

DEVELOPMENT REVIEW AND PERMIT PROCESS ADVISORY COMMITTEE
(DRPPAC)

The Indian River County (IRC) Development Review and Permit Process Advisory Committee (DRPPAC) met at **9:00 a.m. on Thursday, January 17, 2018**, in the County Administration Building, Building B, 1800 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the agenda and the minutes on the IRC website – <http://www.ircgov.com/Boards/DRPPAC/2018.htm>

Present were: **Chairperson Debb Robinson**, District 1; **Vice Chairman Joe Paladin**, District 2; **Carter Taylor**, District 2; **Richard Brown**, District 3; **Wes Mills**, District 3 (arrived at 9:22 a.m.); **Robert Banov**, District 4; **Chuck Mechling**, District 5; **John Blum**, District 5; and **Greg Burke, Christopher Murphy** and **Raymond Sheltra**, Members-at-Large.

Absent were: **Robin Raiff**, District 1 and **Bruce Redus**, District 4 (both excused); **Stephen Melchiori**, Alternate (unexcused).

Others present were **Jason Brown**, County Administrator, **Dylan Reingold**, County Attorney; **Bill DeBraal**, Deputy County Attorney; **John King**, Emergency Services Director; **Stan Boling**, Director Community Development; **Rich Szpyrka**, Public Works Director; **Vincent Burke**, Director Utilities; **David Schryver**, County Surveyor; **Scott McAdam**, Building Official; **John McCoy**, Community Development Chief; **John Duran**, Fire Marshall; **Patrick Murphy**, Current Development Planner; **Ryan Sweeney**, Senior Planner; **Tad Stone**, Assistant Fire Chief; **Debbie Phail**, Applications Specialist; and **Wesley Davis** and **Tom Scott**, Interested Parties.

Call to Order and Welcome

Chairperson Robinson called the meeting to order at 9:00 a.m., at which time it was determined there was a quorum present.

2018 Election of Chairman and Vice Chairman - *Action Required*

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Burke, the Committee voted unanimously (10-0) to re-elect Debb Robinson as Chairman of the Development Review and Permit Process Advisory Committee for 2018.

A MOTION WAS MADE BY Mr. Mechling, SECONDED BY Chairman Robinson, voted unanimously (10-0) to re-elect Joseph Paladin as Vice Chairman of the Development Review and Permit Process Advisory

Committee for 2018.

Additions and Deletions to the Agenda

There were none.

Approval of Minutes of December 14, 2017 Meeting – *Action Required*

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (10-0) to approve the minutes of December 14, 2017.

Old Business – Stan Boling, Community Development Director

Mr. Stan Boling, Director Community Development relayed a presentation was made to the Board of County Commissioners (BCC) on Tuesday, January 16, 2018 regarding the two earlier recommendations from this Committee and resulted in a favorable vote to move both items forward; (1) approving the Resolution providing the timing option for applicants who owe large fees for Fire Prevention permit plan reviews; and (2) authorizing staff to move forward with changes to five chapters of the Land Development Regulations (LDRs) changes as recommended by the Committee. He announced the LDR changes were scheduled for a public hearing before the Planning and Zoning Commission on February 8, 2018; and then a public hearing before the BCC sometime in March, 2018.

Mr. Boling mentioned when this matter goes before the BCC in March, 2018, the implementation date would be discussed.

- a) Follow-up on Final Plat Process Review Items and Small Group Meeting on Letter of Credit and Title Certification – *Action Required*

Mr. Boling summarized his memorandum dated January 10, 2018, entitled “Follow-up on Final Plat Process Review Items and Small Group Meeting on Letters of Credit and Title Certification”, with attached draft of the Final Plat Checklist/Comments. He directed the Committee in addressing any comments about the checklist, to contact himself or David Schryver, County Surveyor.

Mr. Boling addressed the Committee’s discussion at the December meeting regarding initial review of a final plat submittal wherein many deficiencies were evident upfront, staff would stop review and send it back to the developer for revisions, compliance, resubmittal, and another review and a Technical Review Committee (“TRC”) meeting.

Mr. Boling informed the Committee about a small group meeting which occurred on January 11, 2018 to discuss Letters of Credit and title certification on final plat items

and he reviewed the following recommendations discussed therein:

1) Defining one Letter of Credit and one Agreement with the County to cover both construction items and then may be reduced and served as a warranty maintenance security; all in one document, reducing the overlapping issue with Letters of Credit from occurring.

2) Warranty maintenance security and engineering costs were currently included in the estimates for the amount of money to post. He relayed the Public Works and Utility Departments had agreed to not include the engineering costs in the warranty maintenance security, reducing the amount of money required to post.

3) As currently allowed in planned developments, conventional subdivisions within the construction process of the subdivision improvements (such as utilities, road rock was laid and functioning fire hydrants), would be allowed to proceed with the model home construction; coinciding with finishing the subdivision improvements.

Mr. Bill DeBaal, Deputy County Attorney relayed the small group's recommendation regarding title certification. He mentioned the Committee's previous discussion about the new Florida Statute which allowed title companies to NOT certify title, but issue a "Property Information Report" (PIR), limiting the title company's liability by the amount of money received for preparing the report.

Mr. DeBaal revealed the small group had agreed it was best having an attorney certify the title because the attorney would have insurance to back him or her and the ability to fix title problems. He continued the current Code provided the allowance of both title certification done by a title insurance company or a Florida licensed attorney and suggested a Code change to allow title to be certified only by a Florida licensed attorney.

Mr. DeBaal suggested any plats currently in queue with a PIR, to enact the pending ordinance doctrine to afford the opportunity to address the plats and require the certification by a Florida licensed attorney.

Mr. DeBaal responded to Mr. Carter Taylor's, District 2 Representative, inquiry whether Florida law barred title companies from offering insurance products on effective title in the negative. He explained the most a title company could provide was the PIR for recorded plats, which was ownership and encumbrance report.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Taylor, the Committee voted unanimously (10-0) to revise the Code to require title certification to be certified by a Florida licensed attorney.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Burke, to support the recommendation requiring the plats currently in que be required to have title certified by a Florida licensed attorney.

UNDER DISCUSSION, Mr. Christopher Murphy, Member-at-Large Representative, inquired about the cost of a title certification by a Florida licensed attorney. Mr. Chuck Mechling, District 5 Representative, responded the cost usually varied by the size of plat being recorded and the amount of work expected.

Mr. Wes Mills, District 3 Representative, arrived at 9:22 a.m.

Mr. Boling shared the cost of a title certification by a Florida licensed attorney was unknown; however, the title certification Code change would not add costs to what the standard practice had been until the Code change went into effect in July, 2017.

Mr. Murphy suggested rewording of the motion from “adding” the requirement to “resetting” the Code change to what it was before July, 2017.

Mr. DeBaal committed to ensure the memorandum brought before the BCC would address costs to the developer. He added the attorney would not only certify title, most of the time, would include covenant restrictions, homeowner association documents, etc.

THE CHAIRPERSON CALL FOR THE QUESTION and the vote was unanimous (10-0) in favor of the motion.

Mr. Boling directed the Board’s attention to the Final Plat Process Review Checklist initiative and asked for the Boards’ comments regarding whether or not to require a Land Development Regulation Ordinance change.

Mr. Rich Szyrka, Public Works Director, was in favor of having the checklist incorporated into an Ordinance change. His reasoning included generally, the many checklists available have the tendency of being overlooked and not utilized and he shared his thoughts of County staff being provided more support with a checklist mandated within an Ordinance.

Chairperson Robinson said she thought it was a good idea and added she would like the mandate to include the checklist be made available online for the applicant; making it incumbent for staff to maintain the checklist and keep it up to date. She also commented she thought a checklist should be required at each step of the process.

Mr. John Blum, District 5 Representative, asked if there was a noted deficiency on the checklist, would staff rely on their discretion regarding a “stop review” determination to send it back to the developer for resubmittal. Mr. Boling stated the discretion would be a reviewer’s judgment recall. He continued, County staff nor the applicant, was likely to want to waste time rescheduling something; however, the focus was for curing the grossly deficient submittals without wasting time on a full review.

Mr. Paladin noted a common complaint and concern was the discretion of the reviewer being considered a gray area. Mr. Szyrka referred to checklists as reminders for both the applicant and County Staff for the important items requiring review, with the end result of making the process move faster and efficiently.

Chairperson Robinson suggested having an indication on the checklist for minor things to be adjusted and a list of major things which would require being sent back to the developer for compliance.

Mr. Taylor remarked a checklist was a communication tool outlining what was expected at a minimum, or the process was not moving forward and thought it was important to establish discipline in the process, otherwise there could be a back-in-forth effect, costing everyone time and money. He also pointed out staff would review the checklist for a probability assessments of whether the application in its present form, would be successful.

Mr. John McCoy, Community Development Chief noted the “stop-loss” method for the checklist would assist in the goal to “touch” the checklist fewer times, saving time and money.

Chairperson Robinson supported the “stop-loss” method; however, would like to have time to review the document. Mr. Boling replied if there was a motion to move forward with the “stop-loss” idea, staff would come back at the next meeting with language for approval.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Burke, the Committee voted unanimously (11-0) to (1) recommend staff draft a final plat review checklist to be incorporated into an Ordinance, and required to accompany an application for a final plat; and (2) provide and maintain a current

checklist and made available online.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Blum, the Committee voted unanimously (11-0) to support staff's recommendation to implement a "stop-loss" process when the application is grossly deficit at the time of submittal, requiring revision to the application and resubmittal.

Mr. Mechling referred to the small group meeting which occurred on January 11, 2018 and said he would like the three (3) recommendations from that meeting, summarized herein by Mr. Boling, regarding simplifying the process with the various aspects of letters of credit issuance, amendments, and clearance.

Discussions ensued regarding the first recommendation involving issues in securing bonds which overlapped and simplifying the process by having one Letter of Credit with an Agreement covering construction items, which would serve as a warranty maintenance security.

Mr. Boling explained the mechanics would be when the county issued the Certificate of Completion, the Letter of Credit would be reduced to cover only the warranty for a one-year period.

Mr. DeBraal added the bank was sufficient with the Letter of Credit being a dollar amount, on County letterhead, with a date. He summarized one document that would include both the required improvements and also warranty at the same time would eliminate the 30-day window hold for the County.

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (11-0) to recommend County Staff define and draft a document using one security for both construction and maintenance items.

Mr. Mechling said a lengthy discuss ensued at the small group meeting regarding the second recommendation of the costs in posting bonds for line items, such roads, asphalt, rock base, drainage structures, that would require additional further input.

Mr. Boling mentioned the warranty maintenance security and engineering costs were currently included in the estimates for the amount of money to post for maintenance; however, the Public Works and Utility Departments had agreed to not include the engineering costs in the warranty maintenance security, reducing the

amount of money required to post. He said the Utilities Department would bring back to the Committee other recommendations for items which may possibly be eliminated from the maintenance bond.

Mr. Szpyrka noted there were items on the engineering side to consider removed, such as mobilization.

Mr. Jason Brown, County Administrator said staff would be reviewing items to remove; however, he cautioned the Committee the security was the only means the County had to utilize when making repairs so the amount needed to cover any actual expenses incurred.

Mr. Mechling mentioned another discussion from the small group meeting involved including a warranty letter from the contractor who performed the work assuring a one-year maintenance security as well. Staff indicated a contractor guarantee alone would not be sufficient.

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (11-0) to recommend County Staff to review the list of tangible line items for cost factor and possible elimination/minimize the maintenance bond requirements for a final plat.

Mr. Mechling said the third recommendation from the small group meeting was in a conventional subdivision, allowing more than one model/spec home to be started prior to completion of subdivision implements.

Mr. Paladin offered for effective wording purposes, review what St. Lucie County's Code provided to allow an earlier start on model homes. Mr. Szpyrka said Brevard County had the same wording in their code, allowing up to seven models.

Chairperson Robinson received confirmation this requirement was for pre-final plat.

Mr. Boling confirmed this revision would allow a building permit to be issued for vertical construction to begin, while the horizontal improvements were being finished; however, a Certificate of Occupancy for a model home would not be issued until a Certificate of Completion was issued for the subdivision

improvements.

Mr. Vincent Burke, Director Utilities voiced his concern with the timing issue saying typically the Utilities Department did not allow installation of a meter until after the plat approval and ways needed to be explored install meters earlier than usual so model/spec homes could be built. He also mentioned logistics involved wherein a meter was to be installed, the Utilities Department would be providing a service that the County did not own, wherein the Bill of Sale has not transferred those assets to the County. He continued should something happen such as a water quality issue, the County would be providing the water, however, not actually providing the mechanism for oversight of the water or sewer line to and from the building.

Mr. Burke also mentioned the current Code specifies model homes can be built; however, another office trailer was to be located next to the model home. He explained what happens most often than not was the model home becomes the office with water usage occurring. He said what was needed was a mechanism for billing, Equivalent Residential Unit (“ERUs”) set-up and logistics. He reminded the committee the county was responsible for protection of public water supply.

Discussion ensued regarding gross negligence and consequences thereof requiring reporting violations affecting the General Contractor’s business license.

Mr. John King, Emergency Services Director commented on requirements by the Fire-Rescue Department for a routine residential construction for a model home, not a multi-story, or commercial construction, as being agreeable as long as water was available and a reasonable road provided.

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Burke, the Committee voted unanimously (11-0) to recommend County Staff to review ways to allow multiple model/spec homes to be constructed in a conventional subdivision concurrently with the infrastructure and provide recommendations accordingly.

New Business

- a) Consideration of Affidavit of Exemption (AOE) Process – *Action Required*

Mr. Boling summarized his memorandum dated January 9, 2018, including Attachment 1: Existing AOE Chapter 913 Regulations; Attachment 2: Sample AOE

Documents under Existing Process; and Attachment 3: AOE Process Flowchart and

invited the Committee to evaluate the existing AOE process for improvement, a copy is on file in the Commission Office.

Mr. McCoy reiterated staff's goal was to simplify the Affidavit of Exemption ("AOE") process for properties which meet the criteria to be divided into large lots of more than 20,000 square feet, and shared the processing background for an affidavit.

Mr. DeBraul mentioned all of the required information included in an AOE could easily be transformed into a recordable plat or map. He reminded the Committee the County Attorney's Office was not responsible for preparing documents for private individuals, but tasked as a reviewing agency. He continued the County Attorney's Office was responsible for preparing recordable documents for the Board of County Commissioners and County department heads.

ON MOTION BY Mr. Paladin, SECONDED BY Mr. Blum, the Committee voted unanimously (11-0) to recommend County Staff prepare draft changes to the Affidavit of Exemption regulations and process including requiring applicants file a recordable plat or map showing all survey information, including easements and dedications, and including target dates and deadlines.

- b) Consideration of Requiring Subdivision-wide Lot Drainage Plans – *Action Required*

Mr. Boling summarized his memorandum dated January 10, 2018, including Attachment 1: Waterway Village Lot Drainage Plan; Attachment 2: Vierra Preserve (Broward County) Lot Drainage Plan; and Attachment 3: Heritage Isle (Brevard County) Lot Drainage Plan and presented a PowerPoint, entitled "Subdivision-wide Lot Drainage Plans. A copy of the memorandum, with attachments, and the PowerPoint are on file in the Commission Office.

Mr. Szpyrka explained how lot drainage plans for an active subdivision worked and saved significant review times for house permits on individual lots.

ON MOTION BY Mr. Mechling, SECONDED BY Mr. Paladin, the Committee voted unanimously (11-0) to recommend to the Board of County Commissioners

to (1) require lot drainage plans for new subdivision projects, and (2) waive land development permit plan modification review fees for voluntary submitted master lot drainage plans submitted for remaining un-built lots within existing active subdivisions.

Topics for Next Meeting

Mr. Boling suggested, and the Committee agreed, the only topics for the next meeting would be follow up proposals on the items voted on at this meeting.

Announcement of Next Meeting (Wednesday, February 21, 2018)

The next meeting of the Development Review and Permit Process Advisory Committee is scheduled for **Wednesday, February 21, 2018, at 9:00 a.m.**, in the Administrative Complex, Building B, First Floor, Conference Room B1-501, 1800 27th Street, Vero Beach, Florida.

Adjournment

There being no further business, Chairperson Robinson adjourned the meeting at 11:47 a.m.