

AMENDMENT TO INTERLOCAL AGREEMENT

Creating the

Northeast Florida Regional Planning Council

This Amendment to Agreement, made and entered into this
10th day of January, 1989, by and between

Baker County

Clay County

Duval County

Flagler County

Nassau County

Putnam County

and

St. Johns County

WHEREAS, the parties have entered into an Interlocal Agreement creating the Northeast Florida Regional Planning Council; and

WHEREAS, local government land use decisions must consider the effects such decisions will have on its citizens, resources, and facilities; and

WHEREAS, with the adoption of the updated Local Government Comprehensive Plans, land use decisions, in order to meet the requirements of Chapter 163, Florida Statutes, must be based upon an increased amount of information; and

WHEREAS, it may be desirable on an elective basis for local governments to supplement local reviews of development proposals without creation and maintenance of larger staffs; and

WHEREAS, the Northeast Florida Regional Planning Council staff has gained considerable experience and expertise in the review of development proposals through administration of the Developments of Regional Impact process; and

WHEREAS, in order to accomplish review of development proposals certain costs, both direct and indirect, are involved which should be rationally linked to the request for the land use decisions; and

WHEREAS, the annual member government contributions to the operation of the Northeast Florida Regional Planning Council are committed to other operational functions; and

WHEREAS, the direct cost of local governments should not increase as a result of enhanced development proposal reviews;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and benefits to accrue from the development of a standardized fee schedule the Interlocal Agreement is amended as follows:

SECTION 1. PURPOSE

Subsection 1.(j) shall be added to read as follows:

- (j) To establish an organization to review, at the request of a local government, development proposals which are not subject to the review requirements of Developments of Regional Impact, Florida Quality Development, and other developments that are or will be defined in Chapter 380, Florida Statutes, which will collect review fees and make recommendations to the local government(s) of jurisdiction for application approval/disapproval in order to insure that quality development within the region is consistent with the adopted Comprehensive Regional Policy Plan and Local Government Comprehensive Plans.

SECTION 2. POWERS

Paragraph 8.(m)(2) shall be added to read as follows:


- (2) Fees for review of development proposals requested by local government shall be subject to the following provisions:
 - a. Review fees shall be collected from the entity requesting the land use decision and not from the local government of jurisdiction.
 - b. Calculation of the review fee shall be based upon the criteria contained in Subsection 2.(1) of this agreement.
 - c. No review shall be undertaken by the Northeast Florida Regional Planning Council until the fee is received.

d. Since the development review and approval process differs among local governments specifics of the review procedure as authorized herein shall be set forth in a written agreement between the local government of jurisdiction requesting the review and the Northeast Florida Regional Planning Council.


SAVE AND EXCEPT as hereby expressly amended, all terms and conditions of the Interlocal Agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties have officially adopted and caused this agreement to be executed and their signature to be affixed by their respective chairman or chief official as of the day and year first above written.

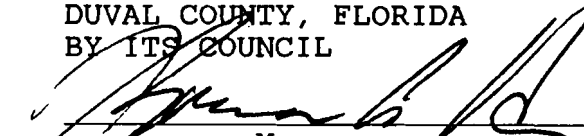
BAKER COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

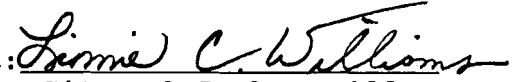

Chairman

CLAY COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

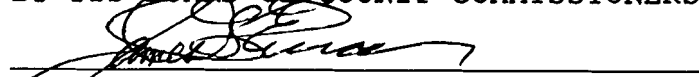

Chairman

DUVAL COUNTY, FLORIDA
BY ITS COUNCIL


Mayor

Attest: 
Linnie C. Williams
City of Jacksonville
Corporation Secretary

FLAGLER COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS


Chairman

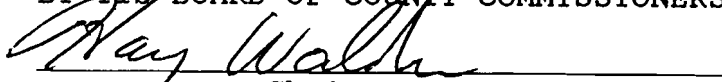
NASSAU COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS


Chairman

PUTNAM COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS


Chairman

ST. JOHNS COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS


Chairman

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and

St. Johns County

WHEREAS, the parties have entered into an Interlocal Agreement creating the Northeast Florida Regional Planning Council; and

WHEREAS, the review and monitoring of Developments of Regional Impact and Florida Quality Developments have continued to demand increasing resources from both the Northeast Florida Regional Planning Council and its staff; and

WHEREAS, the Northeast Florida Regional Planning Council recognizes the need to assess fees for the review and monitoring through buildout of Developments of Regional Impact and Florida Quality Developments; and

WHEREAS, the Northeast Florida Regional Planning Council as an association of local governments, exercising the authority of local government through the Council, wishes to reaffirm its policy and reasoning for collecting such fees; and

WHEREAS, the Northeast Florida Regional Planning Council recognizes the need to establish standardized rules for the assessment of fees related to Developments of Regional Impact, and Florida Quality Developments; and

WHEREAS, the Northeast Florida Regional Planning Council wishes to demonstrate its desire that all fees be assessed fairly and evenly with regard to all developments and to certify

that all fees are not, have not, and will not be arbitrary or capricious and it is desirable to clarify the fee assessment schedule based on past and existing practice of the Council;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the mutual promises, covenants and benefits to accrue from the development of a standardized fee schedule, the Interlocal Agreement is amended as follows:

SECTION 1 PURPOSE

Subsection 1.(i) Shall be added to read as follows:

- (i) To establish an organization to review Developments of Regional Impact, Florida Quality Developments, and other developments defined in Chapter 380, Florida Statutes, which will collect review fees and make recommendations to the local government(s) of jurisdiction for application approval/disapproval in order to insure that quality development within the region is consistent with the adopted Comprehensive Regional Policy Plan and Local Government Comprehensive Plans.

SECTION 2 DEFINITIONS

Subsection 2.(1) shall be added to read as follows:

- (1) Actual cost - For the purposes of project review actual costs shall be calculated on the basis of reasonably anticipated expenses related to a project review and monitoring, and shall include, but not be limited to, the cost of staff and other associated direct and indirect costs.

Subsection 2.(m) shall be added and shall read as follows:

- (m) Developments of Regional Impact - A development is defined to be a development of regional impact based upon the criteria in Chapter 380, Florida Statutes and Chapter 28-24, Florida Administrative Code.

Subsection 2.(n) shall be added and shall read as follows:

- (n) Florida Quality Developments - A development is defined to be a Florida Quality Development based upon the criteria in Chapter 380.061, Florida Statutes and Chapter 28-24, Florida Administrative Code.

Subsection 2.(o) shall be added and read as follows:

- (o) Other developments defined in Chapter 380, Florida Statutes - other types of development as is or may be defined by the criteria in Chapter 380, Florida Statutes, and Chapter 28-24, Florida Administrative Code, requiring review by the Northeast Florida Regional Planning Council.

SECTION 8 POWERS

Subsection 8.(m) shall be amended to read as follows:

- (m) To fix and collect membership fees, rents or fees, where appropriate.
 - (1) Fees for review of application, for development for Developments of Regional Impact and Florida Quality Developments will be subject to the following guidelines. A review fee shall be assessed each applicant prior to the initiation of the Northeast Florida Regional Planning Council's review of an Application for Development Approval (ADA). The applicant shall pay \$5,000 of the review fee prior to the date of the preapplication conference held by the Northeast Florida Regional Planning Council. This \$5,000 portion of the review fee is non-refundable. No application for Development Approval shall be accepted for review unless accompanied by the remaining amount of the assessed fee payable to the Northeast Florida Regional Planning Council (Council). The remaining portion of the review fee shall be non-refundable except when the applicant notifies the Northeast Florida Regional Planning Council, in writing, prior to the setting of the local government Development of Regional Impact public hearing for the project. The applicant shall be refunded that portion of the fee remaining after prewithdrawal costs incurred by the Northeast Florida Regional Plan-

ning Council and the non-refundable \$5,000 fee paid at the time of the preapplication conference are deducted. No portion of the fee shall be used by the Northeast Florida Regional Planning Council to support the costs associated with an appeal of a Development Order once the appeal is filed by the Northeast Florida Regional Planning Council. The schedule for assessing review fees by the Northeast Florida Regional Planning Council shall be set as follows:

- a. Residential Developments as defined in Chapter 28-24, Florida Administrative Code and Chapter 380, Florida Statutes:

<u>Number of Units</u>	<u>Amount of Fee</u>
1 - 199	\$ 10 per unit
200 - 1,199	\$ 13,000
2,000 - 4,999	\$ 17,000
5,000 - 8,999	\$ 21,000
9,000 - 13,999	\$ 25,000
14,000 - and over	\$ 2 per unit over 13,999

- b. All other developments including: Retail, Wholesale Commercial Development, Office Development, Industrial Development, Mining Operations, Hospitals, Schools, Attraction and Recreation Facilities, Airport expansions, Airports, Petroleum Storage Facilities, and Marinas, as a minimum, see Subparagraph f.

<u>Size</u>	<u>Amount of Fee</u>
Criteria set in 28-24, FAC, Part II	\$12,000
Up to double the DRI criteria set in 28-24, FAC, Part II	\$17,000
Up to triple the DRI	

criteria set in 28-24,

FAC, Part II \$21,000

For each threshold

increment over triple

the DRI criteria set

in 28-24, FAC, Part II \$ 3,000

- c. For an Application for Development Approval which contains multiple development types as defined in 28-24, F.A.C., the fee shall be the aggregate total of the fees for each separate development type determined by Subparagraphs a. and b. For development types with multiple Development of Regional Impact criteria set forth in 28-24, F.A.C., for example, gross square feet, acreage, and parking spaces, the fee for that component of the development shall be determined based upon the criteria which yields the largest size. Where a development type of the proposed development does not exceed any of the criteria set forth in 28-24, F.A.C., the fee assessed for that component of the development shall be based upon the percentage of the threshold achieved multiplied by fee level set forth that development type.
- d. An Application for Development Approval submitted for Downtown/Areawide Developments of Regional Impact, new airports, new ports or port expansions shall be assessed a review fee of \$75,000.
- e. The initial review fee submitted to the Northeast Florida Regional Planning Council shall not exceed \$100,000.
- f. Modifications to projects determined to be substantial deviations shall be assessed a review fee based on the fees established in

Subparagraphs a., b., and c. The fee shall be computed on the basis of the magnitude of the change with the minimum assessment being \$12,000.

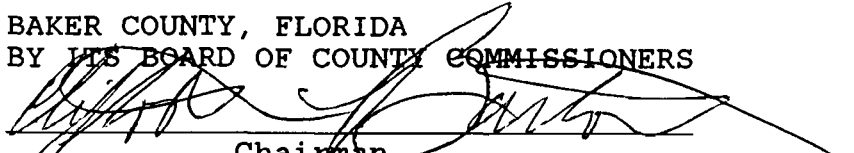
- g. A maximum review fee of \$5,000 shall be assessed for each incremental plan submitted to the Northeast Florida Regional Planning Council for review. Such fee shall be based on the costs incurred by the Northeast Florida Regional Planning Council when reviewing incremental plans. The incremental plans referred to in this subparagraph are plans required of projects for which a development order has been issued. Incremental plans addressed in this subsection shall include but is not limited to, resource management plans, littoral zone plans, special traffic studies and other plans similar in nature. This section does not apply to applications for Incremental Development Approval or Substantial Deviations which are subject to Subparagraphs a., b., c., and d.
- h. In the event the cost of review exceed the amount of the fee as stipulated in Subparagraphs a., b., c., d., e., f., or g., the applicant shall be responsible for reimbursing the Northeast Florida Regional Planning Council for 80 percent of the cost exceeding the fee.
- i. An Application submitted as a Florida Quality Development, as defined in Section 380.061, Florida Statutes, shall be subject to the same review fees as prescribed for Developments of Regional Impact as provided in this agreement.

SAVE AND EXCEPT as hereby expressly amended, all terms

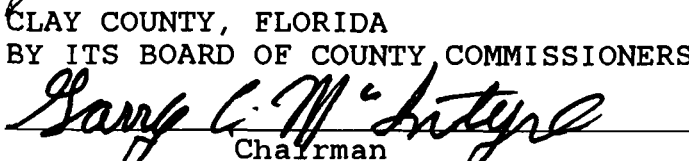
and conditions of the Interlocal Agreement shall be and remain in full force and effect.

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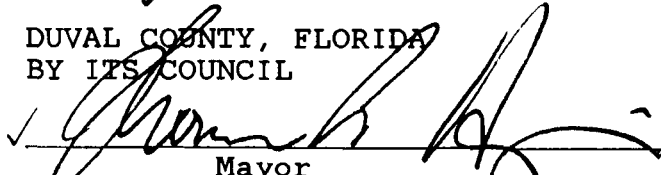
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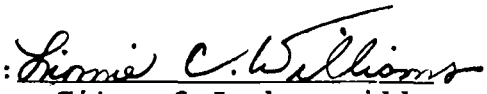

Chairman

CLAY COUNTY, FLORIDA
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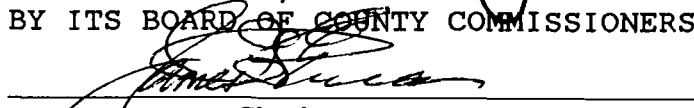

Chairman

DUVAL COUNTY, FLORIDA
BY ITS COUNCIL

✓ 
Mayor

Attest: 
City of Jacksonville
Corporaton Secretary

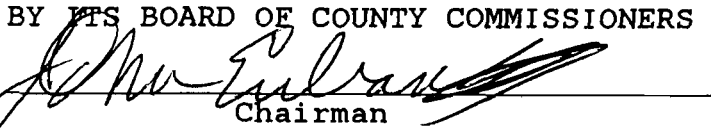
FLAGLER COUNTY, FLORIDA
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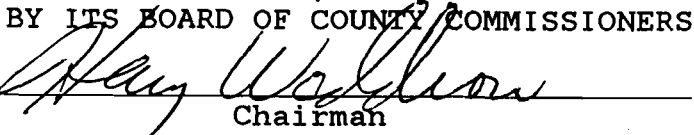
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Chairman

Northeast Florida Regional Planning Council

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Jacksonville, Florida 32256
(904) 730-6260 Suncom 880-6260

BAKER

CLAY

DUVAL

FLAGLER

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PUTNAM

ST. JOHNS

March 27, 1989

To: Hon. Garry McIntyre
Hon. Clifton Barton
Hon. James E. Testone
Hon. Tommy Hazouri (c/o Linnie Williams)
Hon. James Peura
Hon. John Eubanks
Hon. Harry Waldron

From: Flo Clark, Executive Secretary *FC*

Re: Signed Agreements

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My thanks to all for getting the two amendments to the Interlocal Agreement signed last week. As promised, enclosed are copies of the signed amendments for your files.

Enclosures

cc: James J. Catlett
Brian D. Teeple
Judith Kaye Hahn