

January 22, 2015

To Whom It May Concern:

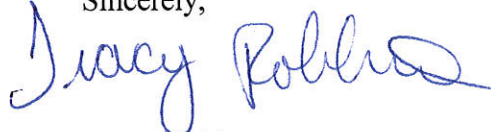
In May of 2012, City Council passed a resolution establishing a moratorium on the collection of the environmental impact fee in order to stimulate new investment in the City at a time when investment was stalled due to the economic downturn. The intent of the impact fee is to help mitigate the predicted impacts of development by upgrading the public infrastructure surrounding the development. Since that time, the construction of new residential units has rebounded and now exceeds the pre-recession levels. This new development presents a unique challenge of managing stormwater runoff and accommodating any increased runoff within our aging infrastructure, which at times needs to be repaired, replaced or even re-engineered to accommodate the increase in water.

Within the City, the majority of new residential development consists of teardowns or in-fill development which increases stormwater runoff into our aging infrastructure as older homes are replaced by larger homes. In reviewing available data, staff has concluded that new in-fill development, in 2014 alone, has increased impervious surface by seventeen percent on average which has led to issues with the existing stormwater infrastructure. Therefore, City Council has adopted Ordinance 2, 2015 which re-establishes the environmental impact fee to be assessed in conjunction with teardown and in-fill residential development. To accomplish this purpose, the City has been divided into four residential stormwater impact districts. Effective Monday, February 9, 2015, all new residential teardowns and in-fill development will be assessed a fee of \$1,500 per building site, which shall be an environmental impact fee collected by the City to be able to fund the reconstruction and repair of stormwater infrastructure within the specific impact area in which such construction occurs. Annually, the City shall appropriate a sum not less than an amount equal to the impact fees collected during the preceding calendar year to the appropriate fund.

Additionally, the Land Use Fees Commission recently completed a review of the zoning permit fees and has made changes to more accurately reflect the City's costs. City Council passed Resolution No. 37 establishing a new Zoning Fee Schedule which shall also take effect on Monday, February 9, 2015.

I have enclosed a copy of both ordinances and the revised Zoning Fee Schedule for your reference. If you have any questions or need additional information please do not hesitate to contact me at troblero@ci.montgomery.oh.us or 792-8312.

Sincerely,



Tracy Roblero
Community Development Director

Cc: Brian Riblet, Public Works Director

RESOLUTION NO. 37 , 2014

A RESOLUTION ADOPTING THE RECOMMENDATION OF
THE LAND USE FEES COMMISSION

WHEREAS, it is provided in Section 153.01 of the Montgomery Code of Ordinances that from time to time the Land Use Fees Commission shall review the fees, charges and deposits paid to the City for zoning, building and public right-of-way permits and shall recommend revisions thereof to the City Council for review and adoption; and

WHEREAS, the Commission has completed a recent review and has recommended to Council for approval the updated Schedule of Fees attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Upon the recommendation of the Land Use Fees Commission, City Council hereby adopts the Schedule of Fees which is attached hereto as Exhibit A to more accurately reflect the City's costs, specifically in relation to the permit fees for residential demolition and new construction.

SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: November 5, 2014

ATTEST Susan J. Hamm
Susan J. Hamm, Clerk of Council

Christopher P. Dobrozi
Christopher P. Dobrozi, Vice Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

CITY OF MONTGOMERY ZONING FEE SCHEDULE: SCHEDULE B

New Single-Family Residential, New subdivision	\$850
New Single-Family Residential, In-fill	\$1,000
New Single-Family Attached	\$350 per unit
New Multi-Family	\$350 per unit
Fees for Heritage Overlay District site plan review: single family	\$100
New Additions (under 400 sf)	\$50
New Additions (over 400 sf)	\$250
Accessory Building (under 200 sf)	-----
Accessory Building (over 200 sf)	\$40
Swimming Pool, no engineering review	\$50
Swimming Pool, Two Phase Review	\$250
Other Recreational Uses/Structures	\$30
Tents	\$30
Demolition Permits	\$300
New Office or Commercial Building	Tables A & B of Schedule C* + \$200
Addition to Office or Commercial Building	Tables A & B of Schedule C* + \$200
Site Improvements (non-building): Office, Commercial, Institutional	Tables B of Schedule C* + \$200
Signs	\$50 + \$1.50/square foot

Certificate of Approval (Heritage Overlay District, excluding signs)	\$40
Conditional Use Permit	\$250 + Tables A & B of Schedule C
Subdivisions	Schedule D
Variance/Appeal	\$300
Zoning Change	\$300/parcel + \$100/acre + \$100

*When the combined site review fees by the City Engineer for storm water detention, erosion control and traffic analysis exceed 75% of the fees established by the fee schedule, the fee shall be increased to reflect 100% of this additional cost.

ORDINANCE NO. 2 , 2015

AN ORDINANCE ESTABLISHING A NEW ENVIRONMENTAL IMPACT FEE
STRUCTURE AND AMENDING CODE SECTION 153.05

WHEREAS, City Council previously enacted § 153.05 of the Code of Ordinances which established an environmental impact fee for all new construction within the City to support infrastructure improvements, accommodate traffic, improve recreation facilities, and to control the flow of surface waters within the City; and

WHEREAS, City Council did pass a moratorium on the assessment of such fees while Staff updated the Code to meet the requirements of Ohio law; and

WHEREAS, after researching Ohio law, Staff believes such fees are permissible when there is a specific public interest to be protected, when such fees have a reasonable nexus to support such interest, and when the use of such fees does not provide a general benefit to the community at large, but targets and benefits the development area to be assessed; and

WHEREAS, as a fully developed community, Staff has found that new development presents the unique challenge of managing stormwater runoff and accommodating any increased runoff within the aging stormwater infrastructure, which at times needs to be repaired, replaced or even re-engineered to accommodate such increased demand; and

WHEREAS, Council has addressed stormwater management best practices applicable to commercial and large scale development by enacting Chapter 154 of the Code of Ordinances and by adopting the rules and regulations of the Hamilton County Stormwater District; and

WHEREAS, most residential new development within the City consists of teardowns or in-fill development which replace older homes with larger homes, increasing stormwater runoff into the City's residential stormwater system which can cause breakdowns and at times flooding. Further, in reviewing available data, Staff has concluded that new in-fill development in 2014 alone has increased impervious surface coverage and therefore stormwater runoff on average by 17% per site; and

WHEREAS, the current Code and regulations do not adequately address residential in-fill development and the increased demand upon the infrastructure with such developments; and

WHEREAS, Staff recommends that a restructured impact fee program should be enacted to address this gap to meet the challenges of managing stormwater runoff and to be able to fund improvements to better manage such runoff; and

WHEREAS, Staff has tracked stormwater runoff patterns in the natural watershed throughout the community and the areas where in-fill construction has occurred to be able to identify impacted areas, and Staff recommends that the City be divided into four impact areas from which fees will be collected and segregated to focus the use of any collected fees to specifically benefit the areas impacted.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Current § 153.05 of the Code of Ordinances is hereby repealed.

SECTION 2. Council accepts the recommendation of the Staff to re-establish environmental impact fees to be assessed against teardown and in-fill residential development. To accomplish this purpose, the City is hereby divided into four residential stormwater impact districts as depicted on the attached Schedule A and respectively identified as Residential Impact Area I, II, III and IV.

SECTION 3. In addition to any other building permit or zoning fees which may be assessed in conjunction with the reconstruction of residential teardown and in-fill development, there shall be assessed a fee of \$1,500.00 per building site, applicable to residential in-fill or teardown construction, payable at the time of the application for permit, which fee shall be an environmental impact fee collected by the City to be able to fund the reconstruction and repair of stormwater infrastructure within the specific Residential Impact Area in which such construction occurs. The fee as collected shall be deposited to a separate fund matched to the environmental impact area within which such construction occurs. The Council annually shall appropriate from other municipal revenue sources a sum not less than an amount equal to the impact fees collected under this Section 3 during the preceding calendar year. Such sum shall be irrevocably appropriated to the Environmental Impact Area Fund for the impact area from which such fees were collected. Thereafter, the funds may be used for stormwater infrastructure improvements, including reconstruction or repair of stormwater systems and/or green solutions consistent with stormwater management best practices, which improvements may only be funded and constructed within the impact area from which such funds were collected. Any unexpended funds in any tax year shall be carried forward to the next year, but shall not diminish nor relieve the requirement of an appropriation to be made pursuant to this section for any ensuing or subsequent tax year.

SECTION 4. There are hereby established four separate funds to be known as Impact Area I Fund, Impact Area II Fund, Impact Area III Fund, and Impact Area IV Fund into which such collected funds shall be segregated and from which such funds shall be appropriated consistent with Section 3 herein.

SECTION 5. Nothing contained in this Chapter shall relieve any person, firm or corporation from complying with all other Ordinances, laws, rules, regulations or fee

requirements of the City, or of any other governmental agency which now or hereafter regulate or govern the issuance of permits for the construction of structures within the City. Further, nothing contained in this Ordinance shall prohibit City Council from establishing appropriate fees and charges for any review to be undertaken in conjunction with the issuance of building permits or in conjunction with other applications and municipal procedures.

SECTION 6. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: January 7, 2015

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Todd A. Steinbrink
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM: Terrence M. Donnellon
Terrence M. Donnellon, Law Director

City Council's Stance - Parkland and Levy Vote on November 6

On November 6th, residents of Montgomery will be asked to have the final say on the need and funding for potential parkland along Montgomery Road. For those who haven't followed the Natural Parkland Initiative and Levy issues closely, we, as your elected Montgomery City Council, felt it important to provide a central focus to the debate, shedding the numerous peripheral arguments that cloud the issue.

To distill the facts, you will be voting on Issue 35 and Issue 36. Issue 36 is an initiative forcing the City to acquire 10 acres along Montgomery Road between Schoolhouse Road and the Safety Center for parkland. Issue 35 was prompted by City Council to fund the initiative if it passes.

Facts: The 10 acres at issue are owned by four different groups. These private owners have expressed no interest in donating the property to the City, neither have they indicated a willingness to sell.

The land is zoned exclusively for residential use – there is no threat of “commercial” development.

While it appears green on the outside, it's a tangle of honeysuckle and soon-to-be-lost Ash trees, with a dose of wild vine beginning to choke the canopy.

What needs to be determined is what's best for Montgomery. It's not a comparison of our community's green space to others, or how much in reserves others have. Never has this or any previous Council, or the Parks and Recreation commission, shunned the expansion or improvement of our park system. Budgets are formulated to improve services and the overall quality of life in Montgomery. As a voter you should focus on the core of the debate and decide accordingly.

What is an appropriate amount to pay for such a park – or more simply, how much is too much? The park initiative unfortunately fails to acknowledge the legal and financial realities of its intended outcome. It doesn't provide a ceiling or the ability to walk away from the process if the price becomes too high. Instead, it opens the door to the lengthy and costly process of eminent domain – allowing sellers and their attorneys to fight in court for the highest possible value of their land – a cost the taxpayers will be forced to pay.

Proponents suggest there is “plenty” of money, and it's true Montgomery is fortunate to have strong reserves. But there are many projects competing for those reserves –

heating the swimming pool, timely maintenance of our parks, sidewalks and roads, and other discretionary expenses like festivals. Our budget balances don't compound in the coffers – surpluses don't last forever. If you really believe in acquiring greenspace at any price, you should consider demonstrating your willingness to help afford it - vote for the Levy. Otherwise, where on the priority list does purchasing this very expensive land rank?

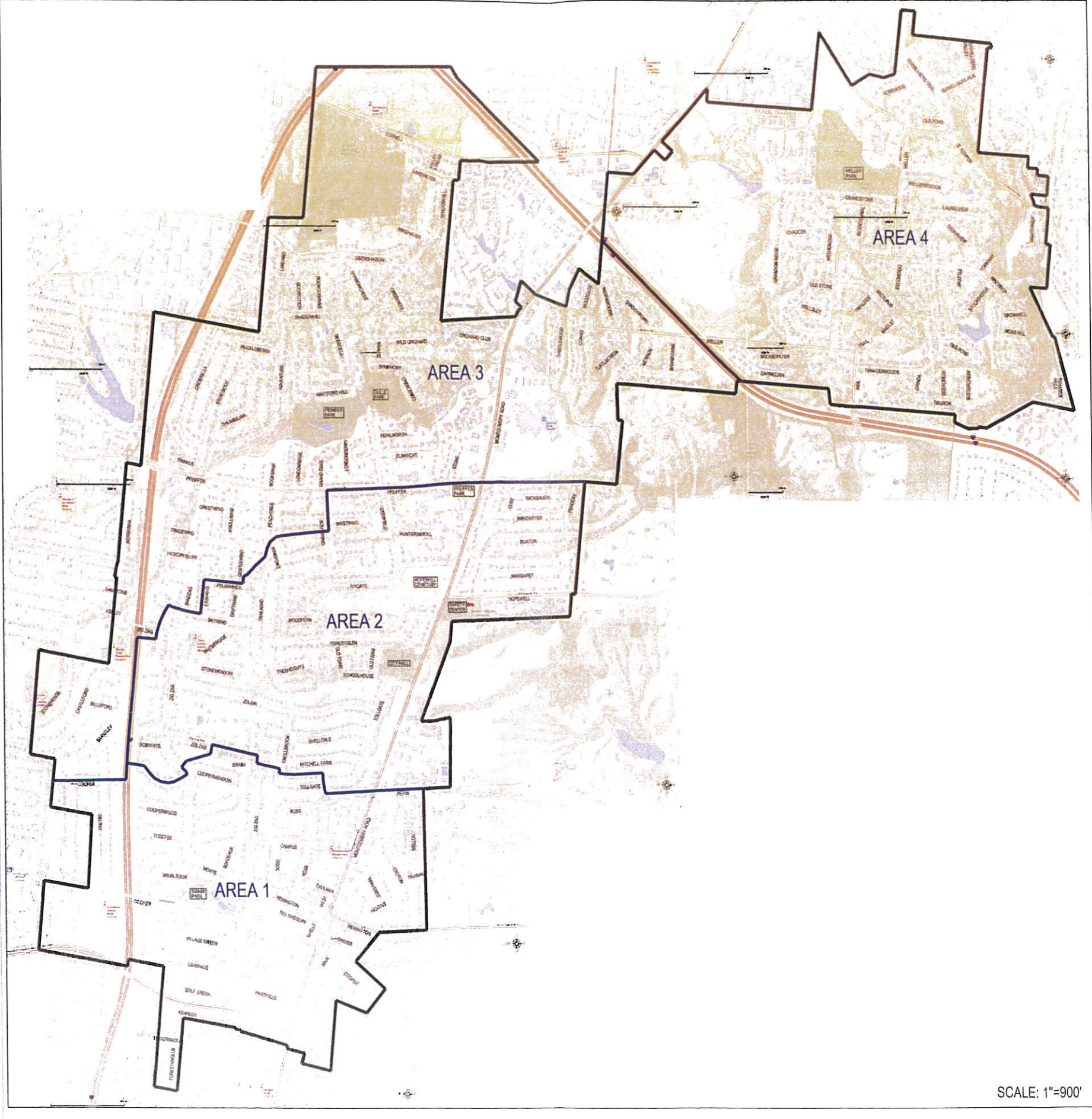
The central question before you on November 6th, “Is this a wise use of taxpayers' money?” Your City Council doesn't think so.

Respectfully submitted

Todd Steinbrink
Gerry Harbison

Ken Suer
Mark Combs

Barry Joffe
Bill Niehaus



AREA 3

AREA 4

AREA 2

AREA 1