



# ALACHUA COUNTY COMPREHENSIVE PLAN: 2011-2030 EVALUATION AND APPRAISAL ISSUE SUMMARY

*April 17, 2018*

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## **STATEMENT OF ISSUE**

Clarify **Transportation Mobility** policies for consistency with changes in Florida Statutes regarding transportation concurrency and alternative mobility funding systems (F.S.163.3180(5)).

Review and update references to **Transportation Backlog Authority** in the Capital Improvements Element for consistency with Florida Statutes (F.S.163.3182)

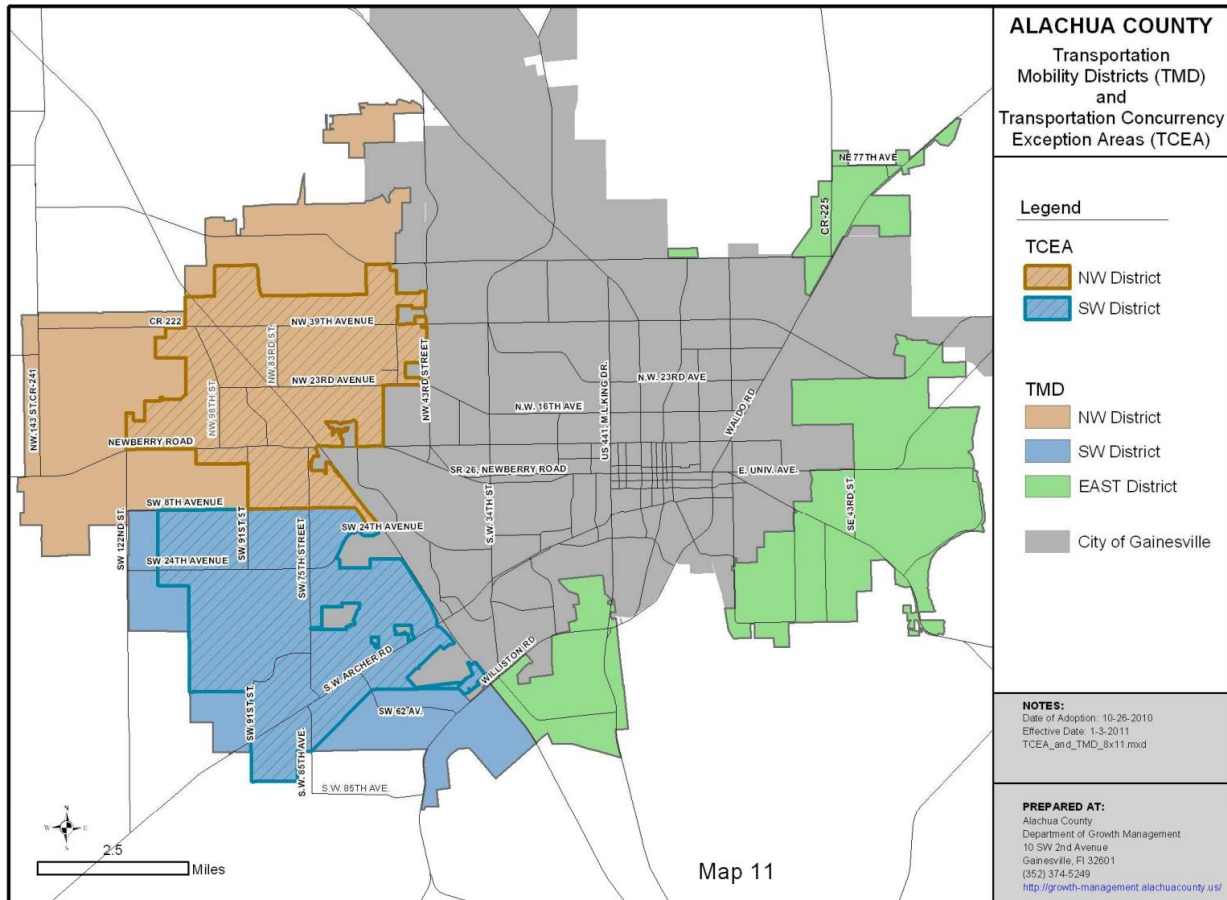
## **INTRODUCTION**

### *Transportation Concurrency*

The State Legislature approved broad changes to the State growth management statutory framework in 2011. One of these changes made the implementation of transportation concurrency an optional component of local government comprehensive plans (F.S.163.3180(5)).

The practice of transportation concurrency, which required transportation facilities to be in place within a reasonable timeframe before the local government could approve new development, had previously been a requirement of local government comprehensive plans. The changes in 2011 also included language that encouraged local governments to adopt “Alternative Mobility Funding Systems” which included land use controls and funding systems. The statute also placed new requirements on jurisdictions that continued to implement transportation concurrency by requiring specific methodologies for the implementation of “proportionate share” contributions.

Previous to this change in statute, the County adopted amendments to the Comprehensive Plan (CPA-01-09) that were collectively known as the “Mobility Plan” in 2010. The Mobility Plan made many of the revisions that were subsequently encouraged in the statute including broad changes to the implementation of transportation concurrency amongst other land use, capital planning and funding policies. The Mobility Plan amendments created the foundation for the Multi-Modal Transportation Mitigation (MMTM) by creating Mobility Districts within the Urban Cluster and moving towards a long range Capital Improvements Program.



One revision that was not made to the Comprehensive Plan was that the transportation concurrency was not explicitly repealed. This was primarily due to the fact that transportation concurrency was still technically required in the statute at the time. The County focused on the Mobility Plan policies and the subsequently MMTM program as an alternative method by which to meet concurrency requirements.

Transportation Backlog Authority

The Mobility Plan amendments also included new language that encouraged the usage of a Transportation Backlog Authority (TBA) as a potential governance and funding source for alleviating congestion on major corridors. A TBA would allow the use of a Tax Increment Funding to fund transportation infrastructure. TBA's were provided for at the time in F.S. 163.3182. With recent statutory revisions, they have subsequently been renamed as Transportation Development Authorities and some of the enabling language has been revised.

**COMPREHENSIVE PLAN POLICIES RELATING TO ISSUE**

Future Land Use Element

*Policy 1.5.1 New residential development shall meet all of the requirements for adequate*

facilities based on the level of service standards adopted in this Plan for roads, potable water, sanitary sewer, solid waste, stormwater, public schools, recreation and open space facilities, and mass transit and the concurrency provisions of this Plan.

*Policy 1.5.2* In addition to the facilities for which level of service standards are adopted as part of the concurrency management system of this Plan, other facilities that should be adequate to serve new urban residential development include:

- (a) local streets;
- (b) police, fire and emergency medical service protection;
- (c) pedestrian and bicycle network; and
- (d) primary and secondary schools.

Transportation Mobility Element

**PRINCIPLE 4**

PROVIDE AN ALTERNATIVE TO CONVENTIONAL TRANSPORTATION CONCURRENCY WITHIN THE URBAN CLUSTER THAT RECOGNIZES THAT CONGESTION IS ACCEPTED IN GROWING URBAN AREAS, SO LONG AS VIABLE ALTERNATIVE MODES OF TRANSPORTATION ARE PROVIDED THAT SERVE TRAVEL DEMAND ALONG CONGESTED CORRIDORS. CONGESTION ALONG SOME ROADWAYS IS THE TRADEOFF BETWEEN ADDING ROADWAY CAPACITY ON CONGESTED CORRIDORS AND DEVELOPING AN INTERCONNECTED NETWORK OF ROADWAYS, BICYCLE AND PEDESTRIAN FACILITIES AND DEDICATED TRANSIT LANES SERVED BY EFFICIENT TRANSIT SERVICE.

**OBJECTIVE 1.1 Urban Cluster Transportation Mobility Districts**

*Transportation Mobility Districts provide an alternative to conventional transportation concurrency by encouraging future land use and transportation patterns that emphasize mixed-use, interconnected developments that promote walking and biking, reduce vehicle miles of travel and per capita greenhouse gas emissions, and provide the densities and intensities needed to support transit.*

*Policy 1.1.7* A multi-modal transportation fee shall be adopted to ensure that a development funds mobility and fully mitigates its impact to the transportation system.

(a) Development shall satisfy its transportation concurrency obligations through payment of a multi-modal transportation fee. This provision shall not exempt Developments of Regional Impact, except those located within an Urban Service Area, from statutory requirements for proportionate share mitigation.

(b) No development shall receive a final development plan approval where the development impacts a roadway operating below the adopted LOS, except through the proportionate share ordinance or until such time as a multi-modal transportation fee is adopted that address the traffic impact of the development.

(c) Modes of transportation to be addressed by the multi-modal transportation fee shall be consistent with the modes identified in Policy 1.1.4.

*(d)The multi-modal transportation fee should reflect the potential to reduce impact to the major roadway network through an increase in internal capture of trips and increase in pedestrian, bicycle and transit mode share from Transit Oriented Developments and Traditional Neighborhood Developments, including redevelopment of existing areas consistent with design requirements for such types of development.*

*Policy 1.2.4 Adopted LOS standards shall be used as the criteria to measure the available capacity of facilities that are part of the traffic circulation system. A development order will not be approved unless the adequate capacity is concurrent with the impacts of development based on the following standards:*

### **OBJECTIVE 1.10**

*To establish the process for establishment of a Transportation Concurrency Backlog Authority (TCBA), consistent with Florida Statute 163.3182 for Urban Cluster Transportation Mobility Districts to address backlog transportation facilities and identify multi-modal mitigation consistent with the Multi-Modal Transportation Capital Improvements Program. The following policies establish the process for adoption of Transportation Concurrency Backlog Plans within the Urban Cluster Transportation Mobility Districts as part of future updates to the [Capital Improvements Element](#).*

## **DATA AND ANALYSIS RELATING TO ISSUE**

The concurrency statute (F.S. 163.3180) has been revised to make transportation concurrency optional but has required specific mitigation methodologies be made available to new development if transportation concurrency is maintained.

*(h)1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:*

*a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.*

*b. Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.*

*c. Allow an applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system, and s. [380.06](#), when applicable, if:*

*(I) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this subsection.*

*(II) The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. A local government may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.*

*d. Provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.*

*2. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.*

*a. The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.*

*b. In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in subparagraph 4. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.*

*c. When the provisions of subparagraph 1. and this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.*

*d. In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.*

e. *The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.*

3. *This subsection does not require a local government to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.*

4. *As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.*

The statute now encourages "alternative mobility funding system(s)" similar to that which the County has already adopted.

*(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 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).*

The transportation deficiency statute (F.S. 163.3182) has renamed transportation backlogs as transportation deficiencies and has created Transportation Development Authorities.

**(2) CREATION OF TRANSPORTATION DEVELOPMENT AUTHORITIES.—**

*(a) A county or municipality may create a transportation development authority if it has an identified transportation deficiency.*

*(b) Acting as the transportation development authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation deficiencies within the authority's jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.*

*(c) The Legislature finds and declares that there exist in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation level of service standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.*

*(3) POWERS OF A TRANSPORTATION DEVELOPMENT AUTHORITY.—Each transportation development authority created pursuant to this section has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:*

*(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.*

*(b) To undertake and carry out transportation projects for transportation facilities designed to relieve transportation deficiencies within the authority's jurisdiction. Transportation projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a deficient transportation facility.*

*(c) To invest any transportation funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.*

*(d) To borrow money, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation project and related activities such conditions imposed under federal laws as the transportation development authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.*

*(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section; to contract with any persons, public or private, in making and carrying out such plans; and to adopt, approve, modify, or amend such transportation sufficiency plans.*

*(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.*

## **POTENTIAL STRATEGIES FOR ADDRESSING ISSUE**

### **Transportation Concurrency**

Staff recommends the Board consider an explicit repeal of transportation concurrency. The primary rationale for this recommendation is so that the County can continue to use the adopted MMTM methodology for mitigation purposes as opposed to the state mandated formulas that are now contained in the proportionate fair share language of the statute. For the area inside the urban cluster, this would have little practical effect but would allow the County to continue pursue the innovative policies that were first initiated with the Mobility Plan amendments eight years ago. For the area outside the Urban Cluster, the repeal of transportation concurrency would eliminate the proportionate fair share language that currently exists in the Comprehensive Plan for that area. Staff would recommend extending the Transportation Mitigation District Concept to the entire unincorporated area and potentially into municipalities that would like to participate in joint mobility planning and funding with the County.

### **Transportation Backlog Authority**

Staff would recommend that the Transportation Backlog Authority language that is currently in the Comprehensive Plan be removed. The County has utilized a tax increment financing based formula to fund transportation in both the Southwest and Northwest Transportation Improvement Districts via agreements with Celebration Pointe and Santa Fe Village respectively. This mechanism is still available to the County but does not need such in depth description in the Comprehensive Plan.