

Comments on the HBA Fee Revision Letter

Dated 04/17/08

The Chester Delaware Homebuilders Association is an approved Conservation District Nominating Organization

A. Designation of Town homes and Condo as Residential:

I believe that the HBA comment indicating condos should be included in the commercial fee category is well justified. The concern about town house is somewhat different. In order to satisfy their concern, the District would have to have a separate category for town homes. An acceptable ratio needs to be developed that would be equitable. Is 2:1, 3:1 or 4:1 the correct ratio to use?

Recommendation:

- Move condos and town homes back to commercial category.

B. Re-Submission Fees

HBA recommends that the fee for the third review not exceed \$5,000.00. Currently, the CCCD fee schedule requires an additional full fee for plans that have to be submitted for the third time. The additional fee also includes a fourth review if necessary. It is pointed out that the other districts in the area charge 15, 30, and 50% of the original fee for resubmission. However, some of these districts charge a sum for every submission over two.

The CCCD third review fee policy was enacted as a penalty. Many of the plans being submitted were poor plans to begin with. Little or no quality control was or is provided by the engineering firms. The District allows several opportunities for the consultants to interface with district staff for plan recommendations or review explanations. Pre-application meetings, phone calls, meetings after the first review, and other opportunities are given. The district staff does have, and shows discretion in charging the fees if the second review comments are considered minor. However, it is difficult for large complicated projects to be approved in two reviews.

Recommendation: Keep the third review fee requirement with no modifications. I believe that both the engineering community and the HBA need to improve the quality of the plans being submitted. If HBA members are more involved in the review process and there is an improvement in the plans submitted, then changes to this policy could be considered.

Tier II Fee Trigger- 25% of Total Disturbance Area

If 25% or more of the total disturbance area in a project is opened at any time, the Tier II fee is triggered. HBA's concern about small projects and this trigger appears justified.

Recommendation: Provide relief from this trigger for residential projects up to 25 total acres in size. I suggest that the commercial category not be provided this waiver. Commercial projects are much more intensive development, and unless the site is relatively flat slope to begin with, may have the potential for more erosion. –

C. Tier II Fee Trigger- 9% or Greater Slopes Disturbed

If the site has disturbed slopes of more than 9%, the Tier II fee is triggered. HBA justification for increasing the trigger to 15% is three fold:

- Modern erosion and sediment BMPs have demonstrated their effectiveness on slopes up to 15 %.
- Township steep slope ordinances apply to slopes of 15% or more.
- Chester County has rolling hills and most projects will be on slopes of 9% or more.

Recommendation: Leave the policy as is. Most soils on slopes of 9% and steeper are classified in the Chester/Delaware Soil Survey as Class III or higher. Class III or higher soils have limitations due to erosion or potential erosion. Some soils in this classification are cropped. They require multiple BMPs to minimize erosion and resulting sedimentation. BMPs that may be necessary are contour strips, cover cropping, diversions, waterways, terraces, and a very conservative cropping system. Many of these soils are only suitable