**Board of County Commissioners
Workshop**

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| Date of Meeting: | October 6, 2011 |
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| Date Submitted: | October 5, 2011 |
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| To:  | Honorable Chairman and Members of the Board |
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| From:  | David Edwards, County AdministratorHeather J. Encinosa, County Attorney |
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| Subject: | Workshop to Discuss the County's Existing Concurrency System and Options |

**Background**

This item is intended to facilitate discussion and provide information as to the statutory amendments adopted by the Florida Legislature during the 2011 regular legislative session in House Bill 7207. In House Bill 7207, the Legislature adopted a number of changes to Florida’s growth management act, found in Chapter 163, Florida Statutes. These changes included significant modifications to local comprehensive plan requirements, the comprehensive planning process, and concurrency requirements, necessitating a policy discussion by the Board as to how it wishes to approach certain issues related to growth management going forward. While the County is not required to adopt amendments to their comprehensive plan until its next evaluation and appraisal report period, with the elimination of certain key provisions of Chapter 163, the County may wish to proceed with amending its comprehensive plan prior to that time.

This item will first discuss the County’s current concurrency management system and then present options for the Board’s consideration as to how it may approach concurrency in the future.

**Existing Concurrency Management System**

1. Requires proposed development to demonstrate that necessary public facilities will be available at the time of development
2. Public facilities reviewed for concurrency
3. Transportation facilities
4. Wastewater facilities
5. Solid Waste
6. Stormwater and drainage
7. Potable water
8. Schools
9. Level of Service standards to be met to ensure concurrency

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| **FACILITY/SERVICE AREA**  | **MINIMUM LEVEL OF SERVICE STANDARD**  |
| Transportation Facilities | (1) E for State owned roads in the Crawfordville Overlay boundary (from Harvey Mill Road north to Leon County line)(2) D for State owned roads one link beyond Crawfordville Overlay boundary (from Harvey Mill Road south to US 98)(3) C for all other State owned roads(4) D for minor local roads in Crawfordville Overlay boundary(5) D for minor local roads one link beyond Crawfordville Overlay boundary(6) C for all other minor local roads |
| Sanitary Sewer  | (1) Minimum average daily flow to be treated from domestic units shall be 250 gallons per Equivalent Dwelling Unit per day. (2) Wastewater effluent shall meet standards defined by State law, permit requirements of the Florida Department of Environmental Protection and Water Management District and County ordinance when discharged to groundwater or surface water in the County.  |
| Solid Waste Facilities  | Average Solid Waste Generation Rate 3.1 pounds per capita per day.  |
| Drainage/Stormwater Facilities  | (1) *Stormwater quality:* No discharge from any stormwater discharge facility shall cause or contribute to a violation of water quality standards as provided for in County ordinances, federal laws and State statutes. (2) Stormwater management systems shall provide for adequate control of stormwater runoff.  |
| **Flooding Reference**  | **Flood intervals in years**  |
| Emergency shelters and essential services buildings  | 100  |
| Habitable buildings  | 100  |
| Employment/service centers  | 100  |
| Roads: Roads should be passable during flooding. Roadway flooding, <6” depth at the outside edge of payment is considered passable.  | Evacuation Roads:100 Arterials: 100 Collectors: 25 Neighborhood: 25  |
|  Sites: Flooding refers to standing water  | Urban (>1 unit/acre): 5 Rural: 2  |
|   | (3) All drainage facilities within the County shall be designated to meet the water quality standards and design criteria consistent with Rule 62-25, F.A.C. and Rule 62-346 F.A.C. |
| Potable Water *Average Water* *Consumption* *Rates*  | (1) System capacity shall be based on 250 gallons per Equivalent Dwelling Unit per day based on maximum daily flow plus the maintenance of minimum fire flow standards. (2) Minimum potable water quality shall be as defined by the U.S. Environmental Protection Agency, except where the State or County may impose stricter standards.  |
| Schools | Type of School Elementary SchoolsMiddle SchoolsHigh SchoolsCharter Schools | Service Standard100% of FISH capacity for permanentstudent stations only 100% of fire-code capacity limit |

1. Transportation Concurrency
2. Concurrency reviewed at different stages of development
3. Comprehensive Plan Map Amendment
4. Site Plan
5. Plat
6. Analyzed based on PM peak hour trips generated by the proposed development
7. Other analysis may be required (i.e. turn lane analysis) based on number of PM peak hour trips
8. Three classifications of development size
9. Minimal developments - 15 or fewer PM peak hour trips
10. Small developments - 16 to 50 PM peak hour trips
11. Large developments - 51+ PM peak hour trips
12. Fees assessed for concurrency review
13. Minimum Development Review: $160.00

1. Small Development Review Fee: Use: Retail $800.00

 Office $1,000.00

 Residential $1,100.00

 Mixed Use $1,200.00

1. Large Development Review Fee: Use: Retail $1,250.00

 (50 to 99 PM peak hour trips) Office $1,550.00

 Residential $1,650.00

 Mixed Use $1,800.00

1. Large Development Review Fee:

 (100 to 199 PM peak hour trips) Use: Retail $1,650.00

 Office $2,150.00

 Residential $2,500.00

 Mixed Use $2,600.00

1. Large Development Review Fee:

 (200 or more PM peak hour trips) Use: Retail $3,750.00

 Office $4,750.00

 Residential $6,250.00

 Mixed Use $6,400.00

1. Developer pays review fee and in turn fee paid to consultant for review, except for Minimum Development Review, which is reviewed in-house by staff

Legislative Changes in Ch. 2011-139, Laws of Florida (HB 7207)

Some of the Legislature’s amendments to Chapter 163, included the following:

* Adoption of new definitions in s. 163.3164, F.S., including some from former Rule 9J-5, F.A.C., and elimination of other key definitions.
* Creation of a new s. 163.3168, F.S., to encourage local governments to apply innovative planning tools including visioning, sector planning, and rural land stewardship area designations to address future development areas.
* Amendment of s. 163.3177, F.S. addressing the required elements of the comprehensive plan, through incorporation and revision of numerous provisions from former Rule 9J-5.
* Amendment of s. 163.3180, F.S., pertaining to concurrency, was amended to revise and incorporate provisions from Rule 9J-5 and eliminate certain concurrency requirements (discussed in more detail below).
* Amendment of s. 163.3184, providing the process for adoption and review of comp plan amendments.

Amendments to s. 163.3180, Florida Statutes

Section 163.3180, Florida Statutes, sets out the requirements for local government concurrency. The most significant change to this section was the elimination of mandatory concurrency for parks and recreation facilities, schools, and transportation facilities (leaving in place the concurrency requirements for sanitary sewer, solid waste, drainage, and potable water facilities). Concurrency requirements for other public facilities may be continued or imposed at the option of the local government.

To the extent that a local government wishes to continue or apply optional concurrency to public facilities, the comprehensive plan must provide the necessary principles, guidelines, and standards, including adopted levels of service, to guide the application of those concurrency requirements. If the local government chooses to rescind existing optional concurrency requirements, they must do so by amending their comprehensive plan, and such amendment is not subject to state review. And for all concurrency requirements, whether required or optional, the local government must be able to identify infrastructure necessary to ensure that adopted level of service standards are met for the 5-year period included in the capital improvement schedule.

Local governments wishing to apply concurrency to transportation facilities must, in addition to the above requirements, use professionally accepted studies to evaluate the appropriate levels of service. They are also encouraged to adopt guidelines to address the potential negative impacts of concurrency on future development in certain urban service and infill areas, on development only placing part-time demands on the transportation system, on development having only de minimis impacts to the transportation system, and desired types of development such as redevelopment or job creation projects. Local governments are further encouraged to develop transportation patterns that support multimodal solutions, adopt an areawide level of service not depending on any single road segment function, exempt or discount the impacts of locally desired development, encourage non-vehicular transportation, and reduce impact fees to promote development within urban areas, multimodal transportation districts, or affordable or workforce housing.

If concurrency will be implemented on or affect facilities on the strategic intermodal system. The local government must consult with the Florida Department of Transportation.

The amendments to section 163.3180, also impose revised proportionate share requirements for transportation concurrency. Local governments with transportation concurrency must allow any applicant for a DRI development order, a rezoning, or other land use development permit to satisfy transportation concurrency requirements by entering into a proportionate share agreement to pay for or construct its proportionate share of required improvements. The proportionate share mitigation must benefit a regionally significant transportation facility (as opposed to simply a local facility). An applicant shall not be required to pay for the cost of reducing or eliminating deficiencies or be required to construct facilities whose costs would be greater than the applicant’s proportionate share of the improvements necessary to mitigate the impacts of the development. Section 163.3180, further provides a formula for determining the amount of proportionate share mitigation required to address the impacts of a development, and provides that applicants must receive a credit for impact fees, mobility fees, and other transportation mitigation requirements imposed by a local government.

**Local Options for Concurrency**

Under the changes to the growth management act adopted in HB 7207, the BOCC has the option of maintaining its concurrency requirements as they are currently adopted. Alternatively, the Board may elect to rescind or modify its concurrency programs for transportation facilities and for school facilities, or adopt concurrency for additional public facilities. Regardless of which option the Board chooses, changes to the County’s Concurrency Management ordinance and to its currently adopted Comprehensive Plan will be necessary in order to obtain consistency with the amended statutory provisions and eliminate obsolete references to the Florida Administrative Code.

Because of the concern of the impacts of new development on existing roads, this section will focus on options related to transportation concurrency.

Transportation options:

1. Maintain transportation concurrency requirements at existing level of service standards. The first option for the Board to consider is maintaining its current transportation concurrency requirements. This would mean that the level of service standards noted above continue, as are. Under the new legislation, the County would be required to:
	* Ensure that the studies and techniques used to measure levels of service are professionally accepted.
	* Identify necessary facilities in the current 5-year capital improvements element.
	* Consult with FDOT regarding facilities which affect the strategic intermodal system.
	* Provide for proportionate share mitigation of impacts for applicants for a DRI development order, rezoning, or other land use development permit.
2. Maintain transportation concurrency using different level of service standards. This option would still require the County to take the above steps, but the County may increase the level of service standards either County-wide or on specific road corridors to ensure that County roads remain in good quality.
3. Impose concurrency on certain isolated corridors. In addition, the County may impose concurrency requirements on certain specified corridors that tend to be most impacted by development and are the most heavily travelled, and eliminate concurrency on other corridors. Examples of impacted roads may include Woodville Highway and Highway 319. In addition, the County may
4. Eliminate transportation concurrency and pursue other options to address transportation concurrency. As a final option, the Board may choose to rescind its transportation concurrency requirements in their entirety. In the event the Board chooses this option, it may wish to consider other alternatives to address the impacts of growth on County Roads. Potential alternatives would include road impact fees and transportation mobility fees.

The County Code of Ordinances already provides for imposition of a road impact fee, however currently the fees are imposed at zero percent of the adopted fee, as provided for in Wakulla County Ordinance No. 2011-01. The impact fees may be used by local governments to fund growth-necessitated improvements on transportation facilities within the County and would only imposed upon new construction occurring within the County. If the Board were to decide to rescind concurrency, it may increase the impact fees.

Like an impact fee, a mobility fee is also a charge on new development in order to provide mitigation for its impact on the transportation system, however, mobility fees typically require a greater level of intergovernmental coordination than impact fees and they may be used to fund multi-modal transportation options, such as bike paths, pedestrian walkways, and public transit, in addition to public roadways. Also, unlike impact fees, mobility fees may be imposed using tiered rates for different areas within the County’s transportation system, such as having different fees depending on whether an area is more developed (i.e., urban infill and service areas, town centers) or more rural. The ability to fund multi-modal transportation options and to impose discounted rates in areas where development is desired make these fees consistent with the objectives of House Bill 7207.

1. Other: For Board discussion.

**It should also be noted that the Board does not take action during Workshops; however staff requests the Board provide direction and if any consensus is reached on how to proceed prior to this workshop concluding. The direction provided to staff will be included into the record of the minutes and will eliminate staff bringing back an agenda item to ratify.**