

LAND DEVELOPMENT SERVICES
January 22, 2019

STAFF REPORT

PREPARED BY CODE DEVELOPMENT AND COMPLIANCE

- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING ORDINANCE AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendment to Update Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia* Regarding ePlans and Other Updates

PUBLIC HEARING DATES

Authorization to Advertise:	<u>January 22, 2019</u>
Planning Commission Hearing:	<u>February 20, moved to March 14, 2019 at 7:30 p.m.</u>
Board of Supervisors Hearing:	<u>March 19, 2019 at 4:00 p.m.</u>
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STAFF REPORT

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendment to Appendix Q (Land Development Fee Schedule) of the *Code of the County of Fairfax, Virginia* (Code) regarding ePlans and other updates.

DISCUSSION

Land Development Services (LDS) is beginning a new paperless plan (ePlan) review process, which will allow designated plan types to be submitted and reviewed electronically. The initial plan types designated for paperless submission are Site Plans (SPs), Site Plan Revisions (SPVs), Minor Site Plans (MSPs), Minor Site Plan Revisions (MSPVs), Commercial Tenant Alteration Building Plans and New Commercial Building Plans.

Over time, all plan reviews will be electronic, which will require different workflows and plan review cycles, ultimately allowing for a more economical, modern, and environmentally-conscious plan review process. The fee structure for building plan reviews already supports this transition to ePlan reviews, however, LDS needs to update the fee structure for site-related plans to enable ePlan reviews. LDS proposes other fee revisions as described below.

Updates to the LDS fee structure for site-related plans:

- The current fee structure for site-related plans is based upon a series of plan submissions and updates being submitted as plan “inserts.” With paper plans, customers pay a fee for each plan submission (i.e., 1st submission, 2nd submission, 3rd submission, and beyond) and \$108 per inserted sheet when a full resubmission is not needed. However, for version control, ePlans systems do not allow for insertion of individual sheets, and whole plan sets must be submitted. To account for this, LDS will adjust fees for each plan submission or for any insert sheets. These fees will be replaced by fees for review cycles, beginning with the Initial Review Cycle Fee. LDS will continue to charge fees in addition to cycle fees, such as those charged for each disturbed acre and each linear foot of public improvement. Assuming the 1st submission requires additional reviews and updates (as is the case with 94% of site plans), then a fee will be charged for the Second Review Cycle (now 55% of the fees assessed at the initial plan submission). All plan comments and issues will then be finalized in the Signature Set Review Cycle, which will require no additional fee. If issues and errors persist beyond Signature Set Review Cycle, then LDS will assess a new fee for every additional review cycle needed to correct major applicant errors and omissions or major applicant changes. An overview of the proposed site plan fee changes is included as Attachment 1.

New technology and digitization fees related to ePlans, new landscape deferral application fee and other minor fee revisions:

- LDS proposes a 4% technology surcharge on all land development applications. This revenue will be deposited into a dedicated project in the Information Technology Fund for the specific purpose of funding future technology improvements for customer access to the County's land development information systems. LDS benchmarked this fee with neighboring jurisdictions, who charge technology fees averaging 8%. When first implemented, the fee will be applied to all LDS and Fire Marshal fees, but there is potential to expand to other land development permit and inspection fees (i.e., zoning). An estimated \$1.8 million is expected to be generated annually by this fee initially. The funds will be directed to a dedicated project in the Information Technology Fund and used to support and/or replace land development technology.
- LDS proposes charging a digitization fee when customers submit paper plans for plan types in the ePlans system. If a customer chooses to submit a paper plan, LDS will charge the new digitization fee (\$0.75 per square foot of paper) to scan and electronically index each plan into the ePlans system. This fee will be assessed on every sheet each time plans (or parts thereof that may be amended) must be resubmitted. No other fees related to inserts or page uploads will be charged. This fee offsets staff time to scan and index each sheet. An estimated \$0.1 million is expected to be generated annually by this fee.
- LDS proposes a new fee for processing landscape deferral applications. This fee offsets staff time to process the landscape deferral and encourages customers to submit complete deferral applications to avoid multiple fees. An estimated \$6,000 is expected to be generated annually by this fee.
- LDS proposes editorial changes to Appendix Q to adjust some inspection fees.

Attachment 2 includes the proposed fee changes to Appendix Q.

REGULATORY IMPACT

The proposed amendment updates Appendix Q of the Code to restructure the site-related fees, enabling LDS to review certain plans electronically. The initial plan types designated for paperless submission are SPs, SPVs, MSPs, MSPVs, Commercial Tenant Alteration Building Plans and New Commercial Building Plans. The building plan fee structure already supports this transition, but the site-related plans fees need restructuring. Overall, the proposed restructuring encourages site-related plan approval in two review cycles with no insert fees as follows:

- Initial Review Cycle – Adjusted Base Fee – Fee varies per plan type
- Second Review Cycle – Now 55% of the Fees Assessed at the Initial Submission of Plan
- Third Review Cycle – Signature Set of Plans – \$0
- Additional Review Cycles if Needed – Flat Fee

In addition, this amendment proposes a new fee for landscape deferral applications, a new digitization fee charged when paper plans are submitted for an LDS-specified electronic plan submission and a technology surcharge for all LDS and Fire Marshal transactions. The amendment also makes minor changes in Appendix Q.

This amendment will allow for the eventual transition to ePlans for all plans submitted to LDS. The ePlans system promotes better communication and collaboration among stakeholders, offering real-time status updates and increased transparency. Using ePlans ends the time-consuming and costly practice of printing and distributing heavy plans to multiple reviewing agencies—distribution happens instantaneously in the cloud. It will save time, because multiple agencies can review plans simultaneously. Customers will have 24/7 access to the ePlans review process. Finally, use of ePlans eliminates the need for scanning final plans for long-term records retention.

FISCAL IMPACT

The shift towards ePlans supports the overall plan submission and approval process, keeping focus on a reasonable and predictable time to market. As such, the fees associated with some submissions and inserts are being eliminated and replaced with fees based on review cycles, with every effort being made to ensure that there will be no additional financial impact on customers and no negative revenue impact on the County.

The site-related plan fee changes present no fiscal impact to the county as fees have been calculated to ensure that the changes are revenue-neutral. The proposed amendments will not require any additional staff to implement. Staff processing time will generally be reduced. Extensive analysis has been performed to ensure that the overall financial impact on customers submitting plans is negligible. LDS will monitor the ePlans fees each year to ensure neutral revenue.

In terms of the new fees, additional annual revenue of \$1.9 million is projected and summarized below:

Fee	Amount	Use
Digitization Fee	\$100,000	General Fund
Technology Surcharge	\$1,800,000	Information Technology Fund
Landscape Application Fee	\$6,000	General Fund
TOTAL	\$1,906,000	

The digitization fee has been calculated to cover the staff and technology costs associated with scanning, uploading and indexing paper plans for entry into the electronic plan review system. Approximately \$100,000 is projected to be generated annually by this fee.

The technology surcharge of 4% is projected to generate approximately \$1.8 million annually, which will be directed to a dedicated project in the Information Technology Fund. This fund will be accessed only to fund future improvements to the land development customer-facing technology.

The landscape application fee will have a minimal financial impact on the County and will generally cover the costs associated with staff processing, reviewing and approving these applications. Approximately \$6,000 is projected to be generated annually by this fee. The minor editorial fee changes will have minimal financial impact on customers and the County.

Upon Board approval, staff will work with the Department of Management and Budget to make the appropriate budgetary adjustments.

ATTACHED DOCUMENTS

Attachment 1 – Overview of the Proposed Site Plan Fee Changes

Attachment 2 – Amendment to Appendix Q (Land Development Services Fee Schedule)

LAND DEVELOPMENT SERVICES
ePlan Recommendation for Fees
Site Plans and Minor Site Plans

		Proposed Fee Changes		
Site Plan Type	Current Fees	Proposed Fees (ePlan and Paper)	Proposed Change	% Difference for Base Fee

Site Plans				
1st Submission	\$ 8,755	\$9,806	\$1,050	12%
Inserts	\$ 108	\$0	(\$108)	
Revisions	\$ 1,270	\$1,346	\$76	6%
2nd Submission	50% of First	55% of First	Average \$1,434/17%	
3rd Submission	\$ 5,604	\$0	(\$5,604)	
4th Submission & Beyond	\$ 5,604	\$6,000	\$396	7%
Minor Site Plans				
First Submission	\$ 3,422	\$3,901	\$479	14%
Inserts	\$ 108	\$0	(\$108)	
Revisions	\$ 678	\$719	\$41	6%
2nd Submission	\$ 3,422	55% of First	(\$1,276)	-37%
3rd Submission	\$ 3,422	\$0	(\$3,422)	
4th Submission & Beyond	\$ 3,422	\$3,750	\$328	10%
Subdivision Plans				
First Submission	\$ 5,796	\$6,955	\$1,159	20%
Inserts	\$ 108	\$0	(\$108)	
Revisions	\$ 1,270	\$1,346	\$76	6%
2nd Submission	50% of First	55% of First	Average \$1,357/19%	
3rd Submission	\$ 5,604	\$0	(\$5,604)	
4th Submission & Beyond	\$ 5,604	\$6,000	\$396	7%
Grading Plans (Non-Bonded) - 1st Lot INF				
First Submission	\$ 1,685	\$1,921	\$236	14%
Inserts	\$ 108	\$0	(\$108)	
Revisions	\$ 678	\$712	\$34	5%
2nd Submission	\$ 678	55% of First	\$379	56%
3rd Submission	\$ 678	\$0	(\$678)	
4th Submission & Beyond	\$ 678	\$700	\$22	3%

Attachment 1 - Overview of Proposed Site Plan Fee Changes

		Proposed Fee Changes		
Site Plan Type	Current Fees	Proposed Fees (ePlan and Paper)	Proposed Change	% Difference for Base Fee
Rough Grading Plans - Per Division or Disturbed Acre				
First Submission	\$ 792	\$903	\$111	14%
Inserts	\$ 108	\$0	(\$108)	
Revisions	25% of First	\$500	\$0	
2nd Submission	25% of First	55% of First	\$299	151%
3rd Submission	25% of First	\$0	(\$1,087)	
4th Submission & Beyond	25% of First	\$900	\$0	
PI Plans				
First Submission	\$ 4,223	\$3,843	(\$380)	-9%
Inserts	\$ 108	\$0	(\$108)	
Revisions	\$ 1,270	\$1,346	\$76	6%
2nd Submission	\$ -	55% of First	Average \$2,310	
3rd Submission	50% of First	\$0	Average (\$4,067)	
4th Submission & Beyond		\$2,500	\$2,500	

**Proposed Amendment to
Appendix Q (Land Development Services Fee Schedule) of
*The Code of the County of Fairfax, Virginia***

Amend the Table of Contents, where insertions are underlined, to read as follows:

This fee schedule establishes the fees charged, by Land Development Services and the Fire Marshal, for building and site development activities pursuant to the authority granted by §§ 15.2-2241(A)(9), 15.2-2286(A)(6), 62.1-44.15:54(J), 36-98.3, 36-105, 62.1-44.15:28(A) and 62.1-44.15:29 of the Code of Virginia and Chapters 2 (Property Under County Control), 61 (Building Provisions), 64 (Mechanical Provisions), 65 (Plumbing and Gas Provisions), 66 (Electrical Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sediment Control Ordinance), 112 (Zoning Ordinance), and 124 (Stormwater Management Ordinance) of the Code of the County of Fairfax, Virginia (the Code). (34-17-Q)

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Amend Part II (Site Development Fees), Section A (Plan and Document Review Fees), Subsection B (Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only), Paragraphs 1- 5, where insertions are underlined and deletions are struck, to read as follows:

<i>(B) Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only:</i>		
<i>The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.</i>		
1. Base Fee:		
● Subdivision Plans		
■ 1st submission <u>Review Cycle</u>		\$5,796.00 <u>\$6,955.00</u>
● Site Plans		
■ 1st submission <u>Review Cycle</u>		\$8,755.20 <u>\$9,806.00</u>
● <u>Site Plans and Subdivision Plans</u>	<u>Additional fee per disturbed acre or any fraction thereof</u>	<u>\$1,061.00</u>
● <u>The maximum base fee (as part of the initial review cycle) is as follows:</u>		
■ <u>For Subdivision Plans</u>		<u>\$17,862.00</u>
■ <u>For Site Plans</u>		<u>\$59,526.00</u>
● Site p <u>Plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.</u>		
■ 1st submission <u>Review Cycle</u>		\$4,222.80 <u>\$3,843.00</u>

2. Fees in addition to base fees (Due only with First Review Cycle):		
Site Plan and Subdivision Plan	Additional fee per disturbed acre or any fraction thereof	1,060.80
Site Plans for the following public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.	Additional fee per linear foot or fraction thereof, of each improvement	\$1.45
<ul style="list-style-type: none"> ● Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following, <ul style="list-style-type: none"> ■ Sites subject to rezoning ■ Sites subject to special exception ■ Sites subject to special permit ■ Sites subject to variance ● Review resulting from site conditions and proposed improvements <ul style="list-style-type: none"> ■ SWM/BMP facility, for each facility serving the site (on or off-site), except as noted, <ul style="list-style-type: none"> ◆ Constructed Wetland or Ponds ◆ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice¹, Innovative BMP², or Detention-Only Facility³ ◆ Dry Swale, Wet Swale, or Grass Channel (per linear foot), <ul style="list-style-type: none"> with a minimum of ◆ Rainwater Harvesting System, per square foot of collection area, <ul style="list-style-type: none"> with a minimum of ◆ Permeable Pavement, Vegetated Roof, per square foot of surface <ul style="list-style-type: none"> with a minimum of ◆ Manufactured BMP⁴, Micro- or Urban Bioretention⁵ ◆ Rooftop Disconnection, for each building served 	with a maximum cumulative fee of	\$4,158.00
■ Sites subject to rezoning		\$2,442.00
■ Sites subject to special exception		\$1,713.60
■ Sites subject to special permit		\$1,713.60
■ Sites subject to variance		\$1,269.60
● Review resulting from site conditions and proposed improvements		
■ SWM/BMP facility, for each facility serving the site (on or off-site), except as noted,		with a maximum cumulative fee of
◆ Constructed Wetland or Ponds		\$3,200.00
◆ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice ¹ , Innovative BMP ² , or Detention-Only Facility ³		\$1,900.00
◆ Dry Swale, Wet Swale, or Grass Channel (per linear foot),		\$5.00
with a minimum of		\$1,500.00
◆ Rainwater Harvesting System, per square foot of collection area,		\$0.12
with a minimum of		\$1,900.00
◆ Permeable Pavement, Vegetated Roof, per square foot of surface		\$0.12
with a minimum of		\$1,500.00
◆ Manufactured BMP ⁴ , Micro- or Urban Bioretention ⁵		\$1,200.00
◆ Rooftop Disconnection, for each building served		\$500.00

◆ Sheet Flow to Vegetated Filter Strip or Conserved Open Space, Soil Amendments, Reforestation, flat fee per plan		\$500.00
■ Floodplain area (existing and proposed)		\$856.80
■ Natural drainage way (non-floodplain watersheds)		\$856.80
■ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director)		\$1,269.60
Footnotes;		
1. Filtering practices include facilities such as sand filters.		
2. BMPs not on the Virginia Stormwater BMP Clearinghouse approved list or listed with a Pilot Use Designation or Conditional Use Designation.		
3. Vaults or other underground storage systems providing detention only. No ponds.		
4. Includes proprietary devices.		
5. Includes residential rain gardens, urban stormwater planters, expanded tree pits, and stormwater curb extensions.		
3. Resubmissions <u>Additional Review Cycles:</u>		
● 2nd submission <u>Review Cycle Fee: fee tabulated at as a percentage of all fees due at initial submission the first submission (Base Fee + all other associated fees assessed in accordance with (B1) and (B2) above).</u>	Percentage of the Original all Fees	50.00% <u>55.00%</u>
■ Plus, additional fees charged in accordance (B1) and (B2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission <u>review cycle.</u>	Tabulated Fee	
● The maximum combined first and second submission base fees:		
■ For subdivision plans		\$15,907.20
■ For site plans		\$56,772.00
● <u>Signature Set Review Cycle (formerly 3rd Submission): Site Plans, Subdivision Plans, and Site Plans with public improvements only</u>		<u>\$0.00</u>
● Resubmission site and subdivision plan after 2nd submission, per submission <u>Additional review cycles if Signature Set Review Cycle is not</u>		\$5,604.00 <u>\$6,000.00</u>

approved; per review cycle (does not apply to site plans with public improvements only)		
● 2nd submission fee for site plans with public improvements only, per submission		\$0.00
● Resubmissions after 2 nd submission <u>Additional review cycles for site plans with public improvements only, if Signature Set Review Cycle is not approved; per review cycle, per submission: fee tabulated at a percentage of the first submission fee in accordance with (B1) and (B2) above.</u>	Percentage of the Original Fee	50.00% <u>\$2,500.00</u>
4. Revisions:		
● Fee, per submission		\$1,269.60 <u>\$1,346.00</u>
■ Plus, additional fees charged in accordance with (B1) and (B2) above for changes in the disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the original <u>approved</u> plan.	Tabulated Fee	
5. Plan extensions (redate), per request		\$1,713.60

Amend Part II (Site Development Fees), Section A (Plan and Document Review Fees), Subsection C (Minor Site Plans and Grading Plans), Paragraphs 1- 5, where insertions are underlined and deletions are struck, to read as follows:

<i>(C) Minor Site Plans and Grading Plans:</i>		
1. Minor Site Plans, per submission		<u>\$3,422.40</u>
● <u>1st Review Cycle</u>		<u>\$3,901.00</u>
● <u>2nd Review Cycle</u>	Percentage of the <u>1st Review Cycle Fee</u>	<u>55.00%</u>
● <u>Signature Set Review Cycle (Formerly 3rd Submission)</u>		<u>\$0.00</u>
● <u>Additional review cycles if Signature Set Review Cycle is not approved; per review cycle</u>		<u>\$3,750.00</u>
● <u>Revisions; per submission</u>		<u>\$719.00</u>

2. Grading plans for building permits on existing lots within a subdivision currently bonded with the County:		
● 1 st submission, first lot		\$1,269.60
■ Each additional lot within the same subdivision submitted within the same plan set		\$1,054.80
● Resubmissions and revisions, first lot		\$432.00
■ Each additional lot within the same subdivision submitted within the same plan set		\$222.00
3. Grading plans for building permits on existing lots that are not within a subdivision currently bonded with the County and parcels with lots of 5 acres or more, <u>per infill lot</u> :		
● 1 st submission , <u>per infill lot Review Cycle</u>		\$1,685.00 \$1,921.00
● 2 nd <u>Review Cycle</u>	<u>Percentage of the 1st Review Cycle Fee</u>	55.00%
● <u>Signature Set Review Cycle (Formerly 3rd Submission)</u>		\$0.00
● <u>Additional review cycles if Signature Set Review Cycle is not approved; per review cycle</u>		\$700.00
● Resubmissions and r <u>Revisions, per submission-infill lot</u>		\$678.00 \$712.00
4. Rough grading plan (RGP) and filling parcels:		
● 1 st submission <u>Review Cycle</u> , per division of land or disturbed acre, or fraction thereof, whichever amount is greater		\$792.00 \$903.00
Not to Exceed		\$14,622.00 \$16,671.00
● 2 nd <u>Review Cycle</u>	<u>Percentage of the 1st Review Cycle Fee</u>	55.00%
● <u>Signature Set Review Cycle (Formerly 3rd Submission)</u>		\$0.00
● <u>Additional review cycles if Signature Set Review Cycle is not approved; per review cycle</u>		\$900.00

● Resubmissions and r <u>Revisions</u> , per submission	Percentage of the Original Fee	25.00% <u>\$500.00</u>
5. Conservation plan without a grading plan, per submission		\$1,208.40

Amend Part II (Site Development Fees), Section A (Plan and Document Review Fees), Subsection E (Miscellaneous Fees), where insertions are underlined and deletions are struck, to read as follows:

<i>(E) Miscellaneous fees:</i>		
● Sheet substitution (insert): fee paid prior to plan approval of any insert sheet to a study, report, plan or waiver.		\$108.00
● Lot Validation Application		\$444.00
● <u>Landscape Deferral Application</u>		<u>\$108.00</u>

Amend Part II (Site Development Fees), Section C (Site Inspection Fees), Subsection B (Fees in Addition to the Base Fee), Paragraph 1 (Public Utility Fees), where insertions are underlined and deletions are struck, to read as follows:

<i>(B) Fees in Addition to the Base Fee:</i>		
<i>1. Public Utility Fees:</i>		
● Storm drainage		
■ Base fee for the first 100 linear feet		\$1,862.40
■ For each additional linear foot or fraction thereof		\$4.02
● Stormwater management ponds		
■ Embankment less than or equal to 6 feet high		\$1,856.40
■ Embankment greater than 6 feet high		\$3,699.60
● Dedicated streets		
■ For the first 556 <u>350</u> square yards		\$2,601.60
■ For each additional square yard or fraction thereof		\$1.94 <u>\$3.04</u>
● Private streets		
■ For the first 556 <u>350</u> square yards		\$2,110.80
■ For each additional square yard or fraction thereof		\$1.57 <u>\$2.46</u>

● Other paved area, per square yard or fraction thereof	\$1.92
■ Driveway entrances, for each entrance	\$194.40
■ Pedestrian walkways/trails	
◆ For the first 56 50 square yards	\$446.40
◆ For each additional square yard or fraction thereof	\$4.00
● Sanitary sewer systems	
■ Base fee for the first 100 linear feet of main	\$2,594.40
■ For each additional linear foot or fraction thereof	\$8.40

Add Part III (Miscellaneous Fees), to read as follows:

<u>III. MISCELLANEOUS FEES</u>		
<p><u>The following fees must be paid to the County incidental to the Building and Site Development Fees identified in Parts I and II above. Fees must be paid in conjunction with the submission of the related plan, permit or application for processing.</u></p>		
● <u>Digitization Fee per square foot of paper plan for each paper submission for an ePlan designated plan type</u>		<u>\$0.75</u>
● <u>Technology Surcharge</u>	<u>Percentage of each transaction</u>	<u>4.00%</u>
● <u>Sheet substitution (insert): fee paid before plan approval of any insert sheet to a study, report, plan, or waiver.</u>		<u>\$108.00</u>