



2-20-07









2-20-07







Submitted by:

**WHITE &
SMITH, LLC**
PLANNING AND
LAW GROUP

in association with:

PLANNING WORKS

&

TischlerBise
Fiscal, Economic & Planning Consultants

Henderson County North Carolina

A Proposal to Prepare an ADEQUATE PUBLIC FACILITIES ORDINANCE

January 11, 2006

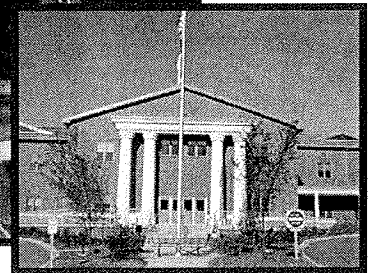
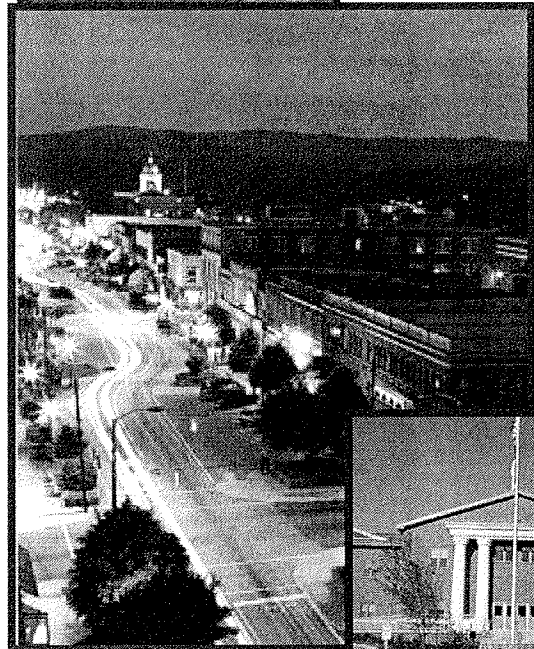


TABLE OF CONTENTS

INTRODUCTION.....	3
METHODOLOGY OUTLINE	5
PHASE A: ANALYSIS AND TECHNICAL DOCUMENTATION FOR APFO	5
PHASE B: DRAFTING APFO AND RELATED CODE PROVISIONS	8
PUBLIC PLANNING & PARTICIPATION.....	10
TEAM DESCRIPTION & RESUMES	10
WHITE & SMITH, LLC	11
<i>Tyson Smith, Project Manager</i>	11
<i>Heather Price Smith, Project Assistant</i>	11
<i>Mark White, Project Advisor</i>	12
PLANNING WORKS, LLC.....	12
<i>Michael Lauer, Principal in Charge, Planning Works</i>	13
<i>Brian Kelly, Mapping Specialist</i>	13
TISCHLERBISE, INC.	13
<i>Carson Bise, Principal in Charge, TischlerBise</i>	14
DESCRIPTION OF FIRM QUALIFICATIONS RELATED TO APFO EXPERIENCE	15
RECENT NORTH CAROLINA CLIENTS	15
<i>Union County, NC</i>	16
<i>Cabarrus County, NC</i>	16
<i>Davidson, NC</i>	16
NATIONWIDE APFO CLIENTS	16
WHITE & SMITH, LLC PUBLICATIONS.....	17
COST ESTIMATE AND HOURLY RATES	17
SUPPLEMENTAL INFORMATION	18
LETTERS OF REFERENCE	18
STANDARD FORM CONTRACT	18
ONGOING & ADDITIONAL SERVICES	18

HENDERSON COUNTY NORTH CAROLINA

Request for Proposals

Preparation of an Adequate Public Facilities Ordinance

Introduction

White & Smith has assembled a team specifically tailored to address each component of Henderson County's Adequate Public Facilities (APF) program for Public Schools, including capital improvement coordination, level of service standards, and the Adequate Public Facilities Ordinance (APFO) itself.

Joining us will be TischlerBise, and Planning Works, two outstanding firms with which White & Smith has collaborated on projects in North Carolina and around the country (collectively referred to here as "the Project Team"). The involvement of these two Subcontractors will bring broad expertise to the Project in an efficient manner. The tasks assigned to these two firms are described in the Methodology Outline of this Proposal and the White & Smith Project Manager, not the County, will oversee each task.

White & Smith Partner Tyson Smith will serve as the Team Project Manager and will be the primary point of contact for the County throughout the Project.

APFOs require that public facilities – in this case, public schools - are available when needed to serve new development. School APFOs require level of service (LOS) standards to measure the adequacy of each level of public schools. In addition, clear standards and procedures are needed so that the development community is aware of how the program works

Prior & Ongoing APFO Experience in North Carolina
✓ Cabarrus County
✓ Town of Davidson
✓ Lincoln County
✓ Union County
✓ Town of Huntersville

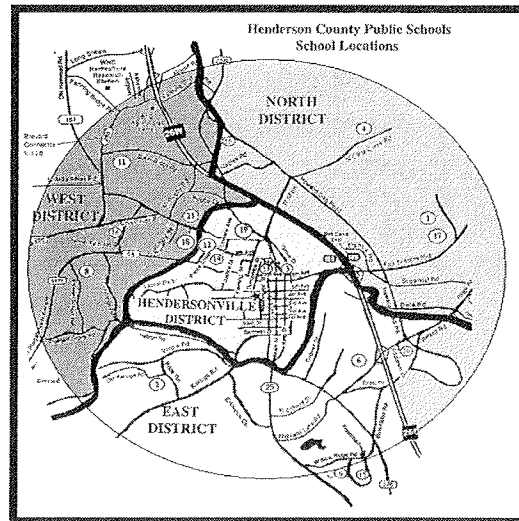
and is assured of the County's good faith effort to meet its capital improvement and budgetary obligations.

APFO's have become a valuable planning tool for communities since the landmark case of Golden v. Planning Board of the Town of Ramapo, N.Y., in which Robert H. Freilich successfully defended the Town's APFO. The principals of White & Smith worked closely with Dr. Freilich for over 15 years at Freilich, Leitner & Carlisle before its dissolution and the establishment of White & Smith.

APF programs have been used by a number of communities in western North Carolina, including **Cabarrus County, Union County, and the Town of Davidson**, and are under consideration or development in **Huntersville** and **Lincoln County**. White & Smith's attorneys and planners participated in the development of each of these programs.

While simple in concept, APF programs are complicated in practice. Our work in jurisdictions nationwide has prepared us to address the unique circumstances that will face Henderson County as it develops an APFO that addresses its specific needs.

Project Manager, Tyson Smith, recently served on the State of **Florida Concurrency Management Team**,¹ which developed background manuals, Model Ordinances, and Interlocal Agreements for the state's School Concurrency requirements. See www.dca.state.fl.us/dcp/SchoolPlanning/index.cfm.



The objective of Henderson County's School APFO will be to assess the County's and the School System's ability to provide adequate school capacity as new residential development occurs. The APFO system should be internally consistent and be consistent with other County regulations, including the recently proposed 12-year capital plan, the budgetary strategic plan, and reevaluation cycle programs, as well as with the County's 2020 Comprehensive Plan and the recently proposed Land Management Code.

The Henderson County 2006-2007 Budget Message indicates that the largest single component of the County budget is directed to education

¹ APF programs are referred to as "concurrency management" programs in Florida.

“with the school system by far the prominent budget driver.” APFOs can provide a tool for ensuring new growth and development does not outstrip the ability of the County to meet school capacity as growth occurs.

Methodology Outline

Based on our prior experience in North Carolina and in other states, the following Methodology typically results in an efficient process and the successful implementation of a Schools APFO. We will adjust the methodology based on discussions with staff and the selection committee, as needed.

PHASE A: ANALYSIS AND TECHNICAL DOCUMENTATION FOR APFO

Objectives:

- *Develop a common understanding of the scope of the APFO and the process for its development.*
- *Compile a database of existing written and technical documentation for the APFO*
- *Compile community input from all stakeholders with a vested interest in the APFO and the community’s growth*
- *Develop community support by encouraging stakeholder participation and input, including an analysis of municipal participation scenarios*
- *Make initial determinations regarding school impact areas, procedural requirements, level of services standards, capital Improvements assessments and capacity baseline*

Task 1. Orientation, Inventory, and Data Collection

The objectives of this task are to identify the major issues that will affect the development and implementation of a Schools APFO. County Staff and the Henderson County Public School System (the “School System”) will supply available plans, studies, reports, capital improvement plans, files, maps, and other data required for the initial assessment by the Project Team. The County will identify key contacts from other agencies working within the community.

This task is critical to the successful and timely completion of the APF program, because the background information will help the Project Team determine the threshold question of whether a defensible and practical APF program can be developed to the satisfaction of the Board of County

Commissioners. Task 1 will allow us to identify any “data gaps” early in the process.

Task 2. Consultation Process

In our experience, it is important to familiarize the community with the potential and the challenges associated with the implementation of an APF program from the very beginning. As mentioned above, APFOs can be complicated to implement, particularly when jurisdictional issues arise, as they likely will with respect to the School System.

Very early in the Project, the Project Manager will schedule meetings with County staff and officials from the School System for the purpose of explaining the procedures, operation, and effect of an APF program and the role the School System will play reviewing development applications for compliance with APF standards.

During this initial visit to the County, the Project Team will meet with the APFO Task Force to familiarize the Task Force with APF concepts and to take its input as it relates to initial key policy decisions, like adequacy standards, service district(s), remedies, procedures, and exemptions. During this meeting, we also will describe the Project structure and timeframe for completing the Project. In accordance with the RFP, we have assumed significant stakeholder participation in this process, as well as thorough participation with the School System, which would culminate in a Memorandum of Understanding (MOU).

WHITE & SMITH, LLC

- ✓ **Nationally Acclaimed Expertise in APFOs and other Growth Management Techniques**
- ✓ **North Carolina Experience Preparing APFO's**
- ✓ **Access to National Legal Databases, Research & Case Law**
- ✓ **Extensive Research & Digital Libraries**

Task 3. Initial Determination of Impact on APFO if not all municipalities agree to participate.

Jurisdictional control over public facilities is an important factor in assessing whether a facility should/can be subject to an APFO. If the County owns and finances the facility, it can influence the timing of construction and the capacity to be added to the facility. Where the County does not control the location and timing of facility construction, tying development approval to facility capacity raises complex issues. Since, under North Carolina law, the Henderson County Board of County Commissioners controls the financing, but not entirely the capital

improvement programming and operations of the School System, these issues will need to be confronted.

Intergovernmental agreements or memoranda of understanding with the School System will be recommended to strengthen the link between the County's regulatory program and County/School System CIP. A similar approach has been used in Union County and Orange County, North Carolina, which have Memorandum of Understandings with their school districts as part of their school APFO. While neither the case law nor state statutes address whether such a mechanism is required for an APFO, it certainly strengthens the program.

As part of Task 3, the Project Team will make an initial determination of the impact of the APFO if not all the municipalities agree to participate. We will cover both the legal and practical aspects of this issue. Indeed, it is one quite familiar to us, as we have recently addressed it in Lincoln and Union Counties and through our work for the State of Florida.

Task 4. Initial Determination of School Impact Areas

Schools adequacy can be tested at several different levels both geographic and based on educational classification. For example, some counties "test" for whether the elementary school system is adequate based on the capacity of all elementary schools within the county. Others test on a school-by-school (or attendance zone) basis. Still others do something in between: test capacity based on the capacity of the school that the children of the proposed subdivision will attend and those with an attendance zone contiguous to that school. Task 4 will involve the determination of which approach will work best for Henderson County. Planning Works will develop maps to reflect the recommended service areas.

Task 5. Initial Determination of Procedural Requirements of Adequate Public Facilities Ordinance

The Project Team will assist County staff in identifying the most appropriate procedural steps for implementing the schools APFO, based on existing subdivision and zoning requirements. In addition to the matters listed in the RFP, we will examine and make recommendations related to coordination between the School System and the County; methodology for tracking development approvals; and coordination on CIP projects and budgetary demands.

We will develop an easy-to-use memorandum that discusses these policy/procedural issues and identify "staff queries" that require input from County and School System staff.

Task 6. Initial Determination of Applicable Level of Service Standards

Planning Works will assist County and School System Staff to establish reasonable and appropriate level of service (LOS) standards for elementary, middle, and high school levels and will set forth the recommended approach in a memorandum to Staff.

Task 7. Initial Capital Improvements Assessments and Capacity Baseline

Based on existing County and School System CIPs and existing County “pipeline” data, TischlerBise will work with School District and County Planning staff to develop the most appropriate methodology for determining the development “pipeline” for each School Impact Area, and more importantly, the projected number of school age children by grade level. A particular challenge associated with developing this type of projection methodology is determining when the demand from existing platted lots will occur, along with that of proposed developments.

Available capacity for each School Impact Area will be determined through an analysis of existing capacities relative to the selected utilization (LOS) factor (i.e. 110% of existing capacity), LOS standards established in Task 6, projections of likely future demand and plans for additional future capacity within the School Impact Area. Availability will be stated in terms of the number of new dwelling units that can be accommodated without exceeding the acceptable levels of service. The product of this task will be a memorandum that assesses the likely demand from existing platted lots and “pipeline” development for each School Impact Area and the planned future school capacity within each Impact Area.

Task 8. Synthesis Report on APFO Policy Issues

The Project Team will summarize the conclusions resulting from Tasks 1-7 and will recommend an appropriate Schools APF system and structure for Henderson County. The Synthesis Report, with a draft memorandum of understanding, will be presented by the Project Team to the Board of County Commissioners, the APFO Task Force, and/or municipal officials at joint or sequential meetings for review and comment.

PHASE B: DRAFTING APFO AND RELATED CODE PROVISIONS

Objectives:

- *Draft a well-organized and user-friendly School APFO that reflects the needs, values, and resources of the County and the School System.*

- *Draft an APFO that facilitates stakeholder and municipal support.*
- *Draft an APFO that provides for appropriate flexibility.*
- *Draft a fair and legally-defensible APFO.*

The adoption of the Adequate Public Facilities Ordinance will require revisions to existing County land use and development regulations, the County Zoning Ordinance, and/or the County subdivision regulations to ensure consistency and full integration between the APFO and other County requirements. White & Smith therefore, will review any proposed revisions with County staff; and draft the proposed revisions in appropriate format for review by County Staff and, if requested, by the Planning Board and for adoption by the Board of County Commissioners.

Task 1. Draft APFO Outline

White & Smith, working with County staff and the County Attorney, will prepare a draft Schools APFO as an independent section of the County Code or as an amendment to the County Zoning Ordinance, the County Subdivision Regulations, or both, as may be determined to be necessary and appropriate to implement the Board of County Commissioner's intent. In order to make this effort efficient, we first will prepare an outline, which proposes a structure and format based on Henderson County's existing regulatory framework before we embark upon a draft ordinance in Task 2. In accordance with the RFP, the Draft APFO Outline will be presented to the Board of County Commissioners, APFO Task Force, Board of Education, and municipal officials at joint or sequential meetings in Henderson County.

Task 2. Draft APFO and CIP

Based on the outline prepared as part of Phase B, Task 1, we will prepare a draft APFO, which will be based upon the existing County/School System CIP and will reflect the baseline capacity developed as part of Phase A, Task 7. This Proposal does not include the development of new CIPs.

Although the APFO prepared for this Project will address only Public Schools, the APFO will be drafted so that other facilities could be added in the future, if the Board of County Commissioners wished to do so.

The initial APFO draft will be transmitted for review by County and School System staff, if requested by the County. Based on staff's written comments, we will prepare an amended draft for presentation to the County Commissioners and the APFO Task Force.

Task 3. Draft Administrative Procedures and Forms

Finally, the Consultant will develop administrative procedures and forms necessary for implementation of Henderson County's School APF system. Administrative procedures and forms will include those listed in the RFP, as applicable and necessary to implement the recommended system.

Public Planning & Participation

In our experience, APFOs are inherently controversial. Although it is beyond our power to remove that quality completely, we have found that two key public participation techniques can smooth the waters, simply by replacing incorrect information (or information vacuums) with facts about how the APFO would work *in Henderson County*.

For this reason, we have included opportunities for up to four (4) public sessions in our Project, the first occurring very early in the process. This initial meeting is designed to address the APF concept generally, to introduce the community, staff, elected officials, and the APFO Task Force to the "hows and whys" of an APFO and, significantly, to discuss both its potential for addressing Henderson County's concerns and the limitations of an APFO. In our experience, public support will be augmented if expectations reflect reality from the outset.

In addition to the initial "kick-off" meeting, the following three (3) public meetings have been provided for:

1. Completion of Phase A – Presentation of the Synthesis Report.
2. Development of the APFO Outline.
3. Completion of the Draft APFO.

By receiving public input at each of these stages, we will be able to respond to public concerns as they arise and not at the end of the process.

Team Description & Resumes

The following describes the firms participating on the Project. Resumes for key personnel also are included in the tabbed section of this Proposal. We estimate a total of about 420 manhours to complete the Project as proposed. The budget set forth below includes all hours, expenses, and travel costs.

The cost of the work and manhours assigned by firm are estimated as follows:

White & Smith: 65%

TischlerBise: 20%

Planning Works: 15%

White & Smith, LLC
Planning and Law Group

White & Smith, LLC is a national planning and law firm that has unique expertise in zoning and land development code techniques, specifically including the preparation of Adequate Public Facilities Ordinances. White & Smith principles Mark White and Tyson Smith were with Freilich, Leitner & Carlisle, the leading law firm in the nation in growth management for the past 30 years, serving over 200 cities and counties of all sizes from coast to coast before its dissolution in January 2005.

Tyson Smith, Project Manager

Mr. Smith has a diversity of experience in local government and land use planning and law, with particular focus on adequate public facilities ordinances, growth management, impact fees, and plan implementation.

Additionally, Mr. Smith recently served as counsel on **Florida's School Concurrency Management Team**. He was co-author of the **Model Ordinance and Model Interlocal Agreements for School Concurrency** that the state has provided to communities statewide. See www.dca.state.fl.us/dcp/SchoolPlanning/index.cfm.

Tyson Smith dedicates at least eighty percent (80%) of his time to public facility planning and law, both through policy development and drafting, as well as litigation and legal defense. His day-to-day familiarity with cases and statutory laws nationwide means that the White & Smith team brings to the table a first-hand familiarity with the law related to APFO's.

Mr. Smith will be able to set aside approximately 25% of his time to the Project.

Heather Price Smith, Project Assistant

Ms. Smith heads up our Maryland office, where she has practiced law since 1991. She brings a wealth of experience in local government and land use issues. She is the former Chief Legal Services Officer for the City of Frederick, and Assistant County Attorney for Anne Arundel County, Maryland.

Heather joined White & Smith in 2005 and has worked on a variety of projects including: impact fees; APFO's and concurrency systems; transportation concurrency systems; zoning code revisions; greenways and open space plans; and rural tier study and implementing regulations including transfer of development rights, conservation subdivisions, and right to farm ordinances.

Ms. Smith will be able to set aside approximately 20% of her time to the Project, as needed.

Mark White, Project Advisor

During Mark White's 16 years as an urban planner and land use attorney, Mr. White has developed a host of innovative zoning and subdivision techniques, including extensive experience with adequate public facilities requirements and other "facilities-based" planning techniques, including impact fees, concurrency, and growth management requirements. Mr. White recently worked with Davidson, Huntersville, Cabarrus County, and Union County in North Carolina in the development of their adequate public facilities ordinances. Mr. White will be available to advise the Project Team on this Project as well.

Mr. White will be able to set aside approximately 15% of his time to the Project, as needed.

Planning Works, LLC

Planning Works is a planning and growth management firm with clients throughout the United States. While it is a full service firm that assists with everything from visioning to plan implementation, Planning Works' specialties include coordination between land use and public facility planning and inter-agency coordination. APF Programs do cross-jurisdictional boundaries (physical and service boundaries), so their implementation requires extensive coordination with the School System and other stakeholders.

Planning Works, and more specifically Michael Lauer, has been at the forefront of school adequacy planning since the early 1990's, working closely with White & Smith (and Freilich, Leitner & Carlisle prior to the formation of White and Smith) on projects that have included:

- analysis of school level of service and service area options for Lincoln and Union Counties in North Carolina;
- establishment of school facility level of service requirements for Prince George's County, Maryland;

- the implementation of the State of Florida's recently adopted mandate for school concurrency (adequacy) (Tampa & Hillsborough County); and
- the development of Utah's first school impact fee (Park City & Summit County).

Michael Lauer, Principal in Charge, Planning Works

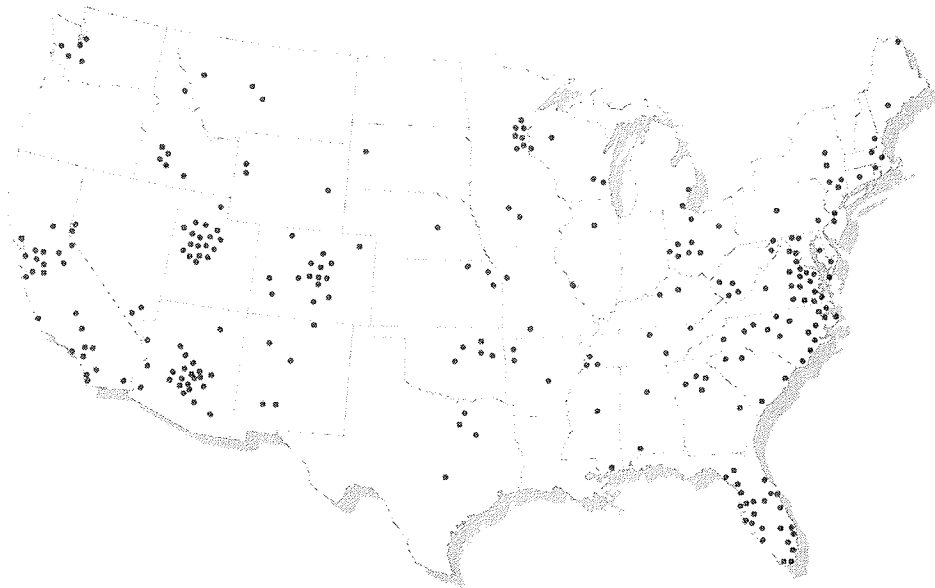
Michael Lauer will coordinate with the School System to define appropriate level of service standards for each type of school. This effort will require one site visit, and a total commitment of Mr. Lauer's annual workload of about 2%. This commitment will easily fit within his work schedule.

Brian Kelly, Mapping Specialist

Brian Kelly will be responsible for mapping School Impact Areas. This effort will require less than 2% of Mr. Kelly's annual workload and can easily be accommodated.

TischlerBise, Inc.

TischlerBise, Inc., is a fiscal, economic and planning consulting firm that specializes in one-time revenue fees, fiscal impact analysis, and revenue strategies. The firm has been providing consulting services to both the public and private sectors for over 25 years.



At this time, TischlerBise has prepared over 600 one-time fees and over 500 fiscal impact analyses. Through its detailed approach, proven methodology and comprehensive product, TischlerBise has established

itself as national experts on one-time fees. The map above illustrates the broad geographic diversity of its client base. In addition to its APFO work in other states, TischlerBise's "facilities-based" work in North Carolina includes *impact fees* for the following clients:

Client	Transportation	Police/ Sheriff	Fire/EMS/ Public Safety	Parks and Recreation	Open Space / Trails	Municipal Facilities	School
Camden Co.							X
Chatham Co.							X
Currituck Co.							X
Durham							X
Greenville	X		X	X			
Nags Head		X		X		X	
Orange Co.				X	X		X
Pasquotank							X
Cabarrus Co							X

TischlerBise's North Carolina *fiscal and planning* clients include: Davie County, Guilford County, Wake County, New Hanover County, Cary, Holly Springs, and Salisbury.

TischlerBise's widespread success can be attributed to its highly experienced staff of analysts whose relevant experience is unsurpassed. It is anticipated that Carson Bise and Julie Herlands will comprise the project team for this assignment, bringing over 25 years of fiscal impact and planning experience to the assignment.

Carson Bise, Principal in Charge, TischlerBise

Carson Bise, Vice President of TischlerBise, has over seventeen years of professional experience in fiscal, economic and planning activities and holds BS degrees in Geography and Political Science and an MBA in Economics. Recognized as an expert, Mr. Bise is a frequent speaker on impact fees and infrastructure finance at conferences and programs sponsored by such groups and organizations as the American Planning Association, the National Association of Homebuilders, National Impact Fee Roundtable, the International City/County Management Association and the Government Finance Officers Association. Mr. Bise has completed over 125 impact fees for parks and recreation, open space,

police, fire, schools, municipal power, water, sewer, roads, and general government facilities. Mr. Bise has also developed more fiscal impact models than anyone in the country, including the recent development of a concurrency management/APFO model for Carroll County, MD.

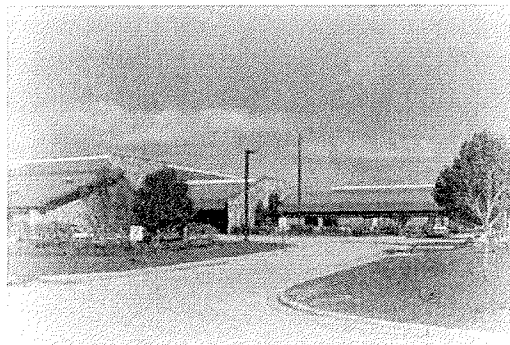
Julie Herlands, Project Manager, TischlerBise

Julie Herlands holds a B.A. in Political Science and a Masters of Community Planning (M.C.P.) from the University of Maryland, and has over six years of planning, fiscal, and economic development experience. Prior to her joining TischlerBise, Ms. Herlands worked in the public sector in Fairfax County, VA, and in the private sector for the International Economic Development Council. Ms. Herlands has prepared over 50 impact fees and recently completed or is in the process of completing impact fee and excise tax studies for Dorchester County, MD; Talbot County, MD; Caroline County, MD; Henrico County, VA; Kellogg, ID; North Las Vegas, NV, Salisbury, MD and Wicomico County, MD. She is currently preparing voluntary mitigation payments schedules for schools in **Cabarrus County, NC**. It is anticipated that this project would occupy approximately 20-25% of Ms. Herlands time.

Description of Firm Qualifications Related to APFO Experience

In addition to the APFO experience described, by Subconsultant, above and on the enclosed resumes, White & Smith alone has worked on APFOs across the country, including in **North Carolina, South Carolina, New York, Florida, Washington, Maryland, Colorado, and New Mexico**.

Florida, Maryland, and Washington are bellwether states for this planning tool, as they have express enabling legislation and the longest experience with this technique. White & Smith's national experience provides us an understanding of APFO with jurisdictions at any level of sophistication.



Representative APFO/Concurrency Clients

Recent North Carolina Clients

Over the last eight years, we have developed APFOs for five local governments in western North Carolina. Three are highlighted here.

Union County, NC

White & Smith recently developed an APFO for schools in Union County. This project has involved complex issues related to municipal participation, which will be brought to bear on the Henderson County project.

Union County's APFO was adopted in the Fall 2006. As with Henderson County, Union County has been facing tremendous growth pressure, felt most urgently in its school system. We developed an ordinance and administrative forms and performed, in association with Planning Works, LLC, the preliminary tasks necessary to support the final APFO.

Cabarrus County, NC

White & Smith attorney, Mark White helped develop Cabarrus County's initial APFO and recently updated its program. The County's APFO is codified as Section 17 of its subdivision regulations and presently applies to "schools, fire and rescue, law enforcement and other county facilities." In practice, however, the APFO has been limited to schools. White & Smith, LLC recently was retained to provide an analysis of the legal viability of adding APF requirements for four (4) additional facilities. These facilities include: emergency medical services (EMS), fire protection, law enforcement, and transportation.

Davidson, NC

We also developed an APFO for the Town of Davidson, North Carolina. Davidson was one of the first communities in the State of North Carolina to adopt a New Urbanism Plan and Implementing Code and Regulations. Mr. White prepared a series of reports, which explained the various policy issues associated with an APFO, and has made numerous presentations to the public and a steering committee. Mr. White prepared an APF ordinance for adoption by the Town Board of Commissioners. The APFO was adopted in 2001.

The following list includes other current or former APFO or Concurrency clients of White & Smith.

Nationwide APFO Clients

Concord, North Carolina Lincoln County, North Carolina Huntersville, North Carolina Douglas County, Colorado	North Augusta, South Carolina Pierce County (Tacoma), Washington Albuquerque-Bernalillo County, New
---	---

Escambia County, Florida	Mexico
Hillsborough County, Florida	Clarence, New York
Florida Department of Community Affairs	Queen Anne's County, Maryland
Hilton Head Island, South Carolina	San Diego, California
Howard County, Maryland	Sarasota County, Florida
King County (Seattle), Washington	St. Johns County, Florida
	Spokane, Washington

White & Smith, LLC Publications

S. Mark White, *Adequate Public Facilities Ordinances and Transportation Management* (American Planning Association, Planning Advisory Service Report No. 465, August 1996).

E. Tyson Smith, *Development Impact Fees 2006: Authority, "Fees vs. Taxes" Revisited, and Florida Gets an Impact Fee Statute!*, Planning and Environmental Law, American Planning Association (scheduled for publication February 2007).

S. Mark White and Elisa L. Paster. 2003. "Creating Effective Land Use Regulations through Concurrence," *Natural Resources Journal* 43, 3: 753-79.

S. Mark White (co-authored with Robert H. Freilich & Elizabeth Garvin), "Economic Development and Public Transit: Making the Most of the Washington Growth Management Act," *University of Puget Sound Law Review* 16 (1993): 949.

Cost Estimate and Hourly Rates

The RFP proposes an approximate eight (8) month timeframe for completing the project. Team members have sufficient availability to complete our tasks within that period of time, assuming necessary data and other information are provided expeditiously, including a defensible capital improvement plan. It also will be necessary that draft documents prepared by the Project Team be reviewed and comments prepared by Staff and the School System expeditiously. Relevant County and School System Staff should be made aware of the Project timeframe as soon as possible so that they can schedule accordingly.

The Project Team will perform the services described in the Methodology above for an amount not to exceed \$79,880, which will include six person-trips to Henderson County (4 by the White & Smith Project Manager and 1 by each of the Subconsultants). Any services, work products, or travel beyond those specifically described in this Proposal would be provided pursuant to a separate contract and budget estimate. Consultant personnel's hourly rates are as follows:

Labor Category	Hourly Rate
White & Smith, Partner	\$185
White & Smith, Associate	\$155
Planning Works, Partner	\$135
Planning Works, Associate	\$115
Planning Works, Mapping	\$100
TischlerBise, Manager	\$175

The budget and Methodology Outline set forth above are consistent with the APFO projects we have completed for North Carolina clients in recent months. However, if Henderson County wishes to adjust either to reflect local concerns, we are prepared to work with the County to do so.

Supplemental Information

Letters of Reference

Copies of three (3) Letters of Reference are provided in the tabbed section of this Proposal. The original letters are attached to the cover sheet submitted with this Proposal.

Standard Form Contract

We believe it appropriate to develop client contracts based on the individual needs of the client after a discussion of terms and consultation. However, a "Sample Preliminary Retainer Letter," which may be suitable for this Project, has been provided in the tabbed section of this Proposal. If selected, we would anticipate revising the standard retainer based on applicable terms.

Ongoing & Additional Services

White & Smith can provide ongoing services to the County, as specifically requested, after the APFO is adopted. For example, during the initial phases of implementation, communities new to the APF concept often



BACKGROUND

Tyson Smith has a diversity of experience in local government and land use planning law, with particular focus on Adequate Public Facilities (APF) Programming, Concurrency Management, and other “facilities-based” planning techniques, including impact fees and rate of growth ordinances. Mr. Smith’s APF practice includes legislative development, public involvement, administrative tools, methodological support, and litigation support. Mr. Smith represents cities, counties, special districts, and Indian tribes around the country and currently is the Chairman of the National Impact Fee Roundtable.

In 2005 and 2006, Mr. Smith served on a panel of experts charged with the development of statewide School Concurrency reports and model implementation documents. The panel’s legal team developed the state’s Model School Concurrency Management Ordinance and Model Proportionate Share Mitigation Development Agreement. In addition to his experience nationwide, Mr. Smith recently worked with Lincoln County in the development of its APFO and Memoranda of Understanding with the Lincoln County School Board. Currently, Mr. Smith is working with Huntersville, North Carolina in the development of a four-facility APFO.

Before embarking on a legal career, Mr. Smith was a planner with the Monroe County Division of Growth Management in the Florida Keys and later served as the Assistant City Planner for the City of Key West.

Mr. Smith received his Bachelor of Arts degree in Economics from the University of North Carolina at Chapel Hill, and he holds a Master of Urban and Regional Planning and a Juris Doctor from the University of Florida.

Recent and Upcoming Speaking Engagements

Financing Public Facilities - Impact Fees and Beyond, North Carolina Chapter American Planning Association, Winston-Salem, North Carolina (September 2003)

School Concurrency in Florida, Florida Chapter American Planning Association, Palm Beach, Florida (September 2003)

How Rational Does My Nexus Have to Be?, 2005 National Impact Fee Roundtable, Denver, Colorado (October 2005)

Impact Fee Waivers, Law vs. Practice, 10th Annual National Impact Fee Roundtable, Naples, Florida (October 2004)

(Continued on page 2)

230 S.W. Main Street
Suite 209
Lee’s Summit, Missouri 64063

Phone: 816-221-8700
Fax: 816-221-8702

Email: tsmith@planningandlaw.com

Collins v. Monroe County (Client - Monroe County, Florida)	Defended County in Inverse Condemnation Claim (2004-06)
HBA v. Ocean Springs (Client - Ocean Springs, Mississippi)	Defended City in Statutory and Constitutional Challenge to Impact Fee Ordinance (2003-06)
Troy Farms v. Delaware, Ohio (Client - City of Delaware)	Defended City in Challenge to Park and Recreation Facilities Impact Fee Ordinance (2003)
Elite v. Fairhope Planning Commission (Client - City of Fairhope, Alabama)	Defended Planning Commission; Denial of Subdivision Approval (2001-05)
Shadek v. Monroe County (Client - Monroe County, Florida)	Defended County in Temporary Takings, Damages Trial (2001-03)
Lauder v. Leon County (Client - Leon County, Florida)	Defended County in Comprehensive Plan Challenge (2001)

Selected Professional Experience

Growth

Management & Growth Caps

Monroe County, Florida	Smart Growth/Carrying Capacity Implementation (2003-05)
North Port, Florida	Negotiation of Joint Planning and Post-Annexation Agreements (2004-06)
Queen Anne's County, Maryland	Growth Control Ordinance, integrated with Adequate Public Facilities Ordinance (2002, 2006)
Wilmington, North Carolina	Smart Growth Plan and Implementation Strategy (2002)
Jacksonville, North Carolina	Growth Management Plan and Strategic Implementation Plan (2002)

Agricultural &

Rural Preservation

Washington County, Maryland	Transferable Development Rights (2006)
Prince George's County, Maryland	Transferable Development Rights (2004)
Miami-Dade County, Florida	Agriculture & Rural Preservation Study (with Duany Plater-Zyberk & Assoc.) (2001-02)
Queen Anne's County, Maryland	Cluster Zoning and Amendment to District Regulations (2001)
Weddington, North Carolina	Conservation Easements and Agricultural Preservation Element, Comprehensive Plan (2001)

Concurrency

Management & Adequate Public Facilities

State of Florida	Co-Author on Level-of-Service, Fairshare Mitigation Reports, & Model Concurrency Ordinance (2005-06)
Clarence, New York	Adequate Public Facilities Assessment and Ordinance (2004-06)
Lincoln County, North Carolina	Adequate Public Facilities Assessment and Ordinance (2004-06)
Queen Anne's County, Maryland	Adequate Public Facilities, integrated with Growth Management Ordinance (2002, 2006)
Huntersville, North Carolina	Adequate Public Facilities Ordinance (2006)
Hillsborough County School District	Preparation of Interlocal Agreements & Comprehensive Plan Amendments, per 2005 Proportionate Share Legislation

Impact Fees & Alternative Financing Techniques

St. Lucie Co., Florida	Open Space/Habitat Impact Fee (2006)
Tavares, Florida	Impact Fee Ordinance Update (2006)
Oviedo, Florida	Impact Fee Ordinance Update (2006)
Ft. Pierce, Florida	Ordinance & Admin. Manual (2006)
North Port, Florida	Development Agreement for Public Facilities and Impact Fees (2004-06)
Palm Coast, Florida	Transportation Impact Fee Ordinance and Legal Counsel (2004-05)
Brevard Co., Florida	Legal Review School Impact Fees (2004)
Indian River County, Florida	Legal Counsel & Implementation and Development of Administrative Forms and Manual (2004-05)
Collier County, Florida	Legal Analysis and Ordinances for Impact Fees (2003-06)
Kissimmee, Florida	Intergovernmental Issues (2003)
Hillsborough County, Florida	Parks Impact Fees (2003-04)
Citrus County, Florida	Impact Fee Ordinances and Fee Updates (2003-04, 2006)
Missoula, Montana	City/County Impact Fee System for Parks, Fire/EMS, Community Services, and Law Enforcement (2002-03, 2006)
Yuma, Arizona	Comprehensive Impact Fee Program, including Ordinance, Administration and Staff Training; on-going consultation (2005-06)
Flagstaff, Arizona	Impact Fee System for Roads, Police, Fire, Municipal Facilities, Open Space, Trails, Library, and Parks and Recreation (2002, 2006)
Queen Anne's County, Maryland	Impact Fee System for Roads, Schools, Parks, EMS & Fire; On-going consultation (2000-03)
Mississippi Municipal League	Advise on Proposed State Legislation (2001)

Development Codes

Telecomm- unications Facilities Planning & Regulation

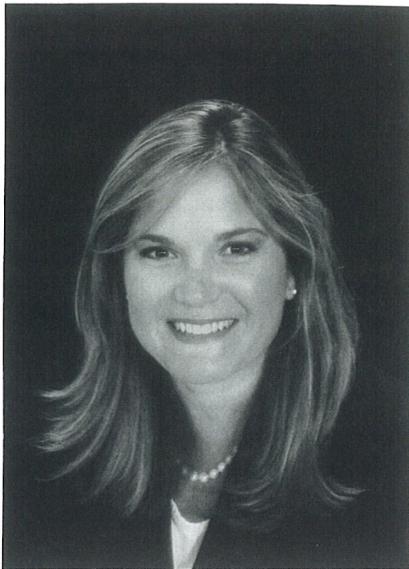
Harford County, Maryland	Updates to Zoning Code (2003)
Monroe County, Florida	Amend Land Development Regulations to Reflect Modern Smart Growth Techniques and
Queen Anne's County, Maryland	Amend Land Development and Use Code to Reflect Agriculture and Rural Preservation
Aspen, Colorado	General Amendments to Zoning Ordinance (2006)

Other Land Use Matters

Bozeman, Montana	Advised City on Telecommunications Strategy and Compliance with Telecommunications Act of 1996 (2003)
Lee County, Florida	Telecommunications Ordinance and Master Plan (2002-03)
Monroe County, Florida	Telecommunications Ordinance (2001)
Queen Anne's County, Maryland	Telecommunications Ordinance (2000)

Brevard County, Florida	Legal Analysis regarding Short-Term Rentals (2005)
Monroe County, Florida	Legal Counsel regarding Beneficial Use Determinations (2004-2006)
Village of Islamorada, Florida	Affordable Housing Needs Assessment and Policy Recommendations (2004)
Key West, Florida	Legal Analysis regarding Short-Term Rentals (2004)
Aspen, Colorado	Short-term Rental and Fractional Fee Analysis (2000)
Kiawah Island, South Carolina	Short-term Rental of Single-Family Units (2001- 02) Dwelling Unit Size Regulations (2004)

Heather Price Smith



BACKGROUND

Heather heads up our Maryland office, where she has practiced law since 1991. She brings a wealth of experience in local government and land use issues. She is the former Chief Legal Services Officer for the City of Frederick, and Assistant County Attorney for Anne Arundel County, Maryland. She holds a Juris Doctor and Master of Public Administration from the University of Baltimore.

While at Frederick (Maryland's second largest city), Heather successfully handled a number of issues, including: crisis management of severe drought; enacting a moratorium on development; drafting and enactment of a water allocation ordinance; defending a challenge to a ten commandments statue within a City park; defending constitutional challenges based upon the Religious Land Use and Institutionalized Persons Act (RLUIPA); negotiations of major contracts including the allocation of withdrawals from the Potomac River and for corresponding sewer allocations; creation of a noise ordinance used as a model for other municipalities in Maryland; and enactment of a massage parlor ordinance.

Heather's speaking experience and publications include a wide range of topics, including water allocation, adult uses, intergovernmental agreements, and historic districts. Heather is also fluent in Spanish.

EDUCATION

Juris Doctor, 1991, University of Baltimore School of Law

Master of Public Administration, 1991, University of Baltimore, The Yale Gordon College of Liberal Arts

Bachelor of Arts, 1986, Western Maryland College (now McDaniel College)

7311 Pin Oak Drive
Middletown, Maryland 21769
Phone: 301-371-0990
Fax: 301-371-0994
Email:
hsmith@planningandlaw.com

PUBLICATIONS/TRAINING/SPEAKING ENGAGEMENTS

Heterosexual Massage Prohibitions: A Creative Regulatory Technique to Control Illicit Massage Practices, *Municipal Lawyer Magazine*, May/June 2000.

Water, Water Everywhere? From Abundance to Allocation, *Municipal Lawyer Magazine*, November/December 2001.

Panelist: Mock Court: Legal Issues in Housing, Maryland Association of Community Action Agencies, Inc., (MACAA), MACAA 1999 Annual Conference, Ocean City, MD.

Panelist: Academy for Excellence in Local Governance, Understanding the Public Information Act, La Plata, MD, January 2001.

Panelist and Conference Materials: Understanding the Maryland Public Information Act, Maryland Municipal League, Annual Convention, June 2001, Ocean City, MD.

Panelist & Conference Materials: Growth, Drought and Interstate Conflict: Challenges in Water Allocation, International Municipal Lawyers Association, Annual Conference, Denver, Colorado, 2002.

Speaker: Understanding Your Water Supply, Maryland Mayor's Meeting, Maryland Municipal League, November, 2002.

Panelist & Conference Materials: Emergency Powers, Intergovernmental & Interjurisdictional Cooperation Agreements, MICPEL 2003 State and Local Government Law Institute, Maryland State Bar Association's Section of State & Local Government Law.

Moderator: Law Office Management: Making the Most of Modern Technology, International Municipal Lawyers Association, October 2003 Annual Conference, Minneapolis, Minnesota.

Instructor: Ethics and the Public Information Act: The City of Frederick Personnel Training, January 2003.

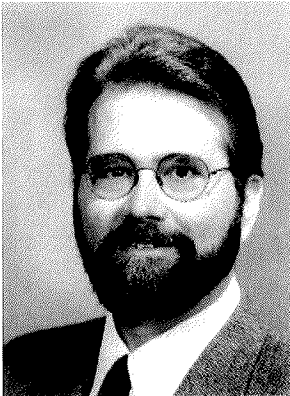
Instructor: Historic District Commission Guidelines and Procedure, The City of Frederick, 2003.

Speaker: Growing Communities on Karst III, Karst Conference, National Conservation Training Center 2006.

Heather Price Smith

Heather Price Smith's Selected Recent Experience

Client	Project	Year(s)
Deltona, Florida	Zoning Ordinance Update	2005 – 2006
Lincoln County, North Carolina	Adequate Public Facilities Ordinance	2005 – 2006
Union County, North Carolina	Adequate Public Facilities Ordinance	2005 - present
Charleston County, South Carolina	Land Development Code Update	2005-2006
Prince Georges County, Maryland	Greenways Master Plan Zoning Ordinance Study including: Master plan amendment procedures and Rural Tier study and implementing regulations including transfer of development rights, conservation subdivisions, and right to farm ordinance.	2005-2006 2005
Prince Georges County, Maryland	Review of Development Processes	2006 -present
Queen Anne's County, Maryland	Adequate Public Facilities Ordinance	2005 – 2006
York County, South Carolina	Growth Management Ordinance Adequate Public Facilities Ordinance	2005 - 2006 2005 – 2006
Spokane, Washington	Regional Transporation Concurrency Model	2006
Washington County, Maryland	Design of Transferable Development Rights Program	2006-present
Huntersville, North Carolina	APFO	2006-present
Nye County, Nevada	Unified Development Ordianance	2006-present



Michael J. Lauer helps public and private sector clients analyze and resolve land use, infrastructure and development issues. For the public sector, Mr. Lauer focuses on developing and implementing comprehensive plans, infrastructure management strategies and development regulations. He has helped both the public and private sector with a wide variety of development projects, including zoning, subdivision, site planning, development agreements and tax increment financing.

Mr. Lauer's planning approach blends consensus-building with a strong technical foundation, ensuring that plans and strategies reflect local values and resources. The effectiveness of this approach is evidenced by the strong support his projects have received upon adoption and, more importantly, through implementation. Through an emphasis on partnerships, Mr. Lauer has enabled clients to reach collaborative solutions to complex growth-related problems. In addition to promoting coordinated growth management strategies between cities, counties and other service providers, Mr. Lauer has facilitated development of inter-governmental agreements and public-private partnerships.

As a frequent speaker at national and regional conferences and former educator, Mr. Lauer can convey complex concepts to professionals and lay citizens. His recent presentations have addressed:

- unified development codes,
- design standards,
- coordinated regional growth management strategies,
- impact fees,
- consensus building and conflict resolution,
- alternatives analysis,
- transit and pedestrian-oriented development,
- new urbanism;
- growth management techniques, and
- planning processes that blend visioning with technical analysis.

Mr. Lauer received his Bachelor of Arts degree in Natural Science and a Master of Community and Regional Planning from the University of Texas.

In the 1980's he helped the City of Georgetown, Texas, develop a GIS-based infrastructure management system that won a National APA award and was a principal author of the City's award-winning subdivision regulations. Throughout the 1990's, Mr. Lauer was Director of Planning for Freilich, Leitner & Carlisle, the nation's premier planning and law firm.

Experience and Education

Selected
Honors,
Awards and
Publications

- *APA Iowa Chapter Outstanding Planning Award:* Linn County Rural Land Use Plan and IDO, 2002.
- *APA Texas Chapter Award in Current Planning:* San Antonio Unified Development Code, 2001.
- *Maryland Smart Growth Award:* Prince George's County Biennial Plan, 2000.
- *Colorado Governor's Smart Growth Award for Comprehensive Planning,* Durango, Colorado, 1997.
- *APA Missouri Chapter Excellence in Planning Award:* Jackson County Unified Development Code, 1996.
- *APA National Award:* City of Georgetown Development Plan, 1995.
- *APA Missouri Chapter Excellence in Planning Award:* Jackson County Strategy for the Future, 1994.
- *APA North Central Texas Section Merit Award:* Sunnyvale Comprehensive Plan, 1993.
- *Geodysey Initiative Award:* Development of GIS-based alternative analysis strategies, 1992.
- *APA Chapter Award:* City of Georgetown Development Plan, 1989.
- *APA Chapter Merit Award:* City of Georgetown Subdivision Regulations, 1987.

Project Experience		
	Client/Location	Project Type
Growth/Facility Management	Jefferson Parish, Louisiana	Unified Development Code; current
	Union County, North Carolina	Adequate Public Facilities Ordinance; current
	Lincoln County, North Carolina	Adequate Public Facilities Ordinance; current
	York County, South Carolina	Adequate Public Facilities Ordinance; current Interim Development Ordinance; 2005
	City of Mandeville, Louisiana	Commercial Needs Assessment; 2003
	Prince George's County, Maryland	Rural Area Growth Strategy; 2003
	Queen Anne's County, MD	Adequate Public Facilities Ordinance; 2002
	Queen Anne's County, MD	Rate of Growth Ordinance; 2002
	Warren County, Iowa	Multi-jurisdictional Land Use Plan and Unified Development Code; 2002
	Charleston, Illinois	Unified Development Code; 2002
	Hillsborough County School District, Florida	School Concurrency; current School siting standards/ Intergovernmental Agreement; 2001
	Hillsborough County, Florida	Land Development Regulations; 2001;
	San Antonio, Texas	Unified Development Code: 2001 (Texas APA Chapter Award)
	Linn County, Iowa	Interim Development Ordinance / LESA System; 2000 (Iowa APA Chapter Award)
	Monroe County, Iowa	Unified Development Code; 1998
	Jefferson City, Missouri	Zoning and Sign Regulations; 1998
	Rochester, Minnesota	Mining Regulations; 1999
	Rochester, Minnesota	Subdivision Regulations; 1998
	Clinton County, Iowa	Subdivision and Zoning Regulations; 1998
	Mid-America Regional Council	Perimeter Transportation Needs Assessment; 1997
	Grand Junction, Colorado	Zoning and Redevelopment Code; 1995-97

Project Experience

Client/Location

Project Type

Douglas County, Colorado

Impact Fees; 1995

Jackson County, Missouri

Unified Development Code; 1994
(Missouri Chapter Excellence in Planning Award; 1996)

New Orleans, Louisiana

Comprehensive Zoning Ordinance
Revision; 1993 - 1994

Kiawah Island, South Carolina

Community Assessment, Development
Agreement and Development Regulations;
1993 - 1994

U.S. Navy

Airbase Development Intensity Guidelines;
1991

Georgetown, Texas

Infrastructure Management System, Comp
Plan, Subdivision and Zoning Regulations
Updates, Road/ Utility District Evaluation;
1985 - 1991

Comprehensive Planning

Ada County, Idaho

Blueprint for Good Growth

Carroll County, Georgia

Comprehensive Plan and Interim
Development Ordinance; 2002-2003

Jefferson Parish, Louisiana

Comprehensive Plan; 2002-2003

Statesville, North Carolina

Comprehensive Plan; 2002-2003
Implementation; current

Warren County, Iowa

Master Plan; 2002

Ocean Springs, Mississippi

Comprehensive Plan, 2002

Weddington, North Carolina

Comprehensive Plan, 2001

Prince George's County, Maryland

Urban Design Element; 2001

Leon County, Florida

Bradfordville Plan; 2000

Hillsborough County, Florida

Comprehensive Plan Implemen-tation
Program; ongoing

Prince George's County, Maryland

Comprehensive Plan Implemen-tation
Program; 2000 (**State Smart Growth
Award**)

Saline County, Kansas

Comprehensive Plan; 2001

Linn County, Iowa

Rural Land Use Plan; 2000 (**Iowa APA
Chapter Award**)

Project Experience

Client/Location

Project Type

Cedar Rapids, Iowa

Comprehensive Plan; 1999

Thornton, Colorado

Comprehensive Plan Update; 1997

Clinton County, Iowa

Growth Management Plan; 1997

Durango, Colorado

Comprehensive Plan (*1996 Governor's Smart Growth Award*)

Grand Junction, Colorado

Growth Plan; Area Plans; Corridor Plans; 1995 - 1996

Jackson County, Missouri

Master Plan; 1992 - 1994 (*APA Missouri Chapter Excellence in Planning Award*)

Kiawah Island, South Carolina

Comprehensive Plan; 1993 - 1994

Sunnyvale, Texas

Comprehensive Plan; 1992 - 1993 (*Winner - North Central Texas APA Excellence in Development Award*)

Mohave County, Arizona

General Plan and Joint Development Area Plans; 1991 - 1993

Land Owners Limited Partnership

Specific Area Plan; 1993

Douglas County, Nevada

Fiscal Impact Analysis for Comprehensive Plan; 1992

Riverside, California

General Plan Update; 1991 - 1992

Georgetown, Texas

Development Plan; 1987 - 1989 (*Winner APA Chapter Award and APA National Award*)

Public Finance/Redevelopment Plans

City of Tampa, Florida

Parks Impact Fee; 2003

Ocean Springs, Mississippi

Impact Fees, 2002

Blue Springs, Missouri

TIF Project Plans; 1999

Durango, Colorado

Traffic Impact Fees; 1997

Independence Regional Health Center

Truman Road Corridor Redevelopment Plan and Tax Increment Financing District; 1996

Homart Corporation

Redevelopment Plan and Tax Increment Financing District; 1995

Project Experience		
	Client/Location	Project Type
Other Planning Initiatives	Summit County, Utah	Long-Range Parks and Roads Capital Improvement Programs and Impact Fees; 1994
	Park City School District, Utah	School Impact Fees; 1993 - 1994
	Queen Anne's County, Maryland	Fire District Capital Improvements Program
	Dade County, Florida	Agricultural Retention Study; 2002-2003
Expert Witness Support	Durango, Colorado	Visioning and Growth Capacity Analysis; 2002
	Corpus Christi, Texas	Vista Del Mar Concept Plan and Annexation Agreement; 2001
	Cedar Rapids, Iowa	Consolidated Housing Plan; 2000
	Raymore, Missouri	Rezoning Challenge; 2003
Recent Speaking Engagements	Overland Park, Kansas	Homeowners Challenge to Big Box Development; 2003
	Leon County, Florida	Plan Consistency Challenge; 2002
	Charles County, Maryland	Land Development Suitability; 2000
	Osage Beach, Missouri	Annexation Suitability; 1998
	APA National Conference	Public Participation; 2005
	University of Wisconsin	Smart Plans; 2004 New Urbanism Status Report; 2004
	APA National Conference	Keeping Plans Relevant; 2004
	Cocoa Beach, Florida	Shaping Cocoa Beach's Future; Conducting Effective Hearings; 2003
	Rome/Floyd County, Georgia	Smart Growth Workshop; & Making Defensible Decisions; 2003
	Western Planners Conference	Conducting Effective Meetings; 2003
	APA National Conference	Effective Presentations: Beyond Powerpoint; 2003
	Durango, Colorado	New Urbanism and Growth Management; 2002
	APA National Conference	Urban Service Areas; 2002
	APA National Conference	Citizen Participation Programs; 2002

Michael J. Lauer, AICP
Principal

Project Experience

Client/Location

Project Type

APA National Conference

Scenario Building; 2001

ACSP National Conference

Merging Vision and Analysis in
Comprehensive Planning; 2000



Geographic information system (GIS) technology is revolutionizing growth management and opening a world of possibilities for participants in the planning process. Brian Kelly has overall responsibility for the production and management of the firm's geographic information systems (GIS) services. His role as a cartographer is to compile detailed and accurate basemaps, site maps, concept maps and attribute tables that precisely and clearly represent spatial situations and topological relationships using a combination of ArcCAD and ArcView software.

As a community planner, Mr. Kelly serves as a key component of the planning team – his experience includes research of various planning issues, summarizing and analyzing demographic data, environmental analysis and trend analysis. Other key planning tasks include developing planning graphics, infrastructure assessments and facilitating community meetings.

Mr. Kelly received his Bachelor of Arts degree in Geography from the University of Kansas with significant course work in remote sensing, GIS, and business. He actively participates in GIS research and training.

Project Experience		
	Client/Location	Project Type
<i>Growth Management Planning:</i>	Appanoose County, Iowa	Transportation and Land Use Plan
	Jacksonville, North Carolina	Growth Management Plan
	Wilmington, North Carolina	Growth Impacts Study
<i>Fiscal and Infrastructure Impacts:</i>	Bass Pro Shops (Independence, Missouri)	Tax Increment Financing Redevelopment Plan
	Iowa 80 Group (Council Bluffs, Iowa)	Council Bluffs Travel Plaza Tax Increment Financing and Development Plan
	Ocean Springs, Mississippi	Water Facilities Impact Fee
		Roads Impact Fee
		Police Facilities Safety Impact Fee
		Fire Facilities Impact Fee
		Parks and Recreation Impact Fee
		General Services Impact Fee
		Impact Fee Administration and Procedures
	Queen Anne's County, Maryland	Fire District Capital Improvement Program

Project Experience

	Client/Location	Project Type
<i>GIS, Mapping and Graphics:</i>	Caliente Restaurant	Parking Variance
	Carroll County, Georgia	Comprehensive Plan
	Clarence, NY	Adequate Public Facilities Ordinance
	Dade County, Florida	Agriculture Preservation Study
	Desert Hot Springs, CA	General Plan Update
	Durant, Oklahoma	Comprehensive Plan
	Islamorada, Florida	Affordable Housing Plan
	Jacksonville, NC	Growth Management Plan
	Lafayette County, Missouri	Comprehensive Plan Planning Services (Staff Support)
	Lake Lotawana, Missouri	Annexation Plan
		Comprehensive Plan
		Zoning & Subdivision Regulations
	Lincoln County, NC	Adequate Public Facilities Ordinance
	Livingston County, Missouri	Airport Overlay District
	Mandeville, Louisiana	Growth Plan
	Martin Marietta, Inc.	Peculiar, Missouri - Annexation Strategy
	Monterey County, California	Planning Services
	NCCNA Columbia, MO	Neighborhood Plan
	Osage Beach, MO	Comprehensive Plan
	Prince George's County, Maryland	Land Use Zoning Update
	Statesville, North Carolina	Comprehensive Plan
	Villa Rica, GA	Comprehensive Plan Update
	West Peculiar Fire Department	Adequate Public Facilities Ordinance
	Wilmington, NC	Growth Impacts Study

L. CARSON BISE II, AICP

Vice President



EXPERIENCE

Carson Bise has over fifteen years of fiscal, economic and planning experience and has conducted fiscal and infrastructure finance evaluations in 24 states. Mr. Bise has developed and implemented more fiscal impact models utilizing the case study-marginal approach than any planner in the country. The applications he has developed have been used for evaluating multiple land use scenarios, specific development projects, annexations, urban service provision, tax-increment financing and concurrency/adequate public facilities monitoring. Mr. Bise has also completed over 100 impact fees for parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power and general government facilities. In his six years as a planner at the local government level, he coordinated capital improvement plans, conducted market analyses and business development strategies, and developed comprehensive plans. Mr. Bise has also authored several articles related to fiscal impact analysis and infrastructure finance and is a frequent speaker on these subjects at such forums as the American Planning Association, International City/County Management Association, National Impact Fee Roundtable, Government Finance Officers Association and National Homebuilders Association. Mr. Bise contributed the chapter on fiscal impact analysis in the recent APA publication Planning and Urban Design Standards. Mr. Bise was also the principal author of the fiscal impact analysis component for the Atlanta Regional Commission's Smart Growth Toolkit and is featured in the recently released AICP CD-ROM Training Package entitled The Economics of Density.

REPRESENTATIVE PROJECTS

- *Fiscal Impact Analysis: City of Wilmington and New Hanover County, North Carolina.* Mr. Bise evaluated the fiscal effects of providing urban and nonurban services to areas outside of the City. This included evaluating existing and improved levels of service.
- *Fiscal Impact Analysis: Anchorage, Alaska.* Mr. Bise evaluated the fiscal impact of five future land use scenarios being considered as part of the Municipality's General Plan process.
- *Fiscal Impact Analysis: Metropolitan Council, Minnesota.* Mr. Bise managed and conducted this unique regional fiscal impact evaluation, which compared a compact development pattern against a more suburban one in an eight-city region.

L. Carson Bise II, AICP

- *Fiscal Impact Analysis: Howard County, Maryland.* Mr. Bise conducted an innovative fiscal impact analysis evaluating fiscal impacts of growth as well as the fiscal impacts of providing continuing services and infrastructure to the existing population.
- *Annexation Study: Germantown, Tennessee.* Ms. Bise evaluated various scenarios for two areas being considered for annexation.
- *Fiscal Equity Evaluation: Shelby County, Tennessee.* Mr. Bise evaluated the fiscal equity of the County receiving taxes from residents in and outside of the City and providing different services to the incorporated and unincorporated areas.
- *Impact Fee Evaluations.* Mr. Bise has completed impact fee studies for water and sewer, roads, parks and recreation, open space and trails, municipal power, general government buildings and equipment, transit, schools, and public safety buildings and equipment. Clients include: Orange Beach, AL; Gulf Shores, AL; Camp Verde, AZ; National City, CA; Hemet, CA; Banning, CA; Greenville, NC; Polk County, FL; School District of Pasco County, FL; School District of Lee County, FL; School District of Seminole County, FL; Castle Rock, CO; Greeley, CO; Eaton, CO; Steamboat Springs, CO; Clinton, UT; Farmington, UT; Logan, UT; Charles County, MD; and the State of Delaware.
- *Assessment District Evaluation: Draper, Utah.* Mr. Bise evaluated the differential costs associated with a proposed mountain top mixed-use development and necessary revenue rates for an assessment district to provide the necessary infrastructure.
- *Capital Improvement Planning.* Mr. Bise was responsible for coordinating the annual Capital Improvement Plan in Frederick County, Virginia and was the project manager of the Public Facilities Plan in Chesterfield County, Virginia.
- *Economic and Market Feasibility Studies: Chesterfield County, Virginia.* Mr. Bise was project manager for a market analysis and business development strategy for an older commercial area in the County. As part of this project, Mr. Bise facilitated the organization of a business group to aid in the implementation of the business development strategy.

EDUCATION

M.B.A., Economics, Shenandoah University

B.S. Geography/Urban Planning, East Tennessee State University

B.S. Political Science/Urban Studies, East Tennessee State University

REGISTRATIONS & AFFILIATIONS

- Member of the Board of Directors for the National Impact Fee Roundtable
- American Institute of Certified Planners
- American Planning Association (APA)
- Past Secretary/Treasurer, Economic Development Division of the APA

SAMPLE SPEAKING ENGAGEMENTS

- Dealing with the Cost of Growth: From Soup to Nuts, International City/County Management Association National Conference
- Demand Numbers for Impact Analysis, National Impact Fee Roundtable
- Calculating Infrastructure Needs with Fiscal Impact Models, Florida Chapter of the American Planning Association Conference
- Economic Impact of Home Building, National Impact Fee Roundtable
- Annexation and Economic Development, American Planning Association National Conference
- Economics of Density, American Planning Association National Conference
- The Cost/Benefit of Compact Development Patterns, American Planning Association National Conference
- Fiscal Impact Modeling: A Tool for Local Government Decision Making, International City/County Management Association National Conference
- Growing Pains, International City/County Management Association National Conference
- Fiscal Impact Analysis in Comprehensive Planning, Virginia Chapter of the American Planning Association Conference
- Impact Fee Basics, National Impact Fee Roundtable
- Fiscal Impact Analysis and Impact Fees, National Impact Fee Roundtable

SAMPLE PUBLICATIONS

- Planning and Urban Design Standards, American Planning Association, Contributing Author on Fiscal Impact Analysis
- "The Cost/Contribution of Residential Development," *Mid-Atlantic Builder*.
- "Are Subsidies Worth It?" *Economic Development News & Views*.
- "Smart Growth and Fiscal Realities," *ICMA Getting Smart! Newsletter*.

JULIE E. HERLANDS

Fiscal/Economic Analyst



EXPERIENCE

Ms. Herlands has over seven years experience in planning and economic development in both the private and public sectors. Her experience includes fiscal impact analyses, impact fee studies, economic and market feasibility studies, and economic development assessments. Ms. Herlands also has extensive knowledge of public financing mechanisms for economic development and has conducted and/or managed economic and market feasibility analyses and economic development assessments while working for both the private and public sectors.

REPRESENTATIVE PROJECTS

- ***Fiscal Impact Analysis: Nye County/Town of Pahrump/Nye County Schools, Nevada.*** For three entities in this growing area approximately 60 miles outside Las Vegas, Ms. Herlands analyzed the fiscal impact of growth using two approaches. First, she conducted a Cost of Land Use Study to determine what type of development produces net surpluses to each entity. Then, she conducted an analysis of multiple growth scenarios over a 10-year planning horizon.
- ***Fiscal Impact Analysis: Henrico County, Virginia.*** As part of the County's Comprehensive Plan update, Ms. Herlands conducted a fiscal impact analysis. The analysis employs a case study marginal cost approach to evaluate the fiscal impact of the preferred growth scenario. The comprehensive analysis evaluates the fiscal impacts by sub-area based on location, density/intensity, and timing of growth.
- ***Fiscal Impact Analysis: Queen Creek, Arizona.*** Ms. Herlands analyzed the fiscal impact of growth on this rapidly growing Phoenix suburb based on different residential and employment growth scenarios. This analysis was conducted in conjunction with the firm's impact fee study.
- ***Fiscal Impact Analysis: Bluffdale, Utah.*** Ms. Herlands evaluated the fiscal impact of a major mixed-use development on Bluffdale City, a suburb of Salt Lake City. For this analysis, Ms. Herlands evaluated both current and improved levels of service for three different development scenarios.

- ***Fiscal Impact Analysis: Proposed Mixed-Use Development in Howard County, Maryland.*** Ms. Herlands analyzed the fiscal impact of a major new mixed-use development in the Town Center of Columbia, Maryland, one of the original new towns.
- ***Impact Fee Evaluations.*** Ms. Herlands has completed over 60 impact fees / cash proffers for the following infrastructure categories: roads; schools; sewer; water; parks and recreation; libraries; general government buildings and equipment; storm water/drainage; police; and fire. Clients include: Kellogg, ID; Henrico County, VA (cash proffers); Goochland County, VA (cash proffers); Talbot County, MD; Dorchester County, MD; Easton, MD; Caroline County, MD; Wicomico County, MD; Worcester County, MD; Salisbury, MD; Stuart, FL; Port St. Lucie, FL; Plant City, FL; Evanston, IL; Nye County, NV; Pahrump, NV; and North Las Vegas, NV.
- ***Economic and Market Feasibility Studies.*** Ms. Herlands has conducted and managed economic and market feasibility analyses while working for both the private and public sectors. While working for the International Economic Development Council, Ms. Herlands conducted feasibility analyses for clients such as community development corporations. In Fairfax County, Virginia, she managed an economic and fiscal impact study for a proposed public-private redevelopment venture and assessed the feasibility of public revitalization initiatives.
- ***Economic Development Assessments.*** Ms. Herlands has conducted numerous economic development assessments, which include investigation into a community's economic development infrastructure as well as tools and sources for public financing of economic and real estate development. While with Fairfax County, Ms. Herlands assessed the financial tools available for revitalization in the County.

EDUCATION

M.C.P., University of Maryland

B.A. Political Science, University of Buffalo

AFFILIATIONS

- American Planning Association (APA)
- Secretary/Treasurer, Economic Development Division of the APA
- Virginia Chapter of the American Planning Association
- National Impact Fee Roundtable

SPEAKING ENGAGEMENTS

- Proffers vs. Impact Fees: The Virginia Experience, National Impact Fee Roundtable, 2006
- Impact Fee—Or Is It? American Planning Association National Planning Conference, 2005
- Integrating Planning with School Demands, American Planning Association National Planning Conference, 2005
- Fiscal Impact Analysis and Cash Proffers in Virginia Jurisdictions, Annual Virginia Planning Conference, 2005
- Planning and Fiscal Reality, American Planning Association National Planning Conference, 2004

PUBLICATIONS

- "Agreements, Fees, and CIP," *The Best of Contemporary Community Planning, 2005*, Training CD-ROM (American Planning Association and Lincoln Institute of Land Policy)
- "The Connection between Growth Management and Local Economic Development," *Economic Development News & Views* (Economic Development Division of the APA)



Lincoln County Building & Land Development
302 N Academy Street Lincolnton
NO 28092

Date: December 29, 2006
From: Kelly G. Atkins, Director of B&LD, Lincoln County Government
Subject: Letter of recommendation

To Whom It May Concern:

We have worked with Tyson Smith, of White and Smith, LLC during 2004 - 2006 developing an Adequate Public Facilities Ordinance. In addition to the APFO itself, Tyson Smith drafted a Memorandum of Understanding between the County and other responsible agencies, specifically the County School and Water and Sewer Districts.

During the process, Mr. Smith developed a detailed memorandum and facilitated decision-making meetings of our APFO Committee, including decisions regarding: the threshold above which concurrency is required; the point in the development review process at which concurrency is measured; the proper location and size of concurrency overlay districts; the appropriateness of exemptions; level of service standards; and APF application procedural requirements.

Mr. Smith is knowledgeable in the field and has provided my staff with the expertise we need to implement an effective APF/Concurrency program.

I have found Mr. Smith to be a conscientious and competent consultant and recommend his services to you. If you have any questions or wish to further discuss our experiences with Mr. Smith further, feel free to call me at any time at (704) 736-8726.

A handwritten signature in cursive script, reading "Kelly G. Atkins". The signature is fluid and stylized, with a large loop at the end.

Kelly Atkins

Thank you

The Town of Davidson



Tuesday, January 02, 2007

To Whom It May Concern:

We worked with Mark White of White and Smith, LLC from September 1998 through March 2001 on an Adequate Public Facilities Ordinance (APFO) for The City of Davidson, N.C.

Davidson was one of the first communities in the State of North Carolina to adopt a New Urbanism Plan and Implementing Code and Regulations. Mr. White prepared a series of reports which explained the various policy issues associated with an APFO, and made numerous presentations to the public and a steering committee. Mr. White prepared an APF ordinance for adoption by the Town Board of Commissioners in March, 2001.

In every instance, we found Mr. White to be professional, responsive and sensitive to the political implications of the proposed legislation.

I would recommend with confidence the firm of White and Smith, LLC as a consultant for any of your projects.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dawn Blobaum". The signature is fluid and cursive, with a long horizontal line extending to the right.

Dawn Blobaum Assistant
Town Manager Town of
Davidson 216 S. Main
P.O. 579
Davidson, NC 28036
(704)940-9615



DEPARTMENT OF PLANNING & ZONING
QUEEN ANNE'S COUNTY
160 COURSEVALL DRIVE CENTREVILLE,
MARYLAND 21617

410-758-4088 Permits
410-758-3972 Fax 410-
758-1255 Planning 410-
758-2905 Fax 410-758-
2126 TDD

Thursday, December 28, 2006

To Whom It May Concern:


We have worked with members of White and Smith, LLC over the past several years on three separate projects that included an update to the Adequate Public Facilities Ordinance (APFO), an update to the Impact Fee Ordinance and the development of a Growth Management Ordinance (GMO).

We previously worked with Tyson Smith Esq. and Mark White Esq. when they were with the firm Freilich, Leitner & Carlisle.

In every instance, we found them to be professional, responsive and sensitive to the political implications of the proposed legislation.

I would recommend with confidence the firm of White and Smith, LLC as a consultant for any of your projects.

Sincerely,


'aim Elliott Rossing, AICP
Planning Director

<Sample Preliminary Retainer Letter>

Dear Mr. or Ms. _____:

I have prepared this Retainer Agreement for services to be provided to _____ (the "County").

Subject to your supervision and control, White & Smith, LLC (the "Firm") will assist you in connection with matters related to the County's Adequate Public Facilities Ordinance (APFO) for Public Schools. The Firm's work will include only the tasks outlined in the Methodology set forth in the Proposal dated January __, 2007 (the "Project"). This Retainer Agreement does not include litigation services. Timely coordination with members of the County will be central to the Firm's ability to perform tasks agreed to.

The cost of performing the Project will not exceed \$ _____ and the Firm's professional services will be billed based on a monthly basis. These costs will include, in addition to hourly fees, customary out-of-pocket expenses. Such expenses include, but are not limited to, postage, Federal Express or other special delivery services, travel expenses (mileage, tolls, air fares, lodging, meals, parking, etc.), photocopying, map development and generation, if needed, computerized research, and telephone conference charges.

The Firm will bill the County with monthly statements, which itemize all work performed and expenses incurred by the Firm and the subconsultants listed in the Project. The County hereby agrees to pay the Firm for professional services based upon the monthly invoice submitted by the Firm and the performance by the Firm and its subconsultants of work described therein. Statements must be paid within thirty (30) days of receipt of the statement.

We will communicate with you and other County staff by traditional means, including email. However, email may not be a secure means of communication and should not be relied upon when matters are urgent. For purposes of this Project, we will communicate with County staff, on behalf of the County Commissioners, on all matters related to the Project, unless otherwise advised by staff or the County Commissioners. As provided in the Project, we will rely on the County's designated Project Manager and other staff to keep the Firm's Project Manager informed of information related to the Project, particularly those effecting applicable timeframes and changes to local laws and legislation. Although we check email regularly, our work requires that we travel often. If a matter is urgent, please contact us at (816) 221-8700.

The Firm is responsible for performing only those tasks specifically set forth in the Project. Any other tasks or work products not specifically described therein may be performed only pursuant to a separate agreement and the parties acknowledge that the Firm is not acting as general counsel or as a general consultant to the County, but only with respect to the tasks specifically set forth in the Project. Also, the Firm makes no representation as to the outcome or the result of the Project.

Because timely payment of the Firm's expenses depends upon prompt payment of statements, your assurance that the Firm will receive payment in full within thirty (30) days of your receipt of the statement is essential for the Firm to undertake and continue work on the County's behalf. It is agreed that the Firm may withdraw from representing the County if the County does not meet its payment obligations to the Firm on a timely basis. This agreement may be terminated by either party, without cause, upon written notice to the non-terminating party. The County will be responsible for any fees and expenses incurred prior to receipt by the Firm's Project Manager of any notice of termination.

Please indicate your acceptance of the foregoing understanding and agreement as to the services to be rendered by having an authorized agent of the County sign, date, and return an original of this letter to us. The signature of an authorized representative will give this letter the binding effect of a contract with respect to the Project. Any disputes arising out of or related to this agreement shall be subject to the jurisdiction of the courts of Missouri.

Please do not hesitate to contact me should you have any questions or need more information before signing this agreement. We look forward to working with you on this matter.

Sincerely,

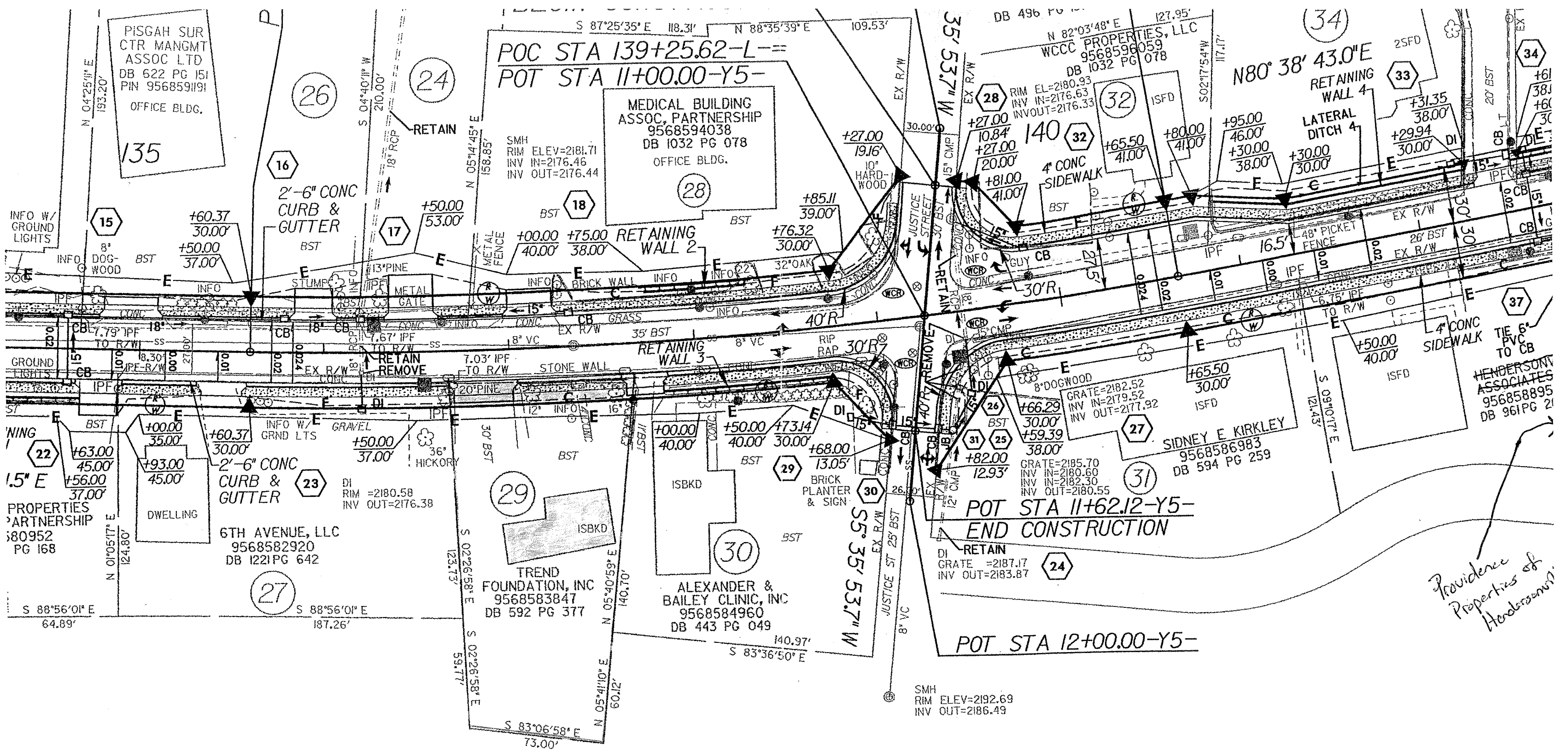
Tyson Smith, AICP
for WHITE & SMITH, LLC

I AM AUTHORIZED BY THE _____ COUNTY BOARD OF COUNTY COMMISSIONERS TO ACT ON BEHALF OF THE COUNTY WITH RESPECT TO THIS BINDING AGREEMENT AND, BY MY SIGNATURE, THE COUNTY HEREBY AGREES TO THE TERMS AND CONDITIONS SET FORTH ABOVE.

By: _____
Signature of Authorized Representative

Printed Name

Date



- Property Lines
- Temporary Construction Easement - 720 S.F. (0.02 Ac)
- Permanent Right of Way - 1,470 S.F. (0.03 Ac)
- Structures

CURVE L-5
PI 138+13.80
Δ 11° 34' 35.5" (LT)
D 2° 17' 30.6"
R 2,500.00'