

ALACHUA COUNTY 2040 MOBILITY PLAN & MOBILITY FEE

**TECHNICAL REPORT
AUGUST 2023**

PRODUCED FOR



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NUE URBAN CONCEPTS
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The logo for NUE Urban Concepts features a stylized city skyline in shades of gray above the company name. The name "NUE URBAN CONCEPTS" is written in a bold, black, sans-serif font. Below the name, the text "LAND USE • MOBILITY • PARKING • FEES" is written in a smaller, black, sans-serif font, separated by small black dots.

ALACHUA COUNTY 2040 MOBILITY PLAN & MOBILITY FEE

TECHNICAL REPORT
AUGUST 2023

Produced for: Alachua County



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August 31st, 2023

Chris Dawson, AICP
Transportation Planning Manager
Alachua County
10 SW 2nd Avenue
Gainesville, FL 32601

Re: Alachua County 2040 Mobility Plan & Mobility Fee Technical Report

Dear Chris:


Enclosed is the Technical Report for the 2040 Mobility Plan and Mobility Fee Technical Report. The Mobility Fees are intended to replace the Multimodal Transportation Mitigation (MMTM) program within the Urban Cluster and the Transportation Impact Fee (TIF) system for rural residential land uses. The Technical Report details the methodology, based on the most recent and localized data, used to calculate the Mobility Fees, and demonstrates a rational connection between growth and the need for projects in the updated Mobility Plan consistent with the requirements of Florida Statute.

The Mobility Fees features two (2) Assessment Areas based on the need for Mobility Plan projects. The Mobility Fees for the East Assessment Area are all less than current MMTM and TIF rates due to future mobility project needs being primarily multimodal and transit improvements over the next 17 years. The Mobility Fees for the West Assessment Area are up to 50% higher than existing rates due to future mobility project needs being a combination of road capacity, multimodal and transit improvements over the next 17 years. Road capacity needs include extending the County's current street network and the widening of SW 20th Avenue and NW 23rd Avenue over Interstate 75. A recent court case in Florida established that Fees reflect differences in growth and the need for improvements to accommodate that growth.

For Mobility Fee rates that increase 25% or less, the Mobility Fees can be phased-in equal increments over a two-year period. For Mobility Fee rates that increase between 25.01% and 50.0%, the Fees are required by Florida Statute to be phased-in equal increments over a four-year period. The County can elect to phase-in all increases over four-year period to limit impact to new development and the four-year phase-in would be consistent with the phasing for the County's Fire Protection and Park System Impact Fees. The existing MMTM rates were phased-in over a three-year period when they were adopted.

The Technical Report also includes detail that supports increasing the threshold for assessment of residential Mobility Fees 2,600 sq. ft. to somewhere between 3,500 to 5,500 sq. ft. The calculated Mobility Fee is consistent with all legal and statutory requirements and meets the dual rational nexus test and the rough proportionality test. The NUE Urban Concepts team looks forward to continuing to work with County staff to finalizing the Technical Report and prepare the Mobility Fee Ordinance for adoption.

Sincerely,



Jonathan B. Paul, AICP
Principal



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EXECUTIVE SUMMARY

In 1985, the Florida Legislature passed the Growth Management Act that required all local governments in Florida to adopt Comprehensive Plans to guide future development and mandated that adequate public facilities be provided “concurrent” with the impacts of new development. By 1993, the Florida Legislature recognized that an unintended consequence of transportation concurrency is that it discouraged development in urban areas where road capacity was constrained and pushed development to suburban and rural areas where road capacity was either available or was cheaper to construct.

In 2005, Alachua County enacted Transportation Impact Fees (TIF) System. In 2007, the Legislature introduced the concept of mobility plans and mobility fees as an alternative to transportation concurrency and impact fees. In 2010, Alachua County adopted a Mobility Plan and in 2011 adopted its Multimodal Transportation Mitigation (MMTM) program as an alternative concurrency system within the Urban Cluster. The MMTM replaced the TIF system, except for new vested developments in the Cluster and new development outside the Cluster.

In 2011, the Legislature eliminated state mandated transportation concurrency and made it optional for local governments. In 2013, the Legislature encouraged local governments to adopt alternative mobility funding systems, such as mobility fees based on a plan of improvements (aka mobility plan), to allow new development to equitably mitigate its impact (i.e., traffic) through a streamlined and transparent one-time payment to local governments. In 2019, the Legislature required mobility fees follow the same statutory process requirements as impact fees.

Alachua County’s updated 2040 Mobility Plan continues the development of an efficient, safe, and connected multimodal transportation system that provides travel choices for all users and meets future mobility needs from new development. The Mobility Plan features a mixture of projects such as: sidewalks, paths, trails, bicycle lanes, road widenings, new streets, safety enhancements, intersection improvements, along with related plans, programs, and studies.

The Mobility Fee features two (2) Assessment Areas and three (3) Benefit Districts to ensure Mobility Fees paid to the County are spent on projects in the Mobility Plan that provide a mobility benefit to new development that paid the Mobility Fee. The Mobility Fee will replace the MMTM program and the TIF system. **The Alachua County 2040 Mobility Plan and Mobility Fee Technical Report, dated August 2023, documents the data and methodology used to develop a Mobility Fee, based on the 2040 Mobility Plan, that meets legally established dual rational nexus and rough proportionality tests, along with the requirements of Florida Statute Sections 163.3180 and 163.31801, along with Florida Statute Chapter 380.**



INTRODUCTION

Alachua County developed Fire Protection, Park System and Transportation Impact Fees in 2004, based on a report titled “A Report Presenting Development Impact Fees.” The Impact Fees became effective in 2005. In 2007, Alachua County updated its Transportation Impact Fee (TIF) system to introduce a reduced impact fee for traditional neighborhood developments and a higher impact fee for rural development outside the County’s Urban Cluster. The County’s Impact Fees are only assessed on new development in unincorporated Alachua County. The County has not required any municipality to collect impact fees on its behalf.

In 2008, Alachua County faced a lawsuit from the Springhill Development of Regional Impact (DRI) for denying a request for a comprehensive plan amendment due to transportation concurrency and land use compatibility and a lawsuit from residents for approval of a comprehensive plan amendment for the Newberry Village Transportation Concurrency Exception for Projects that Promote Public Transportation (TCEPPT).

The County also had several roadway projects approaching capacity and a desire from the Board of County Commissioners (BOCC) to address transportation mobility by means other than widening roadways. Direction was provided to the County Administrator to approach the State of Florida to address transportation concurrency.

The Concurrency and Impact Fee Administrator with Alachua County Growth Management Staff, now the Principal of NUE Urban Concepts, had a prior history working with the Florida Department of Community Affairs (DCA) and Florida Department of Transportation (FDOT) on transportation concurrency in Hillsborough County. Alachua County staff requested a joint meeting with both Departments about developing an innovative alternative to transportation concurrency based on Florida Statute that would provide alternatives to County’s outside Miami Dade and Broward in 2008.

With approval from the BOCC and based on prior professional experience working relationships on alternative approaches to transportation concurrency, Alachua County staff worked with DCA and FDOT to use Alachua County as a real-world model to develop criteria for Mobility Plans and Mobility Fees as an alternative to transportation concurrency.

A joint study was submitted by DCA and FDOT to the Florida Legislature in 2009. While the Legislature did not take formal action to incorporate Mobility Fees into Florida Statute, DCA and FDOT supported Alachua County’s efforts to develop an alternative mobility funding system.



Alachua County Mobility Fee

The Multimodal Transportation Mitigation (MMTM) program, a precursor to a Mobility Fee, was ultimately developed to provide an alternative to transportation concurrency for new development within the Urban Cluster. The 2030 Mobility Plan for the MMTM program was adopted in 2010 and the MMTM rates, based on projects in the 2030 Mobility Plan, were adopted in 2011. The County's MMTM program received awards from DCA and 1000 Friends of Florida for its innovative approach to provide an alternative to transportation concurrency.

Alachua County was the first to adopt an alternative transportation concurrency system under the guidance developed for a mobility plan and a mobility fee. The adoption of the MMTM program in 2011 vested any approved development plans in the Urban Cluster to the Transportation Impact Fee (TIF) system. Any new development that had not received development plan approval within the Urban Cluster would be required to enter into an MMTM agreement and pay the established MMTM rates. The adoption of the MMTM program in 2011 made the TIF system only applicable to residential development outside the Urban Cluster.

In 2011, the Florida Legislature adopted the "Community Planning Act" that ended state mandated transportation concurrency, made it optional for local governments, and replaced DCA with the Florida Department of Economic Opportunity (DEO). There was a lot of statewide confusion after the "Community Planning Act" was adopted. In 2013, the Florida Legislature provided additional guidance under the "Community Planning Act" by amending Florida Statute Section 163.3180 to expressly authorize local governments to adopt Mobility Fees, based on a plan of mobility improvements, as an alternative mobility funding system.

Prior to 2015, Alachua and Pasco County were the only two local governments in Florida to adopt alternative mobility funding systems. In 2015, Osceola and Sarasota Counties, along with the Cities of Altamonte Springs and Maitland adopted Mobility Plans and Mobility Fees. After 2016, local governments through-out Florida have adopted alternative mobility funding systems, with mobility plans and mobility fees being the primary alternative elected by local governments.

The Alachua County MMTM program has been in effect for over a decade and the County has made substantial progress towards implementing the 2030 Mobility Plan, specifically: (1) the filling in of gaps and the extension of SW 8th Avenue between SW 20th Avenue and SW 143rd Street as a parallel alternative to Newberry Road; and (2) the Celebration Pointe Bridge and SW 45th Street multimodal corridor as an alternative to the Archer Road and Interstate 75 interchange. The MMTM program has allowed for development to equitably mitigate its transportation mobility impact through either payment of the MMTM to the County or the construction of mobility improvements established in the 2030 Mobility Plan.



Alachua County Mobility Fee

The MMTM agreements have served their intended purpose as an alternative to transportation concurrency. With mobility fees now having been authorized by Florida Statute for over a decade, it is an appropriate transition for the County to migrate, from its MMTM program inside the Urban Cluster and the TIF system outside of the Urban Cluster, towards a unified Mobility Fee system for new development in unincorporated Alachua County.

The current MMTM is based on a 2030 Mobility Plan developed in 2008 and adopted in 2009. The capital improvements and projects in the Mobility Plan have been updated as part of the development of a Mobility Fee to reflect additional needs from projected increases in travel demand by 2040. This Technical Report documents the data and methodology used to develop a Mobility Fee based on the most recent and localized data as required by Florida Statute.

The County does not require any municipality to collect its MMTM or TIF on behalf of the County. The adoption of a Mobility Fee will not change this for any lands within municipal limits or where a complete and valid Annexation application has been submitted to a municipality prior to the effective date of the Mobility Fee.

The County may require payment of the Mobility Fee for all property in unincorporated Alachua County that is annexed into a municipality after the effective date of the Mobility Fee, unless otherwise prohibited by a currently adopted Developer agreement or an MMTM agreement. A municipality could opt-in to the County's Mobility Fee system. An amendment to the Mobility Fee may be required if multimodal capital improvements are added to the Mobility Plan to account for a municipality opting to participate in the County's Mobility Fee system.

Within the Urban Cluster of unincorporated Alachua County, the Mobility Fee will be assessed on new development that is not covered under an existing approved and currently active MMTM Agreement. The adoption of the Mobility Fee will not modify any existing approved and unexpired MMTM agreement or a complete and valid MMTM agreement applied for prior to the effective date of the Mobility Fee. For development with an MMTM agreement that amends its development plan approvals to increase density or intensity, any new development not covered under the MMTM agreement would be assessed a Mobility Fee.

Outside the Urban Cluster in unincorporated Alachua County, the Mobility Fee will be assessed on new development that has not applied for a building permit or that has an expired building permit. The adoption of the Mobility Fee will not modify a TIF assessment for any approved building permit or any complete and valid building permit application submitted to the County prior to the effective date of the Mobility Fee.



The County may require an evaluation of the impact of a Comprehensive Plan amendment, that results in an increase in density and intensity, would have on the adopted Mobility Plan and Mobility Fee, and may require mitigative measures based on that impact. The County may need to amend its Comprehensive Plan, within a year of adopting a Mobility Fee Ordinance, to ensure that the Comprehensive Plan and the Mobility Plan are consistent and that any conflicting language due to the adoption of a Mobility Fee is removed to be consistent with requirements of Florida Statute Sections 163.6177, 163.3180, and 163.31801.

Mobility Fees in terms of their implementation, are similar to the existing MMTM program. The following is a brief summary of what “are” and “are not” Mobility Fees:

Mobility Fees “are”: (1) a streamlined one-time assessment on new development within unincorporated Alachua County; (2) intended to offset the transportation impact of new development; (3) a funding source for Mobility Plan projects; and (4) deposited into special revenue funds for Mobility Fees to be expended within three defined benefit districts.

Mobility Fees “are not”: (1) a reoccurring tax; (2) assessed to existing residential or non-residential property; (3) assessed within a municipality; and (4) deposited into general revenue funds of the County.

The calculated Mobility Fee includes existing and reasonably anticipated funding of capital improvements and projects by 2040. The Mobility Fee anticipates the majority of funding for capacity improvements on State Roads will come from federal and state funds. Reasonably anticipated funds from the County’s infrastructure sales tax for mobility related capital improvements are also included in the Mobility Fee calculation.

The Mobility Fee system features two (2) geographical based Assessment Areas for unincorporated County (**Map A**). The Mobility Fee, like the current MMTM program, also includes Assessment Areas for Traditional Neighborhood Developments (TNDs) and Transit Oriented Developments (TODs) based on projected internal capture and mode share.

Assessment Areas define where Mobility Fees will be collected from new development. The intent of different Assessment Areas is to differentiate Mobility Fee rates based on travel characteristics, internal capture for mixed-use developments, or the need for future Mobility Plan projects within a defined geographic location.



Alachua County Mobility Fee

The new East Assessment Area encompasses areas of unincorporated County east of SR 121 and east of Interstate 75, south of SR 121. The new West Assessment Area encompasses areas of unincorporated County west of SR 121 and west Interstate 75, south of SR 121. Mobility Fees within the East Assessment Area are lower due to Mobility Plan project need being multimodal facilities (i.e., bike lanes, sidewalks, paths, trails) versus new road capacity projects. Mobility Fees within the West Assessment Area are higher due to the need for future road capacity projects.

Mobility Fees, similar to the MMTM and TIF, will be assessed at the time of building permit application, or its functional equivalent, and are required to be paid prior to the issuance of a certificate of occupancy or when equivalent approval is granted by the County. Some approvals, such as a change of use or outdoor commercial recreation activities may not require a building permit. The County is not mandating municipalities collect the County's Mobility Fee on its behalf. The County is open to municipalities opting-in to the County's Mobility Fee system or adopting their own mobility fee or transportation impact fee system.

The Mobility Fee system features three (3) Benefit Districts for unincorporated County (**Map B**). Mobility Fee Benefit Districts define where collected Mobility Fees will be expended. Local governments are legally and statutorily required to spend Mobility Fees on projects identified in the Mobility Plan that provide a mobility "**benefit**" to the new development that paid the Mobility Fee.

The current MMTM program also has three (3) Benefit Districts. The existing boundaries between the Northwest and Southwest Benefit Districts have been shifted north so that the boundary between the two (2) Benefit Districts is now Newberry Road. The previous boundary was SW 8th Avenue, as improvements for SW 8th Avenue were the top 2030 Mobility Plan projects. With completion of the SW 8th Avenue improvements, the boundary is recommended to shift northward to reflect the top needed road capacity project for the Southwest Benefit District being the widening of SW 20th Avenue and top needed road capacity project for the Northwest Benefit District being the widening of NW 23rd Avenue over Interstate 75.

The eastern boundary of both Benefit Districts has also shifted to the east along SR 121 and Interstate 75, south of SR 121. This is the same boundary as the East and West Assessment Areas. The East Benefit District features a mixture of multi-use paths, trails and transit improvements and services as top priority projects. The boundaries of the Benefit Districts are intended to reflect similar travel patterns and needs for Mobility Plan projects to be funded by Mobility Fees.



When Mobility Fees are paid by new development, they will be deposited into three (3) special funds established by the County, one for each Benefit District. Since the projects funded by the MMTM and Mobility Fee are similar in nature, the County's existing special funds for the MMTM program can be converted into the special funds for Mobility Fee Benefit Districts.

The County would also earmark remaining funds in the three (3) Transportation Impact Fee accounts to fund road capacity projects and to sunset the Transportation Impact Fee special fund accounts. For fiscal year 24/25, the County could have just three (3) special funds for each of the Mobility Fee Benefit Districts and sunset existing MMTM and TIF special funds.

The Mobility Fee Ordinance will provide for the expenditure of Mobility Fee funds across the boundaries of Benefit Districts if there is a written finding that the project would provide a mobility benefit to new development that paid Mobility Fees within each Benefit District. For example, a dedicated transit lane or multi-use path along Newberry Road would provide a mobility benefit to new development in the Northwest and Southwest Benefit Districts.

The Florida Legislature requires that any increase in existing impact fees be phased-in over a multi-year period and that the increase does not exceed 50% above the existing fee rates, unless there is a finding of extraordinary circumstances. For fees that increase 25% or less, fees are required to be phased-in over two years. For fees that increase between 25.01% and 50.00%, the increase is required to be phased-in over a four-year period.

Overall, because the current MMTM rates are based on a Mobility Plan that was developed to meet future mobility needs, the increase in Mobility Fees for all land uses are 50% or less over the existing MMTM rates. Thus, the County does not need to pursue extraordinary circumstances for the conversion to a Mobility Fee system. Some of the Mobility Fee increases are less than 25%, thus the County can elect to phase-in the increases over a two-year period. The County can also elect to phase-in the Mobility Fee increase over a four-year period consistent with the phased-in increases for the updated Fire Protection and Park System impact fees. The phasing-in of Mobility Fees for more than two years would be further detailed in the Mobility Fee ordinance.

The Technical Report includes a reassessment of the current 2,600 sq. ft. threshold. Based on a detailed review of the square footage of single-family detached residential uses in Alachua County constructed between 2006 and 2023. The County could reasonably increase the threshold between 3,500 and 5,500 sq. ft. In workshops with the Board of County Commission, there have been discussions to increase the threshold to 4,000 sq. ft. for residential land uses.



The Board of County Commissioners (BOCC) will determine how Mobility Fee revenues are allocated and expended through its annual Capital Improvements Program (CIP). Mobility Fee revenues may be expended on Mobility Plan multimodal projects within a Mobility Fee Benefit District, so long as the projects are included in the CIP or the BOCC votes to add the projects through an amendment to the CIP.

The BOCC may also elect to provide matching funds to projects identified in the Gainesville Alachua County Metropolitan Transportation Planning Organization (MTPO) Long Range Transportation Plan (LRTP) or the Florida Department of Transportation (FDOT) Transportation Improvements Program (TIP). The County may also expend Mobility Fee revenues on multimodal projects identified as part of the County's sales tax program or on Special Plans or Studies adopted by the BOCC.

In recognition that the County's multimodal system is dynamic, the 2040 Mobility Plan includes **Mobility Plan Implementation projects** to allow for the County to address needs and demands due to development activity, public private partnerships, advancing projects through matching funding, and unforeseen events. It is strongly recommended that any use of Mobility Fee funds be included in the CIP as the County's Chief Financial Officer, or functional equivalent, is required, as part of the County's Annual Financial Report submitted to the State of Florida pursuant to Florida Statute Chapter 218 Section 32, to submit a statement that mobility fees were collected and expended consistent with Florida Statute 163.31801.

The County's Mobility Plan has been updated to identify mobility projects needed to meet projected travel demand in 2040. A Mobility Fee, based on the updated Mobility Plan projects, has been developed to replace the County's Multimodal Transportation Mitigation (MMTM) program within the Urban Cluster and the Transportation Impact Fee (TIF) outside the Urban Cluster. This Technical Report demonstrates that the updated Mobility Plan and the Mobility Fee meets the dual rational nexus test and rough proportionality test, along with the requirements of Florida Statute Sections 163.3180 and 163.31801 and Florida Statute Chapter 380.

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LEGISLATIVE BACKGROUND

The State of Florida passed the Growth Management Act of 1985 that required all local governments in Florida adopt Comprehensive Plans to guide future development. The Act mandated that adequate public facilities must be provided “concurrent” with the impacts of new development. State mandated “concurrency” was adopted to ensure the health, safety, and general welfare of the public by ensuring that adequate public facilities would be in place to accommodate the demand for public facilities created by new development.

Transportation concurrency became the measure used by the Florida Department of Community Affairs (DCA), Florida Department of Transportation (FDOT), Regional Planning Councils (RPCs), and local governments to ensure that adequate public facilities, in the form of road capacity, was available to meet the transportation demands from new development. To meet the travel demand impacts of new development and be deemed “concurrent”, transportation concurrency was primarily addressed by constructing new roads and widening existing roads.

Traditional transportation concurrency allowed governmental entities to deny development where road capacity was not available to meet the travel demands from new development. Transportation concurrency also allowed governmental entities to require that developments be timed or phased concurrent with the addition of new road capacity. In addition, transportation concurrency also allowed governmental entities to require new development to improve (widen) roads that were already overcapacity (aka “deficient” or “backlogged”).

In urban areas throughout Florida, traditional transportation concurrency had the unintended consequence of limiting and stopping growth in urban areas. This occurred because roads were often over capacity based on traffic already on the roads or the combination of that traffic and trips from approved developments. Further, the ability to add road capacity in urban areas was more limited as right-of-way was often constrained by existing development and utilities, physical barriers, and environmental protections.

Stopping development in urban areas encouraged suburban sprawl by forcing new development to suburban and rural areas where road capacity was either readily available or cheaper to construct. In the late 90’s, as the unintended impact of transportation concurrency became more apparent, the Legislature adopted Statutes to provide urban areas with alternatives to address the impact of new development through Transportation Concurrency Exception Areas (TCEA) and Transportation Concurrency Management Areas (TCMA).



The intent of TCEAs and TCMAs was to allow local governments alternative solutions to provide mobility within urban areas by means other than providing road capacity and to allow infill and redevelopment in urban areas. In the mid 2000's, Florida experienced phenomenal growth that strained the ability of local governments to provide the necessary infrastructure to accommodate that growth. Many communities across the State started to deny new developments, substantially raise impact fees, and require significant transportation capacity improvements. In 2005, the Legislature enacted several laws that weakened the ability of local governments to implement transportation concurrency by allowing new development to make proportionate share payments to mitigate its travel demand. The Legislature also introduced Multi-Modal Transportation Districts (MMTD) for areas that did not meet requirements to qualify for TCEAs or TCMAs.

In 2007, the Florida Legislature introduced the concept of mobility plans and mobility fees to allow development to equitably mitigate its impact and placed additional restrictions on the ability of local governments to charge new development for over capacity roadways. The Legislature directed the Florida Department of Community Affairs (DCA) and the Florida Department of Transportation (FDOT) to evaluate mobility plans and fees and report the findings to the Legislature in 2009.

In 2009, the Legislature designated Dense Urban Land Areas (DULA), which are communities with a population greater than 1,000 persons per square mile, as TCEA's. The Legislature accepted the findings of the DCA and FDOT analysis for mobility plans and mobility fees but did not take any formal action as the State was in the great recession. The Legislature also placed further restrictions on local government's ability to implement transportation concurrency, by adding direction on how to calculate proportionate share and how overcapacity roads are addressed.

In 2011, the Florida Legislature through House Bill (HB) 7207 adopted the "Community Planning Act" which implemented the most substantial changes to Florida's growth management laws since the 1985 "Local Government Comprehensive Planning and Land Development Regulation Act," which had guided comprehensive planning in Florida for decades. The 2011 legislative session eliminated State mandated concurrency, made concurrency optional for local governments, and eliminated the Florida Department of Community Affairs (DCA) and replaced it with the Florida Department of Economic Opportunity (DEO). The Act essentially removed the DEO, Florida Department of Transportation (FDOT), and Regional Planning Councils (RPC) from the transportation concurrency review process. Although local governments are still required to adopt and implement a comprehensive plan, the requirements changed significantly and shifted more discretion to local governments to plan for mobility within their community and enacted further restrictions on the implementation of transportation concurrency, proportionate share, and backlogged roads.



The Florida Legislature did not include any provisions in House Bill 7207 exempting local governments existing transportation concurrency system, when it elected to abolish statewide transportation concurrency, made transportation concurrency optional for local governments, and enacted further restrictions on the implementation of transportation concurrency. Florida Statute Section 163.3180(1) provides local governments with flexibility to establish concurrency requirements:

“Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction”.

House Bill 319, passed by the Florida Legislature in 2013, amended the Community Planning Act and brought about more changes in how local governments could implement transportation concurrency and further recognized the ability of local governments to adopt alternative mobility funding system, such as mobility fees based on a plan of improvements, to allow development, consistent with an adopted Comprehensive Plan, to equitably mitigate its travel demand impact. Florida Statute Section 163.3180(5)(i) states:

“If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).”

Prior to the passage of the Florida Community Planning Act by the Legislature on June 2, 2011, transportation concurrency was mandatory for local governments statewide, except those with approved TCEAs or MMTDs. After adoption of the Community Planning Act, transportation concurrency became optional for any local government and the Legislature encouraged local governments to adopt alternative mobility funding systems and specifically references mobility fees, based on a plan for mobility improvements.



Accordingly, the Florida Department of Economic Opportunity (DEO), which replaced the Department of Community Affairs, provides the following direction related to elimination of transportation concurrency and adoption of a mobility fee-based plan, in accordance with Florida Statute 163.3180:

“Transportation Concurrency

In accordance with the Community Planning Act, local governments may establish a system that assesses landowners the costs of maintaining specified levels of service for components of the local government's transportation system when the projected impacts of their development would adversely impact the system. This system, known as a concurrency management system, must be based on the local government's comprehensive plan. Specifically, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide the application of its transportation concurrency management system.

Prior to June 2, 2011, transportation concurrency was mandatory for local governments. Now that transportation concurrency is optional, if a local government chooses, it may eliminate the transportation concurrency provisions from its comprehensive plan and is encouraged to adopt a mobility fee based plan in its place (see below). Adoption of a mobility fee based plan must be accomplished by a plan amendment that follows the Expedited State Review Process. A plan amendment to eliminate transportation concurrency is not subject to state review.

It is important to point out that whether or not a local government chooses to use a transportation concurrency system, it is required to retain level of service standards for its roadways for purposes of capital improvement planning. The standards must be appropriate and based on professionally accepted studies, and the capital improvements that are necessary to meet the adopted levels of service standards must be included in the five-year schedule of capital improvements. Additionally, all local governments, whether implementing transportation concurrency or not, must adhere to the transportation planning requirements of section 163.3177(6)(b), Florida Statutes.

Mobility Fee Based Plans

If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in section 163.3180(5)(f), Florida Statutes:

Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity, and density.

Adoption of an area wide level of service not dependent on any single road segment function. Exempting or discounting impacts of locally desired development.



Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit.

Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility.

Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.” (Appendix A)

In 2019, the Florida Legislature, through House Bill 7103, amended the Community Planning Act and required mobility fees to be governed by the same procedures as impact fees. This amendment further confirmed that mobility fees are an equivalent form of mitigation to impact fees that allow development to mitigate its impact to the transportation system consistent with the needs identified in the local governments adopted mobility plan per Florida Statute Section 163.3180(5)(i):

“If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with s. 163.31801 governing impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).”

The Legislature recognized mobility fees as alternative mobility funding systems to replace transportation concurrency and proportionate share systems under Florida Statute Section 163.3180. The elimination of state mandated transportation concurrency was the culmination of 20 years of amendments to Florida Statute Section 163.3180 and a recognition that governments cannot build their way out of congestion. The allowance to adopt alternative mobility funding systems was a recognition of the need for government to proactively plan for mobility in their community, instead of reactively regulating traffic and road capacity.

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THE IMPACT FEE ACT & CASE LAW OVERVIEW

Local governments through-out Florida began adopting road impact fees in the late 70's and early 80's as a means for new development to pay for its traffic impact and provide local governments with revenues to fund transportation infrastructure improvements. Counties, especially Charter Counties, began to require that municipalities collect road impact fees on their behalf to fund improvements to the county road system. Throughout the 1980's, 1990's, and 2000's, municipalities through-out Florida challenged the ability of counties to compel municipalities to collect road impact fees for new development. The opposition stemmed in part from an unintended consequence of transportation concurrency which was that it essentially stopped development in urban areas (aka "municipalities"). Both municipalities and development activity were constrained in their ability to add road capacity due to cost of acquiring developed land and fierce opposition from existing residents concerned about increased traffic and the impact new road capacity would have on their homes.

The inability of development activity in urban areas to meet transportation concurrency resulted in development moving to suburban and rural areas (aka "urban sprawl") where fewer residents would come out in opposition to new road capacity improvements and road capacity was either available or was cheaper to construct. Municipalities found themselves in the unenviable position of sending road impact fees to counties, when development activity did meet concurrency, only to see those road impact fees being spent on new road capacity projects outside of urban areas that made it even easier for development activity to continue to sprawl outside municipalities.

Further, the courts frequently sided with counties, as municipalities that did challenge the legality of counties compelling them to collect impact fees did not offer alternatives to show how they would address the traffic impacts from new development. These challenges all occurred prior to the Florida Legislature adopting the "Impact Fee Act" through Florida Statute 163.31801. Further, these challenges also existed prior to the introduction of mobility plans and mobility fees and the adoption of the "Community Planning Act" through Florida Statute 163.3180.

Before the Florida "Impact Fee Act" was adopted, many local governments had already developed impact fees through their home rule powers. In 2006, the Legislature adopted the "Impact Fee Act" to provide process requirements for the adoption of impact fees and formally recognized the authority of local governments to adopt impact fees. Prior to 2006, the Florida Legislature, unlike many States throughout the U.S. that had adopted enabling legislation, elected to defer to the significant case law that had been developed in both Florida and throughout the U.S. to provide guidance to local governments to adopt impact fees.



In 2009, the Legislature made several changes to the “Impact Fee Act”, the most significant of which was placing the burden of proof on local governments, through a preponderance of the evidence, that the imposition of the fee meets legal precedent and the requirements of Florida Statute Section 163.31801. Prior to the 2009 amendment, Courts generally deferred to local governments as to the validity of an imposed impact fee and placed the burden of proof, that an imposed impact fee was invalid or unconstitutional on the plaintiff. Prior to 2020, there had yet to be a legal challenge to impact fees in Florida since the 2009 legislation, due in large part to the great recession and the fact that many local governments either reduced impact fees or placed a moratorium on impact fees between 2009 and 2015.

In 2019, the Legislature, through HB 207 and HB 7103, made several changes to the “Impact Fee Act”, the most significant of which was the requirement that fees not be collected before building permit. The changes also expanded on the requirements of the dual rational nexus test, the collection and expenditure of fees, credits for improvements and administrative cost.

In 2020, the Legislature, through SB 1066, made several additional changes to the Impact Fee Act to clarify that new or updated impact fees cannot be assessed on a permit if the permit application was pending prior to the new or updated fee. The bill also made credits assignable and transferable to third parties.

In 2021, the Legislature, through HB 337 made significant amendments to the “Impact Fee Act”, which the Governor subsequently approved. The amendments require that impact fees be based on planned improvements and that there is a clear nexus between the need for improvements and the impact from new development. The amendments have a greater impact on increases to existing impact fees and have phasing requirements for increases to existing fees. There are provisions that allow a local government to fully implement updated fees based on a finding of extraordinary circumstances, holding public hearings, and requiring a super majority approval by elected officials. Florida Statute Section 163.31801 now reads as follows **(Appendix B)**:

“(1) This section may be cited as the “Florida Impact Fee Act.”

“(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments’ reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.



(3) For purposes of this section, the term:

- (a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).**
- (b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.**

(4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

- (a) Ensure that the calculation of the impact fee is based on the most recent and localized data.**
- (b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.**
- (c) Limit administrative charges for the collection of impact fees to actual costs.**
- (d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.**
- (e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.**
- (f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.**
- (g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.**



- (h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.*
- (i) Ensure that revenues generated by the impact fee are used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.*
- (5)(a) Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public facilities or infrastructure, including land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.*
- (b) If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).*
- (6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.*

 - (a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.*
 - (b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.*
 - (c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.*
 - (d) An impact fee increase may not exceed 50 percent of the current impact fee rate.*
 - (e) An impact fee may not be increased more than once every 4 years.*
 - (f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.*
 - (g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:*



1. ***A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.***
2. ***The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).***
3. ***The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.***

(h) This subsection operates retroactively to January 1, 2021.

- (7) If an impact fee is increased, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established.***
- (8) A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.***
- (9) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.***
- (10) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after the date the act become law.***
- (11) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.***



- (12) *This section does not apply to water and sewer connection fees.*
- (13) *In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district county, municipality, or special district must report all of the following information data on all impact fees charged:*
- (a) *The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.*
 - (b) *The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.*
 - (c) *The amount assessed for each purpose and for each type of dwelling.*
 - (d) *The total amount of impact fees charged by type of dwelling.*
 - (e) *Each exception and waiver provided for construction or development of housing that is affordable.”*

One of the purposes of this Technical Report, consistent with Florida Statute Section 163.31801(4)(f) and (g), is to demonstrate that Alachua County’s Mobility Fee is proportional and reasonably connected to, or has a rational nexus with, both the **“need”** for new Mobility Plan projects and the mobility **“benefits”** provided to those who pay the fee, otherwise known as the **“dual rational nexus test”**, herein further described as:

The “Need” for additional (new) capital facilities (projects) to accommodate the increase in demand (impact) from growth (new development), and

The “Benefit” that the new growth receives from the payment and expenditure of fees to construct the new capital facilities (projects).

In addition to the **“dual rational nexus test”**, the U.S. Supreme Court in *Dolan v. Tigard* also established a **“rough proportionality test”** to address the relationship between the amount of a fee imposed on development activity and the impact of the development activity. The **“rough proportionality test”** requires that there be a reasonable relationship (proportional and reasonably connected) between the impact fee and the impact of development activity based upon the applicable unit of measure for residential and non-residential uses. The **“rough proportionality test”** further requires that the variables used to calculate a fee are reasonably assignable and attributable to the impact of development activity.



The Courts recognized the authority of a municipality to impose “impact fees” in Florida occurred in 1975 in the case of *City of Dunedin v. Contractors and Builders Association of Pinellas County*, 312 So.2d 763 (2d DCA. Fla., 1975), where the court held: “that the so-called impact fee did not constitute taxes but was a charge using the utility services under Ch. 180, F. S.”

The Court set forth the following criteria to validate the establishment of an impact fee:

“...where the growth patterns are such that an existing water or sewer system will have to be expanded in the near future, a municipality may properly charge for the privilege of connecting to the system a fee which is in excess of the physical cost of connection, if this fee does not exceed a proportionate part of the amount reasonably necessary to finance the expansion and is earmarked for that purpose.” 312 So.2d 763, 766, (1975).

The case was appealed to the Florida Supreme Court and a decision rendered in the case of *Contractors and Builders Association of Pinellas County v. City of Dunedin* 329 So.2d 314 (Fla. 1976), in which the Second District Court's decision was reversed. The Court held that “impact fees” did not constitute a tax; that they were user charges analogous to fees collected by privately owned utilities for services rendered.

However, the Court reversed the decision, based on the finding that the City did not create a separate fund where impact fees collected would be deposited and earmarked for the specific purpose for which they were collected, finding:

“The failure to include necessary restrictions on the use of the fund is bound to result in confusion, at best. City personnel may come and go before the fund is exhausted, yet there is nothing in writing to guide their use of these moneys, although certain uses, even within the water and sewer systems, would undercut the legal basis for the fund's existence. There is no justification for such casual handling of public moneys, and we therefore hold that the ordinance is defective for failure to spell out necessary restrictions on the use of fees it authorizes to be collected. Nothing we decide, however prevents Dunedin from adopting another sewer connection charge ordinance, incorporating appropriate restrictions on use of the revenues it produces. Dunedin is at liberty, moreover, to adopt an ordinance restricting the use of moneys already collected. We pretermitt any discussion of refunds for that reason.” 329 So.2d 314 321, 322 (Fla. 1976)

The case tied impact fees directly to growth and recognized the authority of a local government to impose fees to provide capacity to accommodate new growth and basing the fee on a proportionate share of the cost of the needed capacity. The ruling also established the need for local government to create a separate account to deposit impact fee collections to help ensure those funds are expended on infrastructure capacity.



The Utah Supreme Court had ruled on several cases related to the imposition of impact fees by local governments before hearing *Banberry v. South Jordan*. In the case, the Court held that: “the fair contribution of the fee-paying party should not exceed the expense thereof met by others. To comply with this standard a municipal fee related to service like water and sewer must not require newly developed properties to bear more than their equitable share of the capital costs in relation to the benefits conferred” (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 899 (Utah 1981)). To provide further guidance for the imposition of impact fees, the court articulated seven factors which must be considered (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 904 (Utah 1981)):

- “(1) the cost of existing capital facilities;***
- (2) the manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes or federal grants);***
- (3) the relative extent to which the newly developed properties and the other properties in the municipality have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments, or payment from the proceeds of general taxes);***
- (4) the relative extent to which the newly developed properties in the municipality will contribute to the cost of existing capital facilities in the future;***
- (5) the extent to which the newly developed properties are entitled to a credit because the municipality is requiring their developers or owners (by contractual arrangement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the municipality and financed through general taxation or other means (apart from user fees) in other parts of the municipality;***
- (6) extraordinary costs, if any, in servicing the newly developed properties; and***
- (7) the time-price differential inherent in fair comparisons of amounts paid at different times.”***

The Court rulings in Florida, Utah and elsewhere in the U.S. during the 1970’s and early 1980’s led to the first use of what ultimately became known as the “dual rational nexus test” in *Hollywood, Inc. v. Broward County*; which involved a Broward County ordinance that required a developer to dedicated land or pay a fee for the County park system. The Florida Fourth District Court of Appeal found to establish a reasonable requirement for dedication of land or payment of an impact fee that:

“... the local government must demonstrate a reasonable connection, or rational nexus between the need for additional capital facilities and the growth of the population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for the use in acquiring capital facilities to benefit new residents.” (*Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA), rev. denied, 440 So. 2d 352 (Fla. 1983).



In 1987, the first of two major cases were heard before the U.S. Supreme Court that have come to define what is now commonly referred to as the “dual rational nexus test”. The first case was *Nollan v. California Coastal Commission* which involved the Commission requiring the Nollan family to dedicate a public access easement to the beach in exchange for permitting the replacement of a bungalow with a larger home which the Commission held would block the public’s view of the beach. Justice Scalia delivered the decision of the Court: “The lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was...Unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but an out-and-out plan of extortion (*Nollan v. California Coastal Commission*, 483 U. S. 825 (1987))”. The Court found that there must be an essential nexus between an exaction and the government's legitimate interest being advanced by that exaction (*Nollan v. California Coastal Commission*, 483 U. S. 836, 837 (1987)).

The second case, *Dolan v. Tigard*, heard by the U.S. Supreme Court in 1994 solidified the elements of the “dual rational nexus test”. The Petitioner Dolan, owner, and operator of a Plumbing & Electrical Supply store in the City of Tigard, Oregon, applied for a permit to expand the store and pave the parking lot of her store. The City Planning Commission granted conditional approval, dependent on the property owner dedicating land to a public greenway along an adjacent creek and developing a pedestrian and bicycle pathway to relieve traffic congestion. The decision was affirmed by the Oregon State Land Use Board of Appeal and the Oregon Supreme Court. The U.S. Supreme Court overturned the ruling of the Oregon Supreme Court and held:

“Under the well-settled doctrine of “unconstitutional conditions,” the government may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. In evaluating Dolan's claim, it must be determined whether an “essential nexus” exists between a legitimate state interest and the permit condition. Nollan v. California Coastal Commission, 483 U. S. 825, 837. If one does, then it must be decided whether the degree of the exactions demanded by the permit conditions bears the required relationship to the projected impact of the proposed development.” Dolan v. City of Tigard, 512 U.S. 383, 386 (1994)

The U.S. Supreme Court in addition to upholding the “essential nexus” requirement from *Nollan* also introduced the “rough proportionality” test and held that:

“In deciding the second question-whether the city's findings are constitutionally sufficient to justify the conditions imposed on Dolan's permit-the necessary connection required by the Fifth Amendment is “rough proportionality.” No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the proposed development's impact. This is essentially the “reasonable relationship” test adopted by the majority of the state courts. Dolan v. City of Tigard, 512 U.S. 388, 391 (1994)”



An often-overlooked component of *Dolan v. City of Tigard* is the recognition that while multimodal facilities may off-set traffic congestion there is a need to demonstrate or quantify how the dedication of a pedestrian / bicycle pathway would offset the traffic demand generated. per the following excerpt from the opinion of the Court delivered by Chief Justice Rehnquist:

“The city made the following specific findings relevant to the pedestrian/bicycle pathway: “In addition, the proposed expanded use of this site is anticipated to generate additional vehicular traffic thereby increasing congestion on nearby collector and arterial streets. Creation of a convenient, safe pedestrian/bicycle pathway system as an alternative means of transportation could offset some of the traffic demand on these nearby streets and lessen the increase in traffic congestion.” We think a term such as “rough proportionality” best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.

With respect to the pedestrian/bicycle pathway, we have no doubt that the city was correct in finding that the larger retail sales facility proposed by petitioner will increase traffic on the streets of the Central Business District. The city estimates that the proposed development would generate roughly 435 additional trips per day. Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by the petitioner’s development reasonably relate to the city’s requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway “could offset some of the traffic demand . . . and lessen the increase in traffic congestion.”

“As Justice Peterson of the Supreme Court of Oregon explained in his dissenting opinion, however, “[t]he findings of fact that the bicycle pathway system could offset some of the traffic demand’ is a far cry from a finding that the bicycle pathway system will, or is likely to, offset some of the traffic demand.” 317 Ore., at 127, 854 P. 2d, at 447 (emphasis in original). No precise mathematical calculation is required, but the city must make some effort to quantify its findings in support of the dedication for the pedestrian/bicycle pathway beyond the conclusory statement that it could offset some of the traffic demand generated.” Dolan v. City of Tigard, 512 U.S. 687 (1994).

The U.S. Supreme Court recently affirmed, through *Koontz vs. St. Johns River Water Management District*, that the “dual rational nexus” test equally applies to monetary exactions in the same manner as a governmental regulation requiring the dedication of land. Justice Alito described:

“Our decisions in Nollan v. California Coastal Commission, 483 U. S. 825 (1987), and Dolan v. City of Tigard, 512 U. S. 374 (1994), provide important protection against the misuse of the power of land-use regulation. In those cases, we held that a unit of government may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of his property unless there is a “nexus” and “rough proportionality” between the government’s demand and the effects of the proposed land use. In this case, the St. Johns River Water Management District (District) believes that it circumvented



Nollan and Dolan because of the way in which it structured its handling of a permit application submitted by Coy Koontz, Sr., whose estate is represented in this Court by Coy Koontz, Jr. The District did not approve his application on the condition that he surrender an interest in his land. Instead, the District, after suggesting that he could obtain approval by signing over such an interest, denied his application because he refused to yield.” Koontz v. St. Johns River Water Management District 1333 S. Ct. 2586 (2013).

“That carving out a different rule for monetary exactions would make no sense. Monetary exactions—particularly, fees imposed “in lieu” of real property dedications—are “commonplace” and are “functionally equivalent to other types of land use exactions.” To subject monetary exactions to lesser, or no, protection would make it “very easy for land-use permitting officials to evade the limitations of Nollan and Dolan.” Furthermore, such a rule would effectively render Nollan and Dolan dead letters “because the government need only provide a permit applicant with one alternative that satisfies the nexus and rough proportionality standard, a permitting authority wishing to exact an easement could simply give the owner a choice of either surrendering an easement or making a payment equal to the easement’s value.” Koontz v. St. Johns River Water Management District 1333 S. Ct. 2599 (2013).

The Florida First District Court of Appeals recently affirmed, through *The BoCC of Santa Rosa County vs. the Builders Association of West Florida*, that impact fees are required to meet the “dual rational nexus” test to avoid being found to be an unconstitutional tax. The Court cited the following sections of Florida Statute:

“Second, the Florida Impact Fee Act sets forth the minimum statutory requirements for a valid impact fee. § 163.31801(3), Fla. Stat. (2019). The Act requires impact fees to be based on the “most recent and localized data.” § 163.31801(3)(a), Fla. Stat.” The Board of County Commissioners v. Home Builders Assoc. of West Florida, Inc., 325 So. 3d 981, 985 (Fla. Dist. Ct. App. 2021).

The Court cited expert testimony that the County’s school impact fee did not recognize differences in growth or needs that would be the basis for different fees based on geographic location and needs due to new growth:

“the impact fees failed the dual rational nexus test because they did not account for the differences between the northern and southern parts of the county. This resulted in impact fees that were disproportionate to the growth in these geographical regions.” The Board of County Commissioners v. Home Builders Assoc. of West Florida, Inc., 325 So. 3d 981, 985 (Fla. Dist. Ct. App. 2021).

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GROWTH

The first requirement of the “**dual rational nexus**” for the County’s Mobility Fee is to demonstrate that there is a need for multimodal projects to accommodate the increase in person travel demand from development activity. An evaluation of existing population and employment and projected growth in population and employment was conducted for Aachua County (**Table 1**).

Current population data for Aachua County is based on the annual projections prepared by the Bureau of Economic and Business Research (BEBR) at the University of Florida. The projected increase in population is based on the medium estimate provided by BEBR.

The U.S. Census OnTheMaps Application was utilized to obtain total employment data in 2019. Total employment are all jobs (part-time and full-time) within the County, not the number of people who live and are employed in Aachua County. While 2020 employment data is available, due to Covid-19 and the impact on employment, the 2019 data was utilized. The 2040 employment projections are based on the historic growth on employment between 2009 and 2019.

The projected increase in both population and employment will generate additional person travel demand from new development. This increase in person travel demand will create a future “**need**” for Mobility Plan projects to meet that demand.

TABLE 1. PROJECTED GROWTH

Year	Population	Employees
2022	287,872	139,570
2040 (Mobility Plan future year)	330,200	199,340
Increase	42,328	59,770

Source: 2022 and 2040 population for Aachua County based on Bureau of Economic and Business Research (BEBR) based on data released in 2023. Employment in 2022 based on 2019 OnTheMap application employment data provided by the U.S. Census Bureau multiplied by a 2.9% annual growth rate (**Appendix C**). The 2022 and 2040 projected employment based on annual growth rate of 2.9% between 2009 and 2019 (**Appendix C**). The 2019 employment data was utilized due to the Covid-19 pandemic.

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MOBILITY FEE ASSESSMENT AREAS

There are two kinds of geographic areas in mobility fee systems: assessment areas and benefit districts. Assessment areas define where development activity is assessed and where Mobility Fees are collected from that new development. Benefit districts define where Mobility Fees collected from new development can be expended on Mobility Plan projects.

Assessment areas maybe based on either a geographic location, such as a downtown, or a type of development pattern, such as a traditional neighborhood development (TND). New development will only pay the calculated mobility fee rate applicable to the assessment area in which the new development is located.

The establishment of different assessment areas is done in recognition that certain geographic locations have different mobility needs to meet projected travel demand. Different assessment areas are also established for mixed-use developments that will result in shorter trips, more people walking and bicycling, and higher levels of internal capture; thus, minimizing impact to the external roadway network. The primary purpose in establishing multiple assessment areas is to reflect differences in mobility fees based on either mobility needs or reductions in external trips due to internal capture and mode share.

The Mobility Fee system features two (2) geographical based Assessment Areas for unincorporated County (**Map A**). The new East Assessment Area encompasses areas of unincorporated County east of SR 121 and east of Interstate 75, south of SR 121. The new West Assessment Area encompasses areas of unincorporated County west of SR 121 and west Interstate 75, south of SR 121. The two Mobility Fee Assessment Areas reflect that the updated 2040 Mobility Plan features very different road capacity needs in eastern Alachua County versus western Alachua County.

The establishment of the Mobility Fee Assessment Areas was in recognition of the recent court case between the Santa Rosa County Board of County Commissioners versus the West Florida Builders Association related to school impact fees. The courts found that there was a difference in projected need for new schools based on population growth and that the calculated school impact fees did not appropriately reflect the difference in the need for new schools based on geographic location and projected growth within the County.



The 2030 Mobility Plan, which serves as the basis for calculation of the existing MMTM rates, included road, multimodal, and transit capacity projects for areas through-out the Urban Cluster of Alachua County. The road capacity projects in the eastern portion of unincorporated Alachua County have either been completed, such as capacity projects along SE 43rd Street, or determined to no longer be needed by 2040, such as the widening of NE 39th Avenue (SR 222) near the Gainesville Regional Airport.

The Mobility Fee reflects that the 2040 Mobility Plan features very different road capacity needs in eastern Alachua County versus western Alachua County. The mobility projects in eastern Alachua County are primarily new sidewalks, paths, trails, and transit facilities and services. The mobility projects in western Alachua County include new road capacity, along with new sidewalks, paths, trails, and transit facilities and services. The new road capacity projects in western Alachua County include the widening for two (2) bridges over Interstate 75, the widening of portions of Archer Road and Williston Road, and the construction of new two (2) lane roads.

The calculated Mobility Fees within the East Assessment Area are lower due to Mobility Plan project need being multimodal facilities (i.e., bike lanes, sidewalks, paths, trails) versus new road capacity projects. The calculated Mobility Fees within the West Assessment Area are higher due to the need for future road capacity projects.

The current MMTM program has different Assessment Areas for Traditional Neighborhood Developments (TNDs) and Transit Oriented Developments (TODs) based on projected internal capture and mode share. The calculated Mobility Fee also includes different rates for TNDs and TODs. The rates differ for TNDs and TODs depending on whether they are located in the East or West Assessment Areas. This approach has been used in the 2022 update of Sarasota County's Mobility Plan and Mobility Fee conducted by NUE Urban Concepts.

Mobility Fees, similar to the MMTM and TIF, will be assessed at the time of building permit application, or its functional equivalent, and are required to be paid prior to the issuance of a certificate of occupancy or when equivalent approval is granted by the County. Some approvals, such as a change of use or outdoor commercial recreation activities may not require a building permit. The County is not mandating municipalities collect the County's Mobility Fee on its behalf. The County is open to municipalities opting-in to the County's Mobility Fee system or adopting their own mobility fee or transportation impact fee system.



VEHICLE MILES OF TRAVEL (VMT)

The growth in vehicle miles of travel (VMT) is one of the factors evaluated to determine the need for future Mobility Plan projects within the County. The model network from latest version of the Northeast Florida Regional Planning Model (NEFRPM) was used to evaluate the VMT growth within Alachua County between 2015 and 2045 (**Appendix D**).

The growth in Vehicle Miles of Travel (VMT) between 2023 and 2040 was evaluated for both the East and West Assessment Areas and Interstate 75 (**Map C**). The projected increase in VMT of 2,017,371 within Alachua County will generate additional vehicle travel demand and create a “need” for Mobility Plan projects to meet that demand (**Table 2**).

The Mobility Fee calculations utilize travel on limited access facilities to adjust overall travel lengths in the calculation of person travel demand. Travel on limited access facilities is excluded from Mobility Fee calculations due to improvements being primarily funded through federal gas taxes. Interstate 75 is the only limited access facility within Alachua County.

TABLE 2. GROWTH IN VEHICLE MILES OF TRAVEL (VMT)

Year	East Evaluation Area	West Evaluation Area	Interstate 75	Total
2015 (Model base year)	2,840,148	3,431,207	2,260,021	8,531,376
2023 (Mobility Fee base year)	3,104,737	3,747,338	2,500,218	9,352,293
2040 (Mobility Fee future year)	3,751,700	4,519,176	3,098,789	11,369,665
VMT increase (2023 to 2040)	646,963	771,838	598,571	2,017,371

Source: Projected growth in VMT prepared by NUE Urban Concepts, LLC (**Appendix D**). The 2015 base year and 2045 future year VMT were extracted using the FDOT District 2 Northeast Florida Regional Planning Model Activity Model Version 2.0 by FuturePlan Consulting, LLC. The model files were obtained from FDOT District 2 and the Gainesville Alachua County Metropolitan Planning Organization (MTPO). The annual growth rates are as follows: 1.12% East Evaluation Area; 1.11% West Evaluation Area; 1.27% Interstate 75. The model growth rates were used to calculate the 2023 Mobility Fee base year VMT. The VMT increase is based on the difference between 2023 and 2040.

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PERSON MILES OF TRAVEL (PMT)

The growth in vehicle miles of travel (VMT) is often used in road impact fees to evaluate the need for road capacity improvements to move vehicles. Mobility Fees utilize person miles of travel (PMT) to evaluate the need for multimodal projects to move people. To account for multimodal trips made by people walking, biking, riding transit, and the number of people per vehicle (aka vehicle occupancy), the projected increase in vehicle miles of travel (VMT) demand is converted into person miles of travel (PMT) demand for arterial and collector roads.

The conversion is based on person and vehicle trips and trip length data for Florida obtained from the 2017 National Household Travel Survey (NHTS). The NHTS data is used to calculate a person miles of travel factor (PMTf) based on PMT and VMT per trip purpose. The evaluation of the vehicle and person data from the 2017 NHTS resulted in a person miles of travel factor (PMTf) of 1.83 (Appendix E).

Figure 1: Person Miles of Travel (PMT) Increase

Person Miles of Travel increase (PMTi)

$$\sum \text{VMT} = (\sum \text{Vehicle per Trip} \times \sum \text{Average Vehicle Trip Length})$$

$$\sum \text{PMT} = (\sum \text{Persons per Trip} \times \sum \text{Average Person Trip Length})$$

$$\text{PMTf} = (\sum \text{ of PMT} / \sum \text{ of VMT})$$

$$\text{VMTi} = (2040 \text{ VMT} - 2023 \text{ VMT})$$

$$\text{PMTi} = (\text{VMTi} \times \text{PMTf})$$

WHERE:

VMT = Vehicle Miles of Travel

PMT = Person Miles of Travel

\sum VMT = Sum of Vehicle Miles of Travel by trip purpose (Appendix E)

\sum PMT = Sum of Person Miles of Travel by trip purpose (Appendix E)

PMTf = Person Miles of Travel factor

VMTi = Vehicle Miles of Travel Increase (Table 2)

PMTi = Person Miles of Travel increase (Table 3)

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The increase in person miles of travel (PMT) is based on the projected increase in vehicle miles of travel (VMT) multiplied by the applicable person miles of travel factor (PMTf) illustrated in further detail on **Figure 1**. The total increase of 1,183,942 person miles of travel (PMT) for the East Evaluation area and 1,412,464 person miles of travel (PMT) for the West Evaluation area demonstrates that there is projected growth in future travel demand by 2040 (**Table 3**).

Travel on limited access facilities is not included in the calculation of increases in PMT. The growth in PMT will result in the “**need**” for multimodal projects to accommodate the increase in future travel demand (**Table 3**). The documented increase in PMT and the identification of needed Mobility Plan projects demonstrates compliance with the “**needs**” test of the dual rational nexus test.

The following is the calculation for the increase in PMT for the Evaluation Areas:

East Evaluation Area: VMT increase x PMTf = PMTi (646,963 x 1.83 = 1,183,942)

West Evaluation Area: VMT increase x PMTf = PMTi (771,838 x 1.83 = 1,412,464)

TABLE 3. INCREASE IN PERSON MILES OF TRAVEL (PMTi)

VMT & PMT	East Evaluation Area	West Evaluation Area
2040 Vehicle Miles of Travel increase (VMTi)	646,963	771,838
Person Miles of Travel factor (PMTf)	1.83	1.83
Total Increase in Person Miles of Travel (PMTi)	1,183,942	1,412,464

Source: The 2040 VMT increase was obtained from **Table 2**. PMTi obtained by multiplying VMTi by the PMTf per **Figure 1**. The calculation for the increase in PMT is illustrated above **Table 3**. Evaluation Areas illustrated on **Map C**.

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MOBILITY FEE

The bases for Alachua County’s Mobility Fee are the updated projects identified in the 2040 Mobility Plan, consistent with Florida Statute 163.3180(5)(i). Mobility Fees collected from new development are to be expended on the projects identified in the Mobility Plan (**Figure 2**). The projects identified in the Mobility Plan are intended to provide the person miles of capacity needed to meet future person miles of travel demand, consistent with the “needs” requirement of the dual rational nexus test. The Mobility Fees collected from new development are to be used to fund the needed projects to provide a mobility benefit to new development and serve the increase in person travel demand from that development, consistent with the “benefits” requirement of the dual rational nexus test.

Figure 2. Mobility Plan and Mobility Fee





EXISTING CONDITIONS EVALUATION (ECE)

Florida Statute prohibits local governments from charging development activity for an existing transportation deficiency (aka over capacity or backlogged roads), except for Mobility Fees. Per Florida Statute Section 163.3180(i), Mobility Fees can be assessed to cure an existing transportation deficiency; other alternative mobility funding systems may not. The capacity of the major road system has been evaluated on a system-wide basis to ensure that development activity is not being charged for existing transportation deficiencies.

The Existing Conditions Evaluation (ECE) is achieved by dividing vehicle miles of travel (VMT) by vehicle miles of capacity (VMC). A VMT/VMC ratio greater than 1.00 indicates that there are system deficiencies. Based on the evaluation of existing conditions, the VMT/VMC ratio for 2023 is 0.63 (**Table 4**). Thus, there are no backlogged facilities on a system-wide basis for which development activity would be assessed. Development activity will only be assessed on its share of the cost to provide new capacity. The existing transportation system provides adequate capacity to meet existing travel demand. For purposes of the Mobility Fee calculation, the Existing Conditions Evaluation factor (ECEf) is set to 1.00.

TABLE 4. 2023 EXISTING CONDITIONS EVALUATION (ECE)

Functional Classification	Length (miles)	Lane Miles	2023 VMT	2023 VMC	VMT to VMC (VMT/VMC)
Local	11.4	22.8	25,170	100,780	0.25
Minor Collector	51.4	102.8	58,395	409,889	0.14
Major Collector	131.1	255.3	661,870	1,467,070	0.45
Minor Arterial	66.2	146.3	643,022	969,889	0.66
Major Arterial	8.9	17.8	133,970	145,960	0.92
Principal Arterial	93.6	349.8	1,306,490	2,552,890	0.51
Limited Access	35.3	211.8	2,113,080	2,227,860	0.95
Total	397.9	1,106.5	4,941,997	7,874,388	0.63

Source: Existing conditions evaluation is based on Traffic Characteristics Data for the County (**Appendix F**). The Traffic Characteristics Data was obtained from the County and FDOT. VMT = AADT x length of a road segment. VMC = Daily capacity x length of a road segment.



MOBILITY PLAN SUMMARY

The Alachua County 2040 Mobility Plan includes detailed descriptions for each project that serves as the basis for development of the Mobility Fee, including a table of new Mobility Plan Implementation projects (**Appendix G**). Updated 2040 Mobility Plan maps have been developed as part of this Technical Report, including a map that highlights the new projects incorporated into the Mobility Plan and the addition of multi-use facilities in eastern Alachua County outside the Urban Cluster (**Map Series D**).

Planning level cost (PLC) estimates have been developed for Mobility Plan projects based on cost from the County and FDOT District Two (**Appendix G**). To account for the capacity benefit provided by Mobility Plan projects, a person mile of capacity (PMC) was established for projects included in the Mobility Plan (**Appendix G**). The FDOT Generalized Service Volume Tables (**Appendix H**) were used to establish daily vehicle capacities for roads (**Appendix I**). The person miles of travel factor (PMTf) of 1.83 developed from the 2017 National Household Travel Survey (NHTS) was utilized to convert vehicle capacity to person capacity (**Appendix E**). Multimodal capacities for bicycling, walking, and transit were also established for multimodal facilities (**Appendix J**). The following is a summary of the total length in miles or total number of projects, planning level cost (PLC) estimates, and the person miles of capacity (PMC) for the projects in the Mobility Plan (**Table 5**).

TABLE 5. MOBILITY PLAN PROJECT SUMMARY

Projects	Length (Miles) or Number	Planning Level Cost (PLC)	Person Miles of Capacity (PMC)
Road & Transit Projects	34.31 miles	\$254,134,365	648,401
Multimodal Projects	91.82 miles	\$54,430,797	461,016
Transit Projects	18 projects	\$47,481,944	170,000
Mobility Plan Implementation Projects	8 projects	\$58,750,630	337,700
Total	126.13 miles & 26 projects	\$414,797,736	1,617,117

Source: Mobility Plan projects (**Appendix G**). Mobility Plan maps (**Map Series D**). PLC and PMC are rounded to the nearest whole number.



Mobility Plan Implementation projects includes projects to be identified in the upcoming Countywide Pedestrian, Bicycle and Trails Master Plan, safe routes to schools, high visibility crosswalks, safety enhancements, micromobility programs, planning studies, and upgrades to existing transit stops (**Appendix G**). The establishment of Mobility Plan Implementation projects is in recognition that the County’s multimodal transportation system in dynamic. On an annual basis, new needs and priorities arise due to: (1) new development; (2) funding and grant opportunities, and (3) the need to protect the health, safety, and general welfare of the public.

Prior to the next update of the Mobility Fee, the County should undertake an update of the Mobility Plan to reflect 2045 or 2050 needs based on either updates of its Comprehensive Plan or an update of the Long-Range Transportation Plan. The Mobility Plan update should further detail the Mobility Plan Implementation projects as the County has several plans and studies that it intends to undertake over the next five years before the Mobility Fee is required to be updated.

The 2040 Mobility Plan features very different mobility project needs for the East and West Assessment Areas (**Appendix G**). Within the East Assessment Area, the mobility need is primarily for multimodal and transit projects (**Table 6**). The share of Mobility Plan Implementation Projects was split roughly even between the three benefit districts resulting in +/- 34% of the PLC and PMC allocated to the East Assessment Area. The recent court ruling in BoCC vs. West Florida Builders highlighted the need for fees, impact or otherwise, to reflect geographic growth and the need for improvements to serve that growth.

TABLE 6. MOBILITY PLAN PROJECTS: EAST ASSESSMENT AREA

Projects	Length (Miles) or Number	Planning Level Cost (PLC)	Person Miles of Capacity (PMC)
Road & Transit Projects	1.50 miles	\$4,311,603	21,600
Multimodal Projects	54.08 miles	\$30,585,163	259,224
Transit Projects	3 projects	\$11,614,236	68,000
Mobility Plan Implementation Projects	8 projects	\$19,975,214	114,818
Total	55.58 miles & 11 projects	\$66,486,216	463,642

Source: Mobility Plan projects (**Appendix G**). Mobility Plan Implementation share (34%). PLC and PMC rounded to the nearest whole number.



The mobility need within the West Assessment Area is a mixture of road capacity, multimodal, and transit projects (**Appendix G**). However, the largest mobility need is primarily for new road capacity projects (**Table 7**). The share of Mobility Plan Implementation Projects was split roughly even between the three benefit districts resulting in +/- 64% of the PLC and PMC allocated to the West Assessment Area. The recent court ruling in BoCC vs. West Florida Builders highlighted the need for fees, impact or otherwise, to reflect geographic growth and the need for improvements to serve that growth.

TABLE 7. MOBILITY PLAN PROJECTS: WEST ASSESSMENT AREA

Projects	Length (Miles) or Number	Planning Level Cost (PLC)	Person Miles of Capacity (PMC)
Northwest Benefit District			
Road & Transit Projects	17.00 miles	\$123,487,713	310,085
Multimodal Projects	12.45 miles	\$6,355,888	44,640
Transit Projects	6 projects	\$12,114,236	34,000
Mobility Plan Implementation Projects	8 projects	\$19,387,708	111,441
Total	29.45 miles	\$161,345,545	500,166
Southwest Benefit District			
Road & Transit Projects	15.81 miles	\$126,335,049	316,716
Multimodal Projects	25.29 miles	\$17,489,746	157,152
Transit Projects	9 projects	\$23,753,472	68,000
Mobility Plan Implementation Projects	8 projects	\$19,387,708	111,441
Total	41.10 miles	\$186,965,975	653,309
West Assessment Area			
Road & Transit Projects	32.81 miles	\$249,822,762	626,801
Multimodal Projects	37.74 miles	\$23,845,634	201,792
Transit Projects	15 projects	\$35,867,708	102,000
Mobility Plan Implementation Projects	8 projects	\$38,775,416	222,882
Total	70.55 miles	\$348,311,520	1,153,475
<p><i>Source:</i> Mobility Plan projects (Appendix G). Mobility Plan Implementation share (34%). PLC and PMC rounded to the nearest whole number.</p>			



FUNDING

The availability of funding for Mobility Plan projects over the next 17 years is projected to come from a variety of funding sources. Alachua County can allocate a portion of gas taxes and infrastructure sales tax towards Mobility Plan projects. Gas taxes have been declining locally, statewide and nationally as vehicles have become more fuel efficient and the percentage of electric vehicles and hybrid vehicles increase. Neither the Federal Government nor the State of Florida have raised gas taxes in a number of years. The gas taxes that are available are largely earmarked for maintenance and operations of the existing transportation network.

The County's existing infrastructure sales tax provides a broader opportunity to have available funds to contribute towards Mobility Plan projects. There has been some discussion of a VMT tax to replace the gas tax at the federal and state level. There are several states that are testing pilot programs for a VMT tax. Given the current political climate, a VMT tax is unlikely to pass anytime soon. However, as a greater number of electric vehicles and autonomous vehicles come online, overtime there will be renewed interest in replacing the gas tax with a VMT fee.

The Gainesville Alachua County Metropolitan Transportation Planning Organization (TPO) has some available funding identified through the 2045 Cost Feasible Long Range Transportation Plan (LRTP). Most of the projected funding is allocated towards improvements on the Strategic Intermodal System (SIS), with a significant amount of the funds allocated toward Interstate 75. Historically, there have been some grants, earmarks, and the use of the various pool of funds identified in the LRTP to allocate towards multimodal projects in Alachua County. There are several corridor and intersection improvements that are already funded.

There are two (2) proposed widenings to State Roads within the West Assessment Area. To calculate the attributable cost of multimodal projects to development activity, it is reasonably anticipated that 90% of the funding for the widening of Archer Road and 95% of the funding for Williston Road will come from federal, state, and other local non-County funding sources (**Table 8**). The City of Gainesville, due to recent annexations, is projected to contribute up to 5% of the cost for Williston Road as a local non-County funding source. The remaining cost could be funded from various local sources as a match to advance projects, such as gas taxes, sales tax, or Mobility Fees.

The County has currently funded the widening of NW 23rd Avenue to a two (2) lane divided roadway. The County also anticipates that 10% of the cost of multimodal projects in the West Assessment Area will be funded through local means such as gas tax or sales tax revenues (**Table 8**).



The 2040 Mobility Plan has added Multi-Use Off Road Facilities along both County and State Roads within the East Assessment Area. Within the Urban Cluster in the East Assessment Area many of the facilities would replace existing off-street multimodal facilities. The majority of County and State Roads outside the Urban Cluster within the East Assessment Area do not currently have off-street multimodal facilities. The County anticipates that 25% of the cost of multimodal projects in the East Assessment Area would be funded from locally available revenues (**Table 8**). For State Roads, it is anticipated that 50% of the cost of multimodal projects on State Roads outside the Urban Cluster in the East Assessment Area would be funded from federal and state sources (**Table 8**).

TABLE 8. REASONABLY ANTICIPATED FUNDING

Funded Projects	Anticipated Funding
Archer Road widening from Tower to SW 122nd	\$48,952,544
Williston Road widening from SW 43rd to SW 63rd	\$8,352,663
NW 23rd Avenue widening from NW 55th to NW 83rd	\$6,984,641
Multimodal Funding West Assessment Area	\$2,384,563
Total Reasonably Anticipated Funding for West Assessment Area	\$66,674,412
Multimodal Funding East Assessment Area	\$7,646,291
State Road Multi-Use Off Road Facilities outside Urban Cluster	\$6,486,530
Total Reasonably Anticipated Funding for East Assessment Area	\$14,132,821

Source: Reasonably anticipated funding is based on 90% of the cost for Archer Road and 95% of the cost for Williston Road to be funded by federal, state, and local non-County funds. NW 23rd Avenue is funded in the FY 23/ 24 budget from local sources. Multimodal projects are anticipated for 25% funding for the East and 10% for the West Assessment Areas from locally available revenues. State Road Multi-Use Off Road Facilities outside the Urban Cluster within the East Assessment Area are reasonably anticipated to be funded at 50% from federal and state sources as these corridors currently lack off-road multimodal facilities.

If additional revenues or cost equal to 20% or more of the total cost of the Mobility Plan projects occurs prior to the next update of the Mobility Fee in Fiscal Year 26/27, then the County should update the Mobility Fee to reflect reasonably anticipated revenues or increased cost. The 2040 Mobility Plan total cost with anticipated funding is \$333,990,503. Thus, additional funding or cost equal to \$66,748,101 or would necessitate the need to update the Mobility Fee. If changes in revenues and cost off-set each other, then an update of the Mobility Fee would not be required.



NEW GROWTH EVALUATION (NGE)

To ensure that new growth is not paying for more than its fair share of the cost of the multimodal projects identified in the Mobility Plan, as required by case law, a new growth evaluation (NGE) has been conducted. The NGE is based on the projected increase in person miles of travel (PMT) and the projected increase in person miles of capacity (PMC) from Mobility Plan projects.

A PMT / PMC ratio less than 1.00 means that more multimodal capacity is being provided than is needed to accommodate future travel demand. A ratio greater than 1.00 means that development is not being charged more than its fair share of the cost of the Mobility Plan projects and no additional adjustments are needed. The calculation for the new growth evaluation factor (NGEf) is illustrated in **Figure 3**.

The following is the calculation for the increase in NGEf for the Assessment Areas:

$$\text{East Assessment Area: } \text{PMT}_{ie} / \text{PMC}_{ie} = \text{NGE}_{fe} (1,183,942 / 463,642 = 2.55)$$

$$\text{West Assessment Area: } \text{PMT}_{iw} / \text{PMC}_{iw} = \text{NGE}_{fw} (1,412,464 / 1,153,475 = 1.22)$$

FIGURE 3. NEW GROWTH EVALUATION (NGE)

New Growth Evaluation factor (NGEf)

$$\text{NGE}_{fe} = (\text{PMT}_{ie} / \text{PMC}_{ie})$$
$$\text{NGE}_{fw} = (\text{PMT}_{iw} / \text{PMC}_{iw})$$

If $\text{NGEf} > 1.00$, then the NGEf is set at 1.00

Where:

- NGEf = New Growth Evaluation factor (Table 9)
- e = East Assessment Area (Map A)
- w = West Assessment Area (Map A)
- PMC_{ie} = Person Miles of Capacity (Table 6)
- PMC_{iw} = Person Miles of Capacity (Table 7)
- PMT_i = Person Miles of Travel increase (Table 3)

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The projected PMTi / PMCi ratio for the East Assessment Area is 2.55 (Table 9). The projected PMTi / PMCi ratio for the West Assessment Area is 1.22 (Table 9). Thus, new development is not being charged more than its attributable share of the cost of Mobility Plan projects. For purposes of the calculation of the Mobility Fee rate, the NGEf is set to 1.00.

TABLE 9. NEW GROWTH EVALUATION FACTOR (NGEf)

VMT & PMT	East Evaluation Area	West Evaluation Area
Increase in Person Miles of Travel (PMTi)	1,183,942	1,412,464
Increase in Attributable Person Miles of Capacity (PMCi)	463,642	1,153,475
New Growth Evaluation factor (NGEf)	2.55	1.22

Source: The increase in person miles of travel is from Table 3. The increase in person miles of capacity is from Tables 6 and 7. The new growth evaluation calculation is based on the formula in Figure 3.

PERSON MILES OF CAPACITY RATE (PMCR)

The person miles of capacity rate (PMCr) are utilized to determine the Mobility Fee for land uses in the Mobility Fee schedule. The attributable PLC cost for the PMCr calculation is determined by subtracting available funding from the total cost of the Mobility Plan projects for each Assessment Area. The attributable PLC is multiplied by the existing conditions evaluation factor (ECEf) and the new growth evaluation factor (NGEf) to obtain the assignable cost of Mobility Plan projects.

The assignable cost of Mobility Plan projects is then divided by the increase in PMT (PMTi) to determine the PMCr (Figure 4). The calculation of the PMCr is based on the attributable planning level cost (PLC) and the person miles of capacity (PMC) for Mobility Plan projects for each Assessment Area.

The following is the calculation for the PMCr for the East Assessment Area:

$$\begin{aligned}
 \text{MPCae} &= (\text{MPCe} - \text{RAFe}); \text{ACe} = (\text{MPCae} \times \text{ECEf}) \times \text{NGEf}; \text{PMCre} = (\text{ACe} / \text{PMCi}) \\
 \$52,353,395 &= (\$66,486,216 - \$14,132,821); \$52,353,395 = (\$52,353,395 \times 1.00) \times 1.00 \\
 \$112.92 &= (\$52,353,395 / 463,642)
 \end{aligned}$$



FIGURE 4. PERSON MILES OF CAPACITY RATE (PMCr)

Person Miles of Capacity Rate (PMCr)

$$\text{MPCae} = (\text{MPCe} - \text{RAFe})$$
$$\text{ACe} = (\text{MPCae} \times \text{ECEf}) \times \text{NGEf}$$
$$\text{PMCre} = (\text{ACe} / \text{PMCi e})$$
$$\text{MPCaw} = (\text{MPCw} - \text{RAFW})$$
$$\text{ACw} = (\text{MPCaw} \times \text{ECEf}) \times \text{NGEf}$$
$$\text{PMCrw} = (\text{ACw} / \text{PMCi w})$$

e = East Assessment Area (Map A)
w = West Assessment Area (Map A)
MPCe = Mobility Planning Cost (Table 6)
MPCw = Mobility Planning Cost (Table 7)
RAF = Reasonably Anticipated Funding (Table 8)
MPCae = Attributable Mobility Plan Cost (Table 6)
MPCaw = Attributable Mobility Plan Cost (Table 7)
ECEf = Existing Conditions Evaluation factor of 1.00 (Table 4)
NGEf = New Growth Evaluation factor of 1.00 (Table 9)
AC = Assignable Cost
PMCi = Person Miles of Capacity Increase
PMCr = Person Miles of Capacity Rate

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With an assignable cost of **\$52,353,395** and a PMC increase of **463,642**, the calculated PMC rate for the East Assessment Area is **\$112.92 (Table 10)**. With an assignable cost of **\$281,387,108** and a PMC increase of **1,153,475**, the calculated PMC rate for the West Assessment Area is **\$243.95 (Table 10)**.

TABLE 10. PERSON MILES OF CAPACITY RATE (PMCr)

PMC Factors	East Evaluation Area	West Evaluation Area
Mobility Plan Cost (MPC)	\$66,486,216	\$348,311,520
Reasonably Anticipated Funding (RAF)	\$14,132,821	\$66,674,412
Attributable Mobility Plan Cost (MPCa)	\$52,353,395	\$281,387,108
Existing Conditions Evaluation Factor (ECEf)	1.00	1.00
New Growth Evaluation Factor (NGEf)	1.00	1.00
Attributable Cost (AC)	\$52,353,395	\$281,387,108
Person Miles of Capacity Increase (PMCI)	463,642	1,153,475
Person Miles of Capacity Rate (PMCr)	\$112.92	\$243.95

Source: The cost of Mobility Plan projects is obtained from **Tables 6 and 7**. Reasonably anticipated funding is obtained from **Table 8**. The existing conditions evaluation factor (ECEf) is obtained from **Table 4**. The new growth evaluation factor (NGEf) is obtained from **Table 9**. The person miles of miles increase (PMCI) is obtained from **Table 3**. The person miles of capacity rate (PMCr) are determined per the calculation in **Figure 4**.

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PERSON TRAVEL DEMAND PER LAND USE (PTDU)

The calculation of person travel demand (PTD) for each use included on the County's Mobility Fee schedule is used in conjunction with the Mobility Fee rate to determine the Mobility Fee for each land use. The factors utilized in the calculation of person travel demand (PTD) for each use are the principal means to achieve the "rough proportionality" test established by the courts and Florida Statute 163.31801.

Trip Generation

Trip generation rates are based on daily trip information published in the *Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th edition*. The detail for the daily trip generation rates for each land use is included in **Appendix K**. For uses where daily trips are not provided or there are only a few samples, the AM and PM Peak hours of adjacent street traffic were averaged and divided by a peak-to-daily ratio to derive daily trips.

The Mobility Fee schedule requires that trip generation rates for non-residential uses be based on multiple land uses. The trip generation for Mobility Fee schedule land uses such as Community Serving, Long Term Care, and Overnight Lodging are based on weighted AM and PM trip generation data to develop the daily trip generation rates. Additional detail is provided in **Appendix K**.

The simplest way to calculate the daily trip generation rate for a use, where trip generation is based on multiple trip generation rates, would be to simply average the trip rates. The issue with a simple average is that the ITE Manual may only have one (1) or two (2) studies for a given land use and 50 studies for another use. Generally, the greater the number of studies, the more accurate the trip generation rate is for a given use. To ensure that a trip generation rate based on one (1) study does not have the same weight as a trip generation rate based on 30 studies, a weighted trip generation rate is calculated for each Land Use where daily trips are based on more than one ITE land use code.

Internal Capture factor (ICf)

The internal capture factor reflects the reduced impact on the overall transportation system by compact, mixed-use, interconnected developments developed based on New Urbanism principals due to a reduction in the number of trips on external roadways. The Florida Department of Transportation (FDOT) conducted several studies in Florida for larger scale mixed-use developments back in 1995. While the ITE's Trip Generation Handbook, 3rd edition has made some improvements on evaluating mixed-use development and urbanized areas; it is still lagging recent studies that have shown higher rates.



The Transportation Research Board National Cooperative Highway Research Program (NCHRP) Report 684 “Enhancing Internal Trip Capture Estimation for Mixed-Use Development” is increasingly being recognized nationally as a more accurate and representative analysis methodology for internal capture than ITE. The NCHRP Report has incorporated the FDOT studies for mixed-use development with other studies conducted across the U.S. The Report has summarized several studies conducted through-out the U.S. that illustrate internal capture rates that range between 10% and 50% **(Appendix L)**.

The transportation impact for Traditional Neighborhood Developments (TND) that feature a mixture of land uses within a defined area have been reduced by 15% to account for the internal capture of vehicular trips and for the increase in pedestrian and bicycle trips that occur when there is a mixture of uses served by an interconnected road network. The transportation impact for Transit Oriented Developments (TODs) that feature a mixture of land uses within a defined area have been reduced by 25% to account for the internal capture of vehicular trips and for the increase in pedestrian, bicycle and transit trips that occur when there is a mixture of uses served by an interconnected road network.

While the County’s land use policies for TNDs require a mixture of land uses, with the exception of TNDs along high-volume arterial roads, the majority that have been approved over the last decade have provided the minimum required non-residential uses. A greater mixture of uses is required to achieve a larger internal capture. There is also often a lag between residential uses and non-residential uses being constructed, thus delaying internal capture.

The implementing mobility fee ordinance includes a provision that allows any private applicant to provide a more detailed mobility fee analysis to request a higher mixed-use rate based on a methodology agreed to with County staff and subject to County staff concurrence with the findings of the analysis. The Internal Capture adjusted trip generation rates for the mobility fee schedule of uses is included in **Appendix K**.

% New Trips

The percentage of new trips is based on a combination of the various pass-by analyses provided in ITE’s Trip Generation Handbook, 3rd edition and various traffic studies conducted throughout Florida. The percentage of new trips differs slightly from the commonly used pass-by trip term as it is the percentage difference in trips after pass-by trips are deducted. The concept is better understood based on the following example:

$$(10 \text{ trips} \times (100\% - 30\% \text{ pass-by rate})) = 7 \text{ trips or } 70\% \text{ new trips}.$$



While ITE’s Trip Generation does not recognize pass-by rates for uses other than retail, pass-by rates are utilized for uses such as medical offices, day care, entertainment, and recreation use to reflect how people move about the community. A pass-by trip is a trip that is traveling and stops at another land use between an origin point (commonly a dwelling) and a destination (place of employment). The detail for the % new trips is included in **Appendix M**.

Trip Length (TL)

Trip length is based on data by trip purpose collected as part of the 2017 National Household Travel Survey (NHTS). The NHTS data is based on 5,706 unique survey data points for trips that occur in Florida that average 15 miles or less in length. Several trip purposes have been combined to reflect trip characteristics more accurately for the land uses established in the Mobility Fee schedule (**Appendix M**). For rural residential uses, the NHTS data is based on 2,312 unique survey data points for residential trips that occur in Florida that average 20 miles or less in length.

Limited Access Evaluation Factor (LAEf)

Travel on Interstate 75 is excluded from Mobility Fee calculations as Interstate 75 is principally funded and maintained by the Federal Government in coordination with FDOT. To ensure development that generates new person travel demand is not charged for travel on Interstate 75, a limited access factor has been developed based on 2023 VMT (**Table 2**). The limited access evaluation factor (LAEf) of 0.733 is based on 26.7% of VMT occurring on Interstate 75 (**Table 11**). The LAEf is applied to the Trip Length per land use to derive an adjusted trip length (**Appendix M**). The adjusted trip length is used in the calculation of Vehicle Miles of Travel per land use.

TABLE 11. LIMITED ACCESS EVALUATION FACTOR (LAEf)

Facility	2023 VMT
Collector & Arterial Roads VMT	6,852,075
Limited Access	2,500,218
Total VMT	9,352,293
Limited Access Evaluation Factor (LAEf)	0.733

Source: 2023 VMT (**Table 2**). LAEf calculation: $2,134,586 + 782,454 = 2,916,721$; $(2,134,586 / 2,916,721) = .732$



Vehicle Miles per Land Use (VMTu)

The result of multiplying trip generation rates, percentage of new trips, trip length and the limited access evaluation factor is the establishment of a per unit Vehicle Miles of Travel per land use (**Appendix M**). The VMTu reflects the projected Vehicle Miles of Travel during an average weekday per uses in the Mobility Fee schedule. The following is an example of the calculation for VMTu for a single-family detached residential dwelling unit:

$$((TG \times \% \text{ New Trips}) \times (TL \times LAEf)) = VMT; ((4.57 \times 1.00) \times (4.29 \times 0.733)) = 14.37$$

Person Miles of Travel Factor (PMTf)

The person miles of travel factor (PMTf) are used to convert vehicle miles of travel to person miles of travel based on the recently released 2017 National Household Travel Survey (NHTS). The person miles of travel factor (PMTf) are used in the calculation of person travel demand (**Appendix M**). The NHTS data is based on 5,706 unique survey data points for Florida based on travel that average 15 miles or less in length (**Appendix N**). For rural residential uses, the NHTS data is based on 2,312 unique survey data points for residential trips that occur in Florida that average 20 miles or less in length.

The person miles of travel factors (PMTf) used to calculate person travel demand (PTD) for land uses vary by trip purpose (**Appendix N**). The PMTf is multiplied by the VMT per land use to calculate a Person Miles of Travel per use (PMTu) in the Mobility Fee schedule (**Appendix O**).

Origin and Destination Factor (ODf)

Trip generation rates represent trip-ends at the site of a land use. Thus, a single origin trip from home to work counts as one trip-end for the residence and from work to the residence as one trip-end, for a total of two trip ends. To avoid double counting of trips, the net person travel demand is multiplied by the origin and destination adjustment factor of 0.50. This distributes the impact of travel equally between the origin and destination of the trip and eliminates double charging.

Person Travel Demand per Lane Use (PTDu)

The results of multiplying trip generation rates, percentage of new trips, trip length, the limited access evaluation factor, the person miles of travel factor, and the origin and destination factor are the establishment of a person travel demand per land use (**Appendix O**).



The PTDu calculation is illustrated in **Figure 5**. The PTDu reflects the projected person travel demand per land use during an average weekday per uses in the Mobility Fee schedule. The following is an example of the calculation for PTDu for a single-family detached dwelling unit:

$$((TG \times \% \text{ New Trips}) \times (TL \times LAEf)) = VMT; (VMT \times PMTf) = PMTu; (PMTu \times Odf) = PTDu$$

$$((4.57 \times 1.00) \times (4.29 \times 0.733)) = 14.37; (14.37 \times 2.00) = 28.74; (28.74 \times 0.50) = 14.37$$

FIGURE 5. PERSON TRAVEL DEMAND PER LAND USE (PTDu)

Person Travel Demand per Land Use (PTDu)

$$VMTu = ((TG \times \% \text{ NEW}) \times (TL \times LAEf))$$

$$PMTu = (VMTu \times PMTf)$$

$$PTDu = (PMTu \times Odf)$$

$$VMTtnd = (((TG \times \% \text{ NEW}) \times ICtnd) \times (TL \times LAEf))$$

$$PMTtnd = (VMTtnd \times PMTf)$$

$$PTDtnd = (PMTtnd \times Odf)$$

$$VMTtod = (((TG \times \% \text{ NEW}) \times ICtod) \times (TL \times LAEf))$$

$$PMTtod = (VMTtod \times PMTf)$$

$$PTDtod = (PMTtod \times Odf)$$

tnd = Traditional Neighborhood Development
 tod = Transit Oriented Development
 VMTu = Vehicle Miles of Travel per land use (Appendix M)
 TG = Trip Generation (Appendix K)
 % NEW = Percent of Trips that are Primary Trips (Appendix K)
 ICtnd = Internal Capture rate of 15%
 ICtod = Internal Capture rate of 25%
 TL = Trip Length by Trip Purpose (Appendix M)
 LAEf = Limited Access Evaluation factor of 0.733 (Table 11)
 PMTu = Person Miles of Travel per land use (Appendix O)
 PMTf = Person Miles of Travel factor by Trip Purpose (Appendix O)
 PTDu = Person Travel Demand per land use (Appendix O)
 Odf = Origin and Destination factor of 0.50

Prepared by NUE Urban Concepts, LLC



MOBILITY FEE SCHEDULE

To ensure the rough proportionality test is addressed, the person travel demand of individual land uses is evaluated through the development of a Mobility Fee schedule (**Appendix P**). The Mobility Fee is based on the person travel demand for each use (PTDu) listed on the Mobility Fee schedule multiplied by the person miles of capacity rate (PMCr) established in **Table 10**.

The calculated person travel demand for each use (PTDu) represents the full person travel demand impact of that land use within the County (**Appendix O**). The Mobility Plan and Mobility Fee has been developed to provide the mobility projects needed on City, County, and State roads to address growth in future travel demand within the County and allow development activity to mitigate its impact by payment of a Mobility Fee to the County.

The Mobility Fee schedule provides fees on per 1,000 square foot or applicable unit of measure basis (**Appendix Q**). The Mobility Fees assessed on new development, like the existing MMTM and TIF, are calculated recommendation on a per square foot basis or applicable unit of measure. The calculations for determining the Mobility Fee per land use is illustrated in **Figure 6** and uses the per 1,000 square foot unit of metric as an example. The Mobility Fee rates vary per assessment area and also vary if a land use is within a TND or a TOD.

The following is an example of the Mobility Fee calculation for a 1,750 sq. ft. single-family detached (r) dwelling within the West Assessment Area (w):

$$(PTDu \times PMCrw) = \text{Mobility Fee rate (MFrrw)}; \text{Single-Family (r) Sq. Ft.} / \text{UM} = \text{UMr}$$

$$\text{UMr} \times \text{MFrrw} = \text{Mobility Fee (MFrw)}$$

$$(14.37 \times \$243.95) = \$3,506; (1,750 / 1,000) = 1.75; (1.75 \times \$3,506) = \$6,135$$

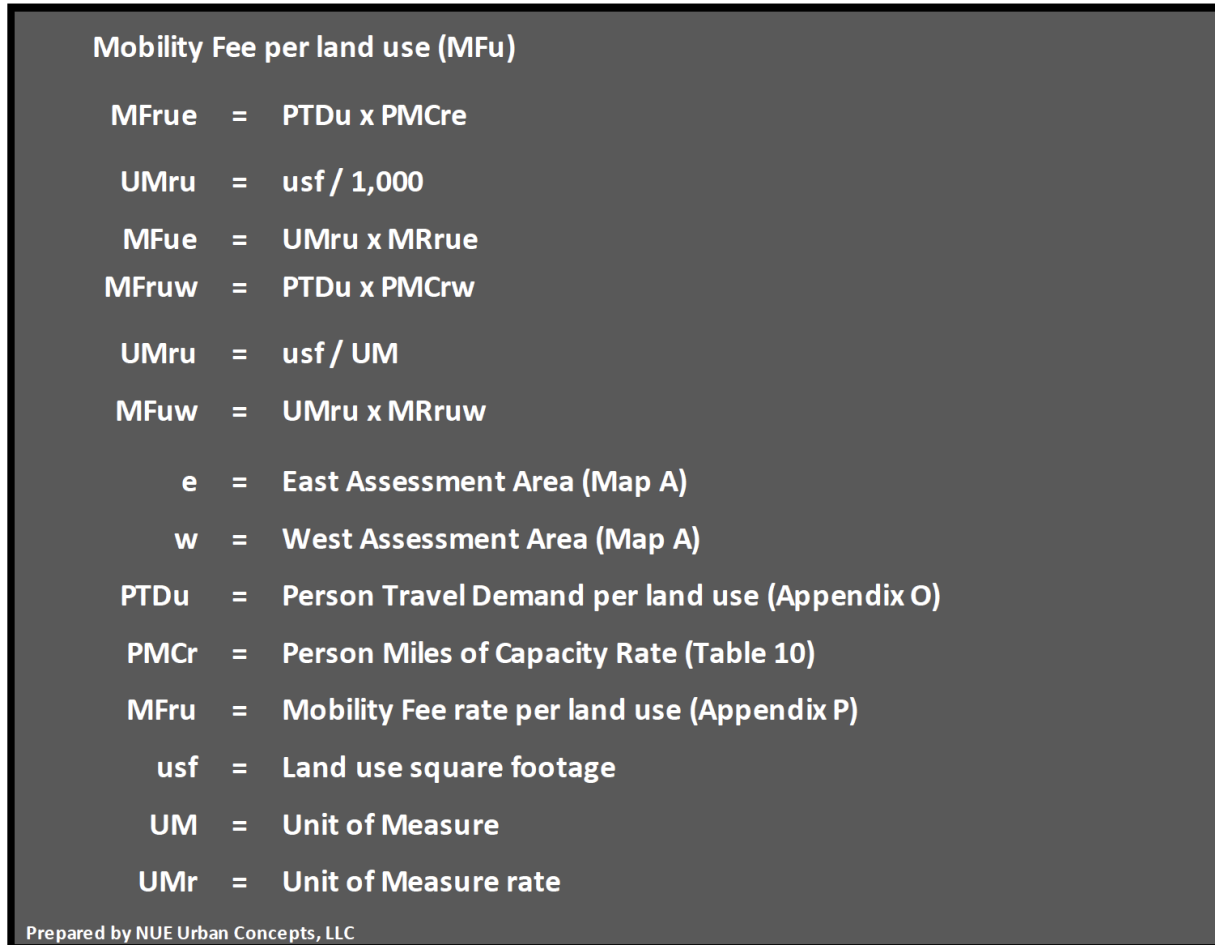
The following is an example of the Mobility Fee calculation for a 110-room hotel (h) within the East Assessment Area (e) that is based on the number of rooms rather than per 1,000 sq. ft.:

$$(PTDu \times PMCre) = \text{Mobility Fee rate (MFrhe)}; \text{Number of Units} \times \text{MFrhe} = \text{Mobility Fee (MFhe)}$$

$$(22.78 \times \$112.92) = \$2,572; (110 \times \$2,572) = \$282,925.50$$



FIGURE 6. MOBILITY FEE CALCULATION



The Mobility Fee schedule seeks to strike a balance between the County’s Comprehensive Plan and current market trends. The uses included on the Mobility Fee schedule enable the County to use the Mobility Fee as an additional tool to further integrate land use and transportation planning consistent with the County’s Comprehensive Plan. The calculated Mobility Fee per land use within each Assessment Area is provided in **Appendix P**.

The Mobility Fee schedule of uses are broken down into the following five (5) components that are further described below the figure: (1) category of land uses; (2) individual land use classifications; (3) representative land uses; (4) assessment area; and (5) the mobility fee per land use. The following is an example the five (5) components of the mobility fee schedule (**Figure 7**).



FIGURE 7. MOBILITY FEE SCHEDULE COMPONENTS

Five (5) Components of a Mobility Fee Schedule					
Use Categories, Uses Classifications, & Representative Uses	(4 th Assessment Areas)				
	East Assessment Area			West Assessment Area	
	NON TND	TND	TOD	NON TND	TND
(1st Use Category) = Institutional Uses per sq. ft.					
(2nd Use Classification) = Community Serving (3rd Representative Use) = (Civic, Museum, Performing Arts, Place of Assembly)			(5th Mobility Fee Rates) for each of the assessment areas		

The first (1st) component are overall categories of land uses, such as residential or office. Under each overall category there are multiple uses for which a mobility fee is calculated. The overall category is generally consistent with the function of a given land use for the individual land use classification.

These overall categories are generally consistent with the County Comprehensive Plan and the ITE Trip Generation Manual. These categories headings also specify if the individual uses are calculated on a per 1,000 square feet or a different unit of measure, such as the number of rooms for overnight lodging.

The second (2nd) component are individual land use classifications, such as community serving or commercial storage. These individual land use classifications have similar person travel demand characteristics and / or similar functions to the overall land use category. These individual land use classifications are generally consistent with the ITE Trip Generation Manual classification under a give category of land uses. The individual land use classifications will specify the unit of measure to calculate the mobility fee if it differs from a rate per 1,000 square feet.

The third (3rd) component are representative land uses under the individual land use classifications. These representative land uses are shown in brackets such as (Child Care, Day Care, Private Primary School, Pre-K) after the individual land use classification of Private Education. These representative land uses have similar person travel demand characteristics and functions to the individual land use classification.



These land uses are not exhaustive and are intended to serve as a guide to describe the types of use that would be assessed a mobility fee based on the rate for the individual land use classification. The definition of each individual land use classification provides further detail on the types of representative land uses would fall under an individual land use classification. These representative land uses are generally consistent with the ITE Trip Generation Manual classification under a give category of land uses and individual land use classifications.

The fourth (4th) component are the Mobility Fee Assessment Areas. The results of the Mobility Fee calculations illustrate that the Mobility Fee will be lower within the East Assessment Area and higher in the West Assessment Area. The Mobility Fees will also be lower for Traditional Neighborhood Developments (TNDs) and lowest for Transit Oriented Developments (TODs).

The fifth (5th) component are the Mobility Fee rates per individual use classification. The Mobility Fees are illustrated for each Mobility Fee Assessment Area. The Mobility Fee for an individual use is determined by multiplying the mobility fee rate by the applicable unit of measure.

Residential Land Uses

Alachua County has used square footage for non-residential land uses for both its MMTM program and its TIF system. The Mobility Fee for residential uses will continue to be based on square footage. The current threshold for square footage is 2,600 sq. ft. based on data available at the time. An extensive analysis was conducted on square footage for residential uses in the County as part of the update of the Fire Protection and Park System Impact Fees. The data and analysis undertaken for the Impact Fee update is applicable to the Mobility Fees (**Appendix Q**).

The data and analysis support increasing the threshold to a level between 3,500 sq. ft. and 5,500 sq. ft. The increased threshold has been discussed as workshops and increasing the threshold to somewhere between 4,000 sq. ft. and 4,500 sq. ft. appears to be the most likely scenario. The Mobility Fee Ordinance will detail the final sq. ft. threshold. The evaluation of residential sq. ft. conducted for the Impact Fee update is provided in (**Appendix Q**).

Affordable & Workforce Housing

The Mobility Fee schedule features a calculated Mobility Fee rate for affordable and workforce housing that is lower than the rate for residential uses in recognition that trip generation data for affordable housing, coupled with the number of households without access to a vehicle available, provides a defensible technical basis for having a lower mobility fee rate. The calculated mobility fee rate is roughly 50% of market rate residential uses and recognizing a lower rate for affordable and workforce housing is consistent with Florida Statute Section 163.3180 (5)(f)6.



Due to the various factors involved with determining what housing would qualify for the affordable or workforce housing designation, it is recommended that the County develop criteria for new development to qualify as providing affordable or workforce housing to be eligible for the lower Mobility Fee. Florida Statute Section 163.31801 (11) also allow the County to waive the Mobility Fee for affordable housing per Florida Statute Section 420.9071.

Recreational Uses

The Mobility Fee schedule includes two (2) recreational use classifications: (1) outdoor commercial recreation; and (2) indoor commercial recreation. Outdoor recreation uses consist of uses such as golf courses, tennis courts, and multipurpose recreation facilities, and the mobility fee is based on the number of acres. A separate indoor commercial recreation category is included and is based on a rate per sq. ft. for indoor uses such as gyms, health clubs, yoga, and dance studios. The use classifications have similar trip and trip length characteristics and reflect current real estate market trends.

Institutional Uses

The Mobility Fee schedule features three (3) institutional use classifications: (1) community serving; (2) long term care; and (3) private education. Community serving uses include civic uses, museums, performing arts venues, and places of assembly, such as clubs, lodges, and places of worship. Long term care uses include assisted living facilities, congregate care facilities, and nursing homes. Private education uses include day cares, private schools, and Pre-K. Public and charter schools are exempt from mobility fees and impact fees per Florida Statute.

Office Uses

The Mobility Fee schedule features two (2) industrial use categories. The first use includes general industrial uses such as assembly, manufacturing, and trades. The second use is commercial storage uses such as mini-warehouses, outdoor storage, and warehouses.

Industrial Uses

The Mobility Fee schedule features two office use categories. The first use is for general office uses such as accounting or real estate. The general office use also includes hospitals and higher education. The second use is medical, such as clinics, dentist, medical doctors, and veterinary. Medical uses generate two to three times the number of trips as a non-medical office use.



General Commercial Retail Land Uses

The Mobility Fee schedule proposes six (6) general commercial retail use classifications: (1) local retail; (2) multi-tenant retail; (3) free-standing retail; (4) grocery or liquor store; (5) convenience store; and (6) quick service restaurants. To support smaller and more often local retail uses and in recognition that national chain retail uses have greater transportation impacts, a local retail use has been established with a lower mobility fee. It is recommended that the County develop criteria to qualify as a local business is coordination with applicable economic development entities. Until criteria is developed and a use is designated or approved as a Local Retail use, the Mobility Fee would not be applicable for a given land use.

A significant update in the 11th edition of the ITE Trip Generation Manual changed the multi-tenant retail center use classifications. This change prompted the development of a multi-tenant retail use classification, a free-standing retail use classification, and a grocery and liquor store use classification. These three land use classifications tend to have similar trip generation characteristics. The fifth category is convenience stores with or without a gas station. Convenience stores are the highest trip generating land use of all land uses in the ITE Manual, such as gas stations and fast-food restaurants. The sixth category is quick service restaurants that tend to have trip generation rates over 200 trips per 1,000 square feet.

Non-Residential Retail Land Uses

Overnight lodging, which includes hotels, motels, inns, bed and breakfast and other overnight accommodations are assessed a Mobility Fee rate per room. Mobile Residences such as an RV, Travel Trailer, or Tiny Home in a park or multi-unit development are assessed per lot or space. Mobile Homes fall under residential land uses. To promote ecotourism and agritourism, a separate rate per dwelling unit has been established for uses that meet County criteria for such accommodations, which differ from overnight lodging.

To reflect higher travel demand, there are also six (6) individual uses that will be assessed additive mobility fees. As more land uses downsize, a Mobility Fee based solely on building size does not fully capture the travel demand impact of certain high travel demand uses. A Mobility Fee for any retail building would be assessed at the appropriate mobility fee rate. In addition, uses with a bank, quick service restaurant, pharmacy drive-thru, car wash stalls, car repair or service bays, or a commercial motor vehicle charging or fueling position would pay additive fees based on the number of features proposed for the new development or existing development retrofit.



An additive fee is applied to quick service restaurant (QSR) drive-thru lanes to capture the impact of QSR uses that offer one (1) or more drive-thru lanes. Some QSR uses are migrating to walk-up ordering, outdoor seating only, and two (2) drive-thru lanes and one (1) delivery pick-up lane, further increasing travel demand.

Financial institutions, especially Credit Unions, are increasing their brick-and-mortar presence to attract additional customers. Other banks are eliminating branches entirely and just offering drive-thru or walk-up free-standing ATMs. For banks with drive-thru lanes, an additional Mobility Fee is assessed per drive-thru lane. A Mobility Fee is also assessed for any free-standing walk-up ATMs or ATMs accessed via drive-thru lanes.

Uses with a car wash shall be required to pay a mobility fee per lane, stall, or bay for the use, plus any mobility fee associated with any building space that are not captured as part of a lane, stall, or bay. Any building solely for maintenance or supply purposes that does not include any accessible spaces for personnel would not be required to pay a mobility fee beyond that associated with the additive fee for the car wash.

Convenience uses have primarily been uses with motor vehicle fueling. Increasingly superstores, supermarkets, variety stores, and wholesale clubs have started to add vehicle fueling. The additive mobility fees will be assessed to any use that offers commercial vehicle charging and fueling and is accessible to the public or through a membership club. The mobility fee is assessed per commercial charging station or fueling position. Any motor vehicle charging station that does not charge for service will not be assessed a mobility fee, such as charging stations provided in a public or private garage that do not charge for use.

Commercial uses for the repair of service of motor vehicles are assessed per bay. These uses include quick lube, tire service, general maintenance, or repairs. Mobility Fees will be assessed per bay, plus any mobility fee associated with any building space that are not captured as part of the bay. Any building solely for maintenance or supply purposes that does not include any accessible spaces for personnel would not be required to pay a mobility fee beyond that associated with the additive fee for the service bays.

Drive-thru lanes for pharmacies historically have only been associated with pharmacies. Increasingly grocery stores and superstores have been providing drive-thru pharmacy services. Given market trends for variety and dollar stores to evolve and offer additional uses such as motor vehicle fueling, it is reasonable that drive-thru pharmacy services may also be provided.



Quick service restaurant (aka fast food) uses have the highest impact of any retail land use and are experiencing a transformation where buildings are getting smaller, while the number of drive-thru lanes and delivery services are increasing. Due to their high travel demand impact, an additive fee has been calculated per quick service restaurant (QSR) drive-thru lane to capture the impact of QSR uses that offer one or more drive-thru lanes. Some QSR uses are migrating to walk-up ordering, outdoor seating only, with two drive-thru lanes and one delivery pick-up lane, further increasing travel demand. This impact is not captured by simply evaluating the building.

The following is an example calculation of an additive mobility fee for a 2,250 square foot (sq. ft.) bank with two (2) drive-thru lanes within the West Assessment Area:

Bank (3,000 sq. ft.) plus two (2) drive-thru lanes:

Mobility Fee rate for a free-standing bank (MFbw) = \$24,435 per 1,000 sq. ft.

Mobility Fee for a bank drive thru (MFbdtw) = \$27,179 per lane

Bank of 2,250 sq. ft. in size: $2,250 / 1,000 = 2.25$; $2.25 \times \$24,435 = \$54,977.72$

Bank has two (2) drive-thru lanes: $2 \times \$27,179 = \$54,357.83$

2,250 sq. ft. MFbw plus two (2) drive-thru lanes MFbdtw: $\$54,977.72 + \$54,357.83 = \$109,336$

The following is an example calculation of an additive mobility fee for a 1,250 square foot (sq. ft.) quick service restaurant with four (4) drive-thru lanes within the East Assessment Area:

Quick Service Restaurant (1,250 sq. ft.) plus four (4) drive-thru lanes:

Mobility Fee rate for a Quick Service Restaurant (MFqsre) = \$15,435 per 1,000 sq. ft.

Mobility Fee for a Quick Service Restaurant drive thru (MFqdte) = \$14,292 per lane

Quick Service Restaurant of 1,250 sq. ft. in size: $1,250 / 1,000 = 1.25$; $1.25 \times \$15,435 = \$19,181.84$

Quick Service Restaurant has four (4) drive-thru lanes: $4 \times \$14,292 = \$57,169.16$

1,250 sq. ft. MFqsre plus four (4) drive-thru lanes MFqdte: $\$19,181.84 + \$57,169.16 = \$76,351.00$



MOBILITY FEE COMPARISON

A comparison between the Mobility Fee and the MMTM has been prepared (**Appendix R**). As currently calculated, the Mobility Fee is intended to replace the MMTM program and the TIF system. The MMTM was adopted in 2011 based on a Mobility Plan prepared in 2010. The MMTM methodology based on road and multimodal capacity, increases in vehicle miles of travel, and the need for future multimodal improvements. The MMTM was based on the 8th Edition of the ITE Trip Generation Manual.

The Alachua County Transportation Impact Fee was adopted in 2006 based on a technical report prepared in 2005. The Transportation Impact Fee was updated in 2007 based on the 7th Edition of the ITE Trip Generation Manual. The Impact Fee methodology was primarily based on road capacity, increases in vehicle miles of travel, and the need for future road capacity. The Transportation Impact Fee is a consumption-based fee that evaluates the need for road capacity based on adopted service standards. The MMTM program and the Mobility Fee are both plan-based fees that evaluate the need for capacity based on a specific plan of improvements.

The Alachua County Mobility Fee is based on the updated 2040 Mobility Plan. Future travel demand is based on the latest FDOT Regional Travel Demand Model prepared for the Gainesville Alachua County 2045 Long Range Transportation Plan (LRTP). The Mobility Fee calculations are based on the 11th Edition of the ITE Trip Generation Manual, released in October of 2021. The 2040 Mobility Plan and Mobility Fee are utilizing the most recent and localized data as required by Florida Statute.

In 2021, the Florida Legislature amended Florida Statute Section 163.31801, known as the “Impact Fee Act”, to limit the percentage increase from updates of existing impact fees and to phase-in those updates. For impact fee updates that result in an increase of 25% or less over existing impact fees, increases in impact fees are required to be phased-in over a two-year period in equal increments. This amounts to a +/- 12.5% increase per year over a two-year period. Updates that result in an increase of existing fees between 25% and 50%, increases are required to be phased-in over a four-year period in equal increments. The amendment limits impact fee increases above existing impact fee rates to no more than 50% within a four (4) year period. The amendment also limits impact fee increases to once every four (4) years.

All Mobility Fees are less than 50% above the existing MMTM or TIF rates. For those land uses with an increase of 25% or less, the County can phase-in rates over a two (2) or four (4) year period. For those land uses with an increase between 25.01% and 50.0%, the County is required to phase-in the rates in equal increments over a four (4) year period.



MOBILITY FEE BENEFIT DISTRICTS

A benefit district is an area within which Mobility Fees are earmarked for expenditure as required by the “**benefits**” test of the dual rational nexus test. To ensure that Mobility Fees paid by new development are expended to provide a benefit to those who have paid the Fee, the following are the three (3) Mobility Fee Benefit Districts (**Map B**):

- (1) East Benefit District,
- (2) Northwest Benefit District, and
- (3) Southwest Benefit District.

The current MMTM program also has three (3) Benefit Districts. The existing boundaries between the Northwest and Southwest Benefit Districts have been shifted north so that the boundary between the two (2) Mobility Fee Benefit Districts will be Newberry Road. The previous boundary was SW 8th Avenue, as improvements for SW 8th Avenue were the top 2030 Mobility Plan projects. With completion of the SW 8th Avenue improvements, the boundary is recommended to shift northward to reflect the top needed road capacity project for the Southwest Benefit District being the widening of SW 20th Avenue and top needed road capacity project for the Northwest Benefit District being the widening of NW 23rd Avenue over Interstate 75.

The eastern boundary of both Benefit Districts has also shifted to the east along SR 121 and Interstate 75, south of SR 121. This is the same boundary as the East and West Assessment Areas. The East Benefit District features a mixture of multi-use paths, trails and transit improvements and services as top priority projects. The boundaries of the Benefit Districts are intended to reflect similar travel patterns and needs for Mobility Plan projects to be funded by Mobility Fees.

When Mobility Fees are paid by new development, they will be deposited into three (3) special funds established by the County, one for each Benefit District. Since the projects funded by the MMTM and Mobility Fee are similar in nature, the County’s existing special funds for the MMTM program can be converted into the special funds for Mobility Fee Benefit Districts.

The County would also earmark remaining funds in the three (3) Transportation Impact Fee accounts to fund road capacity projects and to sunset the Transportation Impact Fee special fund accounts. For fiscal year 24/25, the County could have just three (3) special funds for each of the Mobility Fee Benefit Districts and sunset existing MMTM and TIF special funds.



The Mobility Fee Ordinance will provide for the expenditure of Mobility Fee funds across the boundaries of Benefit Districts if there is a written finding that the project would provide a mobility benefit to new development that paid Mobility Fees within each Benefit District. For example, a dedicated transit lane or multi-use path along Newberry Road would provide a mobility benefit to new development in the Northwest and Southwest Benefit Districts.

The NUE Urban Concepts Team is the first entity in Florida to use real time travel data to develop Mobility Plans and Mobility Fees. This real time data (aka big data) has been obtained from Streetlight © which uses cell phone and GPS data to evaluate real time trip characteristics, including origin and destination trips. This data was first used to develop the Mobility Plan and Mobility Fee for Walton County, Florida, home to Seaside and the birthplace of New Urbanism. The data helped in identifying seasonal demand for beach access and locations for mobility hubs and multimodal improvements to serve peak travel demands. The data also helped to evaluate trip clusters and high levels of internal and community capture to identify location to deploy microtransit service.

Our Team is currently using real time data to develop Mobility Plans and Mobility Fees for Okaloosa County and the Cities of Boynton Beach, Longwood, Oviedo, Palm Beach Gardens, and Port St. Lucie and the Villages of Indiantown and Lake Park in southeast Florida. The use of big data for the Alachua County Mobility Fee was to evaluate the Assessment Areas and Benefit Districts to ensure the boundaries reflect similar travel patterns and community capture within the Areas and Districts.

An Origin and Destination Evaluation was undertaken based on aggregated traffic analysis zones for Alachua County (**Map E**). The Origin and Destination Evaluation was done outside the Scope of Service for the update of the Mobility Plan and Mobility Fee. The evaluation is not a future projection of travel; it is based on an average of all trips to and from zones internal and external to the County between May 2021 and April 2022 using the Streetlight © data (**Appendix S**). The evaluation showed that 50% or more of the travel was internal to the Mobility Fee Assessment Areas and Benefit Districts, thus ensuring the boundaries reflect similar travel patterns. (**Appendix S**).

The Origin and Destination Evaluation was not used to update the Mobility Plan or calculate the Mobility Fee. It was undertaken by NUE Urban Concepts at no additional cost to the County to evaluate the Assessment Areas and Benefit Districts. The County should coordinate with its municipalities, the University of Florida, and Santa Fe College, FDOT, and the Gainesville-Alachua MTPo to fund and utilize big data in the next update of the LRTP and future updates of the Mobility Plan and Mobility Fee. The data is expensive, in excess of \$10,000 and the analysis is equally as expensive \$15,000. However, the ability to evaluate present day travel demand is significant.



DEFINITIONS

Additive Fee shall mean a mobility fee based on a unit of measure that is assessed for a component of a high impact use that is outside of the square footage of the building and generates person travel demand. Additive fees are combined with any assessed mobility fee based on the square footage of a building or structure for the use. The mobility fee rate for additive fees is based on the unique units of measure under the additive fee category.

Affordable and Workforce Housing shall mean a residential use or designated as affordable or workforce housing per criteria established the County.

Assessment Area shall mean a geographic area with a specific mobility fee rate per use that is assessed to development activity at a uniform rate per use within defined areas of the County.

Benefit District shall mean a geographic area where fees that are paid by development activity are expended on multimodal projects within the district to provide a mobility benefit to the development activity that paid the fees.

Capacity shall mean the maximum sustainable flow rate, at a service standard, at which persons or vehicles reasonably can be expected to traverse a point or a uniform section of a bicycle facility, pedestrian facility, roadway, or shared-use multimodal facility during a given time-period under prevailing conditions. For transit, the capacity is the maximum number of persons reasonably accommodated riding a transit vehicle, along with the frequency and duration of transit service.

Commercial Storage shall mean buildings, structures, or acreage in which one or more warehouses, storage units or vaults are rented for the storage of goods and/or acreage is providing for the storage of boats, RVs, vehicle trailers and other physical items that are larger than what is typically stored within an enclosed structure. The acreage for outdoor storage, excluding drive aisles, buffers and stormwater management areas, shall be converted to square footage for purposes of calculating the fee. This shall not include an individual's personal property where such items are stored by the owner of the land and not for commercial purposes. This use falls under Land Use Codes in the 100 Series of the ITE Trip Generation Manual.

Community Serving shall mean those uses that are operated by a civic origination, governmental entity, non-profit, foundation, or fraternal organization, including places of assembly or worship. Community serving also includes uses such as YMCA, museum, art studio, gallery, cultural center, community meeting spaces, community theater, library, or a fraternal or masonic lodge or club, or any community and civic based uses that do not sell retail goods or services for profit and that participates in community and public activities. Food, beverages, goods and services maybe offered for ancillary fundraising and sales to support the community serving use.



Complete Streets shall mean a transportation policy and design approach that requires multimodal transportation improvements to be planned, designed, operated, and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation and to allow for safe travel by those walking, bicycling, or using other forms of non-motorized travel, riding public transportation, or driving electric or gas-powered vehicles.

Convenience Store shall mean a use that sells convenience goods and products as further defined in the ITE Trip Generation Manual for Land Use Codes 851, 944, 945, and 950. Convenience store uses with motor vehicle charging or fueling shall be assessed an additive Mobility Fee per position. Convenience store uses with third party restaurants shall be assessed Mobility Fees for the areas for quick service and based on those applicable rates for the defined areas. Uses with quick service drive-thru lanes, Mobility Fees shall be assessed per drive-thru standards. Uses with motor vehicle cleaning shall be assessed per motor vehicle cleaning standards. These uses shall not be considered under multi-tenant or free-standing retail uses.

Financial Service Drive-Thru Lane or Free-Standing ATM shall mean any drive-thru lane used for banking purposes such as deposits, withdrawals, balance inquires, or bill pay associated with any bank, credit union, or financial institution. The drive-thru may include either a teller window, pneumatic device for transferring banking information or funds, or an Automated Teller Machine (ATM). This use also includes free standing bank drive-thru lanes and freestanding walk-up or drive-thru ATM machines. An ATM inside or attached to a building that has a use open to the public or end user and is not just a standalone ATM structure or building shall not be assessed a fee. The fee shall be based upon the total number of drive-thru lanes with a banking window, pneumatic device, or ATM and/or the total number of free-standing ATM's.

Free-Standing Retail shall mean entertainment, personal service, restaurant, or general commercial uses in a single building where any single use under common ownership exceeds 75% of the total square footage of the building. Land Use Codes under the 400, 800 and 900 series. These include all Free-Standing uses not otherwise classified under the Mobility Fee Schedule.

General Commercial Uses shall mean those activities that require a monetary payment for goods, products, services, or which provide for sale, lease, or rent of goods, products, services, accommodations or use of space to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900. Monetary payment shall mean any form of payment via use of currency, card, or any electronic means of transactions.

Grocery and Liquor Store means grocery stoppers, supermarkets, superstores, variety stores, package stores, liquor, or alcohol for off-site consumption, where 50% or more of the gross square footage of the use is for the sale of edible or drinkable goods. These uses may offer other goods, products, and services such as on-site consumption of food or beverages, pharmacies, cleaning and household supplies, pharmacies, and other personal services. These uses shall not be considered under multi-tenant or free-standing retail uses.



Ecotourism or Agritourism shall mean residential accommodations provided in support of ecotourism or agritourism uses permitted by the County.

Indoor Commercial Recreation shall mean facilities that primarily focus on individual or group fitness, exercise, training or provide recreational activities. The uses typically provide exercise, dance or cheerleading classes, weightlifting, yoga, pilates, cross-fit training, fitness and gymnastics equipment. Indoor commercial recreation also includes uses such as bowling, pool, darts, arcades, video games, batting cages, trampolines, laser tag, bounce houses, skating, climbing walls, and performance centers. Food, beverages, equipment and services maybe offered for ancillary sales. The use would generally fall under the ITE Land Use Code 400 series.

Industrial shall mean those activities which are predominantly engaged in building and construction trades, the assembly, distribution, finishing, packaging, processing, production, and/or storage of goods or products, utilities, recycling, waste management and uses that include brewing and distilling that may have taps, sampling or tasting rooms, and include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100 excluding governmental uses and commercial storage uses. Industrial uses typically have ancillary office space and may have display or merchandise display areas for various trades and industries that are not open to the general public. Industrial uses are also located in land uses and zoning districts intended for industrial uses.

Industrial Uses shall mean those activities which are predominantly engaged in the assembly, distribution, fabrication, finishing, packaging, processing, production, storage, and/or warehousing of goods and products and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100 but excluding governmental uses.

Institutional Uses shall mean those public or quasi-public uses that serve one or more community's social, educational, health, and cultural needs and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 500, and includes Land Use Codes 253, 254, 255, and 620. Land Use Codes 540 and 550 are included in office uses.

Internal Capture shall mean an internal trip made between two distinct on-site land-uses at a mixed-use development without using the external off-site transportation system.

ITE Trip Generation Manual shall mean and refer to the latest edition of the report entitled "Trip Generation" produced by the Institute of Transportation Engineers (ITE), and any official updates hereto, as approved by Growth Management or Public Works.

Level of Service (LOS) shall mean a quantitative stratification of the level of service provided to a by a facility, roadway, or service stratified into six letter grade levels, with "A" describing the highest level and "F" describing the lowest level: a discrete stratification of a level of service continuum.



Local Retail shall mean those commercial activities which provide beverages, entertainment, food, goods, products, or services for lease, rent, or sale, on-site or off-site, or offer accommodations or use of space to individuals, businesses, or groups for rent and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900 and that meet the criteria to be designated as Local by the County.

Long Term Care shall mean communities designed for long term care of on-site residents, such as assisted living facilities, congregate care facilities, and nursing homes with common dining and on-site health facilities for residents that is not a general retail or commercial use open to the public. This use includes ITE Trip Generation Manual Land Use Codes 253, 254, 255, and 620.

Medical Office shall mean a building or buildings that provide medical, dental, or veterinary services and care. Medical office shall also include any clinics or emergency care uses, and any uses specified in the ITE Trip Generation Manual under Land Use Code Series 600, including Land Use Code 720. Land Use Code 620 is included under Long Term Care land uses.

Micromobility shall mean electric powered personal mobility devices such as electric bicycles, electric scooters, hoverboards, One-Wheel, Unicycle, electric skateboards and other electric assisted personal mobility devices. Low speed vehicles such as golf carts or mopeds are not considered personal micromobility devices.

Microtransit Vehicle shall mean low speed vehicles such as autonomous transit shuttles, golf carts neighborhood electric vehicles, or trolleys subject to requirements established by a governmental entity responsible for approval, permitting or regulating said vehicles.

Mobile Home shall mean any residential use or vehicle where one or more persons can temporarily or permanently reside and include any dwelling with wheels or which once had wheels on a platted lot, residential lot or within a park on predefined lots or spaces that have connections for communications, electric, water and wastewater. Mobile homes, whether in a park or individual lot shall be considered a residential use and pay the applicable Mobility Fee. Parks may have common amenities and building with recreation uses, laundry and park office that are considered accessory and not subject to mobility fee assessments.

Mobile Residence means land uses for the temporary or permanent placement of RVs, tiny homes on wheels, or travel trailers within parks or multi-unit developments with predefined lots or spaces that have connections for communications, electric, water and wastewater. Mobile residential parks may have common amenities and building with recreation uses, laundry and park office that are not assessed a Mobility Fee.

Mobility shall mean the ability to move people and goods from an origin to a destination by multiple modes of travel in a timely manner based on the speed of travel.



Mobility Fee shall mean a monetary exaction imposed on development activity to fund mobility projects identified in the Mobility Plan.

Mobility Fee Expenses shall mean expenditures for: (a) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding consistent with statutory allowances; (b) reasonable administrative and overhead expenses necessary or incidental to expanding and improving multimodal projects; (c) crosswalks, traffic control and crossing warning devices, landscape, trees, multimodal way finding, irrigation, hardscape, and lighting related to projects; (d) micromobility devices, microtransit vehicles, programs and services, (e) transit circulators, facilities, programs, shuttles, services and vehicles; (f) reasonable expenses for engineering studies, stormwater reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to projects; (g) the acquisition of right-of-way and easements for the improvements, including the costs incurred in connection with the exercise of eminent domain; (h) the clearance and preparation of any site, including the demolition of structures on the site and relocation of utilities; (i) floodplain compensation, wetland mitigation and stormwater management facilities; (j) all expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other forms of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness; (k) reasonable costs of design, engineering and construction, including mobilization, maintenance of traffic during construction and CEI (construction engineering and inspection) services of multimodal projects, (l) county administration, implementation updates to the mobility plan and mobility fee, including any analysis, assessments, counts, data collection, plans, programs or studies needed for multimodal projects.

Mobility Fee Schedule shall mean the uses for which a Mobility Fee is to be assessed on development activity within the Mobility Fee Assessment Area. The schedule includes the Mobility Fee rates per unit of measure for each use.

Mobility Fee Technical Report shall mean the Alachua County 2040 Mobility Plan and Mobility Fee Technical Report dated August 2023 and prepared by NUE Urban Concepts, LLC that documents the analysis, data and methodology used to develop a Mobility Fee and is adopted pursuant to an implementing ordinance which authorizes imposition of the Mobility Fee.

Mobility Plan shall mean the Alachua County 2040 Mobility Plan dated August 2023 and updated by NUE Urban Concepts, LLC that identifies multimodal projects within the County to meet future person travel demand between 2023 and 2040 and serves as the basis for the County's Mobility Fee.

Mobility Plan Implementation shall mean mobility projects identified in the Mobility Plan in recognition that the Mobility Plan may be amended over time, development activity improvements maybe required beyond their impact and eligible to apply for credits, and that the Capital Improvements Program is updated annually and may include amended or new multimodal projects.



Mobility Project shall mean corridor and intersection improvements such as bike lanes, buffered bike lanes, intersections, interchanges, landscape, multi-use paths or trails, multimodal lanes, pedestrian overpasses or underpasses, roads, roundabouts, sidewalks, streets, and streetscape. Multimodal projects also include mobility policies, programs and services, wayfinding, micromobility devices, and microtransit vehicles and lanes. Projects can include new or additional road travel lanes and turn lanes, upgrade of roads that results in a change in functional classification of the road, complete and low speed streets, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, right-of-way, easements, stormwater management facilities. These projects may also be referred to as Mobility Plan projects.

Mode shall mean the choice of travel that a person undertakes and can include walking, jogging, running, bicycling, paddling, scooting, flying, driving a vehicle, riding a boat, transit, taxi or using a new mobility technology.

Motor Vehicle shall mean a car, SUV, truck, van, or motorcycle that is either electric powered, gasoline powered, a hybrid, or some other fuel source that propels the motor vehicle.

Motor Vehicle or Boat Cleaning shall mean a building, stalls, stations, or tunnels for the cleaning, detailing, polishing, washing, or waxing of motor vehicles or boats which fall under the description of ITE Trip Generation Manual Land Use Code Series 800 and 900. This use includes full-service, partial service, and self-service uses. The unit of measure shall be the number of bays or stalls for self-service cleaning, and the number of approach lanes for automated, semi-automated, or tunnel washes where payment is rendered or a card, code, or other means is used to access the cleaning service. For uses with automated, semi-automated, or tunnels, finishing stations for detailing, drying, or vacuuming Mobility Fees shall also be assessed at a rate of one (1) station per every five (5) finishing stations. For uses with self-service bays or stalls, which typically feature a greater number of facilities than automated or semi-automated facilities, finishing stations for detailing, drying, or vacuuming, Mobility Fees shall also be assessed at a rate of one (1) station per every ten (10) finishing stations.

Motor Vehicle Charging or Fueling shall mean the total number of vehicles that can be charged or fueled at one time (fueling positions). Increasingly, land uses such as superstores, (i.e., super Wal-Mart), variety stores, (i.e., dollar general), and wholesale clubs (i.e., Costco) are also offering vehicle fueling with or with/out small convenience stores. The mobility fee rate per fueling position would be in addition to any mobility fee per square foot under the applicable retail land use with vehicle fueling. Motor vehicle charging stations that do not require a customer to pay for charging are exempt from payment of the mobility fee.



Motor Vehicle Service shall mean a building, bays, service bays, stalls, or stations for the routine maintenance of motor vehicles including oil changes, cleaning, or replacing filters, replacing windshield wipers, changing tires, providing for maintenance, service, and repair, and changing and topping off vehicle fluids and falls under the description of ITE Trip Generation Manual Land Use Code Series 800 and 900. Any building square footage associated with motor vehicle service would fall under retail uses and pay the applicable mobility fee per the square footage of the building not associated with the quick lube service.

Multimodal shall mean multiple modes of travel including, but not limited to walking, bicycling, jogging, rollerblading, skating, scootering, riding transit, driving a golf cart, low speed electric vehicle or motor vehicle.

Multi-Tenant Retail shall mean buildings and structures where any single use under a common lease or ownership is 75% or less of the total square footage of the building or the retail use is part of a unified Planned Development or Master Plan and shares access, circulation, parking, stormwater, and utilities with other retail uses. Multi-tenant retail uses offer business and personal goods, products, or services for sale and are not otherwise defined as a separate use on the Mobility Fee schedule. Land Use Codes under the 800 and 900 series of the ITE Trip Generation Manual would be considered retail uses.

New Development shall mean new residential and non-residential construction, any new land development or site preparation activity, any new construction of buildings or structures, any modification, reconstruction, redevelopment, or upgrade of buildings or structures, any change of use of a building, land, or structure, and any special exception approval, variance, or special use permit that results in an increase in person travel demand (aka impact) above the demand generated by the existing use of property. Property includes submerged lands. New development may also be referred to as new growth or development activity.

Non-Residential Square Feet means the sum of the gross floor area (in square feet) of the area of each floor level under cover, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) and are used as part of primary use of the property of their use. If an area within or adjacent to the principal outside faces of the exterior walls is not enclosed, such as outdoor restaurant seating, areas used for storage of goods and materials, or merchandise display, and is determined to be a part of the primary use of property, this gross floor area is considered part of the overall square footage of the building. Areas for parking, circulation, ingress, egress, buffers, conservation, walkways, landscape, stormwater management, and easements or areas granted for transit stops or multimodal parking are not included in the calculation of square feet.



Office shall mean general office, higher education, hospitals, and professional activities primarily involving the provision of professional or skilled services, including but not limited to accounting, brokerage, legal, real estate, insurance, investments and stocks, engineering, architecture, accounting, and technology. Banks and credit unions are excluded from this land use. Medical offices are excluded from this use.

Office Uses shall mean those businesses which provide medical and professional services to individuals, businesses, or groups and which include those uses in the ITE Trip Generation Manual under Land Use Code Series 600 and 700 and includes Land Use Codes 540 and 550. Land Use Code 620 is included under institutional uses.

Outdoor Commercial Recreation shall mean means outdoor recreational activity including land uses with miniature golf, batting cages, video arcade, bumper boats, go-carts, golf driving ranges, tennis, racquet or basketball courts, soccer, baseball and softball fields, paintball, skating, cycling, or biking that require paid admittance, membership, or some other type of fee for use. Buildings for refreshments, bathrooms, changing and retail may be included. The fee shall be based upon the total acreage of the facility for active uses outside of buildings and all buildings used to carry out a primary function of the land use activity. Areas for parking, buffers and stormwater that are not active features of the land use are excluded from the fee acreage. The use would generally fall under the ITE Land Use Code 400 series.

Overnight Lodging shall mean places of accommodations, such as bed and breakfast, inns, motels, hotels and resorts that provide places for sleeping and bathing and may include supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and limited recreational facilities (pool, fitness room) intended for primary use by guest, and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 300.

Person Miles of Capacity (PMC) shall mean the number of persons “capacity” that can be accommodated, at a determined standard, on a facility while walking, bicycling, riding transit, driving, or using a mobility assisted device over a defined distance.

Person Miles of Travel (PMT) shall mean a unit to measure person travel made by one person where each mile traveled is counted as one person mile. PMT is calculated by multiplying Person Trip Length by the number of Person Trips. Increase in future person miles of travel are used to plan multimodal project needs that form the basis for the Mobility Fee.

Person Miles of Travel Factor (PMTf) shall mean the factor utilized to convert vehicle miles of travel to person miles of travel to account for the number of persons per person trip.

Person Travel Demand (PTD) shall mean travel demand from development activity based on trip generation, pass-by trips, person trip length, limited access travel, state road travel, person miles of travel and trip purpose. The resulting Mobility Fees are roughly proportional to the person travel demand per use on the Mobility Fee schedule.



Person Trip (PT) shall mean a trip by one person by one or more modes of travel including, but not limited to, driving a motor vehicle or low speed electric vehicle, riding transit, walking, bicycling or form of person powered, electric powered or gasoline powered device.

Person Trip Length shall mean the length of a person trip per trip purpose.

Pharmacy Drive-Thru means the drive-thru lanes associated with a pharmacy, grocery store, superstore, or any other retail use. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up a prescription or item. The fee per drive-thru is in addition to the retail fee per square foot for the pharmacy building.

Private Education shall mean a building or buildings used for pre-school, private school, childcare, or day care where students are educated by a non-governmental entity with grades ranging from pre-kindergarten to 12th grade. Private schools do not include Charter Schools, which are exempt from local government fees per Florida Statute. Childcare and day care shall mean a facility where care for young children is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds. Postsecondary education falls under office uses. These uses are under ITE Trip Generation Manual under Land Use Code Series 500.

Quality of Service (QOS) shall mean a quantitative stratification of the quality of service of personal mobility stratified into six letter grade levels, with "A" describing the highest quality and "F" describing the lowest quality: a discrete stratification of a quality-of-service continuum.

Quick Service Restaurant shall mean a building or structure where an order for food is placed at a service counter, at a drive-thru or walk-up pick-up window, or via a mobile device or an on-line application or portal, or a designated delivery or parking area. These uses may or may not have indoor or outdoor seating and may or may not have a drive thru. These uses include fast casual, fast food, quick service, food, and beverages, communal or ghost kitchens, delivery only services, food trucks, or shipping container facilities. Any use with a drive-thru lane or parking areas designated for delivery pick-ups shall be assessed an additive Mobility Fee per drive-thru lane. These uses shall not be considered under free-standing retail uses.

Quick Service Restaurant Drive-Thru shall mean a delivery lane where an order is picked-up by a customer that placed an order at a call box, window, or screen, or via a mobile device or an on-line application or portal. The number of drive-thru lanes shall be based on the total number of lanes, not the number of windows where an order is picked-up. Some drive-thru lanes may be opened longer than the restaurant is open. Food may be obtained from a pick-up window, locker, station, or functional equivalent after the order has been placed. For uses with designated parking areas for delivery pick-up where food is brought to the parking location, every (5) designated spaces shall be considered the equivalent to a drive-thru lane. The Mobility Fee per drive-thru is assessed in addition to the Mobility Fee assessed for the building. Drive-thru's maybe located in convenience stores, grocery or liquor stores, multi-tenant retail buildings, free-standing retail buildings, or free-standing quick service restaurants.



Recreational Uses shall mean those public or quasi-public uses that serve a community's social, cultural, fitness, entertainment, and recreational needs, which include applicable land uses specified in the ITE Trip Generation Manual under Land Use Code Series 400 and 500.

Residential shall mean dwelling units either within the urban cluster or outside the urban cluster and include single-family, multi-family, accessory dwelling units, dormitories, active adult, mobile homes, and tiny homes. RVs, travel trailers, and tiny homes on wheels are considered mobile residences in parks or multi-unit developments.

Residential Square Feet shall mean the area (in square feet) of each dwelling unit measured from the exterior surface of the exterior walls or walls adjoining public spaces such as multifamily or dormitory hallways, or the centerline of common walls shared with other dwelling units. Residential square feet include all livable, habitable, or temperature controlled enclosed spaces (enclosed by doors, windows, or walls) in a dwelling unit. Residential square feet does not include unconditioned garages or unenclosed areas under roof. For multifamily and dormitory uses, common area, leasing offices, and amenities not accessible to the public are not included in the square feet calculation, unless that space is leased to a third party that provides drinks, food, goods, or services to the public or through paid memberships available to individuals that do not reside in a dwelling unit.

Residential Uses shall mean one or more dwelling units and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200. Land use codes 253, 254, and 255 are considered institutional uses.

Service Standard shall mean the adopted or desired quality or level of service for a bicycle facility, pedestrian facility, roadway, shared-use multimodal facility, or transit.

Sit Down Table Service Restaurant shall mean a use where food or drinks are order at a table and the food or drink is brought to the table by a server. These restaurants maybe either Local, Multi-Tenant, or Free-Standing Retail uses. These uses may include bars and may have a pick-up counter or window for to-go orders. For restaurants that are more than 5,000 square feet in size and orders are placed at a counter but delivered to a table are considered sit-down restaurants. A restaurant more than 5,000 square feet in size may have one drive-thru lane. Any sit-down restaurant with more than one (1) drive-thru lane will be assessed an additive Mobility Fee per drive-thru lane. Food Truck or Food Container parks with locations for three (3) or more food trucks or containers that feature on-site seating shall be considered a sit-down restaurant. The Mobility Fees per these parks will be assessed Mobility Fees for the areas, including building and seating, at the sit-down restaurant rate and areas for indoor or outdoor recreation at the applicable recreational rate. Food halls will be assessed Mobility Fees at the sit-down restaurant rate for areas used for cooking and eating and the retail rate for all other areas.



Streetscape shall mean hardscape elements such as pavers, benches, lighting, trash and recycling receptacles, fountains, seating, shade structure, crosswalks, landscape elements such as canopy and understory trees, shrubs, bushes, grasses and flowers, green infrastructure and architectural structures and projections that provide shade and protection from various weather conditions.

Traditional Neighborhood Developments (TNDs) shall mean mixed-use developments as further defined in the Comprehensive Plan and Land Development Code.

Transit Oriented Developments (TODs) shall mean mixed-use developments as further defined in the Comprehensive Plan and Land Development Code.

Trip shall mean travel between locations, often times between an origin, such as a home, to a destination, such as a business, but the trip can end and begin at the same location, such as walking a dog in the neighborhood where the home is both the origin and destination.

Trip Length shall mean the length of a trip per trip purpose.

Trip Purpose shall mean the primary purpose at the destination of a trip such as travel to buy goods, services, or meals, entertainment, recreation, school, work, places of assembly, errands, medical, day care, or work related. Trip purposes maybe either home based meaning the trip originates at a residence or non-home based meaning the trip originates at a use other than a residence.

Use shall mean a use of land for residential or non-residential purposes. For Mobility Fee purposes the terms land use and use are interchangeable. The inclusion of a land use or use on the Mobility Fee schedule does not mean that land use or use is permitted by the County's Comprehensive Plan or Land Development Regulations. Any defined term in this Technical Report does not supersede definitions in the County's Comprehensive Plan or Land Development Regulations.

Vehicle Miles of Travel (VMT) shall mean a unit to measure vehicle travel made by a motor vehicle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle. VMT is calculated by multiplying the length of a road segment by the total number of vehicles on that road segment.

Vehicle Occupancy shall mean the total number of persons in a single motor vehicle making a trip.

Vehicle Trip shall mean a trip by a single motor vehicle, regardless of the number of persons in the motor vehicle.

Variety or Dollar Store shall mean a use that sells a variety of goods and products as further defined in the ITE Trip Generation Manual for Land Use Code 814. Uses with motor vehicle charging, fueling cleaning or service shall be assessed applicable Mobility Fees for those uses. Uses with quick service restaurants or quick service drive-thru lanes shall be assessed applicable Mobility Fees for those uses. These uses maybe either Multi-Tenant or Free-Standing Retail uses.



RECOMMENDED NEXT STEPS

The adoption of the updated Mobility Plan and Mobility Fee requires additional tasks to administer and implement the Plan and Fee. **The following are the recommended next steps:**

- (1) **Mobility Fee Ordinance:** In order for the Mobility Plan and Mobility Fee to become effective, the County will need to develop a Mobility Fee Implementing Ordinance. The Ordinance will address legal and statutory requirements. The Ordinance will also address administration and implementation of the Mobility Fee until administrative procedures are developed. Development of the Ordinance and the initial administration and implementation of the Mobility Fee will require coordination with multiple Departments within the County.

- (2) **Comprehensive Plan Amendment:** Alachua County should amend its Comprehensive Plan to implement the updated Mobility Plan and updated Mobility Fee. Policies in Future Land Use, Transportation, and Capital Improvements Element should also reference Mobility Fees as a revenue funding source. The goals, objectives, or policies should be evaluated to ensure internal and statutory consistency and that there are no conflicts between the Comprehensive Plan and the adopted Mobility Plan and Mobility Fee. The County should also consider implementing FDOT's Context Classification Standards (**Figure 8**).

Figure 8. FDOT's Context Classification

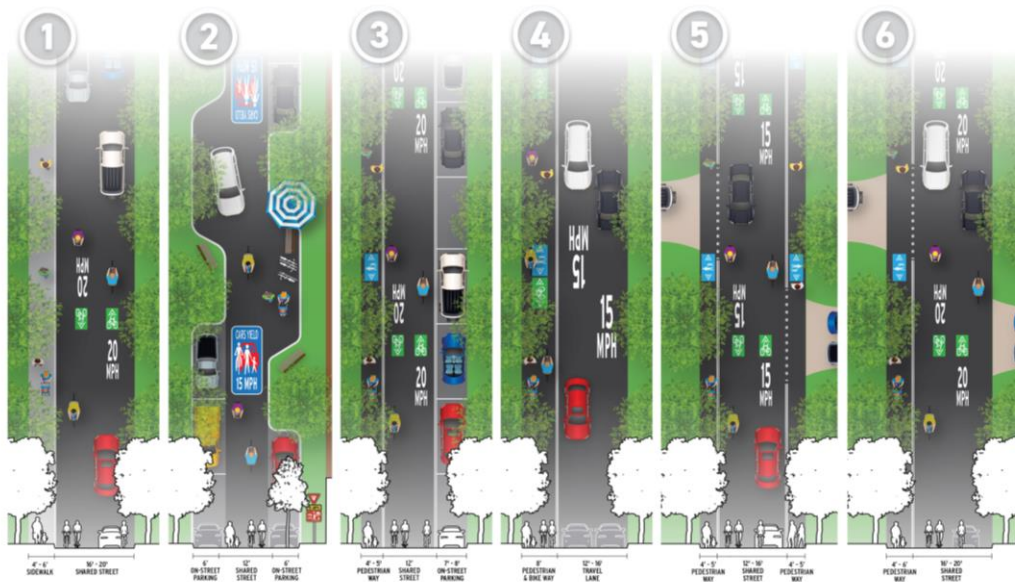
FDOT CONTEXT CLASSIFICATIONS





- (3) **Service Charge Study:** Alachua County may wish to consider undertaking a service charge study. Florida Statute limits administrative charges to the cost of administering and implementing impact and mobility fees. The service charge study would provide a factual basis for assessment of a service charge to offset administrative cost. The service charge would also address future updates and application fees for special studies or request for credits. The County has historically covered cost out of fee collections.
- (4) **Land Development Regulations:** The Land Development Regulations should be updated to address necessary changes to transition from MMTM, Impact Fees and any transportation concurrency and a proportionate share system to a mobility fee system. The County should consider updates to its traffic impact analysis or site access assessments to further address multimodal access and cross-access.
- (5) **Neighborhood Traffic Calming:** The County should consider developing or updating criteria and policies for implementing neighborhood traffic calming and implementing street quality of service. The County could explore opportunities to implement a low cost and high impact mobility plan program for traffic calming that creates low speed streets and expand multimodal infrastructure or increase on-street parking. The following graphic illustrates some quick fix concepts for traffic calming and low speed streets (**Figure 9**).

Figure 9. Low Speed Streets and Traffic Calming

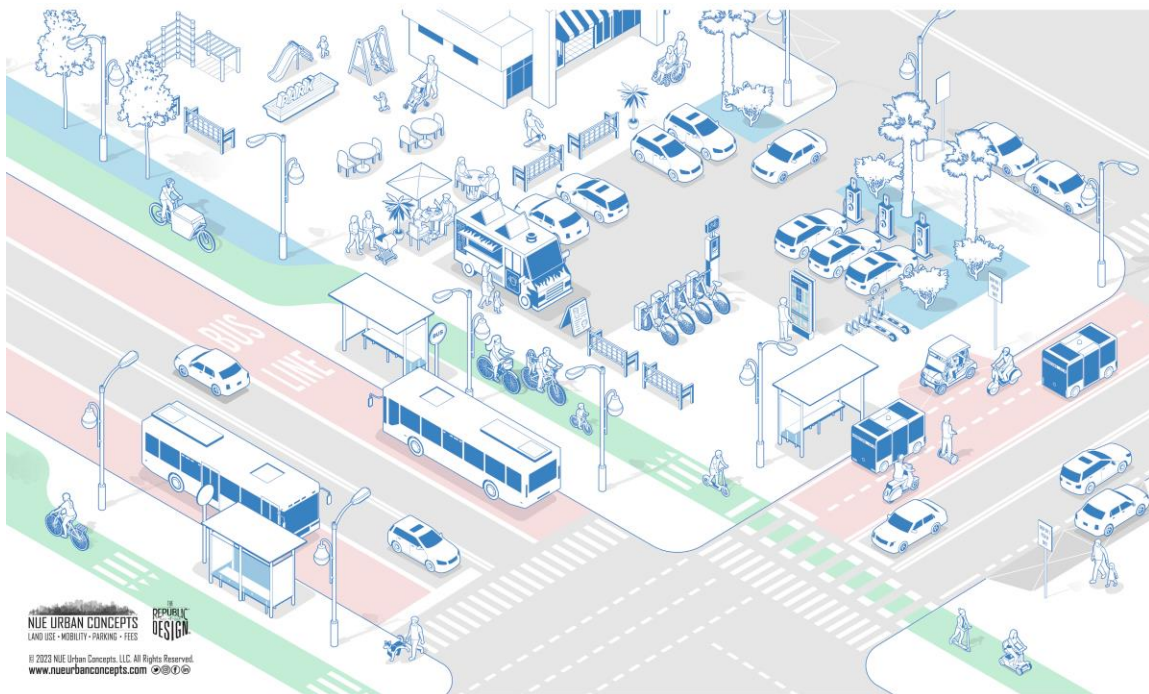


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- (6) **Mobility Hubs:** Alachua County should consider integrating mobility hubs as part of the mobility plan program to upgrade transit stops. Mobility Hubs are the evolution of transit and bus stops that provides safe and convenient drop-off and pick-up areas for microtransit, transit, and shared mobility services like Uber and Lyft, incorporates lockers for package and mail delivery, adds spaces for mobile delivery services, provides racks, stations, and corals for bikes and micromobility devices, and charging stations for electric vehicles. The County’s Land Development Code could also be updated to provide new development with the ability to partially reduce off-street parking requirements through mobility hubs (**Figure 10**).

Figure 10. Mobility Hubs



- (7) **Intergovernmental Coordination:** Alachua County should initiate discussions with its municipalities that have not adopted transportation impact fees or mobility fees to consider opting into the County’s Mobility Fee system. The County should also consider that any local government requesting funding for improvements to County facilities within a municipality should either opt-in to the County’s system or make sure that their transportation impact fees, or mobility fees include a share of the cost of improvements. Any coordination with municipalities should be done in a cooperative manner that recognizes mobility needs for both local governments to enhance mobility for all residents, businesses, and visitors.



CONCLUSION

The Alachua County Mobility Fee is based on the projects in the 2040 Mobility Plan. The future travel demand analysis provided in this Technical Report clearly demonstrates there is growth in travel demand projected within the County and a need for mobility projects. The updated Mobility Plan continues the County's forward-looking efforts over the next 17-years to move people, provide choices, and meet future travel demand through continued expansion of the County's multimodal transportation system by adding bicycle lanes, sidewalks, paths, trails, transit facilities and services, along with increased road capacity through extending the grid and strategic widenings over I-75.

Mobility Plan Implementation projects have been included in the 2040 Mobility Plan and in the Mobility Fee calculations to address: (1) the potential for amendments to the Mobility Plan that will be made before the next plan update; (2) that Florida Statute requires updates of fees be limited to once every four years, unless there is a finding of extraordinary circumstances; (3) development activity may be require to construct multimodal projects beyond their impact and be eligible for Mobility Fee credits; and (4) the County will annually update its Capital Improvement Program to reflect current needs and projected revenues.

The County's Mobility Fee is a streamlined, equitable way for development activity to mitigate its impact to the multimodal transportation system. The projects in the updated 2040 Mobility Plan projects are based on the projected increase in person miles of travel between 2023 and 2040: consistent with the "needs" requirement of the dual rational nexus test. The Mobility Fee is also based on the person travel demand (PTD) attributable to new development and is roughly proportional to the impact on the County's transportation system, consistent with Florida Statute Sections 163.3180 and 163.31801.

The Mobility Fee has been developed to offset the impact of new development on the multimodal network within the County. The Mobility Fee will be assessed on development activity within the County's two (2) Mobility Fee Assessment Areas which includes the urban and rural portions of unincorporated County. The adoption of the Mobility Fee will replace the MMTM program and TIF system for new development. The Mobility Fee is not currently being proposed for assessment within any municipality. The County is open to municipalities opting-in to the County's Mobility Fee system or adopting their own.



The transition of MMTM and TIF special funds and districts to Mobility Fee Benefit Districts, where a Mobility Fee paid by development is to be expended to fund multimodal projects within the District, ensures that the Mobility Fee will meet the “**benefits**” requirement of the dual rational nexus test. All Mobility Fee revenues collected will be placed within specific funds for each Mobility Fee Benefit Districts. Over the next fiscal year, the County can consider consolidating and sunsetting its MMTM and TIF special funds into Mobility Fee special funds.

The effect on the Mobility Fee should be evaluated if additional funds equating to more than 20% of the cost of the Mobility Plan become available. Due to the number of calculations involved in Mobility Fees, available funds of 20% or less does will not result in a 20% reduction of Mobility Fees. There are a multitude of factors that go into calculating the Mobility Fee. In addition, if additional needs are identified in excess of 20% of the Mobility Plan cost, the County would need to make a documented finding of extraordinary circumstances to update the Mobility Fee, as Florida Statute Section 163.31801 limits updates to once every four (4) years.

The County will need to develop and adopt an Implementing Ordinance for the Mobility Fee to become effective. Florida Statute requires a minimum of 90 days from the public notice to implement Mobility Fees to the effective date where Mobility Fees would be assessed on new development. Some local governments start the 90 days at the time the Mobility Fee Implementing Ordinance is first published. Others start the 90 days from the date of adoption of the Mobility Fee Implementing Ordinance. The County may elect an effective date that exceeds 90 days.

For development within the East Assessment Area, all Mobility Fees are lower than existing MMTM rates. Thus, the County could make those Mobility Fees effective immediately. There are also some land uses within the West Assessment Area that will see a reduction in Mobility Fees over the existing MMTM rates. One issue to consider is that the Mobility Fee schedule of land uses has changed, so there may need to be some adjustment time to update the County’s building permit system to implement the updated Mobility Fees. There will also need to be some time to update front line building clerks on the updated Mobility Fees and land uses.

The Mobility Fee Ordinance will need to address phasing of the Mobility Fee increases. The County can elect to phase-in Mobility Fees consistent with Florida Statute. For any Mobility Fee that increases 25% or less over the existing MMTM rates, Mobility Fees would need to be phased-in equal increments over a two (2) year period. For any Mobility Fee that increases between 25.01% and 50.0% and over the MMTM or TIF rates, Mobility Fees would need to be phased-in equal increments over a four (4) year period. The County could elect to phase-in all Mobility Fee rates over a four (4) year period, similar to the phasing for the updated Fire and Park Impact Fees



The Mobility Fee Ordinance will need to address increasing the threshold for residential land uses above the existing 2,600 sq. ft. threshold. The analysis performed supports increasing the threshold between 3,500 sq. ft. and 5,500 sq. ft. Discussions have been held at workshops to increase the threshold up to 4,000 sq. ft. An increase to 4,500 sq. ft. would represent the mid-range for the increase in the applicable threshold based on the data and analyses performed.

The update of the Mobility Plan does include additional programs to enhance safety through additional multimodal facilities, safe routes to schools, traffic calming, and high visibility crosswalks. The Mobility Plan programs also include the plans and studies needed to implement the programs as well as enhancements to existing transit stops. The County may also wish to consider a service charge study for its Impact Fees and Mobility Fees to address cost of administering and implementing the Impact Fees and Mobility Fees. The County should continue to coordinate with its municipalities on plans for mobility projects and funding opportunities.

The County should amend its Comprehensive Plan within one (1) year from the date of adoption of its Mobility Fee Implementing Ordinance to ensure internal consistency and consistency with Florida Statute related to transportation concurrency and alternative mobility funding systems such as the Mobility Fee. The County may also need to amend its Land Development Regulations.

The person travel demand for each land use included in the Mobility Fee schedule meets the “rough proportionality test” established through case law and Florida Statute 163.31801. The new growth evaluation demonstrates that development activity is not being assessed more than its fair share of the cost of the projects in the Mobility Plan. Payment of the Mobility Fee addresses mitigation of the person travel demand generated by new development. The Alachua County update of the 2040 Mobility Plan and the development of the Mobility Fee meet all legal requirements and are consistent with the requirements of Florida Statute Sections 163.3180 and 163.31801 and Florida Statute Chapter 380.