

**TO:** ALL COUNTY PERSONNEL

**FROM:** VERDENIA C. BAKER  
COUNTY ADMINISTRATOR

**PREPARED BY:** OFFICE OF FINANCIAL MANAGEMENT AND BUDGET (OFMB)

**SUBJECT:** REVIEW AND APPROVAL OF IMPACT FEE CREDITS FOR IN-KIND CONTRIBUTIONS FOR DEVELOPMENTS IN MUNICIPALITIES

**PPM #:** CW-F-034

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**ISSUE DATE**  
April 12, 2024

**EFFECTIVE DATE**  
April 12, 2024

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**PURPOSE:**

To ensure uniformity, consistency and coordination between the County and municipalities in the review and approval of impact fee credits to developments required as a condition of approval granted by a municipality to provide capital facilities for which the County assesses impact fees.

**UPDATES:**

Future updates to this PPM are the responsibility of the Director of OFMB.

**AUTHORITY:**

- Palm Beach County Unified Land Development Code (Code), Article 13, as may be amended.
- Palm Beach County Charter, Section 1.3, as may be amended.

**POLICY:**

Impact fee credits for in-kind contributions shall be granted to developments only for in-kind contributions which are consistent with the goals and policies of the Board of County Commissioners (BCC), the five-year Capital Improvement Program (CIP), the Traffic Performance Standards Ordinance, the Five Year Road Program, and the long-range plans of each recipient department.

Connection fees for water and wastewater activity administered by the Water Utilities Department of the County or of any municipality are not considered impact fees, and therefore are excluded from compliance with this PPM.

An application for in-kind contribution credit must be reviewed and approved in advance by the Impact Fee Manager and the County department receiving the in-kind contribution (recipient department) in order for the development to be eligible for credit against impact fees.

Requests for road impact fee credits for in-kind contributions shall be evaluated based on the following criteria:

- a. The improvement must be on the major road network system;
- b. The improvement must not be site-related as defined in the Code; and
- c. The improvement must be required by the development in order to meet the requirements of Traffic Performance Standards (exceptions require prior approval of the BCC).

Requests for credits against impact fees other than roads shall be evaluated based on the standards listed in Article 13, Section 11, Subsection 5, Credits of the Code.

**PROCEDURE:**

1. When a municipality is considering placing a condition of approval on a development to require the development to construct or provide plans to construct part of the major road network, provide other capital facilities which may result in a credit against County impact fees, the municipality shall request a determination of credit eligibility from the Impact Fee Manager not less than thirty (30) working days prior to granting the development approval. This request shall contain the following information:
  - a. Name of the proposed development;
  - b. Name and address of the developer;
  - c. Description of the proposed development including location, proposed land use, and proposed number of units or square footage;
  - d. Copy of the Traffic Analysis prepared for the proposed development;
  - e. Proposed wording of the condition of approval requiring the in-kind contribution;
  - f. A general description and cost estimate of the proposed capital facility, if available;
  - g. Reason(s) why the condition is being imposed; and
  - h. Additional information as requested by the Impact Fee Manager, the County Engineer, or other recipient department director.
2. Upon receipt of the request from the municipality, the Impact Fee Manager shall review the request for completeness. If there is additional information required, the Impact Fee Manager shall notify the municipality within five working days of the receipt of the request. No further action shall be taken until the additional information is provided.
3. The Impact Fee Manager shall forward the request to the recipient department within five working days of the receipt of a completed request.
4. Within 15 working days, after receipt of the completed request, the recipient department shall review the request in accordance with the Code and County policies. For proposed conditions relating to road construction, the Traffic Division shall determine whether the improvement is:
  - a) On the major road network as defined in the Code;
  - b) Non-site related; and
  - c) Required to satisfy Traffic Performance Standards for the proposed development.

5. The recipient department shall recommend to the Impact Fee Manager whether the proposed contribution should be approved for credit against County impact fees.
6. The Impact Fee Manager shall review and approve or deny the application for credit and notify the municipality within 25 working days of the receipt of the fully completed request from the municipality. This time frame is contingent on the Impact Fee Manager's timely receipt of the recipient department's recommendation for the credit against County impact fees.

  
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**VERDENIA C. BAKER**  
**COUNTY ADMINISTRATOR**

**Supersession History**

1. PPM # CW-F-034, effective 01/03/92
2. PPM # CW-F-034, effective 05/01/93
3. PPM # CW-F-034, effective 08/15/07
4. PPM # CW-F-034, effective 07/17/12
5. PPM # CW-F-034, effective 06/15/17