

RESOLUTION NO. 83 OF 2011

ESTABLISHING A STORMWATER/FLOODPLAIN ENGINEERING REVIEW FEE SCHEDULE

On motion of Commissioner Lehman, seconded by Commissioner Stuckey;

WHEREAS, Section 201 of the Pennsylvania Municipalities Planning Code (“the MPC”) mandates that the County Engineer, or an engineer appointed by the County Board of Commissioners, shall serve the Planning Commission as an engineering advisor; and

WHEREAS, Section 210 of the MPC authorizes the employment of technical services to aid in carrying out the provisions of the MPC as consultants on particular matters; and

WHEREAS, Section 502 of the MPC establishes the authority of a County to enact a subdivision and land development ordinance (“SALDO”) for land in those municipalities that have no subdivision ordinance in effect, which Lancaster County (“the County”) has so done; and

WHEREAS, Section 503(1) of the MPC authorizes the charging of reasonable and necessary review fees for the submittal and processing of subdivision and land development plans regulated in accordance with the County SALDO; and

WHEREAS, The Pennsylvania Stormwater Management Act of 1978 requires municipalities to adopt and implement ordinances to regulate development consistent with adopted watershed-based stormwater management plans; and

WHEREAS, Section 503(2) of the MPC enables subdivision ordinance provisions for insuring that adequate easements or rights-of-way shall be provided for drainage and that land which is subject to flooding shall be made safe for the purpose for which such land is proposed to be used or shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace; and

WHEREAS, The Lancaster County Board of Commissioners recognizes the need of the County to provide stormwater engineering review to ensure subdivision and land development plan compliance with the drainage and flooding standards and requirements of the County SALDO; and

WHEREAS, The Lancaster County Board of Commissioners recognizes the fiscal responsibility of the County for establishing a stormwater engineering review fees schedule that is reasonable and customary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA, as follows:

1. Applicability

- A. This resolution and the fee schedule set forth below shall apply to all stormwater or floodplain management plan submittals submitted to the Lancaster County Planning

Commission ("Planning Commission") for approval pursuant to Sections 501 and 502 of the MPC.

- B. The fee schedule set forth below shall not apply to reviews conducted by the Planning Commission for advisory purposes as set forth in Section 502(b) of the MPC.
- C. The stormwater engineering review fees set forth herein are in addition to, and not in lieu of, application fees, reduction fees, review fees, or other fees adopted by resolution of the Board of County Commissioners for various applications and requests made to the Planning Commission.

2. Schedule of Review Fees

The following fees shall apply to all plan submittals submitted for stormwater or floodplain management review for approval by the Planning Commission:

- A. Pre-submittal advisory stormwater/floodplain engineering review meeting (each): \$100
- B. Initial submittal fee for subdivision plans resulting in three or fewer lots in total: \$500
- C. Initial submittal fee for land development plans that meet the minor land development criteria of §305 of the County SALDO: \$500
- D. Initial submittal fee for all subdivision or land development plans that exceed the thresholds in subsection (B) and (C): \$1,000
- E. Initial submittal fee for review of the floodplain provisions of §607.06 of the County SALDO: \$150
- F. Request for waiver of any provision of §607 of the County SALDO: \$150
- G. Initial submittal and waiver review fees shall be applied to stormwater engineering review at an hourly rate as established by the County-designated stormwater review engineer; in the absence of a County-designated stormwater review engineer, the hourly rate for stormwater engineering review shall be \$100.
- H. All stormwater engineering review provided after exhaustion of the initial submittal fee shall be billed to the applicant at an hourly rate as established by the County-designated stormwater review engineer; in the absence of a County-designated stormwater review engineer, the hourly rate for stormwater engineering review shall be \$100.

3. Requirements

- A. Plan submittals shall be accompanied by a fully signed and executed Stormwater Engineering Review Services Agreement, whereby the applicant agrees to pay in a timely

manner applicable stormwater/floodplain engineering review fees during the County's review of the applicant's plan submittal.

- B. Applicants seeking a waiver of any provision of Section 607 of the County SALDO shall clearly identify the section number (e.g., as "§607.03-F") of the County SALDO section sought to be waived. Each section waiver request shall require submittal of a separate fee.
- C. Combined subdivision and land development plan applications shall be assessed a single fee, as applicable; in the event that one component of a combined minor subdivision and land development plan exceeds a threshold set forth in Section 2, then the greater fee shall be assessed.
- D. Stormwater/floodplain engineering review work shall cease if the applicant has not paid the applicable fees for engineering review in accordance with customary County billing procedures.
- E. If the initial stormwater/floodplain engineering review fee submittal has been exhausted prior to action on the plan submittal by the Planning Commission at a regularly scheduled meeting, and the applicant has not arranged for the payment of additional stormwater/floodplain engineering review fees, then the plan application may be disapproved by the Planning Commission.

4. Exemptions

- A. No fee may be charged for any application that is exempt from the requirements of the County SALDO.
- B. If the review by the Planning Commission is limited to floodplain review because the municipality has an ordinance addressing stormwater management issues, any fees for stormwater review are not applicable.

5. Review Fees for Conditionally Approved Subdivision or Land Development Plans

- A. Plans which were previously conditionally approved and are now being resubmitted for a determination of compliance with said conditions shall comply with the fee schedule set forth herein for any and all services provided.
- B. A fully signed and executed Stormwater Engineering Review Services Agreement, shall be required prior to the commencement of review of a conditionally approved plan by the County-designated stormwater review engineer.

6. Refunds of Excess Fees Collected

If the cost incurred by the County to provide stormwater/floodplain engineering review for a plan submittal is less than the initial submittal fee paid by the applicant, then a refund for the difference shall be issued to the applicant upon completion of all necessary review by the County-designated stormwater review engineer.

7. Effective Date

This resolution shall become effective and be in force immediately upon adoption.

8. Repeal

This resolution shall replace the Fee Schedule resolution adopted by the Lancaster County Board of Commissioners in December 1995.

Motion passed unanimously.

DULY ADOPTED this 21st day of December, 2011 by the Lancaster County Board of Commissioners, Lancaster County, Pennsylvania.

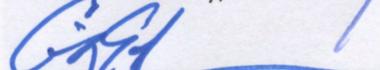
**Board of Commissioners of
Lancaster County, Pennsylvania**



Scott F. Martin, Chairman



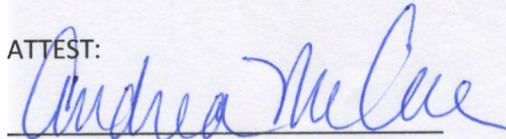
Dennis P. Stuckey, Vice Chairman



Craig E. Lehman, Commissioner

I, Andrea McCue, Chief Clerk to the County of Lancaster Pennsylvania, do hereby affirm that the above ordinance was passed by the Lancaster County Board of Commissioners on the 21st day of December, 2011.

ATTEST:



ANDREA McCUE

CHIEF CLERK

COUNTY OF LANCASTER

Date: December 21, 2011

LANCASTER COUNTY
AGREEMENT FOR STORMWATER ENGINEERING REVIEW FEES

THIS AGREEMENT is entered into between Lancaster County Planning Commission, acting pursuant to authority by delegation from the Lancaster County Board of Commissioners (hereinafter “County”), and _____ (hereinafter “Developer”).

WHEREAS, Developer has applied, pursuant to the Lancaster County Subdivision and Land Development Ordinance (the “SALDO”), for approval of a subdivision or land development plan, titled _____, for land within _____ (the “Municipality”); and

WHEREAS, Section 607, Stormwater Management and Floodplain Controls, of the SALDO is applicable, in whole or in part, for approval of a subdivision or land development plan for land within the Municipality; and

WHEREAS, the County has authorized, by Resolution No. 83 of 2011 (Establishing A Stormwater/Floodplain Engineering Review Fee Schedule), an Agreement for Stormwater Engineering Review Services to ensure subdivision or land development plan compliance with the standards of Section 607 of the SALDO; and

WHEREAS, the Developer and the County desire to set forth their understanding concerning the Agreement for Stormwater Engineering Review Services and responsibility to pay the costs involving the review of the Developer’s subdivision or land development plan.

NOW, THEREFORE, intending to be legally bound, the Developer and the County agree as follows:

1. Developer agrees to provide the County with the Initial Submittal Fee upon submission of the application for approval of a subdivision or land development plan to the Lancaster County Planning Commission.
2. Developer agrees to pay any and all stormwater engineering and professional consultant service fees necessitated by the review of the Developer’s subdivision or land development plan and accompanying documents at the rate established by resolution or ordinance of the County.
3. The County agrees that fees for said services shall be deducted from the Developer’s Initial Submittal Fee.

4. Developer agrees to reimburse the County for any fees incurred which are not covered by the Initial Submittal Fee.
5. County agrees to provide Developer with an invoice setting forth the service fees necessitated by the review of the Developer's subdivision or land development plan and accompanying documents.
6. Developer agrees that any fees (not covered by the Initial Submittal Fee) shall be payable to the County by the Developer within ten (10) calendar days from the date of receipt of the invoice by Developer and prior to unconditional approval of the Developer's subdivision or land development plan. Developer agrees that it is responsible to pay any fees incurred by the County as a result of Developer's failure to pay the County in a timely manner.

IN WITNESS THEREOF, the Developer and the County have agreed to the above this _____ day of _____, 20__.

Lancaster County Planning Commission

Attest: _____

By: _____

Developer/Owner

Attest: _____

By: _____