ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of April 24, 2010

DATE: March 31, 2010

SUBJECT: Enact Amendments to the Street Development And Construction Ordinance, Chapter 22 of the Code of Arlington County, Virginia Concerning the Creation of Various New Charges for Engineering Services Associated with Plan Review and Approval, and a New Traffic Engineering Service Fee, to Become Effective on July 1, 2010.

C. M. RECOMMENDATION:

Enact the attached Ordinance to Amend, Reenact, and Recodify Chapter 22 (Street Development And Construction), Section 22-7 of the Code of Arlington County, Virginia Concerning the Creation of Various New Charges for Engineering Services Associated with Plan Review and Approval, and a New Traffic Engineering Service Fee, to Become Effective on July 1, 2010.

ISSUE: Should new engineering services fees be charged to partially defray the cost of staff time involved to process, review and approve specific elements of civil engineering design plans, and to provide traffic engineering services requested by applicants?

SUMMARY: The ordinance amends Chapter 22, § 22-7 of the County Code. The Development Services and Traffic Engineering & Operations Bureaus of the Department of Environmental Services (DES) collect these fees.

BACKGROUND: The new fees are identified in the attached ordinance (Chapter 22, Section 22-7). The Traffic Engineering & Operations and the Development Services Bureaus are responsible for collecting fees for the review of private development civil engineering design plans, other related engineering inspection services, and traffic engineering services. These civil engineering plans are for the improvements designed and to be built by private development within public rights-of-way by permit.

DISCUSSION: In the past five years, site design plan review and approval for permits for work in the public right of way has evolved into a more labor-intense effort subject to: more stringent State, County and Federal regulations; specific special exception conditions approved by the County Board; advances in technical standards and practices; the review and process of new or additional information and background needed to better assess the County's public infrastructure

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needs associated with development projects; unique site-specific design deviations necessitated to accommodate unexpected field or site changes; and out-of-sequence plan reviews routinely requested by developers to meet their unique project needs.

The current charges in Chapter 22, Section 22-7 establish the permit and related fees for engineering services rendered by DES that include, among other things, the approval of plans, plan revisions, review of as-builts, inspection of construction, and traffic engineering services. Staff proposes to separate the fees for plan revisions, and review of as-builts fees, from the fees for the plan submittals. Staff also proposes to establish new stand-alone fees for such revisions and reviews.

It is also proposed that plan submittals be accompanied by full payment of review fees at the time of application. Currently, applicants are required to submit, at the time of application, no less than half of the fee charged for engineering review and inspection, with the balance due on or before the release of the final approved plans. In recent years, some plans have gone through complete review and approval on just half of the plan submittal fee, and for reasons such as the economy, loss of financing, unexpected site-design related problems, insurmountable construction challenges, or others, the plans were abandoned or never picked up by the applicant. In such instances, the County recovered 50% of the cost intended to cover the full plan review and approval. Plan review and approval is a time consuming, demanding effort performed by staff. The cost should be recovered no matter what happens to the developer or the project. For that reason, this fee should be charged in full when application of a plan is submitted.

The following is an explanation of the various current plan reviews for which no fees are currently charged; or the fees currently included in the base plan review fee that are recommended to become separate fees, along with the respective proposed new fee:

Base Plan Revision Fees Recommended to Become Separate (Stand-Alone) Fees:

Plan Revisions - $600.00 per submission: This is the most frequently submitted type of plan during and after the regular plan review and approval cycle. It is typically generated by unexpected changes in site design to accommodate the developer's needs; field conditions or conflicts encountered during construction, or by modifications requested by developers or their engineers to accommodate specific site design changes and needs. Chapter 22, Section 22-7(a), currently includes plan revisions as part of the original plan submittal fee. However, plan revisions have become the most labor-intensive elements of plan review during and after approval. For this reason, this particular service covered by the current plan submittal fee is being removed and being established as a stand-alone fee to equitably cover the staff time and resources needed to perform such reviews.

As-built Plans - $250.00 per submission: These plans are required as part of the County's standards and specifications (and by site plan conditions) for work which is the subject of a permit issued for work in the public right of way. The review of these plans must be performed by several DES agencies, Department of Community Planning and Housing Development (DCPHD), and the Department of Parks, Recreation and Community Resources (DPRCR) in order to confirm compliance with approved site plan conditions, or approved and/or revised

plans. The review of these plans have become labor-intensive, and although currently covered by the original plan submittal fee in Section 22-7(a), they also need to become stand-alone reviews to equitably cover the staff time and resources needed to perform such reviews.

Plan Reviews For Which No Fees Are Currently Charged:

Off-site Utility Plan or Associated Revisions - $600.00 per submission: This type of plan is usually generated to comply with specific site plan conditions that may result in the need to add, relocate or install off-site utilities to meet the unanticipated utility requirements of a project. Examples include the review and approval of off-site duct bank installations, pole relocations, new or relocated utility vaults, and off-site utility undergrounding. This is being established as a new fee.

Maintenance of Traffic (MOT) Plan Revisions - $160.00 per submission: This type of plan is typically submitted after original approval of a MOT plan. Such submittals are typically generated by unexpected traffic management changes to accommodate the needs of the developer; changing VDOT restrictions on State roads; coordination of traffic management with other projects adjacent to, or across from development projects; or unexpected problems encountered during construction. This is being established as a new fee.

Plan Sheet Substitution or Replacement - $25.00 per sheet submitted: Plan sheet substitutions are typically made by engineers to reflect minor changes or corrections that do not require formal review or approval. Typical changes for such substitutions include corrections to dimensions, storm water detention calculations, additional construction notes, and visual clarifications of cluttered or unclear information. This is being established as a new fee.

Temporary Pole Installation associated with Utility Undergrounding - $2,500.00 per plan submittal: Approval of this type of plan allows developers or utility companies the ability to install temporary poles as part of required undergrounding site plan conditions in order to: continue utility service to the site or a specific phase of a development; mitigate unexpected utility conflicts arising during construction; or when a utility provider such as Dominion Virginia Power or Verizon, cannot underground all utilities on a project as originally approved. Such plans often require considerable review by several county agencies and extensive negotiation between staff, developers and utility companies to ensure such temporary plan approvals are consistent with site plan conditions. This is being established as a new fee.

Maintenance of Traffic (MOT) Plans (for Special Exception Projects) - $475.00 per submission: Review and approval of this type of plan is specifically required by site plan conditions. It is usually submitted separately from the site civil design plans and undergoes an extensive review to ensure compliance with site plan conditions, State and County regulations, or specific DES traffic management standards and policies. This type of review includes the review of truck hauling routes, vehicular lane shifts or relocations, construction staging, construction directional signs, and pavement markings. This is being established as a new fee.

Maintenance of Traffic Plans (for By-right Projects) - $250.00 per submission: Review and approval of this type of plan is required by State and County regulations. While such plans are

not subject to specific or unique conditions such as special exception approvals, their review and approval require nearly the same amount of staff time as for MOT plan reviews for special exceptions. This is being established as a new fee.

Pedestrian and Vehicular Circulation Plans - $80.00 per submission: This type of plan is typically submitted after original civil plans are approved, and are generated to manage or mitigate pedestrian movements in front or around development sites, sidewalk closures, covered pedestrian walkway installations or relocations. This is being established as a new fee.

Signage and Marking Plan - $80.00 per submission: This type of plan is submitted whenever changes are being made to the vehicular travel ways or sidewalks. Such plans typically include the proposed final signage and marking street condition at occupancy of project; existing signs and markings that will remain upon project completion; any new signs and markings; and sign relocations and removals. Such plans must also show the curb across any and all streets from the site for a distance of 200 feet in either direction offsite. Signs and markings can be shown on separate sheets but must be submitted together for review. This is being established as a new fee.

If a temporary or interim signage and marking plan is proposed during construction that is not part of the MOT plans, it must be shown on sheets separate from the final Signage and Marking Plan. Signal plans that are part of the project will not be reviewed without signage and marking plans.

Project Phasing Plan - $80.00 per submission: This type of plan is typically submitted after original plans are approved and are often generated by the developer's need to break out or build an approved overall project in phases. The review and approval of such plans is made to: ensure compliance with site plan conditions that may overlap phases; coordinate the minimum public infrastructure installation to serve first phases being built; and meet County Board and community expectations particular to a project. This is being established as a new fee.

Construction Trailer Placement Review - $80.00 per submission: The Zoning Administrator requires that placement of construction trailers on private property or development sites be shown on a plan to ensure such placements do not result in vision obstructions for pedestrians or vehicles, and to ensure such placement or relocation thereof does not conflict with proposed phased construction. This review includes field inspection of development sites to ensure compliance with such approvals. This is being established as a new fee.

Erosion and Sediment Control Plans for Demolitions Only - $350.00 per submission: Approval of this type of plan is typically requested by developers to expedite approval of demolition permits solely to prepare a site for construction by demolishing structures, rough grading, re-stabilizing the site, and removing hazardous conditions which may have existed before or after demolition. This review enables developers to separate a phase of the demolition plan from the rest of the civil site plan review in order to expedite this process. Since building demolitions usually result in significant land disturbing activities, such plans require full E&S review and approval. This is being established as a new fee.

Soils Report - $250.00 per submittal: Soils reports are required on proposals for development to ensure consistency with the County's official Soils Map, and to evaluate the erosion and run-off potential from construction on each particular site as required by the Virginia Department of Conservation and Recreation (DCR). This review also ensures that proposed construction complies with the County's Chesapeake Bay Protection Ordinance. This is being established as a new fee.

Re-approval of Design Plans – 50% of re-calculated base fee in effect at the time of request: There have been a number of projects in the past for which plan approvals expired, necessitating the need for applicants to reapply for right of way permits and have the associated plans reviewed. In the interim, a number of changes to regulations or standards and specifications applicable to those plans have usually taken place requiring a new permit plan review and approval. This proposed fee will be applicable only to plans that do not require full review by all the typical County agencies involved in the original plan approval, as long as any required changes are made solely to meet new applicable requirements, and are still consistent with all approved site plan conditions associated with such plans. This is being established as a new fee, and the fee charged will be based on 50% of the base plan review fee at the time in which the applicant submits their design plans for re-approval.

All of the proposed new fees above will, in part, defray the cost of staff time and resources required to process, review and approve the various specific types of plans or revisions. These types of reviews are currently processed at no charge, and make up approximately 80% of the work load associated with civil site design plan review and approval. The new fees do not exceed the cost to the County of providing the services to which the fees relate. Other counties such as Fairfax, and the cities of Fairfax and Falls Church, have routinely charged similar fees for similar services for which the new fees in Arlington are being proposed.

The Traffic Engineering & Operations Bureau staff also proposes a new fee for parking construction equipment on County streets, as outlined below:

An additional fee for use of right-of-way other than metered parking in non-arterial streets in commercial, mixed-use, and high density residential areas - $0.30 per linear foot per lane per day. Currently, the parking of equipment, other than at metered spaces, on major and minor arterial streets is charged at a rate of $0.50 per linear foot per day, or portion thereof. Non-arterial streets in commercial, mixed-use, and high density residential areas have high vehicle and pedestrian volumes. These streets serve as access to transit and in some cases have transit on them. These streets also provide supplemental emergency vehicle access to some neighborhoods, and in the densest areas allow emergency responders to stage off of the arterial street. As a result, a new fee for the parking of equipment on non-arterial streets in specified General Land Use Plan categories is being created at the rate of $0.30 per linear foot per day, or portion thereof. This fee is intended to recognize the higher function of these streets and to encourage developers to minimize using them. The Bureau will publish a map and Geographical Information System (GIS) tool to aid in determining which streets are affected. The existing $0.10 per linear foot rate for the parking of equipment on all other streets right of way is unchanged.

Staff presented the proposed new fees to the National Association of Industrial and Office Properties (NAIOP) and Northern Virginia Builders Industry Association (NVBIA) on January 27, 2010, so that they could provide any comments concerning the proposed fee changes. NAIOP and NVBIA did not oppose the proposed new fees and acknowledged the need for implementing them at this time. However, they wanted to know if staff could develop a method by which they would not be charged fees for changes or revisions to plans that are generated solely from requests by the County. Staff explained that it would develop an administrative policy and process to differentiate between County-generated plan revisions, and revisions generated by changes made by the developer, it's engineer or architect to accommodate their needs. If the Ordinance is enacted, all of the proposed new fees would become effective July 1, 2010.

FISCAL IMPACT: The new fees recommended for approval are projected to produce an additional $60,000 annually. This additional revenue is not included in the County Manager's proposed budget and is intended to provide the County Board with flexibility with revenue options as it considers the FY 2011 budget.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 22 (STREET DEVELOPMENT AND CONSTRUCTION), SECTION 22-7 OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING THE CREATION OF VARIOUS NEW CHARGES FOR ENGINEERING SERVICES ASSOCIATED WITH PLAN REVIEW AND APPROVAL, AND A NEW TRAFFIC ENGINEERING SERVICE FEE, TO BECOME EFFECTIVE ON JULY 1, 2010.

I. BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 22, Section 22-7 is amended, reenacted, and recodified, effective July 1, 2010, to read in pertinent part, as follows:

Chapter 22

STREET DEVELOPMENT AND CONSTRUCTION

§ 22-7. Charges.

The cost of the engineering services rendered by the Department of Environmental Services including studies, review and approval of plans, supervision and inspection of construction, shall be borne by the owner or developer at the charges set out below.

An application or request for plan review and approval, pursuant to subsection (a) below, shall be accompanied by a non-refundable payment ~~of no less than one-half (1/2)~~ of the total base plan review fee calculated and charged for engineering review and inspection services set forth in subsections (a) ~~and~~ - (~~b~~d) below. ~~Payment of the balance of the fee charges shall be made on or before the release of the final approved engineering construction plans.~~

(a) Engineering review and inspection service on new street construction or improvements to existing streets that were required by redevelopment of the land adjacent to the street:

Plan submittal charge of one hundred sixty dollars ($160.00) filing fee per project, plus ~~basic~~ plan review~~,~~ and approval, ~~any necessary plan revisions after approval, submittal and review of as-builts,~~ charge of one thousand fifty dollars ($1,050.00) per project with the following additional charge added to the ~~base~~ plan review charge, per linear frontage foot . . . 9.75

The above three charges are collectively referred to in this section as "base plan review fee."

(b) Additional plan review fees per submission of type of plan listed below:

As-built Plan 250.00
Maintenance of Traffic Plan (for Special Exception Projects) 475.00
Maintenance of Traffic Plan (for By-right Projects) 250.00

Pedestrian and Vehicular Circulation Plan 80.00
Signage and Marking Plan 80.00
Off-site Utility Plan 600.00
Project Phasing Plan 80.00
Plan Sheet Substitution or Replacement (per sheet) 25.00
Construction Trailer Placement Review 80.00
Re-approval of Civil Design Plan ..... 50% of recalculated base plan review fee in effect at the time of request

(c) Plan revision fee per submission:

Civil Design Plan 600.00
Maintenance of Traffic Plan 160.00

(d) Temporary pole installation plan associated with Utility Undergrounding ..... 2,500.00 per plan submittal

(e) Re-approval of Civil Design Plan ..... 50% of base plan review fee based on fee in effect at the time of request

(b) (f) Engineering review and inspection service for storm sewers, water mains, sanitary sewers and other utility support facilities such as electric, telephone and traffic signal and street light bases and conduits, per linear foot in addition to the basic plan review fee . . . 6.00

When application for a permit is made, payment shall be made in advance to the county treasurer to ~~cover~~defray the cost of all permits and inspection fees in accordance with ~~(c) through (o)~~ the charges set out above.

~~(c)~~ (g) Chesapeake Bay Preservation Ordinance review fees for review required by Chapter 61 of the Arlington County Code, which fees and in additions to, and not in lieu of, any Watershed Management Fund contributions:

Minor water quality impact assessment review	$525.00
Major water quality impact assessment review	1,575.00
Landscape Conservation Plan review	305.00
Exception request	395.00
Modification or waiver of performance review	1,050.00
Storm water quality management plan review when no Watershed Management Fund contribution is submitted	525.00
Watershed Management Fund participation review based on the proposed impervious site area:	
- Up to 5,000 square feet	315.00
- 5,001 to 30,000 square feet	630.00
- Over 30,000 square feet	1,050.00
Erosion and Sediment Control Plan for demolition only –	350.00

per submission	
~~(Fees are in addition to Watershed Management Fund contributions)~~	

~~(d)~~ (h) Other engineering reviews and services:

Storm water detention plan review	262.00
Storm water detention waiver requests, each	209.00
Floodplain plan review	1,575.00
Drainage study plan review	755.00
Soils Report	250.00

~~(e)~~ (i) For the construction of public utility lines, the inspection charges and guarantees shall be as follows, except as provided in paragraph (~~e~~s) below:

Work performed for Arlington County project	No fee
Basic permit fee	130.00
Work performed in county right-of-way without an approved permit and engineering plans	260.00
Emergency base permit fee	260.00
Extension of an existing public right-of-way permit	
Additional permit fee charges are:	130.00
Pipelines, underground conduits, etc.:	
House connection	195.00
Up to 100 feet	325.00
Plus, any additional portion of 100 feet	162.50
Poles—Overhead lines, etc.:	
Poles with or without guy wires	195.00
Guys	195.00
Wires along street:	
Up to 100 feet	260.00
Plus, any additional portion of 100 feet	130.00

~~(f)~~ (j) Driveways, sidewalks, and landscaping:

Basic permit fee	130.00
Each additional entrance	195.00
Sidewalk: For every 50 feet and/or portion of	195.00
Street trees: Basic permit fee (not related to a site plan development)	19.50

~~(g)~~ (k) Environmental services fee for reviewing potential utility conflicts and marking public utilities including storm sewers, water supply infrastructure, and sanitary

sewer infrastructure. This fee shall be collected at the same time of construction permit application for work where ground is expected to be disturbed as follows:

New commercial or apartment structure permit	382.00
New town house construction permit (per structure of 10 or more units)	382.00
New town house construction permit (per structure of less than 10 units)	195.00
New residential single-family structure permit	195.00
Demolition permit	195.00
Exterior alterations related to building, plumbing, electrical or mechanical permit	50.00

~~(h)~~ (l) Expedited engineering permit review for construction within streets right-of-way provided by a professional engineering contract service. This fee shall be collected prior to the issuance of right-of-way permit 15,500.00

~~(i)~~ (m) Moving houses or oversized vehicles or equipment:

The fee for moving houses or other structures per 100 feet or portion thereof in excess of 100 feet of distance to be moved	11.00
Minimum fee, per permit	27.00
The fee for moving oversized vehicles or equipment (over 10,000 pounds gross weight) on county streets is as follows:	
One (1) round trip move	29.00
One (1) month	124.00
Three (3) months	315.00
Six (6) months	601.00
Twelve (12) months	1,173.00

For vehicles or equipment whose gross weight exceeds 90,000 pounds, special approval from the County Manager is required.

~~(j)~~ (n) Parking construction equipment on county streets:

The fee for parking construction equipment, trailers, dumpsters, construction worker buses or loading equipment on county streets or within county rights-of-way, where no parking meters exist, is as follows:	
One (1) day	$34.00
Two (2) days	37.00
Three (3) days	40.00
Four (4) days	43.00
One (1) week	46.00
Two (2) weeks	53.00
Three (3) weeks	75.00

One (1) month	129.00
Two (2) months	224.00
Three (3) months	320.00
Four (4) months	415.00
Five (5) months	511.00
Six (6) months	606.00
Seven (7) months	701.00
Eight (8) months	797.00
Nine (9) months	892.00
One (1) year	1,178.00
Where parking meters exist, per permit, irrespective of duration of proposed use	34.00

Additional fee for loss of parking meter revenue:

$15.00 per day, or any portion thereof, for each parking meter with a time limit of four hours or less.

$11.00 per day, or any portion thereof, for each parking meter with a time limit of more than four hours

Additional fee for County removal of parking meters:

$45 per parking meter

Additional fee for use of right-of-way, other than metered parking:

For major or minor arterial streets right-of-way:

$0.50 per linear foot per lane per day or portion thereof

<u>For non-arterial streets within or adjacent to the following General Land Use Plan land use categories: Residential Medium, Residential High-Medium, Residential High, Service Commercial, General Commercial, Service Industry, Government and Community Facilities, all Office-Apartment-Hotel categories and all Mixed Use categories:</u>

<u>$0.30 per linear foot per lane per day or portion thereof</u>

For all other streets right-of-way:

$0.10 per linear foot per lane per day or portion thereof

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II. The remaining existing subsections (k) through (p) of Section 22-7 shall be redesignated as subsections (o) through (t) respectively.

III. The remaining sections and subsections of Section 22-7, Chapter 22 of the Code of Arlington County, Virginia not amended hereby shall remain in effect as previously enacted.