

**Transportation Concurrency and
Amendments to Florida Statutes**

Board of County Commissioners Workshop

March 26, 2013

Presentation Overview

- I. St. Johns County Concurrency History
- II. 2011 Amendments to Florida Statutes (HB 7207)
- III. Potential Concurrency Options

I. St. Johns County Concurrency History

St. Johns County Concurrency History

- Concurrency defined in Florida Statutes 163.3180.
- Implemented by St. Johns County in 1990.
- County adopted amendments in 2009 and 2010:
 - Eliminated excessive “Ghost Trips.”
 - Reserved ten years of road capacity.
 - Increased Minor and Small project thresholds.
 - Deferred concurrency requirement from rezoning until construction plans.
 - Allowed Proportionate Fair Share in lieu of full road projects.

Fundamental Concurrency Question

Is capacity available on arterial and collector roads to serve new growth?

If Yes:

A certificate of
concurrency is issued



Development
allowed to proceed

If No:

A proponent must share
evidence that must be adopted
mitigating project impacts



A certificate of
concurrency is issued



Development
allowed to proceed

II. 2011 Amendments to Florida Statutes

2011 Amendments To Florida Statutes

- HB 7207 was adopted in June 2011 modifying a wide range of Growth Management laws.
- Key changes to transportation planning include:
 - Encouraged urban infill, multi-modal solutions, transit, and mixed use developments.
 - Rendered transportation concurrency optional.
 - Adopted level of service must still be addressed.
 - Attempted to clarify application of proportionate share.
- Resulted in different interpretations of Proportionate Share.
- To date, no case law has been established on this aspect of the Statute.

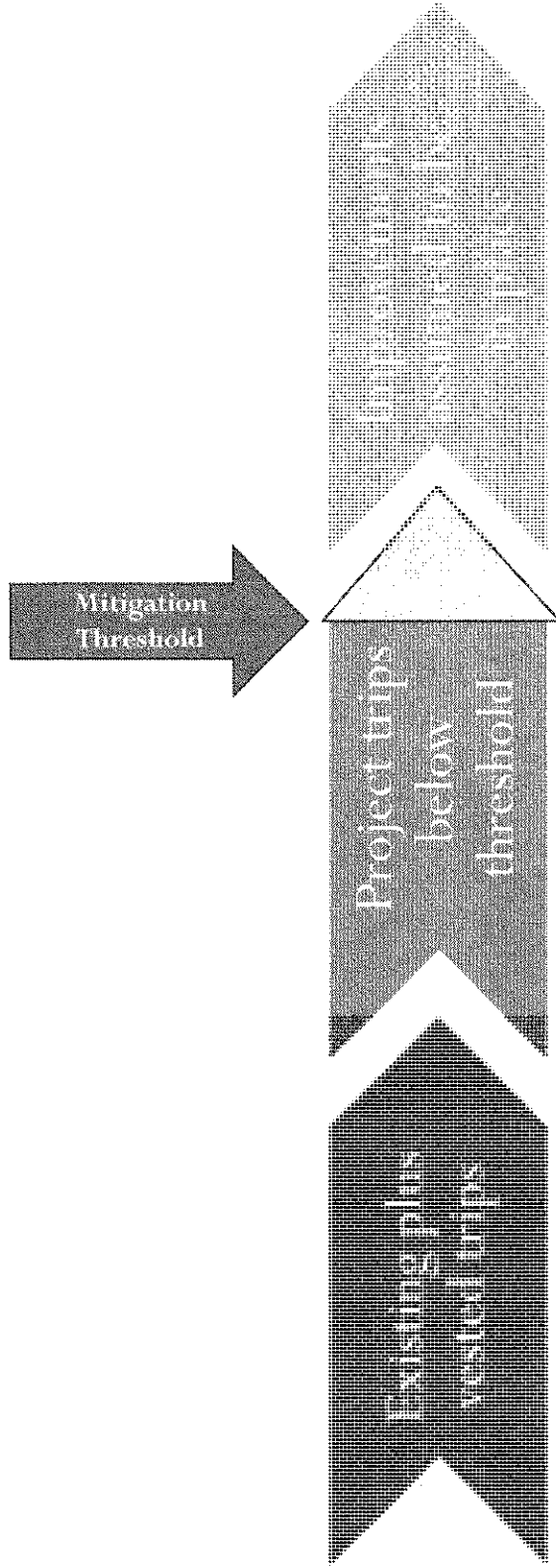
2011 Amendments To Florida Statutes

- If concurrency is retained, Florida Statutes state:
 - Local governments may not require payments or improvements which cost more than “development’s proportionate share...”
 - “The development’s proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.”
 - “The applicant shall receive a credit on a dollar-for-dollar basis for impact fees...”
- St. Johns County is felt to be in compliance with these requirements of State Statutes.

DCA Memo Pertaining to Amendments

- In July 2011, the Department of Community Affairs staff issued a memorandum regarding how law “should be interpreted.”
 - If a road is deficient, “improvements needed” should be assumed to be in place whether they are funded or not, even if it adds more capacity than is needed.
- Memo did not prescribe any specific “improvements.”
- Has been interpreted in the following manner:

DCA Memo Pertaining to Amendments



FDOT Proportionate Share Report

- In December 2011, the DOT issued a report stating:
 - “Changes made to the calculation of proportionate fair share may continue to create inequities and increase congestion...”
 - Acknowledged inequities between first developer who must mitigate, and subsequent developers who *generally* are not required to mitigate.
 - Stated that unless the local governments have funds to mitigate, congestion will increase.
 - Recommended clarifying language to ensure contributions can be collected from multiple developments.

Florida County Governments Surveyed

- Alachua County
- Brevard County
- Broward County
- Citrus County
- Clay County
- Duval County
- Flagler County
- Hillsborough County
- Indian River County
- Lake County
- Lee County
- Leon County
- Manatee County
- Marion County
- Miami-Dade County
- Orange County
- Osceola County
- Palm Beach County
- Pasco County
- Polk County
- Putnam County
- Santa Rosa County
- Seminole County
- St. Lucie County
- Sumter County
- Volusia County

Concurrency Survey Results

Florida County Governments Surveyed

- 20 Maintaining Concurrency
 - 14 assess prop share the same as SJC
 - 3 calculate based on DCA interpretation
 - 1 never adopted proportionate share
 - 2 systems under review
- 6 Not Maintaining Concurrency
 - 3 adopted a mobility fee
 - 1 uses traffic analysis to levy fee
 - 1 levies only impact fees and gas taxes
 - 1 assessing alternatives

2013 Relevant Pending Legislation

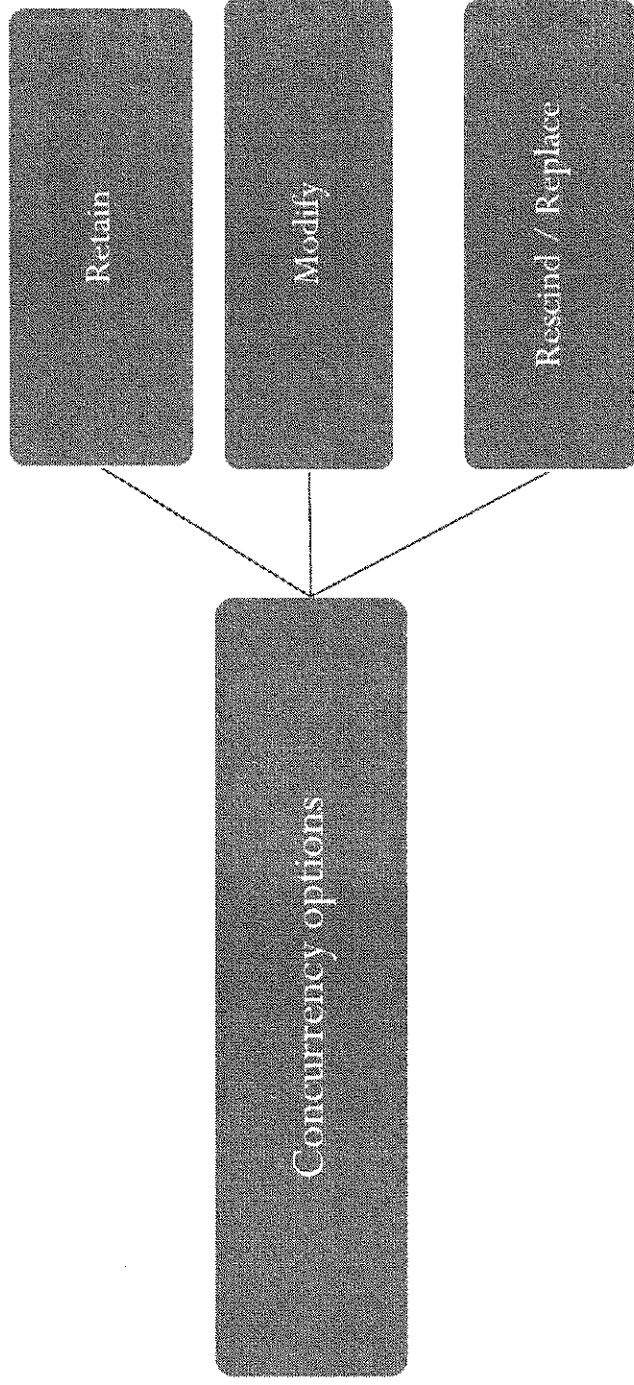
- SB 0238 - Public-private Partnerships
- SB 0972 - Transportation Development
- SB 1698 - Developments of Regional Impact
- SB 1716 - Growth Management
- HB 0319 - Community Transportation Projects
- HB 0321 - Growth Management
- HB 4041 - Developments of Regional Impact

2011 Changes To Florida Statute

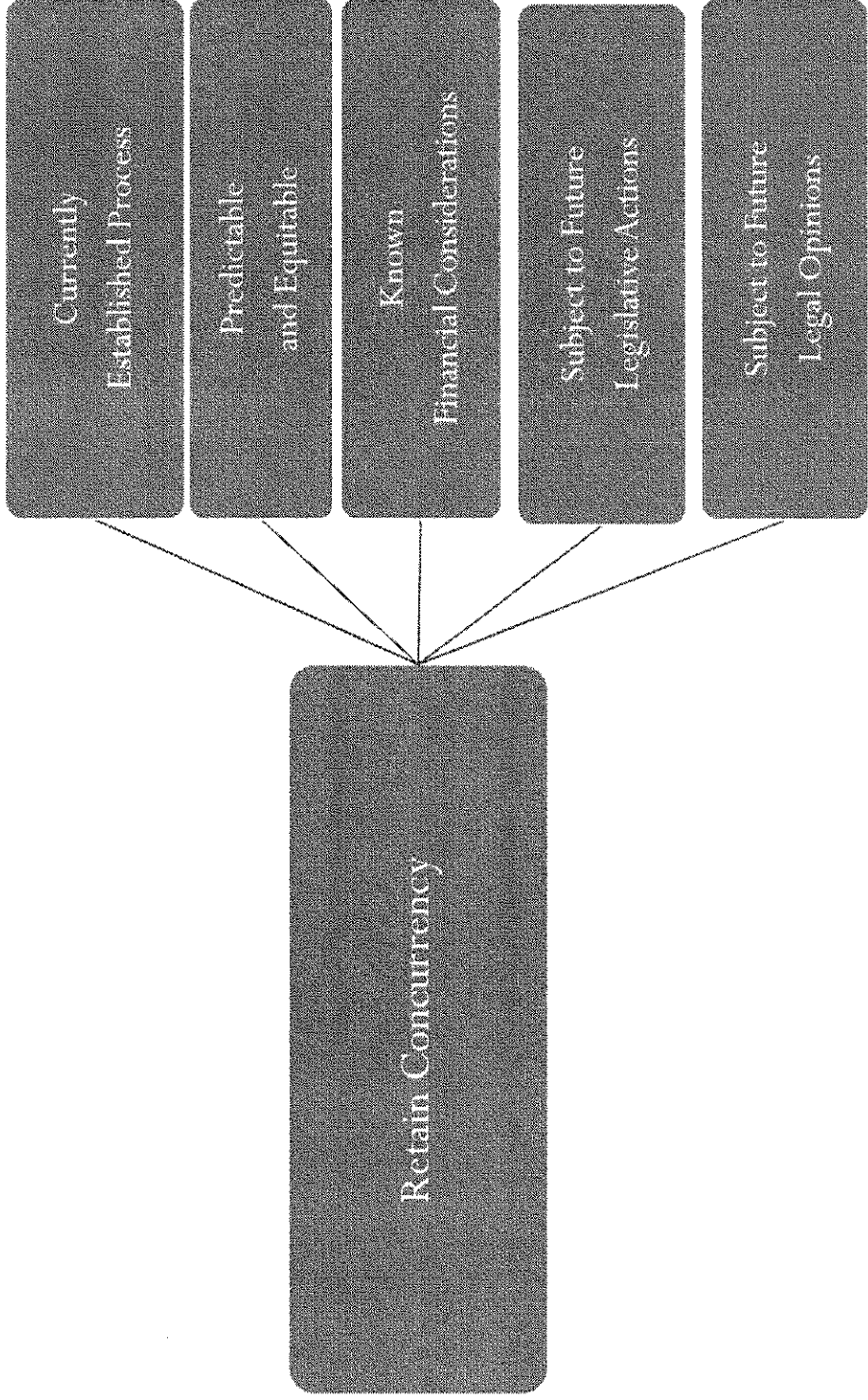
- Since the passage of HB 7207 in 2011, the following have occurred in the evolution of its application:
 - DCA memorandum issued
 - FDOT report issued
 - Other entity interpretations
 - Pending legislation under consideration
- Any approved option to address concurrency should:
 - Be consistent with Florida Statutes
 - Be consistent with relevant legal interpretations
 - Be consistent with the County's adopted level of service

III. Potential Concurrency Options

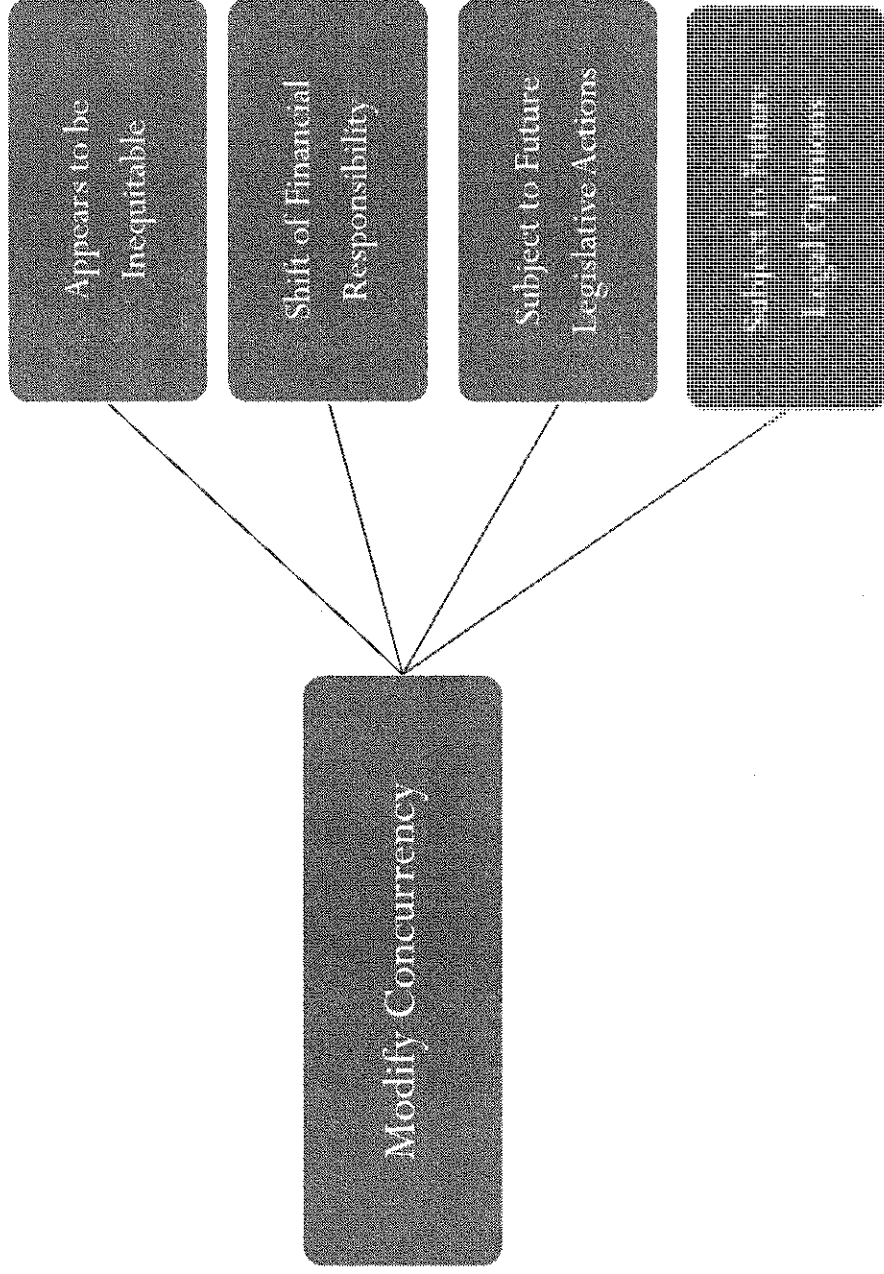
Potential Concurrency Options



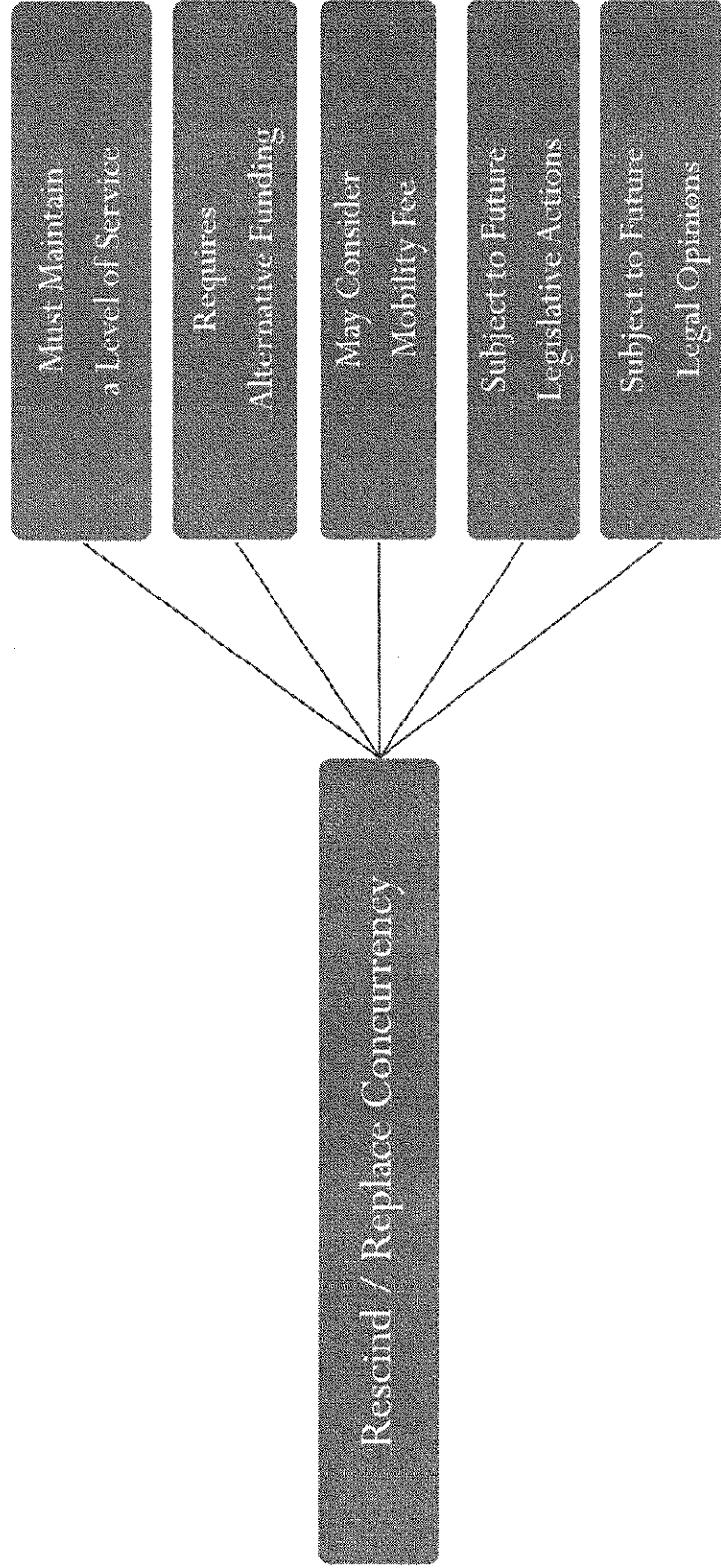
Potential Concurrency Options



Potential Concurrency Options

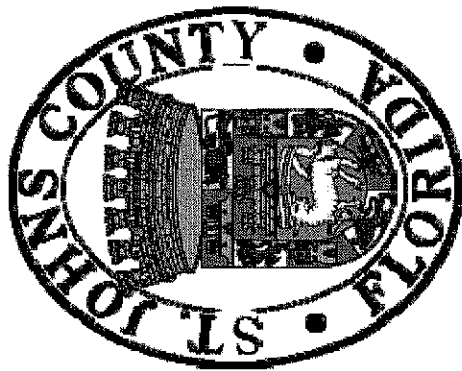


Potential Concurrency Options



Summary Statement

Any changes in the County's concurrency program will take place against the backdrop of evolving State law, differing interpretations of legislation, the need for existing and future transportation improvements, and a potential shift of transportation funding responsibility.





**ST. JOHNS COUNTY
OFFICE OF THE COUNTY ADMINISTRATOR**

500 San Sebastian View
St. Augustine, Florida 32084

I N T E R O F F I C E M E M O R A N D U M

TO: Honorable Chair and Board of County Commissioners
FROM: Michael D. Wanchick, County Administrator
SUBJECT: Concurrency Workshop Summary
DATE: May 13, 2013

The following is a summary of the comments received at the March 26, 2013 Board of County Commissioner's Concurrency Workshop. No other comments were received by staff, either verbally or in writing, since the conclusion of the workshop. Staff has already begun the process of exploring many of these comments and many of them are planned to be discussed at the Commission's upcoming Planning/Growth Management Workshop which is currently scheduled for June 25th. If you have any questions in this regard, or have additional suggestions to add to the list, please let me know.

Concurrency Workshop – Comments/Suggestions

- Several participants suggested the County consider other means to maintain adopted levels of service in lieu of concurrency, such as:
 - Increased Ad valorem taxes
 - Increase impact fees
 - Sales tax
 - Increased gas tax
 - Tolls
- Determine the true cost of a trip and require all development to pay the full cost. The County would have increased flexibility in allocating those revenues rather than using the proportionate share distribution approach, which requires payments to be allocated to defined road segments.
- Encourage higher density developments; reduce levels of service and direct development in specific areas. Concurrency Exemption Areas or a Mobility Program could also be considered to accomplish this goal.

Concurrency Workshop Summary

May 13, 2013

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- Consider releasing more ghost/vested trips on road segments if the existing traffic is more than 80% of capacity.
- Review the current practice of applying the Shopping Center trip generation rate from the ITE Trip General Handbook.
- Review the standards used to determine the Area Type (rural undeveloped, rural developed, transitioning, urbanized) for certain road segments to increase the acceptable peak hour service volume. (Note: Service volumes reflect the idea that higher traffic volumes and congestion are to be expected in urbanized areas.)
- Consider reducing the transportation study area when assessing concurrency when the service area is smaller than 2 miles. Study area size can be used to encourage or discourage certain types of development.
- Consider adopting a vehicle miles travel based analysis.
- What may be inconsistent interpretation and methodologies between FDOT and St. Johns County has caused issues with the review of some DRIs.
- Assess the issue of financial equity for projects located in the same general area (within one mile of each other) which have different concurrency requirements or mitigation required.
- Consider allowing projects to transfer impact fee credits outside of their development to other recipient projects or areas.
- Consider granting impact fee credits based on the impact fee schedule in effect at the time of approval, rather than the impact fee schedule in effect at the time of development.

ADDITIONAL STAFF COMMENTS/SUGGESTIONS

- Allow Proportionate Share payments over a longer time period (currently required within one year).
- Consider exempting minor project thresholds from major project's Proportionate Share payment. Allow that threshold of development to move forward subject to impact fee payments.
- Provide incentives that encourage larger master planned developments such as DRIs.



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I N T E R O F F I C E M E M O R A N D U M

To: Honorable Chair, Board of County Commissioners and Community Participants
From: Michael D. Wanchick, County Administrator
Subject: Concurrency Workshop of July 26, 2013 - Summary
Date: August 8, 2013

The following is a summary of the key discussion items from the July 26, 2013, Concurrency Workshop held in the San Sebastian Conference Room. The meeting was attended by approximately 16 members of the community, the County Commissioners, and staff. The group set a goal to meet on or around the last Friday of each month. The next meeting, however, is set for Thursday August 29th at 9a.m. given the upcoming Labor Day weekend.

The summary below is organized by topic area to assist the group. If you have any questions regarding these items, or have additional suggestions to be added, please let me or Suzanne Konchan know.

Concurrency Workshop - Comments and Suggestions

There were eight bulleted items scribed for the group, and various discussion themes. The eight bulleted items include:

- Evaluate the transportation system's long-term needs
- Explore Pasco County Mobility Fee program
- Explore methods that provide uniformity and certainty for the development community
- Consider additional revenue sources for capital road improvements
- Explore solution to "first come/first serve problem"
- Investigate possibility of assessing residential and non-residential developments differently
- Investigate ways to implement commercial enterprise zones that are exempt from concurrency
- Investigate indexing traffic impact areas (reduce radius of traffic analysis area based on size and scope of projects)
- To supplement the above bullets, the following comments were noted by staff:

Concurrency Concerns:

- Concurrency encourages urban sprawl because infill development patterns often overlap with road congestion, encouraging development in outlying areas where road capacity exists.
- Concurrency assesses impacts based on ITE categories that do not replicate PUD entitlement categories.
- Calculating mitigation under concurrency requires complex traffic studies that lead to uncertainty, are tedious, and add costs to development projects.
- First Come/First Serve nature of concurrency is a problem.
- Property owners want to know mitigation obligations before they apply for Comprehensive Plan amendments.
- Concurrency has time limits.
- We should look at Best Management Practices for transportation planning, including the Pasco County mobility program.
- A pay-and-go system, like in Jacksonville, is easier to understand.

Long Term Funding of the Road Network:

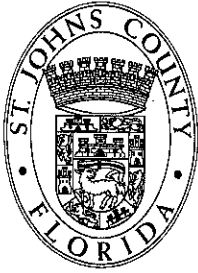
- The county should evaluate buildout needs of the transportation network, including roads, transit, and bike/pedestrian paths.
- Pipelining mitigation left unimproved road needs unmet.
- Asking residents to pay for road-capacity improvements may be challenging.
- Developers should pay for their infrastructure.
- Need broad based revenue strategy to pay for roads.
- Impact fees are not calculated or designed to cover all capital road needs.

Economic Development:

- Commercial developments could be considered to attract rather than generate trips.
- Consider methodologies to further reduce commercial mitigation.
- Commercial development has localized road impacts, but on a global basis could reduce overall vehicles miles.
- Commercial development should still be required to make site-specific and nearby improvements to address the complexity of movements that are created.

Additional Topics/Questions:

- Any changes to the program must provide for site-specific considerations, including but not limited to intersection improvements.
- Lack of interconnectivity causes problems, especially in the Northwest.
- Consider releasing more ghost trips.



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I N T E R O F F I C E M E M O R A N D U M

To: Honorable Chair, Board of County Commissioners and Community Participants
From: Michael D. Wanchick, County Administrator
Subject: Concurrency Workshop of August 29, 2013 - Summary
Date: September 20, 2013

The Board of County Commissioners held the second in a series of workshops on August 29, 2013 regarding concurrency. The meeting was attended by approximately 15 members of the community, four County Commissioners, and staff.

The group selected Mr. John Metcalf to chair the meeting. Darrell Locklear, Assistant County Administrator of Operations, provided a broad overview of the Pasco County Mobility program. Mr. Metcalf opened with some general comments about concurrency, congestion and impact fee agreements; and suggested the group go around the room to hear comments from everyone in attendance. Each attendee was given the chance to make comments. Many of the same concerns and themes from the August workshop were shared, as well as several new comments and suggestions.

Mr. Metcalf suggested that the county would be well served by better predicting what the market will want, and then assess infrastructure needs as well as those areas the county identifies as constrained. From that effort the question of how to pay for those improvements, including funding options, could be better assessed. Others reiterated that the county should consider broad exemptions for non-residential development to promote economic development.

The group was asked to send county staff any specific suggestions they have, including both interim and long term proposals, via e-mail. The next meeting was set for Thursday September 26 at 9a.m.

The Feedback provided is the County's initial and very preliminary comments. SJC wants to recognize every suggestion by providing our Feedback. Every suggestion will be evaluated for further consideration before final recommendations.

- 1) *"Regardless of the \$ amount of a proportionate share calculation and some of the deeper issues we get into, the process just takes a lot longer than it should. In my experience, for a project large enough to require a traffic study (LDTA), the applicant knows before the concurrency application is submitted whether it will pass concurrency and has a very close estimate of the proportionate share amount. Yet, we have to go through these steps: (a) pre-application conference before the LDTA is submitted; (b) application for concurrency; (c) wait for denial notice; (d) submit an "initial determination" asking for the right to apply for a proportionate share agreement; (e) pre-application conference and (f) apply for proportionate share agreement. Section 11.09.05 could be amended to add a subsection stating that an applicant that knows (or believes) it will fail concurrency can ask for a simultaneous concurrency/proportionate share review...so there would be one pre-application, no "initial determination", no waiting for denial...just pre-application, application, and result. By the way, Section 11.09.05 C is obsolete (it is from a part of S. 163.3180 that has since be eliminated from the statute), so my new provision could replace the existing C."* (John Metcalf)

Feedback - The primary concern is due process. If the applicant is willing to waive due process and proceed to mitigation, it can be accommodated. In addition, the intent of these steps is to keep projects moving forward, allow projects in line to move up, and minimize unnecessary delay. For example, step (c) is designed to allow other projects to move forward. Steps (a), (d), and (e) are designed to minimize unnecessary delay and costs as a result of submitting proposals that would not be acceptable to the County. Section 11.09.05 C is noted for revision to reference applicable Statute.

- 2) *"Section 11.09.07 B could be amended to specifically authorize 'payment over time' for proportionate share agreements. It should also be amended to implement S. 163.3180 (5)(h)3c(II)(E) Fla.Stat. that says the applicant 'shall receive a credit on a dollar-for-dollar basis for impact fees'....'paid or payable in the future for the project'."* (John Metcalf)

Feedback – Payment over time should be limited to 5 years for consistency with concurrency time frame. Also, payment should be tied to plat. Staff can explore amending this section. Currently, SJC provides a dollar-for-dollar credit on proportionate share payment. If implementing S 163.3180 (5)(h)2e, then the 20% credit reduction should also be applied.

- 3) *"Section 11.09.06 C in setting out the proportionate share formula quotes at length from Section 163.3180 (12) which no longer exists. That should be corrected. The LDC should now quote the current applicable section. That is Section 163.3180 (5)(h)3c(II)(A)-(E)."* (John Metcalf)

Feedback – Noted. Section reference should be Section 163.3180 (5)(h)2a.

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- 4) *"St. Johns County needs to shorten its transportation mitigation/proportionate share review time for development agreements and DRI development orders. I realize that staff is very busy and new applications are being filed every day. Perhaps there could be a standing "concurrency review" meeting similar to DRC, where landowners who need to work with staff to get their proportionate share/transportation mitigation terms finalized can get on a time-certain agenda to shorten the process."* (Ellen-Avery Smith)

Revised 9-21-13 *"With the real estate market improving, there are a number of landowners who have applied for Development Agreements and NOPCs which include, among other things, proposals for transportation mitigation in the form of road construction projects and/or proportionate share payments. More of such applications are likely forthcoming. One of the most important policy issues facing St. Johns County is how to direct those proportionate share projects and funds and whether public dollars should be spent to enhance the roadway improvements. For example, if a development project with impacts to County Road 210 has a \$15 million proportionate share contribution and the County desires a \$20 million improvement to a section of County Road 210, should the developer make a \$15 million improvement to the road, leaving a \$5 million portion unbuilt, or should the County contribute \$5 million and have the developer build the entire \$20 million improvement? Or would the County prefer that the developer pay the \$15 million to the County as his or her proportionate share payment and the County escrow the funds until enough money is collected to build the desired improvement? Direction from the County Commission and staff on these types of issues would be beneficial in the short term to direct financial resources from the private and public sectors to the best use."* (Ellen-Avery Smith)

Feedback – We are all for streamlining; however, DRI has its own process.

Feedback to revised comment 9-21-13 – Currently, the County is escrowing funds until enough money is collected to build a programmed improvement. The issue with public dollars is that there are insufficient dedicated funding sources to cover the balance; therefore, we all need to explore a dedicated funding source sufficient for transportation improvements.

- 5) *"The County should use all available FDOT numbers when conducting proportionate share calculations and related traffic analyses. More specifically, if FDOT has traffic counts, road classifications, k factors, costs of construction and the like, the County should use the FDOT numbers in concurrency analysis. The County sometimes uses the FDOT numbers and sometimes uses other data, which data often results in a higher proportionate share."* (Ellen-Avery Smith)

Feedback – Our Code requires using the latest available information including the use of actual costs. Usually, FDOT's numbers lagged behind County's numbers.

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- 6) *“There are some major roadways whose classifications could be changed now without waiting for census information. A search in the county’s own database of Certificates of Occupancy in certain zones would prove what the population densities are in the area.” (Beth Breeding)*

Feedback – This change happens only once in ten years. We anticipate Federal official map by year’s end and will update roadways classification accordingly by the first of 2014.

- 7) *“The County has been much more creative lately regarding proportionate share construction and payment options. The recognition that there may be different concurrency solutions for different areas of the County should continue.” (Ellen-Avery Smith)*

Feedback – Noted. Thank you for recognizing our efforts.

- 8) *“Decrease the radius for commercial development traffic concurrency impacts and increase the threshold for impacts, thereby further encouraging commercial development. Previously, in 2006, the radius was decreased from 4 to 2 miles.” (Doug Burnett)*

Feedback - The proposed changes are related to traffic impact area for non-residential development. Proposed changes are:

“Area outside a Mixed Use or a Development Area Boundary Designation”

Current 0 to 2 mile radius, 1%	change to	<u>0 to 1 mile radius, 5%</u>
Current >2 to 4 mile radius, 3%	change to	<u>>1 to 4 radius, 15%</u>

- 9) *“Create subsection (c) to eliminate the radius altogether for development within MU or Development Area Boundaries because, for years the County has identified these areas for urban development. My proposal would still ensure that the immediately impacted link was provided for, as well as intersection improvements. The primary point would be that commercial would be encouraged precisely where the County wants commercial development.” (Doug Burnett)*

Feedback – “Area within a Mixed Use or a Development Area Boundary Designation.
20% of max LOS”

Evaluation for Retail:

	5%	15%	20%	trips
2-lane LOS 1440	19,000 sf	58,000 sf	77,000 sf	(288)
4-lane LOS 3560	47,000 sf	143,000 sf	191,000 sf	(712)
6-lane LOS 4850	65,000 sf	196,000 sf	261,000 sf	(970)

The suggestion to eliminate the radius altogether would also relax residential developments. We’ll consider it for closer evaluation.

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- 10) *"Release ghost trips on all links, especially those that are critical. Previously only ghost trips were released on those whose capacity was below 80%. Those links already had available capacity so it did not help. We need the ghost trips released on the links that are above 80% in order to move projects forward."* (Beth Breeding)

Feedback – The Board in 2010 released upto twenty years worth of traffic growth back to the network while maintaining ten years worth of traffic growth for proper planning to accommodate future growth. We can explore increasing the 80% threshold of actual traffic to a higher percentage and see how it would impact the County.

- 11) *"There are many examples of this, but this is just one. If someone applies for concurrency under the ITE trip rate of Shopping Center 820, then any uses allowed under shopping center should be allowed. The county currently allows this under some projects but not others. I have attached the ITE definition. Consistency is paramount and not site by site interpretations."* (Beth Breeding)

Feedback – If consistent with zoning, transportation concurrency is approved for a number of net pm peak hour trips regardless of a proposed use. At construction plan, actual development is monitored for consistency with the number of approved trips. If a project exceeds the number of approved trips then the project needs to go through another concurrency review and/or mitigate for additional trips.

- 12) *"Small local serving retail typically have very high trip generation but minimal actual impact on the roadway network except on the adjacent roadways. A potential resolution to this would be to add a category for local serving retail and if the project is designated as such, the traffic from the residential units within a half of a mile would be used in ITE internal capture matrix would be used to calculate the interaction between the existing residential units and the proposed retail. As these units exist this traffic is already on the roadway network and could be deducted from the trips associated with the retail to minimize double counting of trips. In addition to reducing the burden on the retail project it would also have the benefit of making locating services close to those being served more attractive. Let me know if you have questions."* (Jeff Crammond)

Feedback – We can explore for changes either based on number of square footage and/or narrowing impact areas, or both. Site access related improvements would always be a requirement.

- 13) *Ten Concurrency Ideas (Jeff Buckholz) – a through j*

- a) *"First and foremost, I think the County needs to articulate a set of development goals to guide the traffic concurrency process. Goals might be:*

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- *Discourage urban sprawl / preserve open space*
- *Encourage multi-use development*
- *Encourage developments that create jobs*
- *Encourage pedestrian activity*
- *Encourage bicycling*
- *Encourage the use of alternative fuel vehicles*
- *Encourage the use of low emission vehicles*
- *Support local tourism"*

Feedback – SJC has written GOPs, if not all – most, relating the suggested goals. Staff encourages and/or is taking initiatives to implement many of these goals. Further integrating these goals in our transportation program is a good suggestion.

- b) *"I think the County needs to decide what percentage of your non-interstate capital improvement program you want development to pay for: 10%? 20%? 50%? Then you can sort of back-into what you need to charge developers to keep things solvent."*

Feedback – We have not explored this concept, but we'll consider it.

- c) *"An alternative funding approach would be to use developer money to only pay for intersection improvements - which typically give you a lot of benefit for the dollar since intersections tend to be the choke points in an urban roadway system. Intersection improvements are also inexpensive enough to be fully fundable by developer money. Mainline road widening would be funded by other County or State sources. This would allow rational decisions to be made as to road widening priorities and would prevent the proliferation of premature "ghost roads" which were built to serve non-yet-existent ghost trips. "*

Feedback – This would work well for small to mid-size projects and we'll explore in combining this suggestion with other suggestions for relaxing the impact thresholds. For the County to fund mainline road widening, we need to have a dedicated funding source for transportation capacity improvements.

- d) *"You might want to divide the County into different development zones and discourage urban sprawl by making the concurrency rules tougher in distant zones. Basically you would be using financial disincentives to guide development location."*

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Feedback – We'll explore whether disincentives will meet the legal test.

- e) *"A strong case can be made that, except for localized effects, only housing developments (residential units and hotels) increase the need for transportation infrastructure whereas non-housing (commercial) developments actually reduce the countywide vehicle miles of travel by providing closer shopping opportunities for area residents. The concurrency system could be changed to reflect this by requiring non-housing developments to only pay for access related improvements. Access related improvements would include all turn lanes into the site, traffic control at all site entrances (including any warranted traffic signals), and any needed intersection improvements at all intersections located within 1 mile of the site."*

Feedback – The basis that non-housing developments do not increase the need for transportation infrastructure has been debated for years by transportation engineers and professionals but came shy of justification; however, we thought about this concept but also need to clearly define what is deemed "access related improvements". If a large project calls for road expansion to 4-lane, for example, to their directly accessed link, would this 4-lane improvement at the entrance be considered "access related improvements"? We'll evaluate and explore this concept.

- f) *"Interstate-related developments (like warehouses) that locate near the Interstate should only be held responsible for improvements at the interchange. An argument can be made that these developments don't really generate any traffic on the interstate itself, they just pull the passing traffic off at the local interchange - so we shouldn't be forcing them to contribute to interstate widening."*

Feedback – May only be suitable for very specific types of developments.

- g) *"A lot of times it seems that concurrency studies ignore site access issues. I think there should be a renewed emphasis on this both at the methodology stage and during report review. I also think you should have a traffic engineer approve the internal site access for any development, which doesn't happen now. If you leave these items to general Civil Engineers you are asking for trouble."*

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(I don't design sewers and I kind of resent sewer designers who think they understand traffic issues.)"

Feedback – We have placed a strong emphasis on access needs in recent years and we'll continue to do so; however, requiring site access review at concurrency, especially, concurrent with rezoning and at DRI approval, may be pre-mature. Staff should have the flexibility to condition this requirement on a case by case basis. A condition for site access review at construction plan is more suitable.

- h) *"If you want to encourage alternative fuel vehicles and low emission vehicles then you may want to require commercial developments of a certain size to install electric vehicle charging stations and to provide preferential moped/motorcycle parking. Daytona Beach has been proactive in doing both of these things."*

Feedback – Thank you for your suggestions, we have considered these changes and will explore how to implement them.

- i) *"Golf cart transportation is an attractive solution for private residential communities yet too often the major (collector) roadways within these communities are improperly designed by non-traffic-savvy civil engineers so that golf carts are not accommodated. Collectors in these communities need to have either 5-foot wide golf cart/bicycle lanes or the design speed of the collector needs to be 25 mph or less."*

Feedback – We have approved similar measures for Nocatee developments and we'll continue fine tuning our process and procedures. Golf cart accommodations are not currently required; however, having design criteria is a good and proactive approach.

- j) *"You might want to start requiring truck studies for commercial developments that have significant volumes of semi-trailer traffic so as to document where trucks will go and what improvements will be needed to accommodate them."*

Feedback – Good suggestion. We'll consider it.

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14) Six Possible LDC Concurrency Changes (Bill Schilling) – a through f

- a) Consider the partial release of approved concurrency traffic for all roadway segments, not just those with existing traffic at 80 percent or less of the segments' Maximum Service Volume (MSV). Those road segments having existing traffic volumes less than 80 percent of the approved MSV are typically the segments that do already have existing capacity. Partial releases of approved concurrency trips on these segments accomplishes making these "OK" segments look even better. It is really those segments that have existing traffic over 80 percent of the segment's MSV that really need the "pencil sharpened". Partial releases of approved concurrency traffic on these road segments should also be considered when the approved concurrency traffic is inconsistent with historical growth trends for that specific segment. The LDC should be revised to allow staff the flexibility to consider releases for all segments.

Feedback – We can explore partial releases of approved concurrency traffic on some segments that experienced existing traffic volume above 80% if the approved traffic reservation is more than ten years growth. We can also explore increasing above 80% threshold of existing traffic and review the ten years of growth criterion.

- b) Consider moving to a graduated Traffic Impact Area based on a project's net new p.m. peak hour trips. Having all major projects evaluate a 4-mile traffic impact radius usually adds unnecessary burden and cost to "smaller" projects that are classified as major. A prime example is the Reserve Parcel PUD concurrency application. This application was for 100 single-family units generating 105 net new p.m. peak hour trips. This is a fairly "small" major project. Based on the 4-mile impact radius, a total of 39 roadway segments had to be evaluated in the traffic study (LDTA). In the end, the project only significantly impacted (project traffic > than 1% of Maximum Service Volume) two roadway segments. As a starting point for discussion purposes, I suggest the following:

Minor Project (< 50 net new p.m. peak hour trips) = Evaluate Directly Impacted Segment(s) Only

Major Project (50 to 150 net new p.m. peak hour trips) = 1 mile impact radius

Major Project (150 to 300 net new p.m. peak hour trips) = 2 mile impact radius

Major Project (300 to 500 net new p.m. peak hour trips) = 3 mile impact radius

Major Project (>500 net new p.m. peak hour trips) = 4 mile impact radius

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Feedback – This suggestion may provide a solution to several other similar suggestions relating to impact thresholds. Staff needs the flexibility to go beyond the impact radius for certain conditions. We'll consider it for closer evaluation.

- c) *Consider making the percentage impact threshold for commercial (non-residential) uses consistent across the entire project impact area. Rather than a 1% impact threshold for the first two miles and 3% for the second two miles go to a 3% impact radius for all four miles (or for some graduated traffic impact area- see Item 2 above). The commercial projects typically generate more trips on a per acre basis when compared to the residential uses. These more intense uses generally add significant trips in the immediate area of the use (first two miles). This often generates significant roadway impacts and associated proportionate fair share assessments for projects in the first two-miles of the impact area. If the County would like to further incentivize commercial development, then the similar percent impact threshold relief (minimum of 3%) should also be provided in the first two miles of the impact area for non-residential uses. This will also simplify the traffic studies for commercial uses. The change in impact threshold from the second to third mile adds complication to both the traffic study preparer and reviewer in performing and reviewing the analysis.*

Feedback – We'll consider it for closer evaluation and perhaps with a combination of other suggestions.

- d) *For projects that do not have the proper Future Land Use, consider changing the code back as it was before to allow the submittal of a concurrency application for a project upon transmittal approval of a Comprehensive Plan Amendment application by the BOCC for the project. Even better, consider allowing submittal of a concurrency application concurrent with the submittal of the Comprehensive Plan Amendment (CPA) application. The concurrency approval/certificate would be contingent upon BOCC approval of the CPA.*

Feedback – The County does allow applicants at their discretion to apply for concurrency concurrently at rezoning. Allowing concurrency and reserving concurrency trips at CPA application is what got us holding about 30 years worth of growth in ghost trips before Board actions allowed release upto 50% ghost trips in 2010; however, we'll re-examine this suggestion.

- e) *Some energy needs to be placed in further refining the requirements contained in the code for intersection analyses. The current requirements are not very detailed and leave a lot open to interpretation. This task may be best accomplished by having a sub-committee of the technical traffic folks working with Phong to develop some guidelines. One example I would provide is related to identifying those intersections that require analysis. There have been situations where*

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there were very long roadway segments that were critical and where a project had a 1% impact at some location along the road segment. Staff has taken the position that if the project impacts any portion of a link by 1% of MSV and the link is critical then every major intersection on the link has to be analyzed regardless of whether the project impact is at 1% in the area of the specific intersection. I am not convinced that the code, as written, and staff's position jive.

Feedback – Intersections are choke points in the road network; therefore, intersection evaluations are highly important to study. The requirement in the Code is a trigger to study a particular intersection and not a trigger for mitigation. A project impact of less than 1% on a 6-lane road may have a substantial impact on a movement of a 2-lane side street; however, we'll consider it for further evaluation.

- f) *This may have been corrected, but if not should be. There should be consistency in the development and application of growth rates in the TAS. In prior TAS's the historic growth rates were developed using an average simple growth rate based on growth trends observed in prior years. These simple growth rates were then applied geometrically for future projections when calculating trip releases of approved concurrency traffic. This approach overstates growth looking ahead. This should be corrected with the new TAS update.*

Feedback – This has been corrected and will be reflected in the new TAS update.