time) and will be divided into the following categories:

1. THE INSTALLATION OF NEW LIGHTING ASSOCIATED WITH CONSTRUCTION OR REMODELING:

<u>Number of Lights</u>	<u>Fee</u>
a. 1 - 50	\$630825
b. 51 - 100	\$8051,050
c. 101 - 150	\$9201,250
d. > 150	\$11501,500

2. THE INSTALLATION OF NEW LIGHTING AT EXISTING FACILITIES:

<u>Number of Lights</u>	<u>Fee</u>
a. 1 - 10	\$115150
b. 11 - 20	\$200260
c. > 20	\$200260

3. MINOR MODIFICATIONS OF LIGHTING PLAN APPROVAL (TYPE 1 AND 2) (SIGNIFICANT MODIFICATIONS REQUIRE A NEW PERMIT) 25% of original fee
4. APPROVAL OF PLANS TO REPLACE EXISTING LIGHTING FIXTURES IN THE SAME LOCATION WITH MINIMAL PLAN REVIEW AND NO NEW IMPACTS TO TURTLES \$0
5. DEMINIMUS PERMIT \$0

B. NATURAL AREAS

1. Authority: Fees may be imposed as authorized in Ordinance No. 94-13, The Palm Beach County Natural Areas Ordinance.

The fee is to offset the costs of administering permits for use of equestrian facilities on natural areas in the amount of \$15 per permit.

2. Authority: Pursuant to Section 3.04.B of the Conservation Lands Protection Ordinance (Ordinance 2003-052), applicants for an interest in Conservation Lands are required to make application for that interest to the Board of County Commissioners at a Public Hearing. Therefore, a fee equal to the amount of the cost for the advertising required for the Public Hearing shall be borne by the applicant in that process.

The fee will be determined at the time of the Public Hearing in an amount equal to the amount of the cost of advertisement. Applicant may make payment directly to facility providing the public notice.

C. WELLFIELD PROTECTION

Authority: Fees shall be imposed as authorized in Article 14.B., Wellfield Protection, ULDC.

1. OPERATING AND CLOSURE PERMIT BONDS:

	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>
Cash Bond, Permit	\$20,000	\$10,000	\$5,000
Bond with Corporate Surety and Letter of Credit			

Amounts reflected in this table are for each Operating and Closure Permit issued.

2. WELLFIELD PROTECTION OPERATING PERMIT APPLICATION FEE:

All applicants for a Wellfield Protection Operating Permit shall pay a non-refundable filing fee according to the following schedule:

<u>Wellfield Zone</u>	<u>Permit Fees</u>
1 or 2	\$690900
3	\$440575
4	\$350450

3. FEE FOR PERMIT TO APPLY PESTICIDES IN WELLFIELD ZONES:

All applicants for a Permit to Apply Pesticides in Wellfield Zones shall pay a non-refundable filing fee in the amount of \$170200. The filing fee shall be paid prior to acceptance of the permit application for review. The fee shall be used to defray the cost of administering Article 14.B., ULDC.

For facilities with a combination of the wellfield permit and permit to apply pesticides "Wellfield Operating Permit to Apply Pesticides", the fee shall be the wellfield operating permit fee for that zone.

4. CLOSURE PERMIT FEE:

All applicants for a Closure Permit shall pay a fee equal to one-half (1/2) of the fee for the Wellfield Protection Operating Permit Application.

5. PERMIT TRANSFER FEE:

The fee for transfer of any Wellfield Protection Operating Permit, Permit to Apply Pesticides or Closure Permit shall be \$6075 to defray the cost of processing the transfer.

6. ANNUAL PERMIT RENEWAL FEE:

Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility to defray the costs of administering Article 14.B., ULDC. Except for entities that own or manage 20 or more facilities, the fee shall be paid according to the following schedule:

<u>Wellfield Zone</u>	<u>Permit Fees</u>
Zone 1	\$200260
Zone 2	\$140180
Zone 3	\$100135
Zone 4	\$6075
Permit to Apply Pesticides	\$35

For facilities with a combination of the wellfield permit and permit to apply pesticides "Wellfield Operating Permit to Apply Pesticides", the fee shall be the wellfield renewal permit fee for that zone.

Unless the calculation under the above schedule would be for a lesser amount, entities that own or manage 20 or more facilities shall pay an annual permit renewal fee of \$2000. All permits issued prior to September 30, 1990, are subject to an annual fee for the year beginning on the following October 1. Any permits issued in subsequent years are subject to an annual fee the following October 1.

7. SPECIAL EXEMPTION FEE:

Any person seeking a special exemption shall pay a fee of \$200 to defray the cost of processing the request, in addition to any appropriate permit fees.

8. GENERAL EXEMPTION FEE:

Any person seeking a general exemption pursuant to Article 14.B., shall pay a fee of \$100 to defray the cost of processing the request, in addition to the appropriate permit fees.

9. LATE FEE:

A fee of \$25 shall be charged if the application for permit or annual permit renewal fee is late. Should the application with associated fees not be provided within 60 days from the date due, then additional late fees of \$50 per month shall be charged until the application and fees are received.

10. MODIFICATION FEE:

All applicants for modification of any Wellfield Protection Operating permit in wellfield zones that requires the review of engineered plans for secondary containment or a groundwater monitoring plan, shall pay a fee of \$285375 to defray the cost of processing the application.

D. ENVIRONMENTAL REVIEWS

- 1. Authority: Florida Statute 553.80 (previously established by Resolution No. 1994-1052)

Environmental review of some Type 4, 6, and 9 Building Permit Applications and Building Permit Applications where a sea turtle lighting plan is required. Such reviews include, but are not limited to commercial, governmental, agricultural, and coastal construction for the purposes of vegetation protection, wellfield protection, sea turtle protection, storage tank compliance, and stormwater pollution prevention.

\$1530

- 2. Authority: Fees shall be imposed as authorized in Article 2.A., ULDC and are as adopted under Resolution No. 2008-1754, as amended 2018-0345, and collected by the Palm Beach County Planning Zoning and Building, Zoning Division Fee Schedule. The following clarifies the types of reviews.

ENVIRONMENTAL EVALUATION (4350): Environmental evaluation for DRO Pre-application, Annual Report Review, Public Hearing DRO application; Final DRO application and Substantial Deviation Determination of DRI

Public Hearing (DRO) includes:

- a. Rezoning to Standard District;
- b. Rezoning to a Planned Development District/Traditional Development District;
- c. Requested Use/Conditional Use A, Conditional Use B;
- d. Development Order Amendment (Plan or Conditions); and
- e. Modification to Preliminary Master/ Site/ Subdivision Plan Review

Final DRO application includes:

- a. Final DRO Review (Final Master/Site/Subdivision Plan Review); and
- b. Modification to Final Master/Site/Subdivision Plan Review

ENVIRONMENTAL EVALUATION - REVIEW OF REVISION (4351):
 Environmental evaluation for each revision to a Public Hearing application or Final DRO application as listed below.

Public Hearing (DRO) - Revision include:

- a. Rezoning to Standard District;
- b. Rezoning to a Planned Development District/Traditional Development District;
- c. Requested Use/Conditional Use A, Conditional Use B;
- d. Development Order Amendment (Plan or Conditions); and
- e. Modification to Preliminary Master/ Site/ Subdivision Plan Review

Development Review Officer (DRO)- Revision

- a. Final DRO Review (Final Master/Site/Subdivision Plan Review); and
- b. Modification to Final Master/Site/Subdivision Plan Review

- 3. Authority: Fees shall be imposed as authorized in Article 2.A., ULDC (4355)

DRI Environmental Evaluation \$100

E. VEGETATION PRESERVATION AND PROTECTION

Authority: Fees shall be imposed as authorized in Article 14.C., Vegetation Preservation and Protection, ULDC. ALL FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE

- 1. PROTECTION OF NATIVE VEGETATION APPROVAL AND PLAN REVIEW ACTIVITIES FOR MULTI-FAMILY RESIDENTIAL, COMMERCIAL, AND GOVERNMENTAL:

- a. For sites less than or equal to 10.0 acres (gross size) \$680900*
- b. For sites over 10.0 acres up to and including 20.0 acres (gross size) \$11201,500*
- c. For sites over 20.0 acres up to and including 50.0 acres (gross size) \$17252,250*
- d. For sites over 50.0 acres (gross size) \$21282,775*
- e. Preserve Evaluation and Review/Approval of Preserve Management Plan \$275360
- f. Application for cash payment in lieu of establishing Natural area preserve \$310400
- g. Tree Preservation Area review/plan approval \$125160

- 2. PROTECTION OF NATIVE VEGETATION APPROVAL AND PLAN REVIEW ACTIVITIES FOR AGRICULTURAL, EQUESTRIAN OR OTHER NON-RESIDENTIAL ANCILLARY USES:

- a. For sites over 10.0 acres up to and including 20.0 acres (gross size) \$7801,000*
- b. For sites over 20.0 acres up to and including 50.0 acres (gross size) \$11951,500*
- c. For sites over 50.0 acres (gross size) \$15252,000*
- d. Preserve Evaluation and Review/Approval of Preserve Management Plan \$310400

- e. Application for cash payment in lieu of establishing natural area preserve \$205260
- f. Tree Preservation Area review/plan approval \$125160

3. MODIFICATION:

- a. Modification which requires review of redesigned site plan, survey, mitigation plan, or a site inspection \$150200
- b. Modifications which do not require review of redesigned site plan, mitigation plan or site inspection but do cause text modification of original approval (including time extensions, transfers, change of ownership, modification of Building Department Permit, attachments) \$5065

4. APPLICATION FOR NATIVE ECOSYSTEM OVERLAY

- Review of application regardless of the amount of native vegetation present \$100130

* Fees shown assume that 2 inspections will be required per project (an initial evaluation inspection and a post-clearing inspection). Additional inspections may be warranted due to the complexity of the project, as a result of a failed inspection, or failure of the applicant or agent to appear at a scheduled onsite meeting. Additional inspections shall be billed at \$75 per inspection.

F. EXCAVATION

Authority: Fees shall be imposed as authorized in Article 4. D-B.10., Excavation, Unified Land Development Code.

1. EXCAVATION APPROVAL FEES:

All applications for approval of, modification to, or request for administrative waiver for a Notice of Intent to Construct (NIC) shall pay a non-refundable, non-transferable filing fee according to the following schedule:

- a. TYPE II, NON-BONA FIDE AGRICULTURE AND WEST COUNTY AGRICULTURAL AREA (WCAA) EXCAVATIONS:
 - 1. NIC – Type II, non-bona fide agriculture and WCAA excavation \$8051,050
 - 2. Application for administrative waiver \$175225
 - 3. To be included with the NIC for each additional lake beginning with the second lake with a designated planted littoral zone \$175225
 - 4. Application to modify an approved NIC that requires the review of a revised littoral plan, restrictive covenant agreement or plat \$285375

b. BONA FIDE AGRICULTURAL EXCAVATIONS:

1. NIC – Agricultural excavation \$625800
2. Application for administrative waiver \$200260
3. To be included with the NIC for each additional lake beginning with the second lake with a designated planted littoral zone \$175225
4. Application to modify an approved NIC that requires the review of a revised littoral plan, restrictive covenant agreement or plat \$285375
5. Agricultural excavation application with a request for an administrative waiver to remove the littoral planting requirement provided the proposed lake is for an approved bona fide agricultural use (i.e., cattle drinking, equestrian exercise area) \$400500

c. TYPE III EXCAVATIONS:

1. NIC – Type III excavation \$2,6003,400
2. Application for administrative waiver \$1,0001,300
3. To be included with the NIC for each additional lake beginning with the second lake with a designated planted littoral zone \$500650
4. Application to modify an approved NIC that requires the review of a revised littoral plan, restrictive covenant agreement or phasing plan \$1,5001,950
5. For the review and monitoring of excavation slopes, littoral planting areas, water quality, guarantees and depths to be paid annually beginning 1 year after a Type III NIC is issued until completion of the excavation. A late charge of \$50 per month from the due date shall be charged until payment is received. \$325425

G. FILE SEARCHES

File Searches conducted on behalf of a client and provide a written report on pollutant storage tank, petroleum cleanup, wellfield protection and other environmental issues. \$100