

PROPORTIONATE FAIR SHARE APPLICATION PROCESS

The Proportionate Fair Share program applies to any development project in Indian River County where the project's traffic impact study or the County traffic engineer determines that there is insufficient capacity on one or more segments to satisfy the development project's transportation concurrency requirements.

Proportionate fair share mitigation provides a means by which the impact of development on deficient transportation facilities can be mitigated through the cooperative effort of public and private sectors. With proportionate fair share, a developer with a project that impacts a deficient link can proceed with his project by contributing to the County his proportionate fair share of the cost of a programmed improvement for expanding or improving the deficient transportation link impacted by his project.

The following is a summary of the Proportionate Fair Share Mitigation application process:

- Applicant sets up and attends a proportionate fair share pre-application conference with the Traffic Engineering Division.
- Applicant submits a proportionate fair share application and all required attachments, including his initial – 7 years concurrency (CCI7) application, to the Planning Division.
- Planning staff reviews the application for completeness and amount of the traffic impact fee liability for the project.
- County's Traffic Engineering Division receives the completed application for review and approval.
- County Traffic Engineer approves the Proportionate Fair Share amount, as well as the traffic impact fee credit amount.
- Planning staff sends the approved application to the Assistant County Attorney for preparation of a Proportionate Fair Share Agreement.
- Applicant pays the proportionate fair share minus traffic impact fee credit amount, as well as impact fees and water and sewage capacity charges for the project.
- Planning staff generates a staff report to the BCC regarding the Proportionate Fair Share Agreement.
- Board reviews and approves the Proportionate Fair Share Agreement.
- Following the Board's approval of the agreement and satisfaction of all CCI7 requirements by the applicant, planning staff releases the applicant's CCI7 concurrency certificate, and the applicant's project may proceed.
- If a site plan or preliminary plat does not receive approval, the applicant's impact fees and proportionate fair share amount will be refunded.

If the proportionate fair share mitigation segment is not in the County's current five year Capital Improvements Plan (CIP), the applicant shall demonstrate that adding the roadway project to the 5 year CIP will maintain the financial feasibility of the CIP. Upon demonstration of financial feasibility by the applicant, the Board of County Commissioners, at an advertised public hearing, shall decide if it wants to add that segment to the CIP. If the segment is not added to the CIP, then the proportionate fair share application cannot proceed any further, and submitted impact fees and proportionate fair share amount will be refunded.