

**MANATEE COUNTY AFFORDABLE HOUSING
ADVISORY COMMITTEE REGULAR MEETING
COUNTY ADMINISTRATION BUILDING; FIFTH FLOOR, MANATEE ROOM
1112 Manatee Avenue West
Bradenton, Florida
June 26, 2023**

Present were:

Stephen Rinehart, Chairman
Vallerie Guillory, First Vice-Chairman
Erick Pons
Glen Gibellina
Brandon Johnson (entered during meeting)
William Conerly (entered during meeting)
Mark Dunlop
George Kruse, Board of County Commissioners (entered during meeting)

Absent were:

Kenneth Ellis
Michael Fenton

Two seats are vacant

Also present were:

Deborah Ash, Community Development Coordinator
Rowena Young-Gopie, Affordable Housing Development Coordinator
William O'Shea, Building and Development Services
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

AGENDA AND SIGN-IN SHEET

HC20221212DOC001

1. **CALL TO ORDER**

Chairman Rinehart called the meeting to order at 3:07 p.m.


2. **PLEDGE OF ALLEGIANCE/ROLL CALL**

Chairman Rinehart led the Pledge of Allegiance and conducted the Roll Call.

3. **DECLARATION OF A QUORUM**


In as much as there was no quorum, a work session was held.


5. **IMPACT FEE UPDATE STUDY**

 Elaine Barker, Impact Fee Coordinator, Comprehensive Planning Division, Development Services Department, utilized a slide presentation reviewing the Impact Fee updated study, and noted any revision would require an amendment to the Land Development Code (LDC). The Multi-modal plan can be used for transportation. Impact fees are a one-time payment for the cost of growth-related infrastructure, but cannot be used for operations, maintenance, or replacement, the fee covers a service, a contractual arrangement to build growth-related infrastructure, and is not a tax. The impact fees are charged for new construction increased demand for County services, such as law enforcement, parks, and roads, ensures new development pays fair share of costs incurred by the County for funding capacity by adding infrastructure, and provides funding for the Capital Improvement Element (CIE) and Capital Improvement Program (CIP). The Impact Fee requirements are to comply with the Impact Fee Act, Florida Statutes Chapter 163.31801, based on the most recent and localized data, represent new developments proportionate share of capital cost for system improvements, meet growth-related infrastructure needs such as Level of Service (LOS), must comply with Dual Rational Nexus. Manatee County has had impact fees since 1986 supported by a study, and spent in a manner that directs a proportionate benefit in 1986, the County implemented


impact fees in 1986, and in 2015, the County added library facilities as a component to fund expansion of the library system. In December 2015, the impact fee study was adopted with a phased approach, in April 2016, 80 percent of fees were charged, in April 2017, a new impact fee schedule was adopted at 90 percent, and in March 2018, the Board voted to keep impact fees at 90 percent. The Impact Fee study was done by Benesch using the Consumption-Based Methodology, a common methodology used by many Florida jurisdictions, which charges new growth based on its consumption capacity, and fees are calculated at a rate that cannot correct existing deficiencies. The Impact Fee components are inventory (unit cost of building, land, and vehicles), Level of Service, cost and credit components, net impact cost, calculated fee, and fee comparison. On page ten of the presentation she reviewed the one lane mile, capacity, the person miles of capacity, the total credit, net fee, and total impact cost. The fund components have no change, and she reviewed the chart on page 11 of the presentation explaining the residential and non-residential components. The Residential Land Use differences are explained in the chart on page 12 from 2015 to 2023 and the difference is structure size. She reviewed the presentation of the maintained four road impact benefit districts. The recent Legislative update to House Bill (HB) 337 (2021), limits the amount and frequency of fee increases, an increase of not more than 25 percent must be implemented in two equal annual increments, an increase between 25 and 50 percent must be implemented in four equal increments, any increase may not exceed 50 percent of the current rate, the fee increase can exceed the phase-in limitations if an analysis demonstrates “extraordinary circumstances”, and two publicly noticed workshops are held. She continued to review the School District of Manatee County proposed fee phasing graph of 50 percent in four years, and the summary of calculated residential fees graph, and single-family detached graph. The next steps for the Impact Fee study are, on April 18, 2023, the Board of County Commission (BOCC) held a work session, throughout May to July 2023 there will be stakeholder engagement, in August 2023, the consistency findings will be heard at the Planning Commission meeting, on September 2023 the BOCC will adopt the updated Impact Fee study, and December 2023 will be the effective date.

(Enter Commissioner Kruse, and Members Conerly and Johnson during the presentation)

 Discussion ensued regarding the difference in companies being used to perform the study, the study went out for a bid, and Benisch was chosen, and the four quadrants are being used for roads.

 Ms. Knapp noted it is jurisdictional, but schools, libraries, parks, and public safety are based on unincorporated Manatee County. Transportation is calculated differently.

Ms. Barker noted the Board of County Commissioners will decide on how they want to proceed. If they go above 50 percent they will need to have a work session.

 Nicole Knapp, Interim Director, Development Services, and Impact Fee Coordinator, responded the School Board chose what they wanted to do, but there was no recommendation made. The Board of County Commissioners will make a decision based on the study and will be provided options.

HC20221212DOC002

A quorum was declared


4. **MINUTES**


A motion was made by Member Dunlop and seconded by Member Conerly, to approve the minutes of August 9, 2021, and April 17, 2023.

Following a brief discussion, the motion carried 8-0, with members Ellis and Fenton absent.

6. **MOBILITY PLAN/MOBILITY FEE SYSTEM**


 Merih Wahid, Senior Project Engineer, Infrastructure Planning Division, Public Works Department, utilized a slide presentation reviewing the Mobility Plan/Mobility Fee System, overview, Comprehensive Planning and Adequate Facilities, must plan for adequate infrastructure for expected development through a planning horizon, requires adopted Levels of Service (LOS) for infrastructure, requires a Capital Improvement Plan (CIP) and funding sources needed to achieve and maintain adopted LOS, concurrency is one way to help ensure LOS is maintained, impact fees are one funding source for new capacity, and concurrency and impact fees are development requirements the State has increasingly viewed as interrelated. Mobility Fees target transportation. The purpose is to ensure infrastructure is in place concurrent with development impacts, the process is local government evaluates new development impacts to determine if they will be adverse, if adverse impacts will occur, the developer must construct or finance necessary infrastructure improvements, scale-down the project to avoid adverse impacts, or defer the project until such time that the needed infrastructure is in place. The concurrency includes sanitary sewer, mass transit, drainage, transportation, solid waste, parks, educational facilities, and potable water. Transportation specific concurrency is now a local government option rather than a State requirement, when the option is exercised developers are allowed to provide “proportionate fair share” as a way to mitigate a development’s adverse transportation impacts, traffic studies are performed, proportionate share amounts are based only on “new” improvements triggered by the development (excludes existing deficiencies), and proportionate share payments are impact fee credit eligible. Transportation concurrency has become an inefficient process, it no longer ensures transportation improvements will be in place concurrent with development or regulates timing of development, traffic concurrency studies use time and resources only to calculate a portion of an impact fee the developers will pay in-full regardless; therefore, the County proposes to replace transportation concurrency and impact fees with a mobility fee. A Mobility Fee is a transportation impact fee that also serves in lieu of a transportation concurrency system, and is considered a type of impact fee, if adopted, it will replace the County’s multimodal transportation impact fee, and the County’s transportation concurrency policy and regulations will be repealed as part of the process. On April 18, 2023, the Board directed staff to initiate policy and code amendments to repeal and replace transportation concurrency with a “Mobility fee,” continue to require significant projects to evaluate trip distribution on the County’s major roadway network, and establish “timing and phasing” study requirements and mitigation processes for zoning and land use plan amendments. The implications and considerations are to amend the Comprehensive Plan and the LDC to repeal transportation concurrency and establish the transportation impact fee as a mobility fee, continue tracking trips for capital improvement planning purposes, continued need for analysis of access points, processes for “legacy” development approvals, approved with mitigation complete, and have agreements with the County to make proportionate share payments or provide improvements. The study takes all of this into account. He continued to note there are benefit districts, such as the Southwest Tax Increment Financing (TIF) district, and has a direct relation to trip length. The benefit districts have different transportation impacts and must be spent within the area of the district.


 Discussion ensued that there are two types of consideration (operational improvements and capacity), it makes more sense to have mobility fees, traffic studies are marginal, every project would have an impact on the system, mobility fees would not expire like a Certificate Level of Service (CLOS), part of the process is to repeal transportation concurrency, traffic studies have a lot of data collection, and it gets convoluted, mobility fees will take trip calculations into consideration, mobility fees deal with the entire network of transportation needs, all development is considered, tourism traffic is not tied to capacity related improvements, any new development will have a prescribed number of trips generated each day, including residential, commercial, or industrial, and several counties have mobility fees.

 Mr. Wahid explained mobility fees are more efficient than impact fees. They provide more efficiency for developers, by not having to calculate proportionate fair share. It also saves time and resources for the County as well. HC20221212DOC003


 Rowena Young-Gopie, Affordable Housing Development Coordinator, distributed a current list of projects. HC20221212DOC004

7. **REVIEW OF REQUIRED INCENTIVES A THROUGH K**


 Incentives A through K were distributed.


 Deborah Ash, Community Development Coordinator, noted \$4.2 million in SHIP funds are expected from the State. The terms in the resolution state Members can remain in their seats until there are new appointments. Terms will be the same as the State reporting. She explained Incentives A, B, K, and J are to be discussed.

Incentive A

 The processing of approvals of development orders or permits, as defined in Land Development Code (LDC) Section 163.3164(7) and (8), for affordable housing projects, is expedited to a greater degree than other projects. The intent refers to the Housing Rapid Response Team (HRRT)/Fast Tracking. The recommendation is to maintain the current language in the LDC, and reassess in 2023.


 Chairman Reinhart stated there have been improvements and Ms. Young-Gopie manages the permits which are being expedited. Manatee County from his perspective is fulfilling this incentive.

 Discussion ensued regarding the density bonuses, lowering the fast track number below 25 percent could cause issues with timing, due to staffing, and no need to change if it is working.


 Rowena Young-Gopie, Affordable Housing Development Coordinator, stated developers who want to do affordable housing on their own property would need to have 10 percent affordable housing.

(Depart Member Guillory)

Bill O'Shea, Planner, stated currently one person has asked for an interpretation. The current rule is vague. Staff is waiting on language, and the County Attorney, is working on how the County can address any new legislative bills, where the State did not provide a lot of guidance.

 Ms. Young-Gopie noted the list distributed has Livable Manatee projects listed. Florida Affordable Housing Coalition projects are also eligible for Livable Manatee.

A motion was made by Member Dunlop to keep Incentive A as is. The motion was seconded by Member Johnson.

 Mr. O'Shea stated they will need to have more discussion with the Board as they move forward.

The motion carried 7-0, with Members Guillory, Ellis, and Fenton absent.

Incentive B

The modification of impact-fee requirements, including reduction or waiver of fees, and alternative methods of fee payment for affordable housing. The intent refers to LDC section 545.2(B), review fee deferral. The recommendation is to maintain the current incentive and reassess in 2023.



Mr. O'Shea stated this will need to be discussed with the Board. The incentives do not need to be changed each year.

It was suggested to table this item, and address it later.



A motion was made by Member Dunlop to leave Incentive B as is. The motion was seconded by Member Johnson, and carried 7-0 with Members Guillory, Ellis, and Fenton absent.

(Enter Member Guillory)

Incentive J

The preparation of a printed inventory of locally owned public lands suitable for affordable housing. The incentive is currently in Manatee County's Local Housing Assistance Plan (LHAP) and is being implemented through current language in LDC Section 545.6 (County Owned Property). County owned surplus property which is suitable for the development of affordable housing may be dispersed on an as-needed basis pursuant to procedures established by the Board in accordance with Section 2-17-1, Code of Ordinances (Conveyance of county-owned property to nonprofit agencies) and other applicable law. The recommendation is to maintain the current language in the LDC and reassess in 2023.

Ms. Young-Gopie stated by October 2023 the County is responsible for putting this information on the website. This will already be completed by the time the report is sent in 2023.



A motion was made by Member Dunlop to leave the statement as it and update current language in the LDC by October 1, 2023, to reflect the new State requirements in House Bill 627 and Senate Bill 102. The motion was seconded by Member Johnson.




Discussion ensued that all surplus properties should be offered for affordable housing, and if non-profits do not move forward with the properties, they should be offered to for-profits and other developers.





Ms. Young-Gopie noted surplus properties are declared by Resolution by the Board of County Commissioners. The small number of properties that are held by the Department, are not surplus. If staff decides to develop a parcel, they must surplus the property for each specific use. None of the County held parcels are surplus at this time, as there are only certain properties that meet the requirements.


Discussion ensued regarding Property Management determines what the use of the property is, once a parcel is no longer needed for County purposes, it will be sent to the department for use as affordable housing, the list referenced in Incentive J are lands owned by the County, and not all parcels are suitable for affordable housing, the State requires all properties to be listed, then next year, this Board can look at the parcels to determine if any of the properties would be suitable as surplus, when properties are surplus, staff proceeds immediately, a property may be deemed as not suitable for affordable housing, due to the need for flood insurance, which can make the payments not affordable, non-profits should


make the decision if they want to purchase the property, the properties were advertised and the non-profits had the opportunity to purchase them, if the County surpluses land, the County can give it to a non-profit, sell it to someone and the proceeds should go into an affordable trust to assist with development of affordable housing elsewhere, there is a need to start a real trust fund for affordable housing, currently the money from selling surplus property can be used for anything, look at what is in the best interest of the community, the Board should agree that all surplus land funds should be used for affordable land, the wording in the incentive does not mention surplus, and they are just being asked to publish a list of land that can be used for affordable housing.


 Ms. Young-Gopie explained all County owned parcels are being reviewed, and they can present that list to AHAC.

 Mr. O'Shea noted the report is to get SHIP Funding, and if there is too stringent of a requirement, there could be Board members who are against this, and perhaps it would be better to have a longer-term goal.

 Discussion continued that the bigger issue is to look at the surplus property and how it is handled, make a plea to the Board regarding how funds are received regarding surplus property, open dialogue with the Board, it should not be discretionary as to what the funds from surplus property sales are used for, trying to navigate surplus properties can be difficult, printing a list of County owned property, property must be suitable for building, and this is in context of the seller, not the buyer.


 Mr. O'Shea stated the county must consider public safety when designating property as surplus for affordable housing.

 Ms. Young-Gopie noted the money from the Rubonia property went straight to surplus.

 Commissioner Kruse clarified it is necessary for the funds from the sale of surplus property to go to a specified fund for affordable housing.

Member Dunlop called the question. The motion to call the question died due to lack of a second.

Discussion ensued that as it stands, Incentive J meets State requirements.

 Ms. Young-Gopie suggested language that county owned property that is suitable for development of affordable housing, should be surplus and disbursed. Property must be surplus prior to the funds being disbursed. The terms must be defined.


The motion carried 7-1, with Member Gibellina voting nay and Members Ellis and Fenton absent.


 Ms. Ash noted Incentives H and K also need review.


8. **NEXT MEETING**

The next AHAC meeting will be held July 17, 2023, at 3:00 p.m. – 5:00 p.m., at the County Administration Building, Manatee Room – 5th Floor, 1112 Manatee Avenue West, Bradenton 34205.

9. **MEMBER COMMENT**

 Member Gibellina asked for discussion on where tiny Homes can be built, other than RV lots.

 Mr. O’Shea noted he spoke with Hillsborough County, and the two tiny home projects there, were built in RV parks. Hillsborough knows there will be issues with the amount of time the tiny homes are leased. Tiny home communities, are addressed in Appendix Q. They must go back before the Board, and get different direction. Upon question Mr. O’Shea stated guest cottages as approved, were not defined as casaitas. The country club will provide all food and services to those staying in the guest cottages, and the guest cottage zoning is only available east of the Future Development Area Boundary.

 Member Guillory requested a presentation on the Live Local Act, Senate Bill 102, and House Bill 627.

Ms. Ash stated there are webinars on the Live Local Act, and links will be sent to the Members.

There being no further member comments, Chairman Rinehart closed member comments.

10. **PUBLIC COMMENT**

There being no public comments, Chairman Rinehart closed public comments.

ADJOURN

There being no further business, Chairman Rinehart adjourned the meeting at 5:05 p.m.

Minutes Approved: _____