

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners DATE: 6/30/2011 FILE: CAO11-3513

THRU: Jeffrey N. Steinsnyder
County Attorney *pd 6-30-11* SUBJECT: Proposed Mobility Fee Ordinance
Final Public Hearing
BOCC: 7/12/11
1:30 p.m., DC


FROM: David A. Goldstein REFERENCES: All Commission Districts
Chief Assistant County Attorney

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS:

On March 22, 2011, the Board of County Commissioners (BOCC) heard a presentation relating to mobility fees, selected a prototype mobility fee scenario (scenario 3.2), and directed Pasco County staff, Pasco County's consultant (Tindale, Oliver & Associates) and the County Attorney's Office to develop a full mobility fee schedule, mobility fee ordinance and tax increment ordinance to implement the Board's selected prototype mobility fee scenario. Attached is the proposed mobility fee ordinance and fee schedule that implements the Board's direction, and which has been titled the "Mobility Fee Ordinance".

Below is a brief overview of the Ordinance/Fee Schedule:

1. The Ordinance replaces the County's existing transportation impact fee with a mobility fee that assesses for the capital costs of roads, transit and bicycle/pedestrian facilities in Pasco County.
2. The Ordinance creates and implements the Transportation Concurrency Exception Area for the Urban Service Area.
3. The Ordinance adopts the MPO Long Range Transportation Plan (LRTP) as Pasco County's mobility plan.
4. The Ordinance creates a tiered mobility fee rate structure with fees that are generally lower in the planned urban market areas of Pasco County, and generally higher in the planned suburban and rural market areas of Pasco County. The tiered fees are in-part made possible by a decision to allow greater congestion in the urban market areas that exceeds current level of service standards, and by an assumption that the urban market area will rely to greater degree on alternate modes of transportation. If the market area boundaries in the Comprehensive Plan are amended in the future, the ordinance requires that the mobility fee collection district boundaries also be modified.
5. The Ordinance creates more favorable rates for office, industrial, and lodging (hotel) uses, and traditional neighborhood development (TND) and transit oriented development (TOD).
6. The Ordinance relies on other transportation revenues—gas tax, Penny for Pasco and a new 33.33 percent ad valorem tax increment revenue source—to subsidize/buy-down the mobility fees for land uses which the BOCC is choosing to encourage, or in areas of the County in which the BOCC wishes to promote development.
7. The Ordinance retains and utilizes the County's existing transportation impact fee zones (renamed collection/benefit districts) for purposes of regulating the expenditure of mobility fees.

8. The ordinance earmarks the mobility fees and tax increment revenues collected in the Villages of Pasadena Hills consistent with the pre-existing Villages of Pasadena Hills Financial Plan.
9. The Ordinance has been structured to allow Pasco County's municipalities to participate in the mobility fee program, and benefit from the revenue sources, but it does not require the municipalities to participate.
10. The Ordinance earmarks a percentage of the mobility fee for improvements that benefit the Strategic Intermodal System in Pasco County (US 19, I-75, the Suncoast Parkway and portions of US 41 and SR 54).
11. The Ordinance and fee schedule do not contain any assessments for regional transit facilities (light rail, BRT etc.), but the Ordinance does allow for the mobility fee to be used for such facilities if they are consistent with the LRTP and benefit new development paying the fee.
12. The Ordinance adopts a mobility fee administration fee to cover the costs of administering and implementing the mobility fee program.
13. The Ordinance requires that the mobility fee and administration fee be updated, at a minimum, every three (3) years. The update will reevaluate the assumptions in the mobility fee study, including growth rates, construction costs, changes to the LRTP, and the availability and amount of the assumed buy-down revenue sources. For example, the mobility fee assumes that Penny for Pasco will be renewed in 2014, and we will know whether that assumption is correct when the first scheduled update occurs.
14. The ordinance is retroactive to building permits applied for or issued on or after March 1, 2011.
15. For any developments whose fees are increasing under the mobility fee system, or that otherwise believe they are adversely affected by mobility fees, the ordinance provides for a 3-year period for such developments to opt-out and remain subject to transportation impact fees.

Since the first public hearing on June 21st, the following substantive changes were made to the fee schedules and Ordinance:

1. The residential fees in the rural area were reduced, which resulted in small increases to the residential fees in the urban and suburban areas.
2. A provision was added allowing transportation impact fee/mobility fee credits to be sold prior to the build-out of the development that owns the credits, but only if the that development completed all of its proportionate share/pipeline project obligations as of the effective date of mobility fees.
3. The time period to opt-out of mobility fees (and remain subject to transportation impact fees) was increased from 2 years to 3 years.
4. The required information and procedure to opt-out of mobility fees was clarified, including the procedure to opt back in to mobility fees.
5. An expiration date was established for opt-out developments (December 31, 2025). After that date, the opt-out developments will be subject to mobility fees.
6. The procedure for issuing refunds to builders that use transportation impact fee credit letters was clarified.
7. A statement was added to clarify that the listing of a land use in the fee schedule does not mean that the use is permitted or appropriate in the underlying Market Area, zoning district, or land use classification.

ALTERNATIVES AND ANALYSIS:

1. Adopt the attached proposed Mobility Fee Ordinance.

2. Direct revisions to the attached proposed Mobility Fee Ordinance.
3. Do not adopt the proposed Mobility Fee Ordinance.

RECOMMENDATION AND FUNDING:

The County Attorney's Office recommends that the Board of County Commissioners accept public comment, approve alternative number 1, adopt the proposed Mobility Fee Ordinance by roll call vote, authorize the Chairman's signature on same, direct Board Records to file a certified copy of the ordinance and the coding form with the Department of State within ten (10) days after enactment, retain one (1) original, and send one (1) copy to the County Attorney, New Port Richey along with a copy of the letter from the Department of State showing receipt of the Ordinance.

The cost of housing may be reduced based on this Ordinance.

No funding is required for this item. Administration of the tax increment/mobility fee program will be addressed through the mobility fee administration fee.

DAG:ls

Attachments:

1. Mobility Fee Ordinance
2. Redline of Mobility Fee Ordinance showing changes since 6/21 version
3. Mobility Fee Schedules (Exhibit A)
4. Existing Transportation Impact Fee Schedule (Exhibit B)
5. Assessment District Map (Exhibit C)
6. Collection/Benefit District Map (Exhibit D)
7. Administration Fee Studies (Maximus & Pasco County)
8. Mobility Fee Study (Tindale, Oliver)

cc: Michele Baker, Chief Assistant County Administrator
Bipin Parikh, Assistant County Administrator, Development Services
Mike Nurrenbrock, Director of Office of Management and Budget
Dan Risola, Capital Project Planning Coordinator, OMB
Michael Clark, Budget Director (OMB)
Jim Edwards, Transportation Planning Manager, MPO
Jim Widman, Engineering Services Director
Debbie Bolduc, Program Administrator for Engineering Services
Cindy Jolly, P.E., Development Director
Richard Gehring, Growth Management Administrator
George Romagnoli, Community Development Manager
Mike Carroll, Transportation Manager