

Resolution No. 2022-157

BOARD RECORDS
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KAREN E. RICHARDS
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

SARASOTA COUNTY, FLORIDA

**AMENDED AND RESTATED
INITIAL STORMWATER SERVICE ASSESSMENT RESOLUTION**

ADOPTED JULY 13, 2022

R2022-157

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RESOLUTION NO. 2022-157

A RESOLUTION OF THE SARASOTA COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; ESTIMATING THE COST OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE COUNTY'S STORMWATER ENVIRONMENTAL UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE BENEFITED THEREBY; PROVIDING CERTAIN DEFINITIONS AND LEGISLATIVE FINDINGS; ESTABLISHING THE STORMWATER UTILITY AREA; ESTABLISHING THE STORMWATER SERVICE COST; ESTABLISHING THE METHOD OF ASSESSING THE COST OF STORMWATER MANAGEMENT SERVICES AGAINST THE REAL PROPERTY THAT WILL BE BENEFITED THEREBY; DIRECTING THE STORMWATER PROGRAM DIRECTOR TO PREPARE OR DIRECT THE PREPARATION OF AN UPDATED STORMWATER SERVICE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; PROVIDING FOR THE ASSIGNMENT OF ESUS TO ASSESSED PROPERTY AND THE ADJUSTMENT OF NET ESUS; PROVIDING FOR MITIGATION CREDITS; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER SERVICE ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. PURPOSE AND DEFINITIONS. This resolution constitutes the Amended and Restated Initial Stormwater Service Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in Section 110-291 of the Ordinance. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Agricultural Property" means a Tax Parcel containing a bona fide Farm Operation on land classified as agricultural pursuant to section 193.461, Florida Statutes.

"Assessed Property" means all Tax Parcels within the Stormwater Utility Area that receive a special benefit from the delivery of the Stormwater Management Services.

"Base Charge" means the portion of the Stormwater Service Assessment established to fund the Stormwater Base Service Cost.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

"Building Footprint" means the actual square footage of a Building as reflected on the Tax Roll, divided by the number of levels or floors within the Building.

"Condominium Complex" means a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

"Condominium Common Area Parcel" means a Tax Parcel including one or more Condominium Common Elements, the taxable value of which has been attributed to either

Condominium Residential Unit Parcels or Condominium Non-Residential Unit Parcels by the Property Appraiser.

"Condominium Common Element" means property within a Condominium Complex as defined in Section 718.103(8), Florida Statutes, or its statutory successor in function.

"Condominium Residential Unit Parcel" means a Tax Parcel constituting a Condominium "unit," as defined in Section 718.103(27), Florida Statutes, or its statutory successor in function, which contains a Dwelling Unit and is assigned a DOR Code 0401-0408 in the DOR Codes.

"Condominium Non-Residential Unit Parcel" means a Tax Parcel constituting a Condominium "unit," as defined in Section 718.103(27), Florida Statutes, or its statutory successor in function, which does not contain a Dwelling Unit and is assigned a DOR Code 0411, 0418, 0419, 0420, 0439, or 0448 in the DOR Codes.

"Developed Property" means the Assessed Property within the Stormwater Utility Area that contains 250 square feet or more of Impervious Area and receives a benefit from the Stormwater Management Services.

"DOR Code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, as applied by the Property Appraiser.

"Dwelling Unit" means a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

"ESU Value" means 500 square feet of Impervious Area, which shall be used to calculate the number of ESUs attributable to each Tax Parcel of Developed Property.

"Farm Operation" is as defined in section 163.3162(2), Florida Statutes, or its statutory successor in function.

"General Parcel" means a Tax Parcel that is not a Single Family Parcel, a Condominium Common Area Parcel, a Condominium Residential Unit Parcel, a Condominium Non-Residential Unit Parcel, or a Subdivision Common Element Parcel.

"Government Leasehold" means a Building located on a Tax Parcel of Government Property that is leased to a private entity for proprietary use.

"Impervious Area" means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, roadways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development. For purposes of calculating ESUs, the Impervious Area associated with a private roadway located on a Tax Parcel shall be included within that Tax Parcel's Impervious Area.

"Impervious Charge" means the portion of the Stormwater Service Assessment established to fund the Stormwater Impervious Service Cost.

"Mitigation Credit Factor" means the figure computed by subtracting the Mitigation Credit for a Tax Parcel of Developed Property from 1.00.

"Mitigation Credit Policy" means the policy adopted by the County in 1995, as it has been amended, that outlines the requirements and procedures for the granting of Mitigation Credits.

"Net ESU" means the ESU, as defined in the Ordinance, after taking into consideration any mitigation of the Stormwater burden that results from privately maintained Stormwater Mitigation Facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff.

"Ordinance" Article IX, Chapter 110 of the Sarasota County Code of Ordinances, as it may be amended from time to time.

"Single Family Parcel" means a Tax Parcel assigned a DOR Code of 00, 01, 02, or 0739 in the DOR Codes.

"Stormwater Base Service Cost" means the portion of the Stormwater Service Cost determined by the County to fund the provision of Stormwater Management Services within the Stormwater Utility Area that consist mainly of administrative, indirect, customer service, mandated regulatory compliance activities, and other fixed cost functions that do not vary based upon the amount of Impervious Area on a particular Tax Parcel.

"Stormwater Impervious Service Cost" means the portion of the Stormwater Service Cost determined by the County to fund the provision of Stormwater Management Services within the Stormwater Utility Area that consist mainly of direct operational costs, engineering, planning, capital equipment, and projects for maintenance and operation of the Stormwater Conveyance System and vary in scope and magnitude based upon the amount of Impervious Area on a particular Tax Parcel.

"Subdivision Common Element" means property within a platted residential subdivision as defined in Section 193.0235, Florida Statutes, or its statutory successor in function.

"Subdivision Common Element Parcel" means a Tax Parcel including one or more Subdivision Common Elements, the taxable value of which has been attributed to the residential Tax Parcels within the subdivision.

"Tax Parcel" means a parcel of property which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. GENERAL FINDINGS. It is hereby ascertained, determined and declared that:

(A) Upon the adoption of this Amended and Restated Initial Stormwater Service Assessment Resolution determining the Stormwater Service Cost, including the allocations between the Stormwater Base Service Cost and the Stormwater Impervious Service Cost, and imposing Stormwater Service Assessments, the legislative determinations ascertained and declared in Section 110-293 of the Ordinance are hereby ratified and confirmed.

(B) Stormwater runoff can pose a threat to the public health, safety, and welfare because, among other adverse impacts, it floods properties, erodes watercourses and channels, and pollutes the rivers, estuaries, and other surface waters. Construction and operation of Stormwater collection, retention, detention, and treatment systems are known to control the adverse impacts caused by Stormwater runoff.

(C) The County has the general responsibility and authority to plan, construct, operate, and maintain the Stormwater Conveyance System to comply with state and federal rules and regulations, including, but not limited to the NPDES regulations.

(D) By providing a stable source of funding for the provision of Stormwater Management Services, including the construction, rehabilitation, and repair of the Stormwater Conveyance System and improvement of the County's Stormwater treatment infrastructure, the County can accomplish the goals of reducing these adverse impacts.

(E) The cost of providing Stormwater Management Services in accordance with existing permits and the financing of existing and future repairs, replacements, improvements, and extensions to the Stormwater Conveyance System needed to convey, detain, retain, or treat Stormwater should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused therefrom.

(F) Property owners within the Stormwater Utility Area are eligible for flood insurance through the National Flood Insurance Program (NFIP), which enables these property owners to acquire federally backed flood insurance protection. To ensure that this coverage is available, the County is required to meet the minimum FEMA requirements for participation in the NFIP and failure to meet these requirements could result in flood insurance being either unavailable or prohibitively expensive to property owners within the Stormwater Utility Area.

(G) New and dedicated funding for the County's Stormwater Environmental Utility is needed to maintain compliance with state and federal requirements, for participation in the NFIP, and the levy of Stormwater Service Assessments is the most equitable method of providing this funding.

(H) Upon the adoption of this Amended and Restated Initial Stormwater Service Assessment Resolution that certain report entitled "Technical Memorandum Rate Analysis," dated as of February 2, 2022, as amended, and prepared by Wood Environment & Infrastructure Solutions, Inc. is hereby adopted and incorporated herein by reference, including the assumptions, conclusions, and findings in such study as to the determination of the Stormwater Service Assessments.

(I) The Stormwater Service Assessments imposed hereby are consistent with the authority granted in section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to a county.

(J) The Stormwater Management Services furnished by the County possess a logical relationship to the use and enjoyment of all Assessed Property within the Stormwater Utility Area and provide special benefits to such property, as follows: (1) the provision of Stormwater Management Services and the availability and use of facilities and improvements by the owners and occupants of Assessed Property to properly and safely detain, retain, convey and treat Stormwater discharged from such Property; (2) stabilization of or the increase of Assessed Property values; (3) increased safety and better access to Assessed Property; (4) improved property appearance; (5) rendering Assessed Property more adaptable to a current or reasonably foreseeable new and higher use; (6) alleviation of the burdens caused by Stormwater runoff and accumulation attendant with the use of Assessed Property; (7) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the Stormwater Utility Area; (8) implementation of the Comprehensive Plan; and (9) enabling participation on the National Flood Insurance

Program (NFIP), which allows property owners within the County to acquire federally backed flood insurance protection.

(K) The County's Stormwater Management Services are largely necessitated by the existence of Impervious Area on property, which contributes Stormwater run off to the Stormwater conveyance system, which must be managed and treated by the County.

(L) The Stormwater Service Assessment will contain two, separate components. The first component – the Base Charge -- will fund the County's fixed, baseline Stormwater Utility Area-wide administration, customer service, and regulatory compliance costs, which do not vary based upon the amount of Impervious Area on a particular Tax Parcel and, accordingly, will be generally allocated equally among all Tax Parcels of Assessed Property within the Stormwater Utility Area on a per Tax Parcel basis. The second component – the Impervious Charge -- will fund the County's Stormwater Management Services provided to Developed Property, which contain more than 249 square feet of Impervious Area and put both a greater burden on the County's Stormwater Conveyance System and necessitate a greater level of service from the Stormwater Environmental Utility. The second component will, accordingly, be generally allocated among Tax Parcels of Development Property on a Net ESU basis.

(M) The level and type of Stormwater Management Services funded through the Stormwater Base Service Cost provide a uniform level of service to all Assessed Property and because these services are geared toward fixed cost, baseline, utility-wide administration, customer service, and regulatory compliance, including Total Maximum Daily Load reductions, development regulations oversight, and NFIP/CRS qualifying activities, the cost

of such services is not dependent on the size of the Tax Parcel, the use of the Tax Parcel, or the amount of Impervious Area on the Tax Parcel.

(N) Accordingly, it is fair and reasonable to apportion the Stormwater Base Service Cost equally among all Tax Parcels of Assessed Property within the Stormwater Utility Area. Apportioning the Stormwater Base Service Costs to all Assessed Property within the Stormwater Utility Area on a per Tax Parcel basis is compatible with the use of the Tax Roll database, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning the Stormwater Base Service Cost.

(O) In contrast, the County must provide additional Stormwater Management Services to Tax Parcels of Developed Property with more than 249 square feet of Impervious Area. These Stormwater Management Services funded through the Stormwater Impervious Service Cost include direct operational costs, engineering, planning, capital equipment, and projects for maintenance and operation of the Stormwater Conveyance System and are necessitated by the existence of Impervious Area that impedes or restricts infiltration of rainfall into the soil, which then increases the need for County services and facilities to convey, retain, and treat the increased volume of Stormwater runoff from Developed Property.

(P) Accordingly, it is fair and reasonable to apportion the Stormwater Impervious Service Cost among all benefited Developed Property within the Stormwater Utility Area on the basis of the Stormwater burden expected to be generated by the physical characteristics and use of such property, as measured by the number of Net ESUs assigned to each Tax Parcel.

(Q) The Stormwater Service Assessments authorized by Section 110-331 of the

Ordinance and this Amended and Restated Initial Stormwater Service Assessment Resolution provide an equitable method of funding the Stormwater Service Cost by fairly and reasonably allocating the Stormwater Service Cost to specially benefited Assessed Property classified on the basis of the Stormwater burden expected to be generated by the physical characteristics and use of such property.

(R) It is fair and reasonable to include within the Stormwater Management Services funded by the Stormwater Service Cost the acquisition, construction, rehabilitation, and repair of certain Stormwater Improvements that due to their distribution and utilization throughout the Stormwater Utility Area and their comparable size, scope, and cost provide an approximately equal special benefit to all Assessed Property located therein.

(S) Some Tax Parcels may contain certain Mitigation Facilities, which are manmade facilities or structures on site that by their design and function retain, detain, or treat Stormwater on-site and thus generate less volume of Stormwater from the site or produces Stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure. In accordance with the County's existing Mitigation Credit Policy, which may be modified from time-to-time based on advancements in stormwater science, applicable regulations, and the County's policies, it is fair and reasonable to reduce the Stormwater Service Assessment imposed upon such Tax Parcels by applying a Mitigation Credit.

(T) In accordance with section 163.3162(3)(c), Florida Statutes, the County's Mitigation Credit Policy must allow Mitigation Credits for Tax Parcels of Agricultural Property that implement state-required best management practices or other such practices

demonstrated to exceed the state levels or that implement an NPDES permit, environmental resource permit, or works-of-the-district permit. Accordingly, any Owner of Agricultural Property demonstrating that they meet the outlined requirements shall be granted a Mitigation Credit from the Stormwater Service Assessment.

(U) Government Property provides facilities and uses to the community, local constituents and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Stormwater Service Assessments upon such parcels of Government.

(V) Although a parcel's fee may be under government ownership, Government Leaseholds do not serve the same public purpose nor provide a public benefit sufficient to entitle Government Leasehold property to an exemption from the Stormwater Service Assessment. Additionally, exempting Government Leaseholds from the Stormwater Service Assessment could put the private lessees at a competitive advantage over other private entities engaging in the same proprietary venture. Accordingly, Government Leaseholds shall not be considered Government Property for the purposes of the Stormwater Service Assessment and shall not be afforded an exemption from the Stormwater Service Assessment that is granted to other Governmental Property.

(W) Government Property that is owned by federal government mortgage entities, such as the VA and HUD, due to foreclosures are not serving a governmental purpose nor providing a public benefit but are instead being held by these federal government mortgage entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Stormwater Service Assessment.

(X) Any shortfall in the expected proceeds from the Stormwater Service

Assessment due to any reduction or exemption from payment of the Stormwater Service Assessment required by law or authorized by the Board shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Stormwater Service Assessment. In the event a court of competent jurisdiction determines any exemption or reduction by the Board is improper or otherwise adversely affects the validity of the Stormwater Service Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Stormwater Service Assessment upon each affected Tax Parcel in the amount of the Stormwater Service Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel.

(Y) In Sections 193.0235 and 718.120, Florida Statutes, the Florida Legislature mandates that non-ad valorem assessments, such as the Stormwater Service Assessment, not be assessed separately against Subdivision Common Element Parcels or Condominium Common Area Parcels regardless of the ownership of that Tax Parcel. Rather the County is directed that any non-ad valorem assessment that would otherwise be imposed on a common element parcel must be assessed against the lots or condominium units associated with the common element. Accordingly, it is fair and reasonable to prorate among all lots within a platted residential subdivision or condominium units within a Condominium Complex, as applicable, any Stormwater Service Assessment that would otherwise be imposed against Subdivision Common Element Parcel or Condominium Common Area Parcel in the manner provided in Sections 193.0235 or 718.120, Florida Statutes, or their statutory successors in function.

(Z) Each Tax Parcel of Assessed Property within the Stormwater Utility Area will

be benefited by the Stormwater Management Services in an amount not less than the Stormwater Service Assessment imposed against such property, as computed in the manner set forth in this Resolution.

ARTICLE II

STORMWATER SERVICE ASSESSMENTS

SECTION 2.01. STORMWATER UTILITY AREA.

(A) The Board hereby establishes the entire unincorporated area of the County plus those designated portions of the incorporated area of the City of Sarasota, as shown in Appendix A, as the Stormwater Utility Area. The City of Sarasota previously consented to the inclusion within the Stormwater Utility Area of those Tax Parcels within the incorporated limits of the City and such consent has not been withdrawn.

(B) The Stormwater Environmental Utility created by Section 110-311 of the Ordinance shall provide Stormwater Management Services to all Assessed Property within the Stormwater Utility Area. The Stormwater Environmental Utility may also acquire, construct, rehabilitate, and repair capital facilities to assist and facilitate the provision of Stormwater Management Services within the Stormwater Utility Area. All or any portion of the Stormwater Service Cost may be funded from the proceeds of the Stormwater Service Assessments.

SECTION 2.02. IMPOSITION AND COMPUTATION.

(A) A Stormwater Service Assessment shall be imposed against all Assessed Property within the Stormwater Utility Area and computed in accordance with this Amended and Restated Initial Stormwater Service Assessment Resolution. When imposed, the Stormwater Service Assessment shall constitute a lien upon the Tax Parcels as provided in Section 110-339 of the Ordinance.

(B) The estimated Stormwater Service Cost for the Fiscal Year beginning on October 1, 2022, is \$29,455,246.00 The Stormwater Service Cost shall be further allocated

among the Stormwater Base Service Cost and Stormwater Impervious Service Cost as provided herein.

(C) The estimated Stormwater Base Service Cost for the Fiscal Year beginning on October 1, 2022, is \$___5,087,995.00_____ and shall be assessed against all Tax Parcels of Assessed Property within the Stormwater Utility Area equally on a per Tax Parcel basis at the rate of \$28.79 per Tax Parcel of Assessed Property.

(D) The estimated Stormwater Impervious Service Cost for the Fiscal Year beginning on October 1, 2022, is \$24,367,251.00_____ and shall be assessed against all Tax Parcels of Developed Property within the Stormwater Utility Area at a rate of assessment measured by the number of Net ESUs attributable to each Tax Parcel, as assigned in accordance with Article III of this Resolution, at the rate of \$14.05 per Net ESU.

(E) For the Fiscal Year beginning October 1, 2022, the Stormwater Service Assessment will be computed for each Tax Parcel of Assessed Property located within the Stormwater Utility Area by (1) multiplying the number of Net ESUs attributable thereto by the per Net ESU rate of \$14.05 to fund that Tax Parcel's portion of the Stormwater Impervious Service Cost and then (2) adding the applicable \$28.79 rate per Tax Parcel to fund that Tax Parcel's portion of the Stormwater Base Service Cost.

SECTION 2.03. STORMWATER SERVICE ASSESSMENT ROLL.

(A) The Stormwater Program Director is hereby directed to prepare, or direct the preparation of, the updated Stormwater Service Assessment Roll for the Stormwater Service Assessment in the manner provided in the Ordinance.

(B) A copy of this Amended and Restated Initial Stormwater Service Assessment Resolution and the updated Stormwater Service Assessment Roll for the Stormwater Service Assessment shall be maintained on file in the office of the Stormwater Program Director and open to public inspection. The foregoing shall not be construed to require that the Stormwater Service Assessment Roll be in printed form if the amount of the Stormwater Service Assessment for each Tax Parcel can be determined by use of an available computer terminal.

SECTION 2.04. METHOD OF COLLECTION. The Stormwater Service Assessments shall be collected from all Assessed Property pursuant to the Uniform Assessment Collection Act, as provided in Section 110-391 of the Ordinance.

ARTICLE III

DETERMINATION OF NET ESUs

SECTION 3.01. CLASSIFICATION OF TAX PARCELS. Each Tax Parcel located within the Stormwater Utility Area shall be assigned to one of the following classifications: Single Family Parcels, Subdivision Common Element Parcels, Condominium Residential Unit Parcels, Condominium Non-Residential Unit Parcels, Condominium Common Area Parcels, or General Parcels.

SECTION 3.02. SINGLE FAMILY PARCELS.

(A) The number of Net ESUs attributable to each Single Family Parcel shall be determined by (1) dividing the Impervious Area of the Single Family Parcel, including any ESUs allocated to that Single Family in accordance with subsection (B) below, by the ESU Value (500 square feet), and (2) multiplying the result by the appropriate Mitigation Credit Factor.

(B) The number of Net ESUs attributable to a Subdivision Common Element Parcel shall be determined by (1) dividing the Impervious Area of the Subdivision Common Element Parcel by the ESU Value (500 square feet), and (2) multiplying the result by the appropriate Mitigation Credit Factor. The Net ESUs attributed to a Subdivision Common Element Parcel shall then be equally distributed among all Single Family Parcels located within the platted residential subdivision associated with a Subdivision Common Element Parcel on a per lot basis in the manner provided in Section 193.0235, Florida Statutes, or its statutory successor in function.

(C) In subsections (A) and (B) above, a Mitigation Credit granted for the same Mitigation Facility shall not be double counted by being included in both calculations.

SECTION 3.03. RESIDENTIAL CONDOMINIUM PARCELS. The number of Net ESUs attributable to each Condominium Residential Unit shall be the amount computed by multiplying (a) the amount calculated by dividing the Impervious Area of the Condominium Complex in which the Condominium Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ESU Value (500 square feet), by (b) the appropriate mitigation credit factor, and then (c) dividing the result by the total number of Condominium Residential Unit Parcels located within such Condominium Complex.

SECTION 3.04. NON-RESIDENTIAL CONDOMINIUM PARCELS. The number of Net ESUs attributable to each Condominium Non-Residential Unit Parcel shall be the amount computed by (a) dividing the Impervious Area of the Condominium Complex in which the Condominium Non-Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ESU Value (500 square feet), and then (b)

multiplying the total number of ESUs assigned to the Condominium Complex by the percentage of Building square footage allocated to all Condominium Non-Residential Unit Parcels to arrive at the total ESUs for all Condominium Non-Residential Unit Parcels, and then (c) dividing the total ESUs for all Condominium Non-Residential Unit Parcels by the amount determined by (i) dividing the square footage of each Condominium Non-Residential Unit Parcel by (ii) the total non-residential square footage in the Condominium Complex, and then (c) multiplying that figure by the appropriate Mitigation Credit Factor.

SECTION 3.05. GENERAL PARCELS. The number of Net ESUs attributable to each General Parcel shall be determined by (1) dividing the Impervious Area of the General Parcel by the ESU Value (500 square feet), and (2) multiplying the result by the appropriate Mitigation Credit Factor.

SECTION 3.06. PRIVATE STORMWATER MITIGATION FACILITIES.

(A) The Board recognized the benefits provided by privately maintained Stormwater Mitigation Facilities with the adoption of the Mitigation Credit Policy. Mitigation Credits are applied as a percentage reduction of the Stormwater ESUs.

(B) However, the County is currently in the process of revising its assumptions, policies, and goals underlying the Mitigation Credit Policy because, as currently applied, the County is applying credits to Tax Parcels for merely meeting existing regulatory requirements, and it has been determined that most, if not all, Tax Parcels receiving credits are not actually retaining, detaining, or treating Stormwater on-site or producing Stormwater runoff at a lower rate and/or with less pollutants such that no or significantly lesser credits are justified under modern Stormwater management practices.

(C) Accordingly, in order to avoid a large, one-time fiscal impact on properties within the Stormwater Utility Area, the County has determined to phase out its existing Mitigation Credit Policy system and replace it with a new set of incentives to be established by the Board in the future. For the Stormwater Service Assessments imposed herein for the Fiscal Year beginning October 1, 2022, the Mitigation Credit Factor previously attributable to such property shall be decreased by one-third (1/3).

(D) In accordance with section 163.3162(3)(c), Florida Statutes, appropriate Mitigation Credits shall be granted for Tax Parcels of Agricultural Property that implement state-required best management practices or other such practices demonstrated to exceed the state levels or that implement an NPDES permit, environmental resource permit, or works-of-the-district permit. Accordingly, such Agricultural Property eligible for or previously granted Mitigation Credits are exempt from this reduction in percentage value.

SECTION 3.07. ADJUSTMENT OF NET ESUs.

(A) Petitions for review of the number of Net ESUs attributed to any Tax Parcel shall be submitted to the Stormwater Program Director, who shall have authority to correct any errors made in applying the provisions of Article III hereof to the Tax Parcel. The following procedures shall apply to all petitions.

(1) Each petition shall be made to the Stormwater Program Director by the owner of the Tax Parcel or such owner's authorized agent.

(2) The petition shall be in writing and set forth, in detail, the grounds upon which adjustment is sought.

(3) The petition must be filed with the Stormwater Program Director within 30 days of the notice required by Section 4.03 of this Resolution and shall be

reviewed within 30 days of the filing date. Filing of a petition shall not extend the time for payment of any Stormwater Service Assessment or affect the amount of any discount for early payment. If the number of Net ESUs is adjusted for any Tax Parcel, the Stormwater Service Assessment shall be corrected in accordance with Section 110-342 of the Ordinance. If the Stormwater Service Assessment has been paid prior to adjustment of the number of Net ESUs, the Tax Collector shall refund the amount by which the Stormwater Service Assessment has been reduced, adjusted for any early payment discount taken by the owner.

(4) The petitioner may be required, at petitioner's own cost, to provide supplemental information to the Stormwater Program Director including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in the denial of the petition.

(5) The Stormwater Program Director shall respond to each petition in writing.

(B) The Stormwater Program Director may initiate adjustments to the number of Net ESUs attributed to any Tax Parcel. If the number of Net ESUs is reduced for any Tax Parcel, the Stormwater Service Assessment shall be corrected in accordance with the Ordinance. In such event, if the Stormwater Service Assessment has been paid prior to adjustment of the number of Net ESUs, the Tax Collector shall refund the amount by which the Stormwater Service Assessment has been reduced, adjusted for any early payment discount taken by the owner. If the number of Net ESUs is increased for any Tax Parcel, the adjustment shall become effective for Stormwater Service Assessments in subsequent

Fiscal Years, or, at the County's sole option, shall be collected in accordance with the alternative method of collection provided in Section 110-392 of the Ordinance.

ARTICLE IV

NOTICE AND PUBLIC HEARING

SECTION 4.01. PUBLIC HEARING. A public hearing will be conducted by the Board on September 14, 2022 in the County Board Chambers, 1660 Ringling Boulevard, Second Floor, Sarasota County, Florida, at 9:00 a.m., or as soon thereafter as the item can be heard, to consider imposition of the Stormwater Service Assessments and their collection pursuant to the Uniform Assessment Collection Act.

SECTION 4.02. NOTICE BY PUBLICATION. The Stormwater Program Director shall publish a notice of the public hearing authorized by Section 4.01 hereof in the manner and the time provided in Section 110-334 of the Ordinance. The published notice shall be published no later than August 24, 2022, in substantially the form attached hereto as Appendix B.

SECTION 4.03. NOTICE BY MAIL. Pursuant to section 200.069(10)(a), Florida Statutes, and with agreement of the Property Appraiser, the County elects to combine the notice of the public hearing authorized by Section 4.01 hereof with the truth-in-millage notification required pursuant to section 200.069, Florida Statutes. Such mailed notice shall be in the form required by section 200.069(10)(a), Florida Statutes, and consistent with the Uniform Assessment Collection Act and Section 110-335 of the Ordinance for the purpose of imposing Stormwater Service Assessments for the Fiscal Year beginning October 1, 2022. All first class mailed notices must be mailed no later than August 24, 2022.

SECTION 4.04. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 13 day of July, 2022.

SARASOTA COUNTY

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

BY: 

CHAIRMAN

DATE: July 13, 2022

ATTEST:

KAREN E. RUSHING, Clerk of the Circuit
Court and Ex-Officio Clerk of the Board
of County Commissioners

BY: 

Approved as to form and correctness:

BY: 

COUNTY ATTORNEY



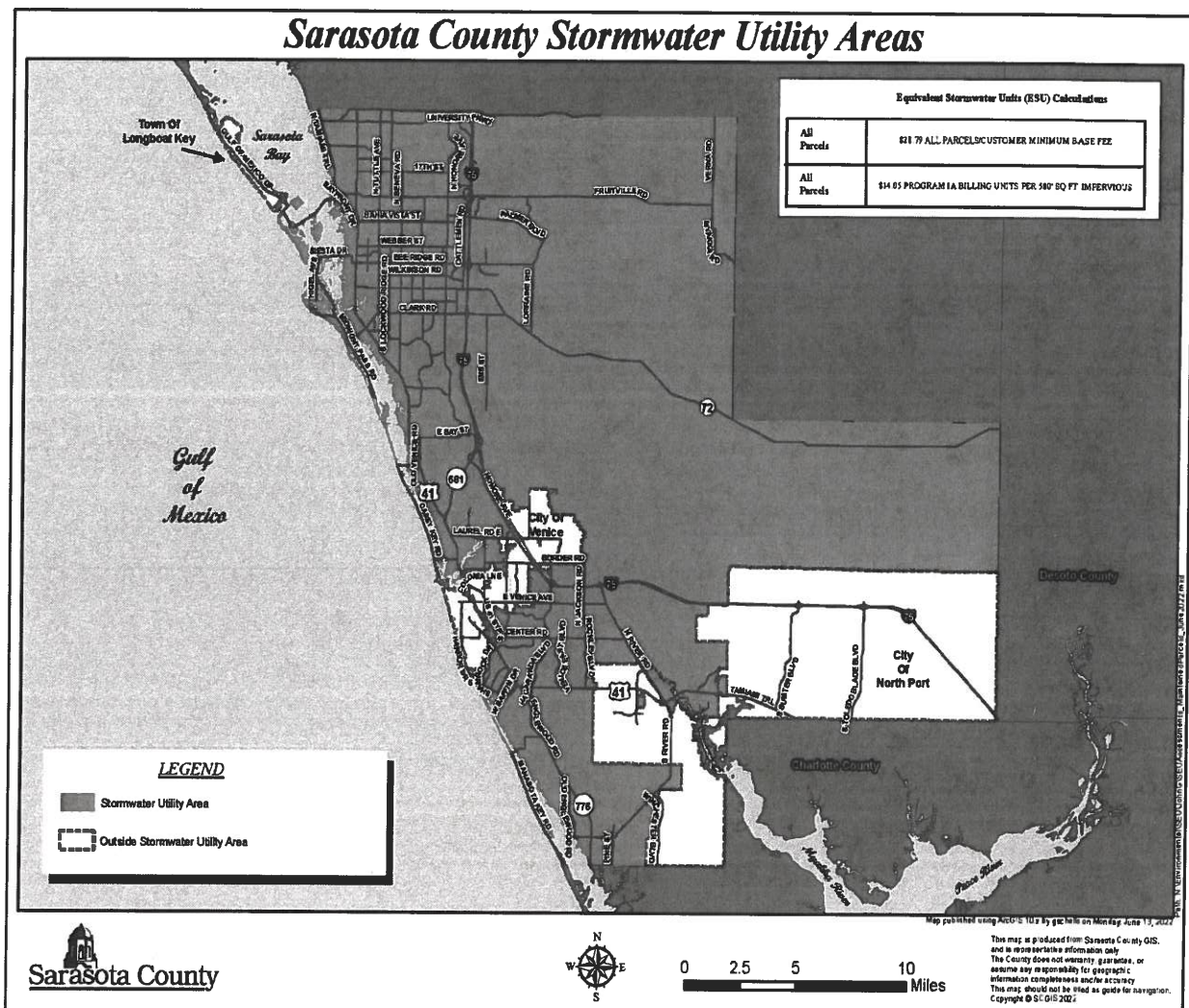
APPENDIX A

DESCRIPTION OF THE STORMWATER UTILITY AREA

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The Stormwater Utility Area shall be coterminous with the entire area of the County, as described in section 7.56, Florida Statutes, less and except the incorporated areas of the Town of Longboat Key, the City of North Port, the City of Venice, and those areas within the City of Sarasota that are not designated part of the Stormwater Utility Area on the map of said area depicted below.



APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 24, 2022

[MAP OF STORMWATER UTILITY AREA]

**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS**

Sarasota County is mandated by state and federal rules and regulations, including, but not limited to the National Pollution Discharge Elimination System Stormwater permitting program to implement and fund a comprehensive stormwater management program. Stormwater runoff can pose a threat to the public health, safety, and welfare because, among other adverse impacts, it floods properties, erodes watercourses and channels, and pollutes the rivers, estuaries, and other surface waters. By providing a stable source of funding for the provision of stormwater management services, including general administration, operations, and construction, rehabilitation, and repair of the stormwater conveyance system and improvement of the stormwater treatment infrastructure, the County can accomplish the goals of reducing these adverse impacts.

Accordingly, the Sarasota County Board of County Commissioners (the "Board") will conduct a public hearing to consider the continued imposition of Stormwater Service Assessments in the Stormwater Utility Area, as shown above, which includes the entire unincorporated area of the County and designated portions of the City of Sarasota. The hearing will be held at 9:00 a.m., or as soon thereafter as the item can be heard, on September 14, 2022, in the Board Chambers at 1660 Ringling Boulevard, Second Floor, Sarasota County, Florida. In accordance with the

Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the please contact the County [NAME] at (____)_____ at least 48 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, _____ for assistance. All affected property owners have a right to appear at the hearing and to file written objections with the County. All written objections to the non-ad valorem assessments must be filed with the Board of County Commissioners within twenty (20) days of this notice. Please include your name, parcel number, and the reason you object to the assessment on all written objections. Address all written objections as follows: _____. Any person wishing to appeal any decision of the Board with respect to any matter considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made.

The Stormwater Service Assessments will fund the County's cost to provide Stormwater Management Service in the Stormwater Utility Area. The Stormwater Service Assessment contains two, separate components that are added together to arrive at the full Stormwater Service Assessment for each tax parcel. The first component – the Base Charge -- will fund the County's fixed, baseline Stormwater Utility Area-wide administration, customer service, and regulatory compliance costs and will be generally allocated equally among all properties within the Stormwater Utility Area. The annual Stormwater Service Assessment rate for the

Base Charge for the upcoming Fiscal Year and future fiscal years will be \$28.79 for each Tax Parcel.

The second component – the Impervious Charge -- will fund the County's additional Stormwater Management Services provided to developed property with more than 249 square feet of impervious area. These costs include direct operational costs, engineering, planning, capital equipment, and projects for maintenance and operation of the Stormwater Conveyance System and are necessitated by the existence of Impervious Area, such as roof top, patios, driveways, parking lots and similar areas that impede or restrict infiltration of rainfall into the soil, which then increases the need for County services and facilities to convey, retain, and treat increased volume of stormwater runoff. The Usage Charge is based upon the estimated amount of stormwater runoff generated by impervious surface on the property, as measured by the number of net equivalent stormwater units or "ESUs" (equal to 500 square feet of impervious area) assigned to each parcel of property. Generally, the number of ESUs were calculated individually for each parcel of property by dividing the impervious surface area by 500 square feet. Credit for privately maintained stormwater management facilities and other factors affecting the quantity or quality of stormwater runoff has also been applied, resulting in an assignment of Net ESUs. The annual Stormwater Service Assessment rate for the Impervious Charge for the upcoming Fiscal Year and future fiscal years will be \$14.05 for each Net ESU.

A more specific description is set forth in the Amended and Restated Initial Stormwater Service Assessment Resolution adopted by the Board on July 13, 2022. Copies of the Amended and Restated Initial Stormwater Service Assessment Resolution and the update stormwater service assessment roll are available for inspection at the _____. Additional information about the Stormwater Service Assessment is available at _____.

The Stormwater Service Assessment will be collected by the Tax Collector of Sarasota County, pursuant to Chapter 197, Florida Statutes, on the tax bill to be mailed in November 2022. Failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the assessed property, which may result in a loss of title to your property.

If you have any questions, please contact the _____ at (____)_____.

SARASOTA COUNTY, FLORIDA