

GEM Permit Process Improvement Focus Group Code Amendment Recommendations

(1) Process and Policy Modifications

- **Enhanced Permitted Use Verifications (PUVs) – (Workshop Item A.1/Page 4)**

Staff requested the Board's support for enhancing the PUV. The primary enhancement area noted in the workshop item included additional site-specific environmental information based on GIS data availability. The enhancements noted in the workshop item have been subsequently implemented by staff.

The GEM Focus Group supports staff's recommendation with the addition that PUVs should be optional with the addition of the proviso language that the applicant will be preceding at their own risk should they decide to proceed with the development review process without being issued a PUV certificate from the County.

IMPACT: *PUV requests typically require 7 to 10 calendar days to complete. Should the applicant choose not to request a PUV, the estimated reduction in time during the initial development review process would be decreased accordingly. However, should the applicant submit for the inappropriate review type/level or for a project not allowed by the property's land use designation, the associated overall development review time may be increased. The review timeframe for PUVs is not established by code, and could be administratively reduced.*

- **Having GEM staff conduct in-house Natural Features Inventories (NFIs) development applications – (Workshop Item A.2/page 5)**

The Workshop package proposed implementation of the in-house review of certain components of the NFI and the limitation of single family review to only those lots created prior to 1996. It was suggested that this could be accomplished by the realignment of staff, specifically environmental and building inspection staff. However, certain components of the NFI review process would still require the applicant to hire consultants.

The GEM Focus Group by consensus does not support staff's recommendation. The Group indicated the need for trained professional biologists completing the required reviews, and did not support the realignment and retraining of environmental and building inspection staff. The Group also recommended that the Board consider additional staff be added to conduct NFIs. It was noted that further staff analysis would be required to determine the level of additional staffing required.

IMPACT: *If the BCC approves additional staffing in the Environmental Compliance Division as recommended by the Focus Group and reflected in the Department's current budget request, it is estimated that the NFI review and approval process could potentially be reduced by approximately one week (from the current 15 working days/21 calendar*

days to approximately 10 working days/14 calendar days). This reduction could also potentially reduce the time between a project's Pre-application meeting and Staff Technical review meeting by potentially (2) two weeks.

- **Pre-Application Meetings and Quick Checks -- (Workshop Item A.3/Page 9)**

Staff recommended reinstating the relatively informal "Quick Check" meeting concept for applicants that were interested in a conceptual approval as opposed to those applicants seeking final development approval. Applicant's requesting final development approval would be required to attend a pre-application meeting consistent with current code requirements. However, the County's current code does not require a Pre-application meeting for certain types of development proposals (such as Type A site and development plans and Limited Partition Subdivisions).

The GEM Focus Group partially supports staff's recommendations. The consensus recommendation of the Group is that the pre-application meeting should be mandatory for all development proposals, including both the conceptual and concurrent review processes (see discussion below). The consensus of the Group was that if the site plan process can be expedited by moving certain detail EIA components to environmental permitting, pre-application should be mandatory. Finally, it was noted that if the pre-application is mandatory, then the Quick Check concept, as presented by staff, would need to be revised to assist those property owners who do not have a specific development proposal or understanding of the process.

IMPACT: *It is difficult to quantify the potential time savings that may be realized by this recommendation. However, past experience would indicate that projects that complete the pre-application process generally require less (if any) re-submittals, and typically do not require more than one staff technical review meeting prior to final approval. The requirements for an additional staff technical review meeting can increase the project's associated review time by one month or more based on the consultant's re-submittal timeframe.*

- **Concurrent and Conceptual Site Plan/EIA/EMP Review Processes -- (Workshop Item A.4/Page10)**

The staff workshop item outlined and recommended a two track review system; one sequential and the other concurrent. Under the proposal, the applicant would select the review track at the beginning of the application process. The concurrent option would potentially reduce the timeframe associated with the subsequent environmental permitting process for the proposed project.

The GEM Focus Group recommends by consensus the staff recommendation for a two-track review system: (1) a sequential track with a shortened site plan review phase that would move select EIA components to environmental permitting, but where the applicant has assurances that the site plan approval will be adequate for financing and permitting; and (2) a concurrent review process where the site plan, EIA, and EMP review processes

are completed concurrently. Should the Board approve this direction, staff will be developing a more specific description of the two tracks (including the incorporations of the parameters provided by the Group), and utilize Carolyn Bibler and Carmen Green of the Focus Group to review the proposals prior to finalization for code incorporation.

IMPACT: *This recommendation could potentially have the greatest impact on reducing the overall development review and permitting times associated with development projects. Specially, implementation of the concurrent review tract would eliminate approximately (at a very minimum) six (6) weeks from the total time required to complete the development review and subsequent final permitting process.*

- **Allow Administrative Approval for Type B and C Site Plans – (Workshop Item A.5/Page 11)**

Staff recommended in the April 26, 2005 Workshop item to revise the County's Land Development Regulations (LDR) to authorize the administrative review and final review of all Type B and C site and development plans, except those proposed land uses that are noted as Special Exceptions in the LDRs.

The GEM Focus Group fully supported staff's recommendation to authorize staff to prepare code amendments to allow for the administrative review and final approval of Type B and C site plans exclusive of proposed Special Exception land uses.

IMPACT: *This recommendation, if implemented, would generally reduce by 30 calendar days (Type B) and 60 calendar days (Type C) the time frame associated with all currently designated Type B and C site and development plans and subdivisions, except for those land uses that are currently allowed as special exceptions.*

- **Allow Developers to Pay for an Expedited Review Process – (Workshop Item A.6/Page 12)**

Staff presented this alternative option in the BCC Workshop item. However, staff did not recommend that the Board pursue the option to allow developers/property owners to pay for an expedited permitting process, and utilize the additional revenue to hire staff to review permits submitted under the expedited tract.

The Group supports the staff recommendation that the Board not pursue this option to developers/land owners to pay for an expedited review process. During the discussion on this item, the GEM Focus Group noted the need for the Board to consider additional staffing at GEM (especially in the areas of environmental review and permitting) and to increase application fees to cover the associated costs.

IMPACT: *It is anticipated that additional review and permitting staff would expedite the process by reducing the time required to complete the proposed development project's associated field work, engineering analysis, and permit review.*

- **Privatize Portions of the Review Process – (Workshop Item A.7/Page 13)**

Staff had presented this alternative option in the BCC Workshop item. However, staff did not recommend that the Board pursue the option of privatizing the County's permit review process.

The Group supports the staff recommendation that the Board not pursue the privatization of certain portions of the review process. Additionally, during the discussion on this item the GEM Focus Group noted the need for the Board to consider additional staffing at GEM and to increase application fees to offset the additional staffing costs.

IMPACT: *It is anticipated that additional review and permitting staff would expedite the process by reducing the time required to complete the proposed development project's associated field work, engineering analysis, and permit review.*

- **Modification of Tree Survey Requirements – (Workshop Item A.8/Page 13)**

In the April 26, 2005 Workshop item, it was recommended that the Board direct staff to prepare draft revisions to the current protected tree survey process that would move the requirement to the environmental impact analysis (EIA), environmental management permit (EMP), or site and development plan application as appropriate. Additionally, staff recommended that the Board approve revisions to the protected tree survey process which would provide for sampling methods outside the project's anticipated development limits as established on the site and development application.

The consensus of the Focus Group is that tree surveys should be moved from the NFI to the EIA consistent with the staff recommendation. Additionally, the Group recommended that tree surveys in large areas to be set aside, such as floodplains or natural areas that are not going to be disturbed, are unnecessary, and therefore should not be required. This recommendation is consistent with the utilization of sampling methods outside the project's development limits as recommended by staff in the April 26, 2005 BCC Workshop item.

IMPACT: *This proposed revision would result in a reduction in project-related consultant costs to the applicant, and facilitate a reduction in associated County review and approval time of approximately (1) one week. The typical timeframe required to receive the initial County development approval would be reduced based on the scale of the proposed project accordingly.*

- **Discontinue Environmental Permitting for Docks – (Workshop Item A.9/Page 14)**

Staff recommended that the Board no longer require EMA permits for proposed docks on single family lots.

The Focus Group indicated support for staff's recommendation to discontinue the current County permitting requirement for proposed docks. This recommendation was based on

the fact that Florida Department of Environmental Protection (DEP) permits are required for docks, and the County permitting requirements are duplicative.

IMPACT: *Currently, the County reviews approximately 7 to 8 dock permit requests on a yearly basis. Implementation of this recommendation would result in an overall reduction in the permitting time associated with new docks (State permit required only). This would also increase staff time for other development review and permitting activities.*

- **Reducing the Level of Silviculture Review – (Workshop Items A.10/Page 15)**

Subsequent to the initial Board Workshop on the development review and permitting process in April of 2005, code amendments were adopted by the County Commission on June 14, 2005, to eliminate duplicative permitting for silviculture on agriculturally zoned sites. This eliminates staff review of the majority of the silviculture application requests. However, there is still a small portion of applications for non-agriculturally zoned sites that must demonstrate bona fide agricultural use, which can be subjective, before obtaining a silviculture notice of intent (NOI). Staff recommended that all non-agriculturally zoned property obtain a vegetative management plan or short form permit under non-exempt permitting procedures.

The Focus Group agreed with staff that the Property Appraiser should be the only entity to determine whether it is bona fide agricultural use resulting in an agricultural zoning. If determined agricultural by the Property Appraiser, silviculture would then be exempt by ordinance. The Focus Group agreed with staff that all other non-exempt tree removal (silviculture) requests would be reviewed through normal permitting procedures through issuance of a vegetative management plan or short form permit.

Impact: *Recent code revisions proposed by the County Attorney's Office and approved by the BCC to implement recently adopted statewide provisions addressing the "right to farm" have clarified the NOI issue relating to silviculture activity. However, there are 3 to 5 non-exempt NOI requests per year that are not impacted by this revision. Staff time would be saved by not having to review subjective criteria to substantiate bona fide agricultural use if the code was amended to only issue a vegetative management plan or short form permit for these requests.*

- **Implement the "Gold Card" Permitting Program – (Workshop Item A.11/Page 16)**

The Staff workshop item provided an overview of the "Gold Card" also known as the "Certified Quality Design Professional" concepts. This concept had been previously presented to the Board for consideration in March of 2000, and the County Commission directed staff at that time not to pursue the programs. Their direction instead was to implement the Leon County Quality Development Program. However, to date the County has not received an application under the program.

The Focus Group did not support a "Gold Card" permitting program consistent with staff recommendation on this item. However, the GEM Focus Group recommended that the criteria currently established under the Quality Development Ordinance be reviewed and enhanced to facilitate its utilization by developers.

IMPACT: *It is unclear at this time how much impact the enhancement of the program's criteria would have on the review and permitting times associated with proposed projects that select this alternative permitting program. However, this program could potentially provide not only an expedited development review and permitting process to the applicant, but could also afford the developer an improved financial position in the market.*

(2) Code Revisions and Comprehensive Plan Amendments

- **Comprehensive Review of and Revisions to the Land Use Regulations – (Workshop Item B.1/Page 17)**

Staff requested the Board's support for a FY 05/06 budget request to retain a consultant to assist staff with a comprehensive revision of Chapter 10 of the Leon County Code of Laws (the Land Development Regulations). The proposed project will include reformatting of the LDRs, and drafting of the ordinance revisions required to implement Board approved streamlining changes.

This issue was discussed at the organizational meeting and has consensus support from the Focus Group. At the time of initial discussions by the Group, the funds for this proposed project were removed from the budget. However, the funds were added back at the direction of the Board, and subsequently approved in the FY05/06 budget. Based on Board approval of the funding for the project, staff is currently proceeding with implementation.

IMPACT: *It is anticipated that a comprehensive reformatting and glitch revision of the County's LDRs would result in a more "user friendly" document. It is anticipated that this will increase the quality and completeness of development and permitting applications received by the County; thereby, reducing the number of re-submittals and overall approval timeframes.*

- **Closed Basins – (Workshop Item B.2.a./Page 18)**

The Focus Group supports staff's recommendation that SWMFs not be required for minor residential subdivisions (3 or less lots) in closed basins based on compliance with specific performance standards. The Group also recommended an additional performance standard regarding adequate conveyance to the bottom of the closed basin.

IMPACT: *The implementation of this recommendation would result in approximately a two (2) week reduction in the development review and permitting time associated with minor residential subdivisions located in closed basins.*

- **Natural Area/Conservation Area Requirements – (Workshop Item B.2.b./Page 19)**

Consistent with staff recommendations, the Focus Group supports not requiring recorded conservation easements (in multi-family and non-residential) for the required 25% natural area set-aside if the area does not contain environmental features protected by code. The area would instead be noted as a “conservation area” on the approved site and development plan and protected/enforced by the County accordingly.

IMPACT: *If the BCC approves the implementation of this recommendation, it is anticipated that a two (2) week reduction in the total time required for applicable non-residential and multi-family development sites would be realized.*

- **Revisions to the (1) Definition of Protected Tree, (2) Reforestation Requirements, (3) Replanting Requirements and Tree Debit/Credit System and (4) Landscaping Regulations – (pgs. 19 – 23 from Workshop Item)**

With regard to (1) tree protection, staff recommended code revisions to reduce the size and types of trees protected; (2) reforestation requirements, staff recommended code amendments to reduce the required 40 to 10 trees per acres inside the USA and for public roadway projects, and 20 per acre (from 40) outside the USA; (3) replanting and the tree/debit credit system, staff had requested Board direction on this issue; and (4) revisions to the current landscaping regulations, staff also requested Board direction on this issue.

After extensive discussion, the Focus Group concluded that these four (4) items should be considered together based on their interconnection, and the potential impact that revisions to either four may have on the “community values” (as established in the Comprehensive Plan) in addition to the permitting process. The Focus Group recommends that the BCC appoint a four (4) to six (6) member representative citizen’s committee to review these four (4) issue areas and provide the BCC with recommendations as appropriate.

- **Pre-Development Review Time Frames – (Workshop Item B.2.g./Page 25)**

The GEM Focus Group reviewed this item and supports staff recommendations with the caveat that additional staff will be required to meet these proposed ten (10) working day review periods for NFIs and EIAs.

IMPACT: *This issue and recommendation has been previously addressed above under NFI Application Review and Privatization of the Review Process sections. The current code provides for a 15 working day review period for NFIs and EIAs. Implementation of this recommendation would result in a five (5) working day reduction in staff review times associated with NFIs and EIAs.*

- **Allowing the Construction of Single Family Homes in Subdivisions with Incomplete Infrastructure – (Workshop Item B.2.h./Page 26)**

Staff drafted an ordinance revision to address this issue. The draft ordinance was reviewed and supported by the GEM Citizens' User Group. The Planning Commission found the proposed ordinance consistent with the Comprehensive Plan on February 7, 2006. After the second and final public hearing the Board adopted the ordinance on February 28, 2006.

IMPACT: *Due to the adopted ordinance revisions that address this issue, it is anticipated that the timeframe associated with the issuance of a final Certificate of Occupancy in public residential subdivisions would be reduced by an estimated two months on average.*

- **Revisions of Native Forest and/or High Quality Successional Forest Regulations – (Workshop Item B.3.a./Page 27)**

Staff outlined several options and recommendations to address modification to the regulation of native and high quality successional forests. Generally, it was noted that any reduction in the current level of protection and regulation for these types of unique forest resources would require a Comprehensive Plan amendment. Board direction was requested.

The GEM Focus Group did not support any of the staff recommendations outlined in the workshop package. The group did reach consensus that the definitions of native and HQSF were hard to define and supported eliminating references to these definitions. They supported regulating forests based on recognized community types that could be defined. The Group supported the use of a document created by a biologist/forester working for Tall Timbers Research Station as a platform. Some edits were made to this document and it was distributed to the Group. The Focus Group suggested that GEM staff further refine the document and utilize it to define the natural community types that should be regulated.

IMPACT: *Implementation of these proposed revisions and clarification concerning native and HQSF would directly reduce the time associated with NFI review and approval on sites where these types of forests occur. The specific amount of reduction is not quantifiable and would only impact those specific development proposals that contain regulated communities. However, enhanced guidelines could result in a substantial reduction in preliminary environmental review timeframes for these specific types of projects.*

- **Policy 2.1.9 Subdivisions and Sunsetting – (Workshop Item B.3.c./Page 31)**

In the April 26, 2005 Board workshop item, staff recommended that the Board amend the Comprehensive Plan to provide for the sunsetting of Land Use Policy 2.1.9. Staff noted that the “grandfathering” or vesting provision had been in place a sufficient amount of time (16 years). Additionally, subsequent Board direction elevated the Policy 2.1.9 subdivision review from an exempt or minimum review level to a review consistent with standard subdivisions. Finally, State Statutes and the County LDRs provide for heir

subdivisions that achieve many of the same objectives as were initially intended by Policy 2.1.9.

The GEM Focus Group agreed to not provide the BCC with a recommendation on this issue from the previous workshop package. The item was discussed at length by the Focus Group with the members generally being equally divided on the issue of sunsetting the Policy 2.1.9 Subdivision provisions in the Comprehensive Plan.

IMPACT: *The impact of sunsetting the Policy 2.1.9 Subdivision process as recommended by staff would be to increase staff time for the review and approval of other development proposals. Recent trends in the utilization of Policy 2.1.9 have indicated a reduction in the number of applications per year that are received by the Department. This trend, if consistent, would address the staff time issues associated with the Comprehensive Plan-based subdivision process.*

- **Protection and Regulation of Significant and Severe Slopes – (Workshop Item 3.B.b./Page 30)**

Staff presented several alternatives to address the issues surrounding the protection and regulation of significant and severe slopes as established in the Comprehensive Plan and implemented by the LDRs. Staff did not recommend a specific option in the Board's April 26, 2005 workshop item. Board direction on the issues was requested.

The Focus Group discussed the slope standards at length and agreed on the following recommendations, which should form the basis for proposed Comprehensive Plan amendments and Code revisions by the County. All recommendations are for proposed changes to the regulation of significant slopes, and the Focus Group recommends that all proposed revisions to the current slopes regulation be limited to inside the USA. The Focus Group recommends that the current regulations for severe slopes remain unchanged except for the interpretative clarification recommended in Number 5 below.

1. Exempt commercial sites inside the Urban Service Area from significant slope standards, provided the sites are less than or equal to three (3) acres in size with no other preservation features present on the site. Associated storm water impacts must be mitigated according to an approved storm water management plan.

2. For the purpose of meeting infill goals within the USA, allow residential development to occur on a significantly sloped site provided that:

- A grading plan is submitted and approved;
- Associated storm water and water quality impacts are mitigated based on performance-based guidelines implemented through the County's LDRs.
- The homeowners' association agrees to be responsible for assurance that storm water management structures remain in place over time and that homeowners are fully aware that such structures located on their properties cannot be altered;

- County GEM retains the right to inspect storm water management facilities at any time; and
 - County GEM is authorized to go onto any property that is not in compliance to restore, at the property owner's expense, storm water facilities that may have been altered by the owner or others.
3. Develop guidelines for incorporation into the County's LDRs to allow and encourage the use of low impact development techniques as an alternative to conventional storm water management. Low impact development practices include:
- Minimizing grading to preserve natural topography;
 - Clustering development to reduce impervious surfaces and avoid highly erodable or sensitive areas;
 - Using on-site bio-retention systems in commercial and residential sites and rain gardens on residential lots to reduce and treat storm water;
 - Using vegetated swales instead of costly curb and gutter systems; and
 - Using permeable pavement materials in low-use areas to increase infiltration and reduce runoff.
4. Do not protect or regulate manmade slopes (significant or severe). The Comprehensive Plan states that it is not the intent of the slope policy to regulate manmade slopes (such as drainage ditches), yet there are anecdotal instances in which this has occurred. The LDRs should be amended to specifically implement this Comprehensive Plan policy regarding manmade slopes.
5. Do not protect or regulate isolated significant slopes that are 0.25 acres or less in size. Small areas of severe slopes of 0.25 acres or less that are part of regulated significant slope features should be treated as significant slopes.

Staff supports the recommendations from the GEM Focus Group as outlined above with regard to the regulations of significant and severe slopes. Staff recommends that they be utilized as the guiding criteria for any proposed changes to the Comprehensive Plan and LDRs regarding the protection and regulation of slopes.

(3) GEM Special Project Assignments

- **Gem Special Project Assignments (Workshop Item C./Page 32)**

In the April 26, 2005 Board workshop item, staff noted that a substantial amount of staff time (estimated at approximately 55% or greater) is associated with Board-assigned special projects and other non-fee related activities, such as code enforcement and grants management. Additionally, staff provides support for the several code-established boards and Board-appointed citizen's advisory groups and committees. Staff had requested Board direction concerning this issue.

The Focus Group discussed this issue and concluded that the Board will and should continue to assign special projects to GEM, and staff will and should be required to provide support to the various boards (Code Board, BOAA, etc.) as required by County Code. In order to address these types of assignments and to assist with the development review and permit streamlining as recommended by the Focus Group, the Group recommends that the Board approve additional staffing for the Department. Additionally, the GEM Focus Group recommends that the Board increase the applicable fees as appropriate to off-set the costs associated with the additional staff.

(4) Initiatives/Recommendations from the GEM Focus Group

The following items and issue areas associated with the permitting process were not specifically identified and discussed in the staff workshop item that was presented to the BCC on April 26, 2005.

- **Revising and Updating the Public Works Design Guidelines Manual.**

At the request of the Focus Group, staff from the Public Works Department met with the Group to discuss inter-departmental coordination issues relating to the development review and approval process. Based on these discussions, the Group recommends that the Public Works Department update their current Design Guidelines Manual associated with the construction of infrastructure (roads, storm water management facilities, sidewalks, etc.) in developments (or components of development) that are proposed to be transferred to the County for ownership and maintenance. Additionally, the Group recommends that the revised and updated Guidelines Manual provide examples of alternative designs that could be utilized by the development community in both public and private developments. Finally, it was recommended that the design guidelines be categorized as being appropriate for utilization inside the USA and/or outside the USA.

- **Provide an Index Specific to Chapter 10 of the Leon County Code of Laws.**

The Focus Group recommends that an index specific to Chapter 10 (the County's Land Development Regulations) be developed and provided with the next update of the Chapter. The Focus Group noted that this type of chapter-specific index would further assist the user of the County's Land Development Regulations by providing an index unique to topic and subject areas addressed in Chapter 10, apart from the current index that covers all Chapters within the County's Code of Laws.

- **Establishment a "Project Manager Concept" within the Department.**

During the Focus Group discussions associated with several of the issue areas from the BCC workshop item (PUV, pre-application meeting, site plan review process, etc.), the need for a "single point of contact" for a proposed project was noted. Furthermore, the Group indicated that the contact person or project manager should be able (and be specifically provided the authority) to coordinate across division and department lines to facilitate the review and approval of proposed projects. Additionally, the Group also noted that this staff person should be able to basically act as "ad hoc" ombudsmen when project issues cross division and department lines.

Generally, the Focus Group recommended that the BCC considered establishing a project manager concept for certain types (if not all projects that require subdivision or site and development plan approval) of proposed developments.

- **Provide Adequate Staffing Levels to the Department.**

As noted above, during the GEM Focus Group's discussion of staff review of NFIs it was recommended that the Board approve additional staffing to the Department. Additionally, this recommendation was discussed and further supported by the GEM Focus Group in conjunction with several other recommendations associated with the streamlining of the County's development review and permitting process. Furthermore, the GEM Focus Group indicated support for an increase in the County's development review and permitting fees to off-set the additional staffing required to fully implement the Group's recommendations.

Staff from GEM fully supports the additional recommendations from the GEM Focus Group as outlined above. Should the Board concur with these recommendations that were not previously discussed in the April 26, 2005 Workshop item, they can be implemented by staff as a further component of the overall streamlining initiative.