

Article 12 Concurrency Management

407.117 Purpose

The purposes of this Article are to implement the Alachua County Comprehensive Plan's adopted level of service standards for roads, potable water, sanitary sewer, parks, solid waste, stormwater management, public school facilities, ~~and mass transit~~ and bicycle and pedestrian facilities.

407.118 Requirements for Concurrency

- (e) For Motor Vehicle, Transit, Pedestrian & Bicycle Roads and Mass Transit Facilities.
 1. The requirement of concurrency, for development in the Urban Cluster without a valid final Certificate of Level of Service Compliance (CLSC) that are below the Development of Regional Impact threshold or exempt from the Development of Regional Impact process, shall be satisfied through the payment of the Multi-Modal Transportation Mitigation as long as the approved development order remains valid. Developments within the Urban Service Area that are greater than 1,000 dwelling units or 350,000 square feet of non-residential square feet shall also be required to mitigate its impact consistent with Transportation Mobility Element Policy 1.1.10.3 of the Comprehensive Plan. Projects outside of the Urban Service Area that exceed the Development of Regional Impact threshold shall meet concurrency through the proportionate share process per F.S. § 163.3180 (12) and F.S. § 380.06.
 2. For development projects with a valid final Certificate of Level of Service Compliance (CLSC), the development shall continue satisfying transportation concurrency through payment of a transportation impact fee. Upon expiration of the CLSC, the development shall mitigate its impact through payment of the Multi-Modal Transportation Mitigation. No further extensions of a CLSC shall be granted upon adoption of the Multi-Modal Transportation Mitigation program.
 3. The requirement of concurrency for development projects outside the Urban Cluster is satisfied by in addition to meeting one of the criteria under §0 (a) or (b) above ~~Error! Reference source not found. or Error! Reference source not found. above, or the requirement for concurrency,~~ in accordance with Section 163.3180(2)(c), F.S., may be met if transportation facilities needed to serve new development shall be in place or under actual construction within three years issuance of the final development order for a development that will result in additional traffic generation, or may be met through the proportionate fair-share process under 407.125.1.

407.119 Information and Methodology

- (a) For the purposes of transportation planning within the Urban Cluster and for making transportation concurrency determinations for development outside the Urban Cluster, ~~making transportation concurrency determinations,~~ affected roadway facilities shall be determined as follows:
 1. For proposed developments generating less than or equal to 1000 external average daily trips, (ADT) affected roadway segments are all those wholly

or partially located within 1/2 mile of the project's entrances/exits, or to the nearest intersecting major street, whichever is greater.

2. For proposed developments generating greater than 1,000 external ADT, affected roadway segments are those on which the project's impacts are five percent or greater of the maximum service volume of the roadway per the Alachua County LOS Report. The study area for proposed developments generating greater than 1000 external ADT must, at a minimum, include all roadway segments located partially or wholly within 1/2 mile of the projects entrances/exits, or to the nearest major intersection, whichever is greater.

407.120 Preliminary Certificate of Level of Service Compliance

(a) Transportation

1. The applicant shall submit, with the preliminary application:
 - a. Documentation supporting any assertion of de minimis impact. The documentation shall also include an analysis to show that the impacted roadways do not operate above 110% of the maximum service volume or is a designated evacuation route. De minimis Deminimus impacts shall only pertain to developments outside of a Transportation Mobility District.

407.121 Concurrency Reservations for Projects with Phasing Schedules

(a) ~~Village Centers~~ Traditional Neighborhood and Transit Oriented Developments

For ~~Traditional Neighborhood Developments (TND) containing a village center and Transit Oriented Developments (TOD)~~ (Chapter 407, Article 7) the preliminary CLSC may be issued for time periods established by the phasing schedule associated with an approved preliminary development plan. The phasing schedule shall specify, as a percentage, that portion of the project that will be completed at the end of each calendar year. Any preliminary or final CLSC and associated reservation of public school capacity for such a ~~Traditional Neighborhood Development TND or TOD containing a village center~~ must be in accordance with a development agreement as provided in the ILA between the County and the School Board as detailed in Section 407.125.2(f) below. A CLSC for a ~~phased PD-TND or TOD~~ shall not exceed a ~~five-ten~~ year time frame, except a longer period may be considered in conjunction with a development agreement involving the reservation of public school capacity consistent with the ILA between the County and the School Board as detailed in Section 407.125.2 below.

407.125.1 Proportionate Fair Share Contribution for Transportation Facilities

(c) Applicability

The Proportionate Fair-Share Program shall apply to all developments outside the Urban Cluster in Alachua County that have been notified of a lack of capacity to satisfy transportation concurrency ~~on a transportation facility~~ in the Alachua County Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate share under §163.3180(12), F.S., developments exempted from concurrency as provided in

Policy 1.1.8 of the Alachua County Comprehensive Transportation Mobility Element, or developments exempted in §407.124 above.

(g) -Determining Proportionate Fair-Share Obligation

~~Within Multi-Modal Transportation Districts (MMTD) proportionate fair-share assessments shall be based on the expected costs and transportation benefits of all the required multi-modal improvements within the MMTD. The proportionate fair share assessment shall be based on the percentage of proposed development trips divided by the total number of trips projected for the District times the cost to provide all needed mobility improvements. The methodology used to calculate an applicant's proportionate fair-share obligation within a Multi-Modal Transportation District (MMTD) shall be as follows:~~

~~Proportionate Fair-Share = [(Total Development Trips) / (Total MMTD Trips)] x Cost~~

~~Where:~~

~~Development Trips = The total number of development trips, minus the percentage of passer-by, internal capture, and multi-modal trips;~~

~~Total MMTD Trips = The total number of projected trips for the MMTD based upon a reasonable build-out analysis, minus the percentage of passer by, internal capture, and multi-modal trips established for the MMTD;~~

~~Cost = Adjusted cost of the needed mobility improvements within the District. Mobility improvements shall include all roadway, bicycle, pedestrian, and transit improvements needed to ensure mobility. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, maintenance of traffic, utility relocation, inspection, contingencies, stormwater facilities, turn lanes, traffic control devices, bicycle, pedestrian, and transit facilities, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.~~

407.125.3 Multi-Modal Transportation Mitigation Program

(a) Purpose and Intent

The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities in the Urban Cluster can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Multi-Modal Transportation Mitigation program, in a manner consistent with §163.3180 F.S.

(b) Findings

Alachua County finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the Alachua County Multi-Modal Transportation Mitigation Program:

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1. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
2. Allows developers to proceed through a one-time mitigation payment to address their impact to the multi-modal transportation system within Transportation Mobility Districts established in the Urban Cluster;
3. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive transportation mobility planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion without viable multi-modal alternatives;
4. Maximizes the use of public funds for adequate transportation mobility to serve future growth, and may, in certain circumstances, allow Alachua County to expedite transportation mobility improvements by supplementing funds currently allocated for transportation mobility in the Comprehensive Plan Capital Improvements Element (CIE).
5. Is consistent with §163.3180 F.S., and supports the policies in the Alachua County Comprehensive Plan, Policy 1.1.7 of the Transportation Mobility Element and Policy 1.3.2 (C) 3. of the Capital Improvements Element.

(c) **Applicability**

1. The Multi-Modal Transportation Mitigation shall apply to all developments in Alachua County within Transportation Mobility Districts located in the Urban Cluster that do not have a valid final CLSC for transportation concurrency as of the date of adoption of the Multi-Modal Transportation Mitigation Ordinance.
2. The Multi-Modal Transportation Mitigation Program does not apply to projects that exceed thresholds for developments of regional impact (DRIs) outside of the Urban Service Area.
3. Developments greater than 1,000 dwelling units or 350,000 square feet of non-residential uses shall also address the mitigation requirements per Transportation Mobility Element Policy 1.1.10.3 of the Comprehensive Plan.
4. In order for a development to receive a final CLSC, the Developer shall be required to sign a Multi-Modal Transportation Mitigation Agreement that stipulates the Developer voluntarily agrees to pay the mitigation in order to address its transportation impact.

(d) **Payment of Multi-Modal Transportation Mitigation**

1. The Multi-Modal Transportation Mitigation rates will be established at final development plan approval and included as part of the CLSC. The MMTM will be assessed at the time of final development building permit application based upon the rates established as part of the final CLSC. The MMTM shall be paid prior to approval of the final inspection for the use.

2. For uses that do not require a building permit, the Multi-Modal Transportation Mitigation shall be paid prior to final development plan approval.
3. A Developer has the option to pay their Multi-Modal Transportation Mitigation concurrent with final development plan approval and if applicable, approval of any subsequent Developer Agreement. The Mitigation shall be based on the MMTM schedule in effect at the time of final development plan approval. The mitigation shall be re-evaluated at the time of building permit application to determine if additional mitigation or a refund is required due to changes in the size of the use or unit of measure used to determine the mitigation at final development plan approval.
4. Shell buildings shall be assessed at the time of building permit application for interior completion of the shell. The Mitigation shall be based on the MMTM schedule in effect at the time of building permit application for the interior completion of the shell.
5. Upon payment of the Multi-Modal Transportation Mitigation, the development will have mitigated its impact and not be subject to any subsequent changes in the Multi-Modal Transportation Mitigation program.
6. Recognizing the "time value of money" component to financing, Alachua County offers the following MMTM payment incentives:
 - a. Payment concurrent with Final Development Plan Approval = 15% reduction
 - b. Payment concurrent with Building Permit Application = 7.5% reduction
 - c. Payment concurrent with Final Building Inspection = 0% reduction

(e) **Determining Multi-Modal Transportation Mitigation Obligation**

1. Multi-Modal Transportation Mitigation for transportation mobility impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
2. A development shall not be required to pay more than its impact to the transportation system. The fair market value of the Multi-Modal Transportation Mitigation for mobility impacts shall not differ regardless of the method of mitigation.
3. The methodology used to calculate an Applicant's Multi-Modal Transportation Mitigation shall be as follows:
"The target funding level divided by the growth in vehicle miles of travel times the vehicle miles of travel for the proposed use."

OR

$$\text{VMTg} = \text{VMTf} - \text{VMTb}$$

$$\text{Tcfl} = \text{Cc} - \text{Cr}$$

$$\text{Ttofl} = \text{Toc} - \text{Cr}$$

$$\text{VMTr} = (\text{Tcfl} / \text{VMTg}) + (\text{Ttofl} / \text{VMTg})$$

$$\text{VMTp} = (\text{Tg} * \text{Atl}) * .5 * (1 - \% \text{CC}) * (\% \text{NT})$$

$$\text{Multi-Modal Transportation Mitigation} = \text{VMTr} * \text{VMTp}$$

Where:

Vehicle Miles of Travel Growth (VMTg) = The projected total of vehicle miles traveled in the horizon year (VMTf) minus the base year (VMTb) vehicle miles of travel.

Target Capital Funding Level (Tcfl) = The total cost of transportation capital (Cc) for projects consistent with the Capital Improvements Element. Cost shall include all capital infrastructure construction costs, along with cost for design, right-of-way, planning, engineering, maintenance of traffic, utility relocation, inspection, contingencies, project management, stormwater facilities, turn lanes, traffic control devices, bicycle and pedestrian facilities, transit vehicles, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

Target Transit Operations Funding Level (Ttofl) = The total cost of transit operations (Toc) consistent with the Capital Improvements Element.

Committed Revenue (Cr) = The total committed revenue to fund transportation capital and transit operations.

Vehicle Miles of Travel Rate (VMTr) = Target Funding Level for transportation capital and transit operations divided by Vehicle Miles of Travel Growth

Vehicle Miles of Travel Proposed Use (VMTp) =

(Tg) = Trip Generation Rate

(Atl) = Average Trip Length

(CC) = Community Capture

(NT) = New Trips

4. For the purposes of determining Multi-Modal Transportation Mitigation obligations, Alachua County shall determine mobility improvement costs, including transit, based upon the actual cost of the improvement utilizing the latest available data. Mobility improvements, including transit should be consistent with projects identified in the Capital Improvements Element.

5. An applicant shall have the option to conduct an alternative Multi-Modal Transportation Mitigation study consistent with the methodology in 407.125.3 (d) (3). A signed methodology agreement with Alachua County shall be required prior to the applicant conducting the alternative analysis. The analysis shall be conducted by a professional engineer or certified planner with documented experience in conducting transportation analysis.

The alternative study must be found sufficient and requires acceptance and approval by Alachua County before an applicant can receive a CLSC.

(f) **Multi-Modal Transportation Mitigation Agreement**

1. The Applicant shall provide a Multi-Modal Transportation Mitigation (MMTM) Agreement in the form provided by the County that contains all required documentation within this Section. The Agreement shall require approval by the Board of County Commissioners (BOCC) before becoming effective.
2. An applicant may submit the Agreement with preliminary development plans. For projects that require preliminary development plans be approved by the BOCC, the Agreement may be approved concurrent with preliminary development plans. For projects where preliminary development plans are approved by the Development Review Committee, the Agreement would require separate approval by the BOCC upon approval of the preliminary development plans. The Applicant shall enter into a binding Agreement with the County prior to any final development plan approval. Such agreement shall not constitute Final Development Plan approval or any intent by Alachua County to guarantee approval of the Final Development Plan application. Entering into the Agreement only satisfies the applicant's transportation concurrency requirements. Should the application for Final Development Plan be denied, the Agreement shall be null and void.
3. The Multi-Modal Transportation Mitigation Agreement shall be an addendum to the Final Certificate of Level of Service Compliance. Final CLSC shall be consistent with the provisions of §407.122. The MMTM schedule in effect at the time of final development plan approval shall be included with the CLSC to establish the MMTM rate to be evaluated at building permit application. Should the applicant fail to apply for a final development plan within 12 months, or as otherwise established in a binding Agreement, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.
4. Request for credit for the construction of infrastructure or right-of-way dedication shall be made in the draft MMTM agreement. If the infrastructure project or right-of-way dedication was requested or required by the County after submittal of the draft MMTM agreement, then the draft agreement shall be revised prior to submittal of the final development plan. The CMO has the option to require an Applicant to enter into a Developers Agreement, which would require approval by the Alachua County Board of County Commissioners before going into effect, where credit is requested for large scale infrastructure projects or right-of-way dedication. A Developers Agreement shall be required in instances where a Developer requests reimbursement for the expenditure of funds beyond the Developer's Multi-Modal Transportation Mitigation.

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5. Applicants may submit a letter to withdraw from the Multi-Modal Transportation Mitigation Agreement at any time prior to the approval of the Final CLSC. The application fee and any associated advertising costs to Alachua County will be nonrefundable. The applicant will lose its Preliminary CLSC approval upon withdrawal from the Multi-Modal Transportation Mitigation Agreement.

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6. Any requested change to a development project subsequent to a development order may be subject to additional Multi-Modal Transportation Mitigation to the extent the change would generate additional traffic that would require mitigation.

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7. The Agreement shall specify the following:

a. The proposed timing of the payment of the Multi-Modal Transportation Mitigation.

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b. The process for determining the required Multi-Modal Transportation Mitigation. The applicant shall specify whether they elect to utilize the Multi-Modal Transportation Mitigation schedule or they conducted an alternative Multi-Modal Transportation Mitigation study. The study, if applicable, shall be included as an addendum to the agreement. If the CMO has agreed to an alternative timing to conduct the study, then the timing shall be specified in the agreement.

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c. The process for establishing the value of an infrastructure project or right-of-way dedication where credit is requested. If a dollar amount is agreed to, then the dollar amount and the basis for the agreed to figure shall be included in the agreement.

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d. The voluntary acknowledgment that the Developer will pay the required mitigation. The Developer is required to provide a disclosure form to be utilized by a builder applying for a building permit or occupant applying for development plan approval for uses not requiring a building permit that specifies who is responsible for payment of the mitigation. A copy of the disclosure form specifying the entity that will pay the mitigation shall be provided with all building permit or development plan applications. The disclosure form shall be signed by both the Developer and the builder or occupant. The Developer will be required to pay the required mitigation if the building permit applicant fails to pay the required mitigation within 10 days of receiving the County's demand for payment.

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e. Time frame that the Development is vested for concurrency, including any phasing provisions or development thresholds.

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f. Process for addressing amendments to the Agreement after the Agreement has been accepted by the Alachua County Board of County Commissioners.

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g. Provision for withdrawal once the Agreement has been approved by the County. Upon commencement of development, withdrawal shall not be allowed unless the applicant can clearly demonstrate that the development commenced has complied with all applicable concurrency requirements and that the traffic impact of the development has been acceptably mitigated.

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(g) **Appropriation of Multi-Modal Transportation Mitigation Funds**

1. The Comprehensive Plan identifies three (3) Transportation Mobility Districts within the Urban Cluster. The NW District is generally the area north of Newberry Road east of Interstate 75 and north of SW 8th Avenue west of Interstate 75. The SW District is generally the areas south of SW 8th Avenue and west of Interstate 75. The East District is generally the areas east of NW 34th Street (SR 121).

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2. Multi-Modal Transportation Mitigation funds shall be placed in special revenue / mobility project trust funds established for the three (3) Transportation Mobility Districts for funding of scheduled transportation improvements consistent with the Capital Improvements Element. Funds shall be placed in the Transportation Mobility District trust fund from which the revenues were collected. Funds shall be spent in the District from which they were collected.

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3. Multi-Modal Transportation Mitigation funds shall be used to fund infrastructure projects and transit operations consistent with the Capital Improvements Element. Multi-Modal Transportation Mitigation revenues shall not be spent for maintenance of infrastructure, within any municipality or for local roads or mainline Interstate improvements.

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4. Multi-Modal Transportation Mitigation funds may be used for intersection operational and capacity improvements prior to construction of a corridor-wide capacity project identified in the Capital Improvements Element.

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5. Where a Developer constructs a transportation mobility improvement that exceeds the developer's Multi-Modal Transportation Mitigation, Alachua County may elect to establish an account for the developer for the purpose of reimbursing the developer for the excess contribution with Multi-Modal Transportation Mitigation payments from future developments within the same Transportation Mobility District.

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6. Alachua County may elect to establish a separate infrastructure account within a Transportation Mobility District to ensure that funds collected in a

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particular area are spent on a specific infrastructure project(s) or within a specific development from which they are collected.

7. The full cost to administer the Multi-Modal Transportation Mitigation Program including preliminary assessments, application for credit due to construction of improvements, dedication of right-of-way or existing uses, front-ending agreements, building permit assessment, alternative analysis, annual reporting and monitoring, periodic updates, infrastructure and transit planning and dispute resolution.

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(h) **Determining Multi-Modal Transportation Mitigation Credit**

1. An applicant may request Multi-Modal Transportation Mitigation credit for the dedication of non-site related right-of-way and construction of infrastructure consistent with the Capital Improvements Element. In addition, an applicant may request credit for funds expended to fund transit operations to and from the development consistent with transit service identified in the Capital Improvements Element.
2. If Alachua County has accepted an infrastructure project, consistent with the Capital Improvements Element, in lieu of the entire or a portion thereof of the applicant's Multi-Modal Transportation Mitigation, then the value of the improvement shall be determined using invoices based on actual cost.
3. If Alachua County has accepted right-of-way dedication consistent with the Capital Improvements Element, in lieu of the entire or a portion thereof applicant's Multi-Modal Transportation Mitigation, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 130 percent of the most recent assessed value by the Alachua County Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by Alachua County and at no expense to Alachua County. To receive the credit, the applicant shall dedicate the right-of-way to Alachua County per all applicable County requirements at no expense to Alachua County.
4. For projects not identified in the Capital Improvements Element, the Board of County Commissioners may adopt the projects for inclusion in the Capital Improvements Element and include the project in subsequent updates of the Capital Improvements Element.
5. Multi-Modal Transportation Mitigation credits may be transferred to other developments within the same Transportation Mobility District, so long as all the developments are owned by the same development entity. If the credit is based on an improvement or right-of-way dedication for a facility that forms the border of two Transportation Mobility Districts, the credit could be utilized in either District.

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(i) **Multi-Modal Transportation Mitigation Schedule**

The Multi-Modal Transportation Mitigation schedule shall be provided in a tabular format with specified uses, the mitigation for each use and the effective date of the schedule. The schedule shall be made available on the Growth Management Department's website and posted in the building permit division.

(j) **Updates of Multi-Modal Transportation Mitigation**

The Multi-Modal Transportation Mitigation shall be evaluated on an annual basis concurrent with updates to the Capital Improvements Element. The Multi-Modal Transportation Mitigation shall be re-evaluated should transportation mobility improvements in the Capital Improvements Element be added, modified or removed. The Multi-Modal Transportation Mitigation shall be re-evaluated in the event a sales tax, gas tax or other revenue source is established to pay for all or a portion of the transportation mobility improvements in the Capital Improvements Element.

(k) **Administrative Manual**

An administrative manual shall be developed to specify the procedures related to the administration of the mitigation program, updates to the mitigation program, reporting requirements, exceptions, alternative studies, credit applications and forms.

(l) **Impact Fee**

Developments that are required to pay a Multi-Modal Transportation Mitigation shall not be required to pay a transportation impact fee. Once a development valid Certificate of Level of Service Compliance expires, all subsequent building activity within the development shall be required to mitigate its impact through payment of the Multi-Modal Transportation Mitigation.