

RESOLUTION NO. 21-087

BY THE BOARD OF SUPERVISORS FOR THE J. "BEN" HARRILL VILLAGES OF PASADENA HILLS STEWARDSHIP DISTRICT

A RESOLUTION BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS, ACTING AS THE BOARD OF SUPERVISORS FOR THE J. "BEN" HARRILL VILLAGES OF PASADENA HILLS STEWARDSHIP DISTRICT, ESTABLISHING THE VILLAGES OF PASADENA HILLS (VOPH) FEE CREDIT REGISTRY WHICH SHALL BE APPLICABLE WITHIN THE J. "BEN" HARRILL VILLAGES OF PASADENA HILLS STEWARDSHIP DISTRICT.

WHEREAS, Chapters 125 and 163, Florida Statutes, authorize and require the Board of County Commissioners of Pasco County to prepare and enforce a Comprehensive Plan for the development of the County; and

WHEREAS, on June 15, 1989, the Board of County Commissioners adopted a Comprehensive Plan, which was subsequently amended on January 8, 2008, to include the adoption of the Villages of Pasadena Hills (VOPH) Comprehensive Plan – 2050 Area Plan (CPA 08-01), requiring a Financial Strategy to ensure that adequate funding would be identified for future master infrastructure capital improvements required to implement the VOPH Area Plan; and

WHEREAS, on July 12, 2011, the Board of County Commissioners adopted the Pasco County Mobility Fee Ordinance replacing impact fees with mobility fees for transportation, and adopted the "Suburban" Mobility Fee schedule for the Villages of Pasadena Hills; and

WHEREAS, in 2012 the Board of County Commissioners approved the VOPH Financial Plan for the 2050 plan horizon, establishing the financial foundation to implement the policies established in the Chapter 2 FLU 6 Comprehensive Plan for Villages of Pasadena Hills, and setting forth a model for private project funding of master infrastructure requirements for a long-range vision plan which

can be implemented incrementally as development within VOPH occurs, consistent with the intent of the VOPH Stewardship District; and

WHEREAS, the VOPH Financial Plan requirements are unique within the County, as VOPH is one of the only defined geographic special districts which is required to fully-fund its own development infrastructure requirements through special surcharges above the standard countywide impact/mobility fees which are imposed upon adjacent areas; and

WHEREAS, the VOPH Financial Plan methodology is entirely predicated upon a self-contained, geographic boundary with maximum buildout cost projections and maximum impact/mobility fee credit limits, to achieve a fiscally sound, self-contained capital infrastructure budget for the physical boundaries of VOPH; and

WHEREAS, the VOPH Financial Plan already contains a unique “External Fee” allocation to account for the external transportation impacts upon surrounding portions of the County, including other areas adjacent to the VOPH physical boundary; consequently, the adjacent areas to VOPH are not benefitted by that portion (which excludes the External Fee) of the VOPH Development Fees/surcharges for which VOPH Fee Credits will be issued and such adjacent areas do not enjoy benefits from the internal VOPH improvements which will generate the VOPH Fee Credits; and

WHEREAS, the financial methodology and underpinnings of the VOPH Financial Plan require that all required capital infrastructure improvements within VOPH be funded from within VOPH (after excluding the External Fee), and consequently all VOPH fee credits awarded for such internal VOPH infrastructure improvements must be applicable only within such defined Financial Plan geographic limits; and

WHEREAS, similarly, the allowance for any transfer of impact/mobility fee credits earned outside the VOPH Financial Plan area for use within VOPH would contradict the fiscal integrity and undermine the fundamental methodology for the VOPH Financial Plan, including its imposition of

surcharges upon VOPH developers and their ultimate ability to utilize fully their own impact/mobility fee credits within VOPH, in which event the incentive to pre-construct developer pipeline improvements, convey school and park sites, and implement the self-contained VOPH Financial Plan cannot be fulfilled; and

WHEREAS, the park (land), school (land), and mobility fee surcharges within VOPH are inextricably intertwined with the base park (land), school (land), and mobility fees to be assessed within VOPH in that both are used to fund the required VOPH park (land), school (land), and transportation related infrastructure within VOPH, and developer credits within VOPH for providing such infrastructure are issued against the entire VOPH “Development Fee” for parks, schools and mobility/transportation; accordingly, the park (land), school (land), and mobility fee surcharges within VOPH cannot be separated from the base impact/mobility fees in VOPH; and

WHEREAS, for the foregoing reasons, the Board of County Commissioners finds that park (land), school (land), and mobility fee credits from outside of VOPH cannot be transferred into VOPH, and that park (land), school (land), and mobility fee credits from within VOPH cannot be transferred outside of VOPH, notwithstanding any potentially applicable requirements in Section 163.31801(8), Florida Statutes; and

WHEREAS, on May 5, 2020, the Board of County Commissioners acting upon the recommendations of the Pasadena Hills Planning and Policy Committee and the Local Planning Agency, approved modifications to the VOPH Enabling Documents to (i) update the VOPH Financial Plan and Master Roadway Plan to incorporate then-applicable state and other third-party infrastructure funding sources and current construction unit cost methodology, (ii) revise certain VOPH Comprehensive Plan provisions to enhance the marketability and create a more competitive environment to develop VOPH, (iii) require implementation of certain Alternative Transportation Facilities into the VOPH Master Roadway Plan and VOPH Financial Plan, (iv) extend the VOPH Area

Plan horizon through 2065 based upon its consistency with the current MPO needs analysis for County buildout projections, and (v) conform the Stewardship District Ordinance to implement said revisions; and

WHEREAS, the 2020 Stewardship District Ordinance amendments also authorized the District to establish the “VOPH Fee Credit Registry” to encourage, expedite and facilitate the private-party front-end construction of certain master-planned VOPH infrastructure capital improvements (LDC Section 602.8.M.7), and also increased the VOPH Administrative Fee to offset the additional costs of the long-term planning and administration of the District, including the maintenance of the VOPH Fee Credit Registry, and

WHEREAS, concurrent herewith the Board of County Commissioners also has approved a Master Utilities Plan for VOPH and related amendments to the VOPH Financial Plan and Stewardship District Ordinance to add certain master-planned utilities infrastructure and utilities surcharges to the VOPH capital funding program; and

WHEREAS, the Board of County Commissioners has considered the staff report and the recommendation of the VOPH Planning and Policy Committee, and has determined that the proposed Resolution establishing the Villages of Pasadena Hills Fee Credit Registry is consistent with Part II, Chapter 163, Florida Statutes, inclusive of Section 163.31801, F.S., the Pasco County Comprehensive Plan, and other requirements of applicable law;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, acting as the Board of Supervisors for the J. “Ben” Harrill Villages of Pasadena Hills Stewardship District, with a quorum present and voting, that the District hereby establishes the VOPH Fee Credit Registry, as follows:

1. The County Administrator or his/her designee is hereby authorized and directed to identify and designate a “VOPH Fee Credit Administrator” to establish, manage, operate and

administer the VOPH Fee Credit Registry pursuant to and consistent with the terms and conditions of the VOPH Financial Plan and the Stewardship District Ordinance, and the substantive terms of this Resolution. In the discretion of the County Administrator or his/her designee from time to time, the VOPH Fee Credit Administrator may be a designated County employee or a qualified, third-party consultant retained by the County for such purpose.

2. Initially, the VOPH Fee Credit Registry shall apply to mobility and/or impact fee credits awarded for (i) the now-existing VOPH Development Fees (which include base mobility/impact fees and VOPH surcharges, as applicable) for transportation (including Alternative Transportation Facilities) and Administrative Fees, (ii) any future modifications or adjustments to the foregoing Development Fees, and (iii) potable water, sanitary sewer, and/or reclaim water infrastructure surcharges established by the District's approved Financial Plan for private-party VOPH utilities capital improvements, including future modifications or adjustments thereto (collectively the "VOPH Fee Credits"). By way of clarification and pursuant to the adopted VOPH Financial Plan, the VOPH Fee Credits awarded for VOPH utilities infrastructure shall be used only against utilities surcharges and shall not be applied against the base utility impact fees applicable within VOPH. The VOPH Fee Credit Registry initially shall not include VOPH park (land) or school (land) Development Fees, and VOPH impact fee credits for park (land) and school (land) shall continue to be awarded and managed pursuant to existing County and School District policy; however, in the discretion of the County Administrator (and with the concurrence of the School District where applicable), the County Administrator or his/her designee may subsequently include park (land) and/or school (land) impact fee credits in the VOPH Fee Credit Registry after adding a notice of this decision on the Villages of Pasadena Hills Planning and Policy

Committee agenda and the Pasco County Board of County Commissioner's agenda (as noted items).

3. The VOPH Fee Credits shall be verified and established pursuant to the County's standard policies for documentation and verification of costs for issuance of impact/mobility fee credits, as implemented by the County from time to time, provided that the eligibility for such credits shall be determined in a manner consistent with the VOPH Financial Plan, Stewardship District Ordinance, as both may be amended from time to time, and this Resolution.
4. Once VOPH Fee Credits are issued by the VOPH Fee Credit Administrator, BCC and/or applicable department of the County or School Board, the private party who owns such VOPH Fee Credits may elect, but shall not be required, at any time to register them in the VOPH Fee Credit Registry which shall be maintained and administered by the VOPH Fee Credit Administrator. The VOPH Fee Credit Administrator shall prescribe the Fee Credit Registration Form for acceptance and execution by the VOPH Fee Credit Owner. The date of registry (the "Priority Date") shall establish the priority of reimbursement for the amount(s) and type(s) of VOPH Fee Credits included in such fee credit registration, as set forth below. Any dispute between the private party applicant and the VOPH Fee Credit Administrator, or between two or more private party applicants, shall first be referred to the VOPH Policy and Planning Committee for a determination, which determination may be appealed to the Board of County Commissioners (acting as the District Board of Supervisors) pursuant to the applicable appeal procedures in the Pasco County Land Development Code.
5. The VOPH Fee Credit Administrator shall establish a VOPH Fee Credit Account for each private party which is awarded VOPH Fee Credits, including those who elect to register VOPH Fee Credits in the VOPH Fee Credit Registry, and those who do not so elect. Nothing herein shall preclude any private party from using its VOPH Fee Credits (existing or pending

approval) for its own project's Development Fees or utility surcharges (as applicable) within the VOPH boundary. Otherwise, any private party who is tendering payment to the County for any current or future VOPH Development Fees or utilities surcharges (but not utility base impact fees) identified in Section 2 above, shall be required to make all such VOPH Development Fee and/or utilities surcharge payments to the VOPH escrow account designated by the VOPH Fee Credit Administrator ("VOPH Escrow Account"). Any private party which has existing VOPH Fee Credits available for its own project within VOPH shall apply such credits through the VOPH Fee Credit Administrator and shall pay any Development Fee and/or utilities surcharge amounts not covered by its VOPH Fee Credits into the VOPH Escrow Account. All private parties without such existing VOPH Fee Credits shall make their VOPH Development Fee and utility surcharge payments to the VOPH Escrow Account. Upon receipt of such VOPH Development Fees and/or VOPH utilities surcharge payments, the VOPH Fee Credit Administrator shall utilize said proceeds in the VOPH Escrow Account for reimbursement to then-approved VOPH Fee Credit owners in accordance with their respective Priority Date(s) for each type of registered VOPH Development Fee credits and/or VOPH utilities surcharge credits. If the VOPH Fee Credit Administrator has no existing, registered VOPH Fee Credits for the applicable category at the time of such payment, then the proceeds shall be held in the VOPH Escrow Account for future reimbursement to approved VOPH Fee Credit registrants in accordance with their Priority Date(s).

6. At all times, the order of reimbursement for VOPH Fee Credits by the VOPH Fee Credit Administrator shall be based upon the Priority Date of registration for such credits, on a first-in, first-out basis. If at any time there are no more remaining registered credits in the VOPH Fee Registry for such category of VOPH Development Fees and/or VOPH utilities

surcharges, then such payment (or portion thereof) shall be held for up to thirty-six (36) months in the VOPH Escrow Account, until such time as additional VOPH Fee Credits are registered, prior to disbursement of such funds by the VOPH Impact Fee Administrator to the County's customary impact/mobility fee account(s).

7. On not less than a quarterly basis, the VOPH Fee Credit Administrator shall prepare and provide to the County, the VOPH Policy and Planning Committee, and all private parties then having approved VOPH Fee Credits, an accounting summary for the previous quarterly period. The summary shall reflect the VOPH Development Fee and/or VOPH utilities surcharge payments received by the VOPH Fee Credit Administrator which were applied against the then-existing VOPH Fee Credits registered in the VOPH Fee Credit Registry, and the resulting debits made to each registered VOPH Fee Registry Account balance for each category of VOPH Fee Credits, on the priority basis set forth in Section 6 above.

8. In the event a private party has an approved MPUD or Development Agreement which contains provisions for the private-party's design, permitting or construction of VOPH creditable capital improvements, but such work is not completed and VOPH Fee Credits are not yet issued therefore at the point in time such private party is obligated to commence payment of VOPH Development Fees or utilities surcharges for its development project, the VOPH Fee Credit Administrator shall establish a segregated VOPH escrow sub-account for such project, against which the anticipated future VOPH Fee Credits awarded to such party may be applied, and such interim Development Fee payments and/or utilities surcharges reimbursed to such party, upon the final award of VOPH Fee Credits. The VOPH Fee Credit Administrator shall have the authority to use good faith engineering opinions of probable

costs and anticipated credits to establish the parameters for such interim escrow sub-account.

9. The County Administrator or his/her designee is hereby delegated the authority to implement such supplementary, detailed procedures for implementation of the VOPH Fee Credit Registry not inconsistent with the terms and intent of this Resolution. The VOPH Fee Credit Administrator's fees and costs for managing the VOPH Fee Credit Registry will be paid from the Administrative Fee portion of the VOPH Development Review and Administration Fees subject to allocation of said fees by the County Administrator among the VOPH Fee Credit Administrator and other County departments. Nothing herein shall preclude any VOPH POG member which has approved credits against the VOPH Development Review and Administrative Fees, from applying and using said credits in lieu of cash payment by such POG member as identified in the Stewardship District Ordinance, or its assignee. If the Board of County Commissioners determines that the Administrative Fee is insufficient to pay for the costs of administering the VOPH Fee Credit Registry and/or retaining the VOPH Fee Credit Administrator, the Board of County Commissioners may adopt a separate (non-creditable) fee that is charged to users of the VOPH Fee Credit Registry, which may be established by an amendment of this Resolution or by separate Resolution.

DONE AND RESOLVED this 26th day of January _____, 2021.



Nikki Alvarez-Sowles
Nikki Alvarez-Sowles, Esq.
Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Ronald E. Oakley
Ron Oakley, CHAIRMAN

APPROVED
IN SESSION
JAN 26 2021
PASCO COUNTY
BCC