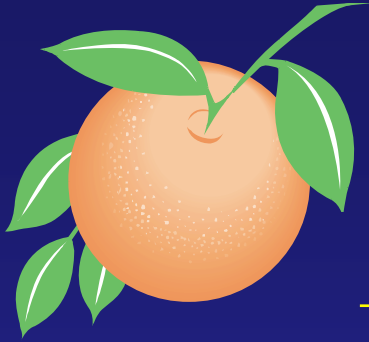


**Concurrency
Management System
Proportionate Fair-Share Ordinance**



**Board of County Commissioners
Public Hearing**

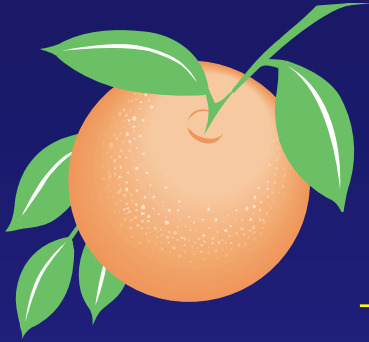
May 23, 2006



Presentation Outline

- **Background**
- **Proportionate Fair-Share Ordinance**
- **Implementation Process**
- **Staffing and Budget**
- **Action Requested**

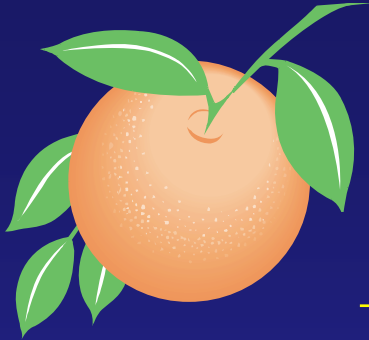




Presentation Outline

- **Background**
- **Proportionate Fair-Share Ordinance**
- **Implementation Process**
- **Staffing and Budget**
- **Action Requested**





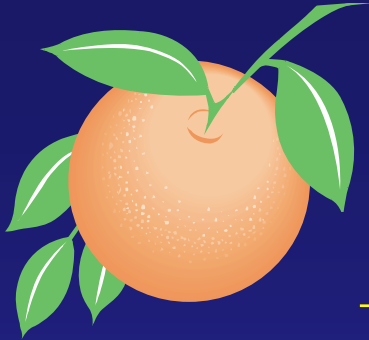
Background

Growth Management Act of 1985

“...public facilities and services needed to support development should be available concurrent with the impact of such development”

Section 163.3177(10)(h)

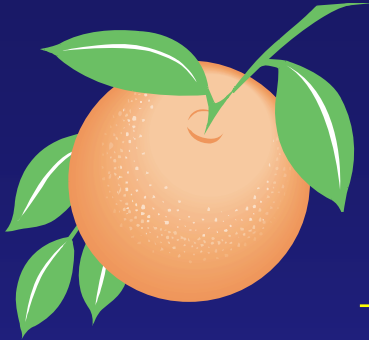




Background

Past Amendments to 163.3180 F.S.

- Management Areas
- Area and Project Specific Exceptions
- DRI Proportionate Share Formula
- Multimodal Districts
- Proportionate Fair-Share

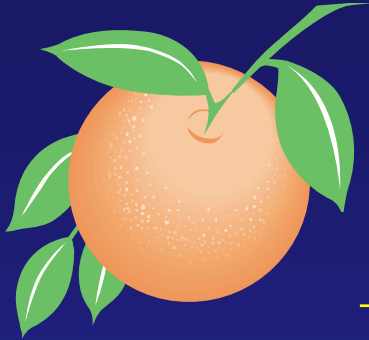


Background

Proportionate Fair-Share

- Provides for Development Impacts to be Mitigated by Cooperative Efforts of Public and Private Sectors

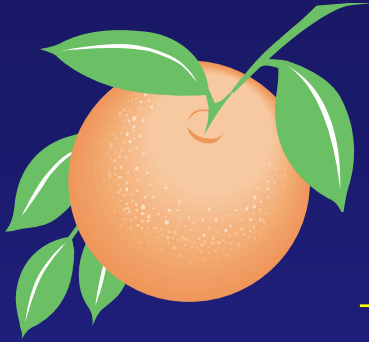




Background

Proportionate Fair-Share

- **Provides a Mechanism for Applicants to Satisfy Concurrency Requirements and Move Forward by Participating in the Improvement of a Transportation Facility**

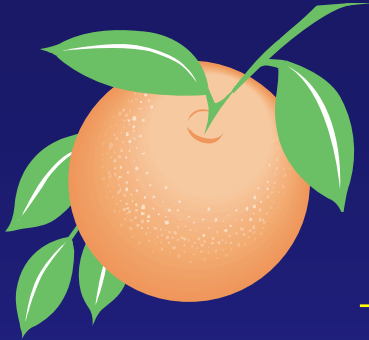


Background

Proportionate Fair-Share

- Relies on a Formula Found in Chapter 163.3180 F.S. Under Developments of Regional Impact

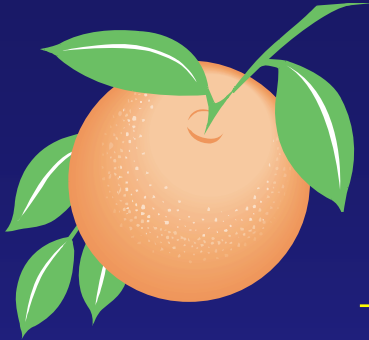




Background

Proportionate Fair-Share

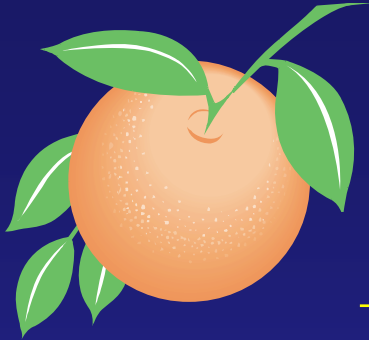
- Provides that Impact Fee Credits be Given for Contributions
- Provides that Contributions Do Not Exceed Fair-Share



Background

Developing the Ordinance

- **Participatory Process**
 - **Concurrency Advisory Group**
 - **Interdepartmental Staff Workgroup**
 - **Office of the Comptroller**

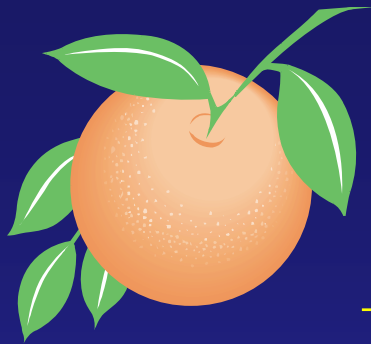


Background

Previous Board Discussions

- February 22, 2005
- June 28, 2005
- August 2, 2005
- September 20, 2005
- October 4, 2005
- November 1, 2005



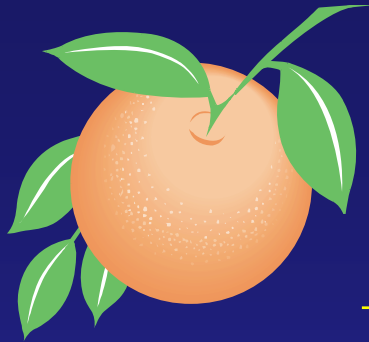


Background

Previous Board Discussions

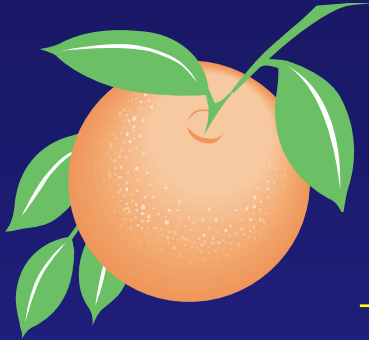
- December 20, 2005
- January 10, 2006
- February 7, 2006
- March 7, 2006
- March 28, 2006





Background





Background

Concurrency Advisory Group

Pat Christiansen, Chairman

Bob Harrell

Rich Van Slyke

Tim Jackson

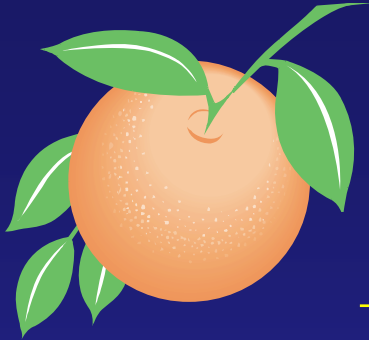
Robin Bouey

Beat Kahli

Marcos Marchena

Marni Spence

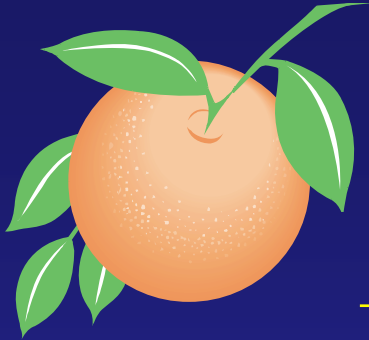
Melvin Rogers



Background

Concurrency Advisory Group

- Staffed by Senior Staff
- Worked with the Office of the Comptroller
- Sought Technical Assistance
- Provided for Public Input

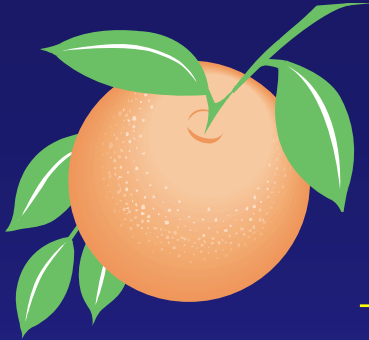


Background

Concurrency Advisory Group

- **Issues to Revisit**
 - **Area of Influence**
 - **Project Trips**

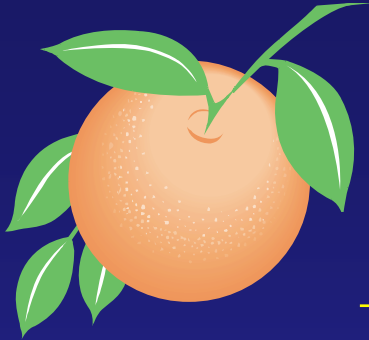




Background

Concurrency Advisory Group

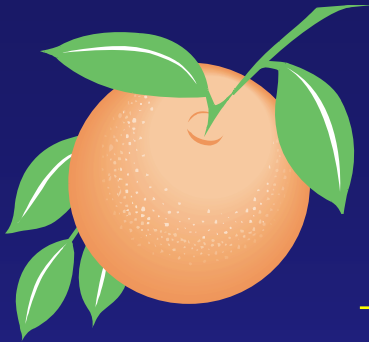
- **Considered Several Options for Area of Influence**
 - **Percentage of Trips**
 - **Size of the Project**
 - **Standard Distance - 1 Mile Urban / 2 ½ Mile Rural**



Background

Concurrency Advisory Group

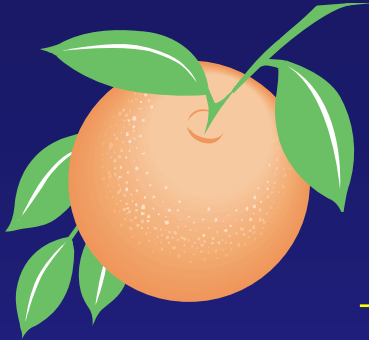
- **Considered Two Options for Defining Project Trips**
 - **PM Peak Direction Trips**
 - **PM Peak Two-Way Trips**



Presentation Outline

- **Background**
- **Proportionate Fair-Share Ordinance**
- **Implementation Process**
- **Staffing and Budget**
- **Action Requested**



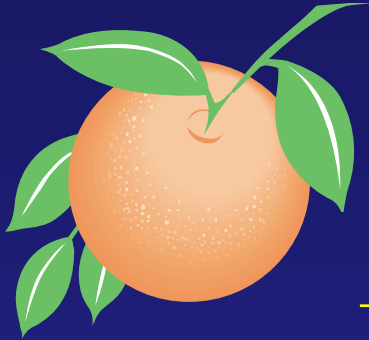


Proportionate Fair-Share Ordinance

Concurrency Management System

- Starts with a Request for a Capacity Encumbrance Letter
- Requires a Traffic Study

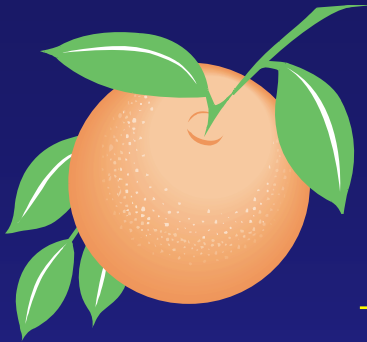




Proportionate Fair-Share Ordinance

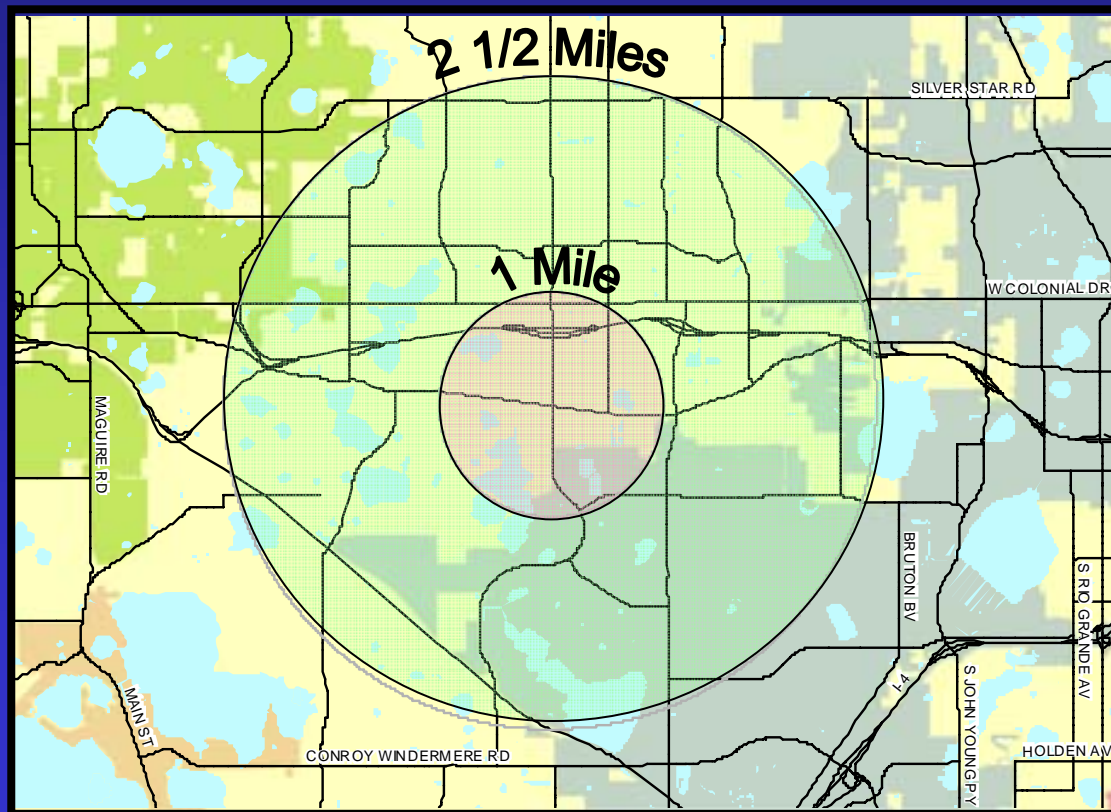
Traffic Study

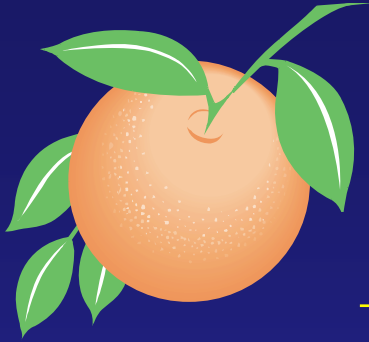
- Section 30-562
 - ITE Trip Generation
 - Area of Influence
 - Trip Distribution / Assignment
 - Service Volume



Proportionate Fair-Share Ordinance

Area of Influence



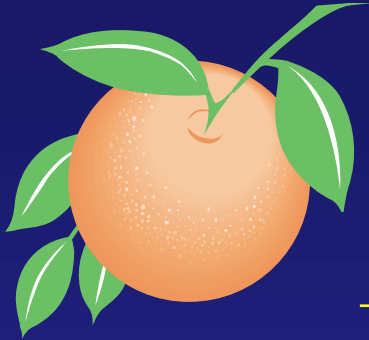


Proportionate Fair-Share Ordinance

Proportionate Fair-Share Formula

$$\Sigma [[(\text{Development Trips}) / (\text{SV Increase})] \times \text{Cost}]$$

- **Development Trips** = PM Peak Hour Peak Directional Trips Generated by the Project

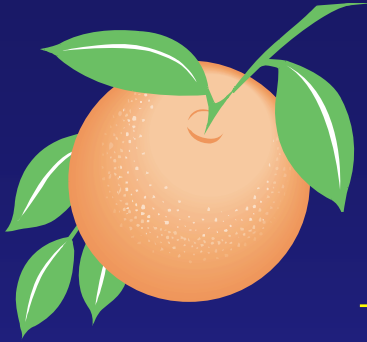


Proportionate Fair-Share Ordinance

Proportionate Fair-Share Formula

$$\Sigma [[(Development\ Trips) / (SV\ Increase)] \times Cost]$$

- **SV Increase** = Increase in Peak Hour Peak Directional Capacity that Results from Improvement

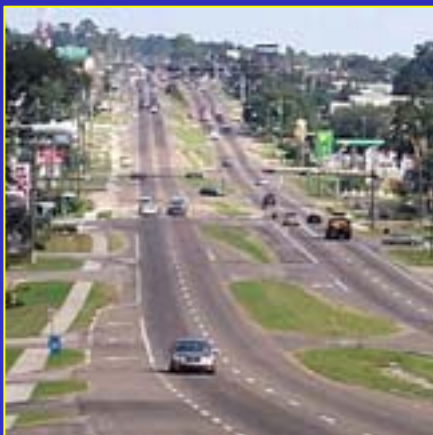


Proportionate Fair-Share Ordinance

Level of Service Standards

- FDOT Quality Level of Service Handbook Generalized Tables and Approved Capacity Computation Tools

LOS A-B

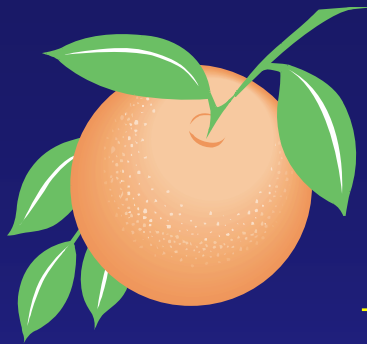


LOS C-D



LOS E-F





Proportionate Fair-Share Ordinance

Level of Service Standards

TABLE 4 - 7
GENERALIZED PEAK HOUR DIRECTIONAL VOLUMES FOR FLORIDA'S
URBANIZED AREAS*

ENHANCED PERFORMANCE STANDARDS					FREEWAYS				
Lanes Divided	A	B	C	D	Lanes Divided	A	B	C	D
1 Undivided	2,000	2,500	3,000	3,500	1,000	1,500	2,000	2,500	3,000
2 Divided	3,000	3,750	4,500	5,250	1,500	2,250	3,000	3,750	4,500
3 Divided	4,000	5,000	6,000	7,000	2,000	2,500	3,000	3,500	4,000

Other Signalized Intersections
(signalized intersection analysis)

Lanes Divided	A	B	C	D
1 Undivided	100	150	200	250
2 Divided	150	225	300	375
3 Divided	200	300	400	500

NON-STATE ROADWAYS
Major City/County Roadways

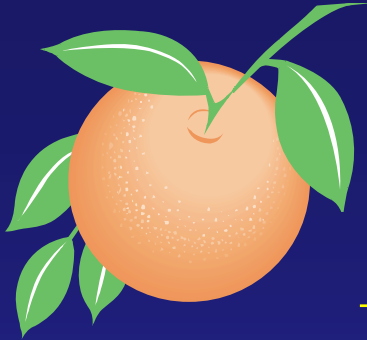
Level of Service

Lanes Divided	A	B	C	D	E
1 Undivided	**	**	480	760	810
2 Divided	**	**	1,120	1,620	1,720
3 Divided	**	**	1,740	2,450	2,580

Other Signalized Roadways
(signalized intersection analysis)

Level of Service

Lanes Divided	A	B	C	D	E
1 Undivided	**	**	250	530	660
2 Divided	**	**	580	1,140	1,320

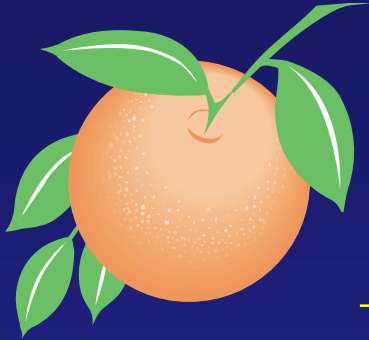


Proportionate Fair-Share Ordinance

Level of Service Standards

- **ARTPLAN – HIGHPLAN**

Computer Programs which Provide a More Accurate Maximum Service Volume by Allowing the Use of Local Data in the Analyses

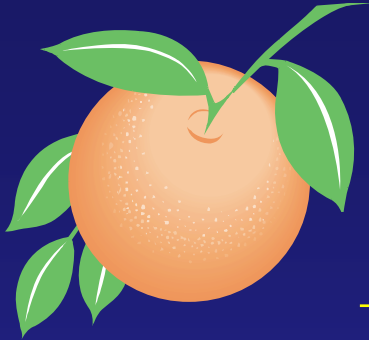


Proportionate Fair-Share Ordinance

Proportionate Fair-Share Formula

$$\Sigma [[(Development\ Trips) / (SV\ Increase)] \times Cost]$$

- **Cost** = Total Cost of Improving Road Segment Located Within the Area Tested for Concurrency

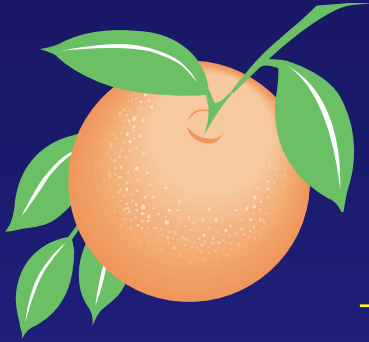


Proportionate Fair-Share Ordinance

Cost Updates

- Annual Cost Updates
- Cost Escalation for Payment Based on Year of Expenditure Costs
- Discount Formula



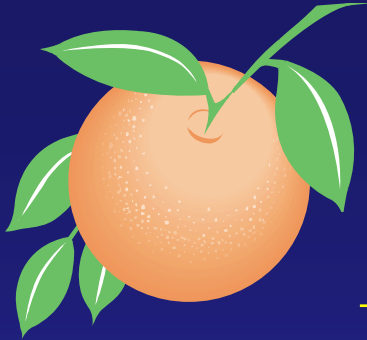


Proportionate Fair-Share Ordinance

Cost Updates

- **County Roadways Cost Estimates Adopted Capital Improvements Program**
- **State Roadways Cost Estimates Provided by the FDOT**

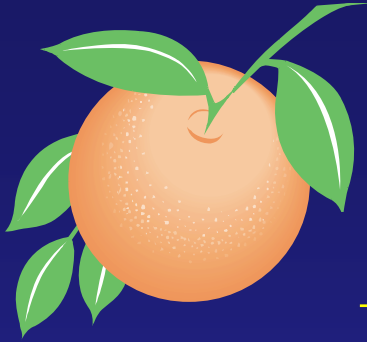




Proportionate Fair-Share Ordinance

Example – 100 Lot SFR Subdivision

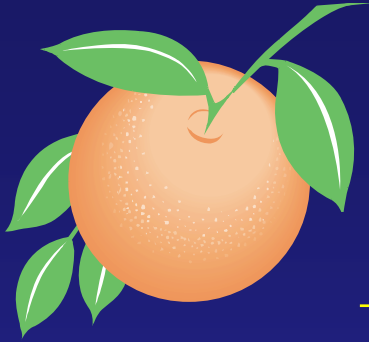
- Total Project Trips: 100
- Trips Assigned to Roadway With No Capacity: 40
- SV at Adopted LOS: 810
SV Increase: $1720 - 810 = 910$



Proportionate Fair-Share Ordinance

Example – 100 Lot SFR Subdivision

- (Development Trips)/(SV Increase):
 $40/910 = .04$
- Cost Estimate: \$8 M
- **$.04 \times \$8,000,000 = \$320,000$**

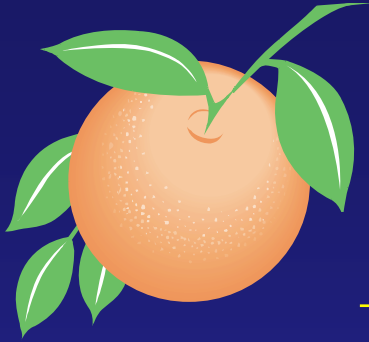


Proportionate Fair-Share Ordinance

Impact Fee Credit Calculation

- **Formula Based on the Impact Fee Methodology**

$\Sigma [[(Project\ VMT) / (Total\ VMT)] \times Impact\ Fees\ Assessed]$



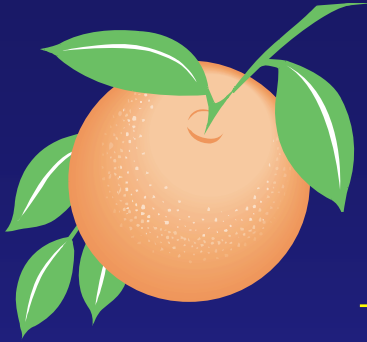
Proportionate Fair-Share Ordinance

Impact Fee Credit Calculation

$\Sigma [[(Project\ VMT) / (Total\ VMT)] \times Impact\ Fees\ Assessed]$

- **Project VMT** = New Project Trips on Segment Multiplied by the Length of the Segment

$$40 \times 1 = 40$$



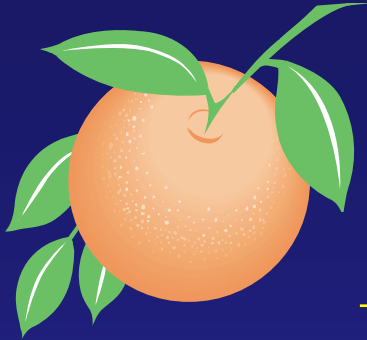
Proportionate Fair-Share Ordinance

Impact Fee Credit Calculation

$\Sigma [[(Project\ VMT) / (Total\ VMT)] \times Impact\ Fees\ Assessed]$

- **Total VMT** = Total Project Trip Ends, Multiplied by % New Trip Factor, Multiplied by the Average Trip Length for the Land Use, Divided by 2

$$100 \times 1.00 \times 5 / 2 = 250$$



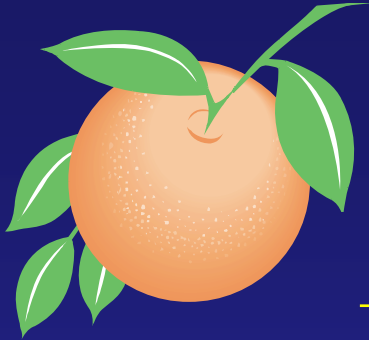
Proportionate Fair-Share Ordinance

Impact Fee Credit Calculation

$$\Sigma \left[\left[\frac{\text{Project VMT}}{\text{Total VMT}} \right] \times \text{Impact Fees Assessed} \right]$$

- **Impact Fees Assessed** = Impact Fees Assessed for the Benefit Area in which the Proportionate Fair-Share Payment was Collected

$$3400 \times 100 = \$340,000$$



Proportionate Fair-Share Ordinance

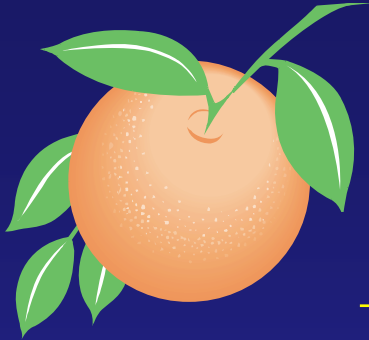
Impact Fee Credit Calculation

$\Sigma [[(Project\ VMT) / (Total\ VMT)] \times Impact\ Fees\ Assessed]$

$$40 / 250 = .16$$

$$.16 \times \$340,000 = \$54,400$$

$$Impact\ Fee\ Credit = \$54,400$$

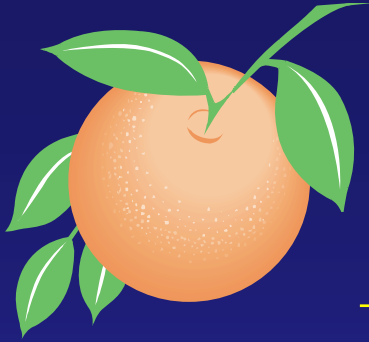


Proportionate Fair-Share Ordinance

Total Calculation

- Proportionate Fair Share: \$320,000
- Impact Fees: \$340,000
- Impact Fee Credit:
<\$54,400>
- TOTAL: \$605,600

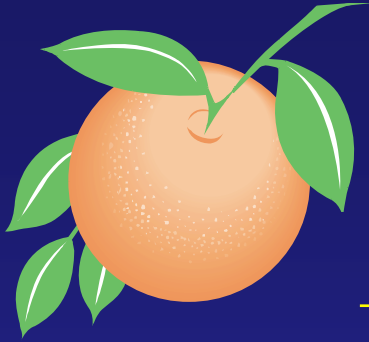




Proportionate Fair-Share Ordinance

Example – 50,000 Sq. Ft. Retail

- **Total Project Trips: 194**
- **Trips Assigned to Roadway With No Capacity: 20**
- **SV at Adopted LOS: 810**
SV Increase: $1720-810= 910$



Proportionate Fair-Share Ordinance

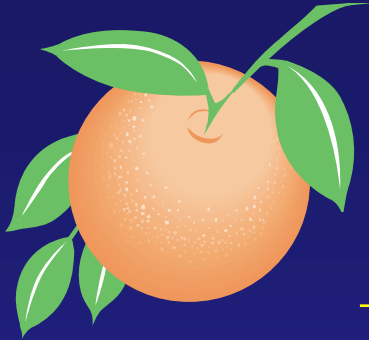
Example – 50,000 Sq. Ft. Retail

– (Development Trips)/
(SV Increase):
 $20/910 = .02$

– Cost Estimate: \$8 M

– $.02 \times \$8,000,000 = \$160,000$





Proportionate Fair-Share Ordinance

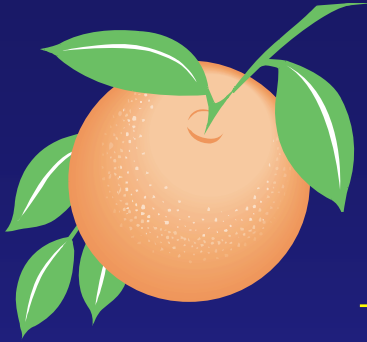
- **Impact Fee Credit Calculation**

$\Sigma [[(Project\ VMT) / (Total\ VMT)] \times Impact\ Fees\ Assessed]$

$$20 / 194 \times .32 \times 5 / 2 = .13$$

$$.13 \times \$614,050 = \$79,820$$

$$Impact\ Fee\ Credit = \$79,820$$

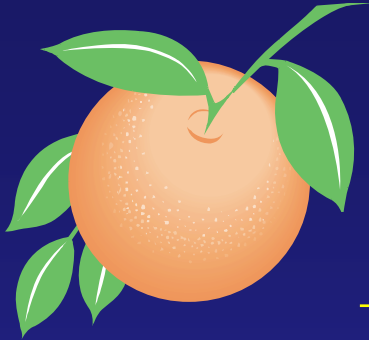


Proportionate Fair-Share Ordinance

Total Calculation

- Proportionate Fair Share: \$160,000
- Impact Fees: \$614,000
- Impact Fee Credit: <\$79,820>
- TOTAL: \$694,180



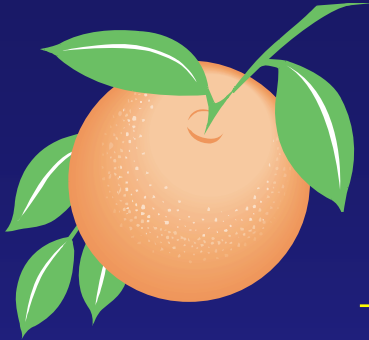


Proportionate Fair-Share Ordinance

Concurrency Management System

- Section 30 - Article XII - OC Code
- Applies to All Residential and Non-Residential Development
 - Residential – Platting
 - Commercial – Plan Review

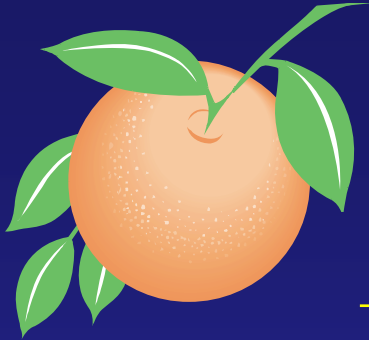




Proportionate Fair-Share Ordinance

Small Project Process - 25 Trips

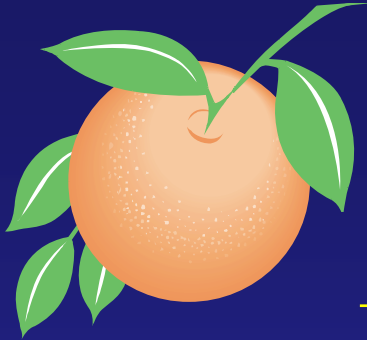
- Expedited Process
- Waiver of Impact Fee Credits
- Agreement Executed by Chairman of Concurrency Review Committee



Proportionate Fair-Share Ordinance

Changes From the April 12, 2006 Draft

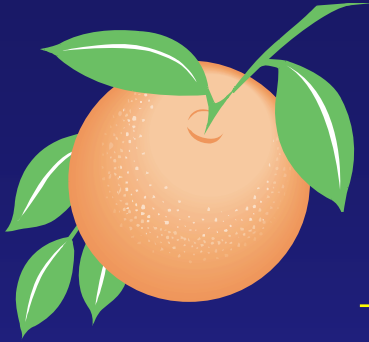
- **Sec. 30-562 Roads**
 - (2)(c) Area of Influence**
 - (2)(d)(iii) Comparable Model**
- **Sec. 30-581 Flow Chart**



Proportionate Fair-Share Ordinance

Changes From the April 12, 2006 Draft

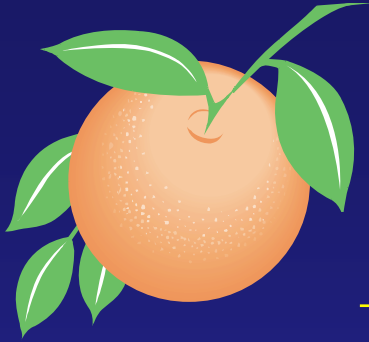
- **Sec. 30-593 Reservation Time Period**
(3)(d) School Agreements
- **Sec. 30-621 Appeal/Mitigation/
Proportionate Fair-Share**



Proportionate Fair-Share Ordinance

Changes From the April 12, 2006 Draft

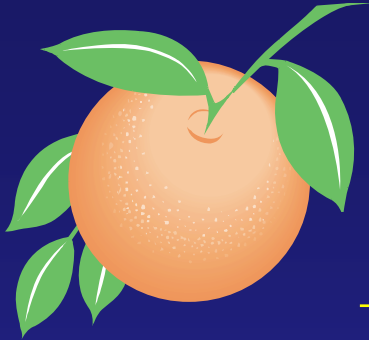
- **Sec. 30-621**
Appeal/Mitigation/Proportionate Fair-Share
 - (4)(d) **Summation Symbol**
 - (4)(f) **Clarified Discount Formula**



Proportionate Fair-Share Ordinance

Changes From the April 12, 2006 Draft

- **Sec. 30-623 Appeals**
 - (1) **CRC and RAC Appeal to DRC**
 - (2) **DRC Appeals**



Proportionate Fair-Share Ordinance

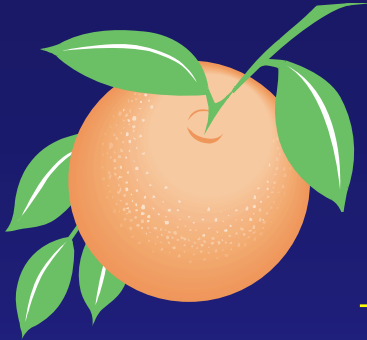
Housekeeping Amendments

- Definitions

Concurrence

Transportation Concurrence

- Clarification
- Punctuation

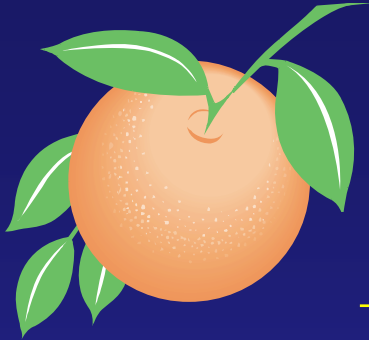


Proportionate Fair-Share Ordinance



Office of the Comptroller

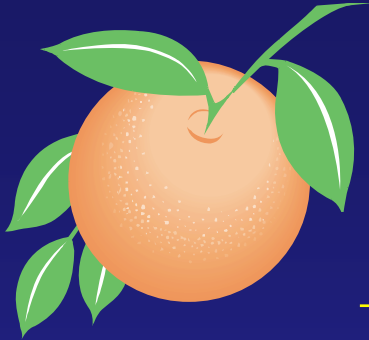
- Provided Staff Reviews of Drafts and Administration Regulations
- Provided Language and Source of Discount Rate
- Reviewed Spreadsheet Used to Calculate Costs and Discounts



Proportionate Fair-Share Ordinance

Next Steps

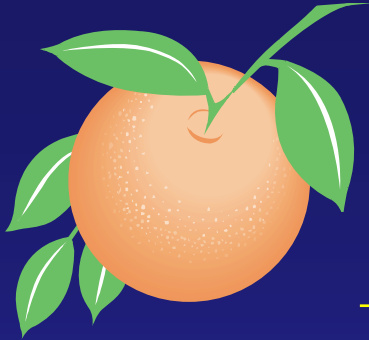
- CPP Amendments
- CMS Ordinance Amendments
- Administrative Regulation Amendments



Proportionate Fair-Share Ordinance

Proportionate Fair-Share Ordinance

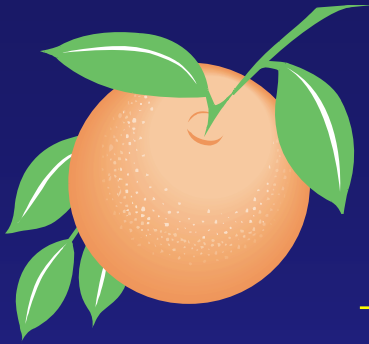
- Consistent with Florida Statutes
- Incorporates Recommendations in FDOT Model Ordinance



Proportionate Fair-Share Ordinance

Proportionate Fair-Share Ordinance

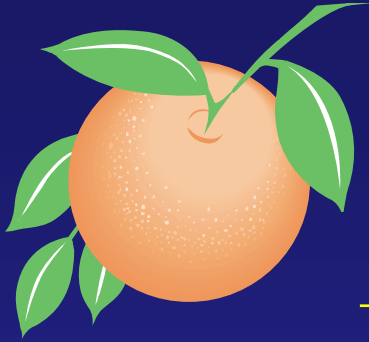
- Incorporates Recommendations from the Limited Review of Previous "Pay-As-You-Go" Program
- Replaces "Pay-As-You-Go" Program



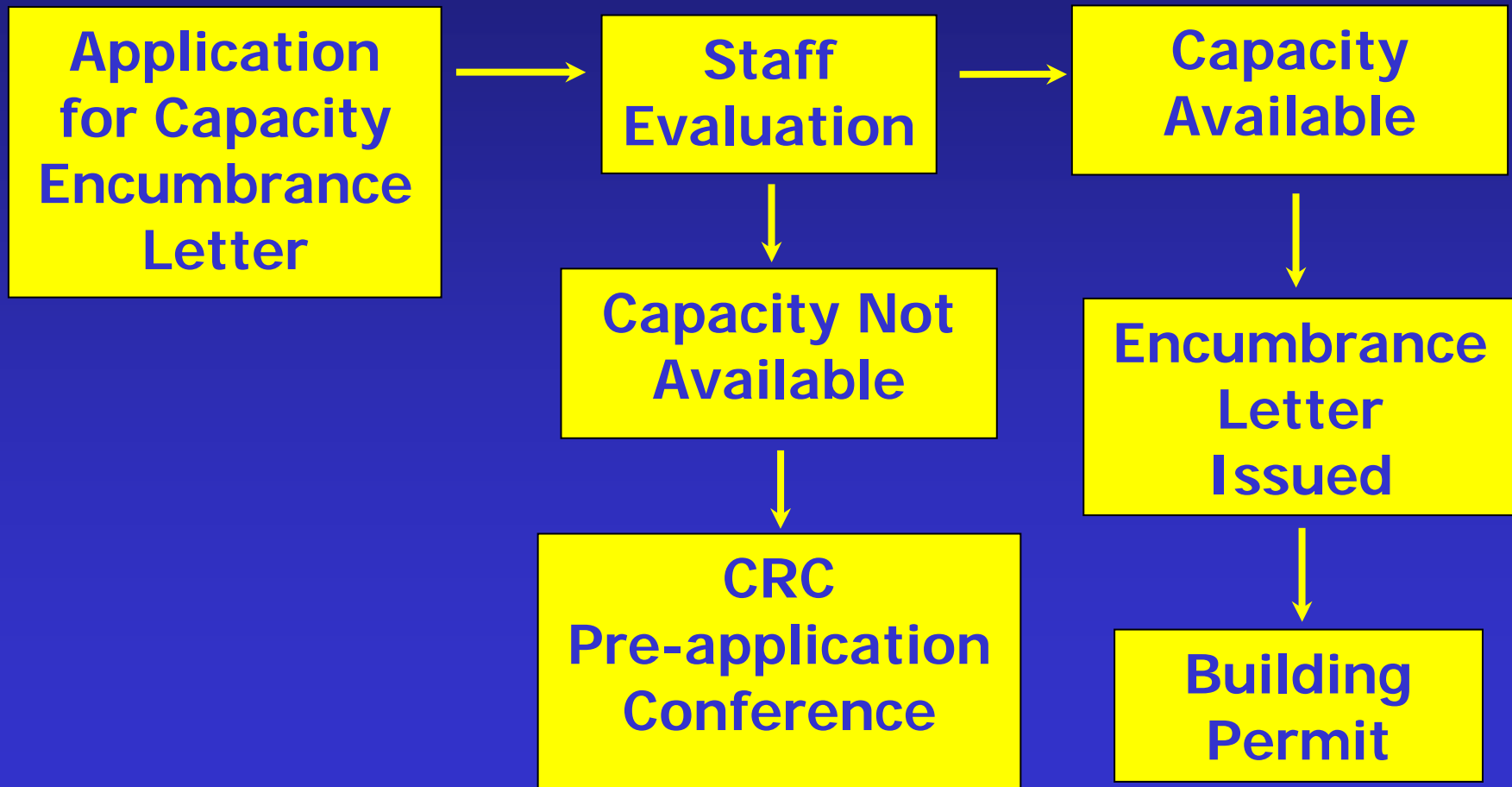
Presentation Outline

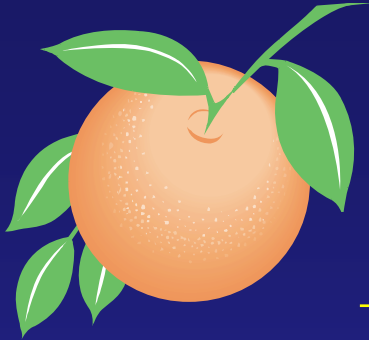
- Background
- Proportionate Fair-Share Ordinance
- **Implementation Process**
- Staffing and Budget
- Action Requested



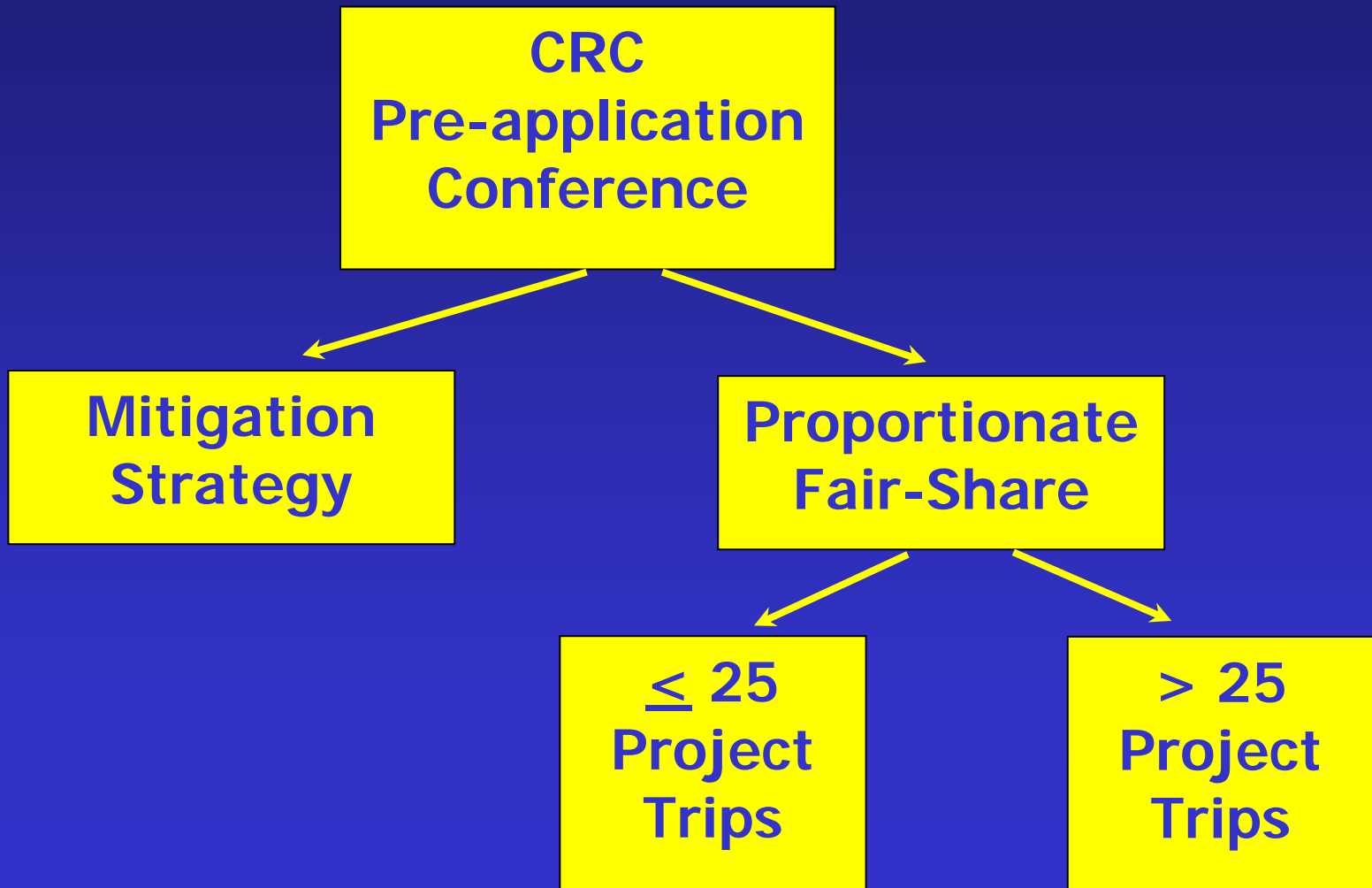


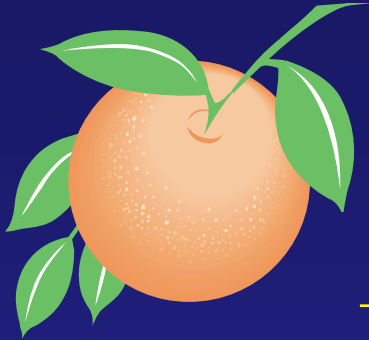
Implementation Process



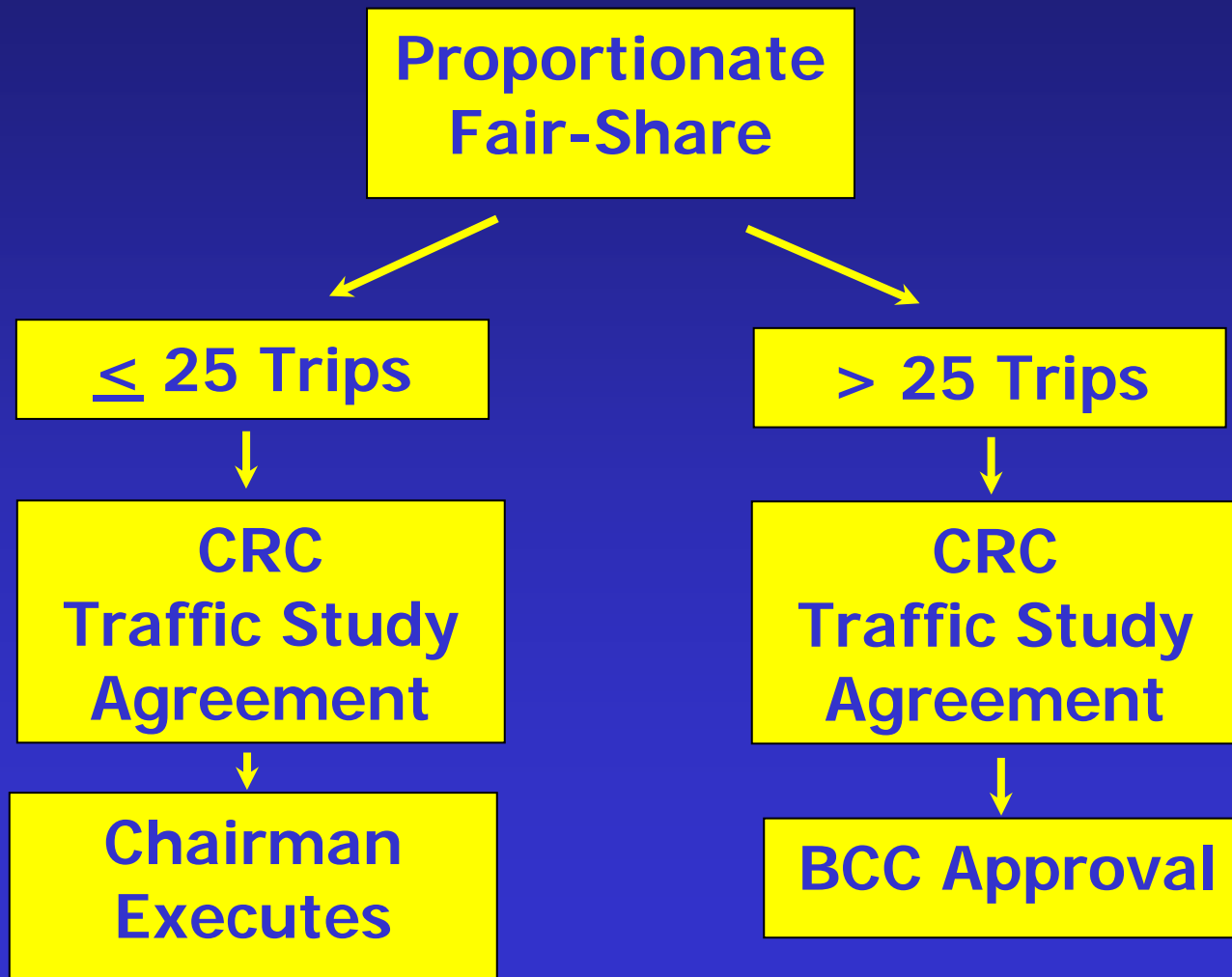


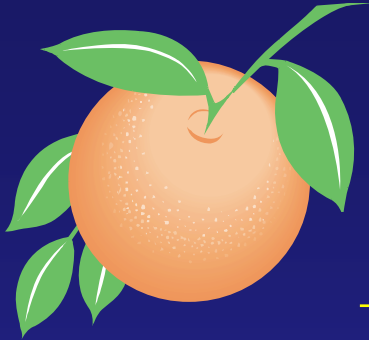
Implementation Process





Implementation Process



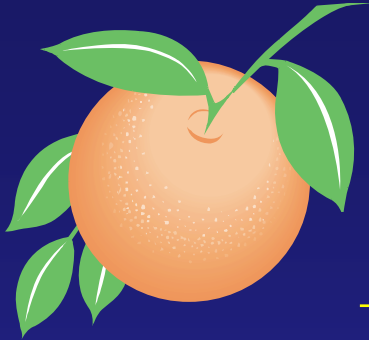


Implementation Process

Concurrency Review Committee

- **Members**

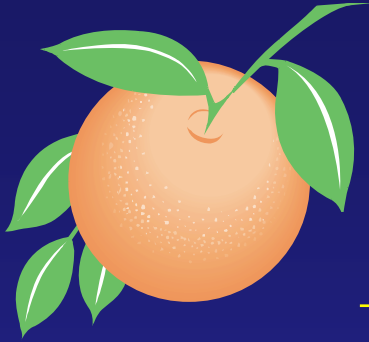
- GM Fiscal & Administrative Services
- Office of Management and Budget
- Planning
- Public Works Engineering
- Traffic Engineering
- Transportation Planning



Implementation Process

Concurrency Review Committee

- Responsibilities
 - Pre-Application Conferences
 - Review Traffic Studies
 - Review Expedited Application
 - Review Reservation Extension
 - Approve “Special Analysis”

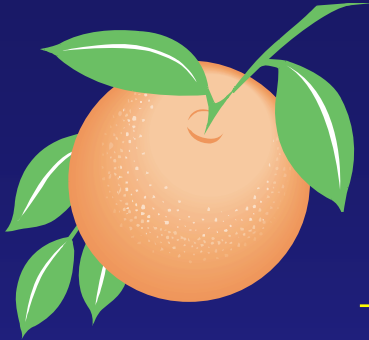


Implementation Process

Proposed Administrative Regulations

- **Concurrency Review Committee**
 - Establish Membership
 - Clarify Responsibilities
 - Create a Process



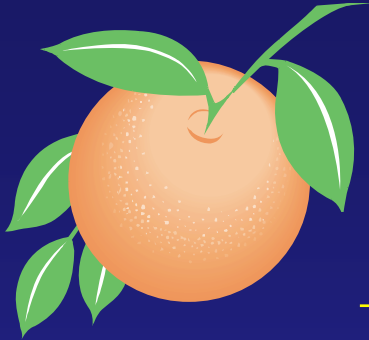


Implementation Process

Proposed Administrative Regulations

- Road Impact Fee Credit Committee
 - Now “Road Agreement Committee”
 - Change in Membership
 - Formalized Process



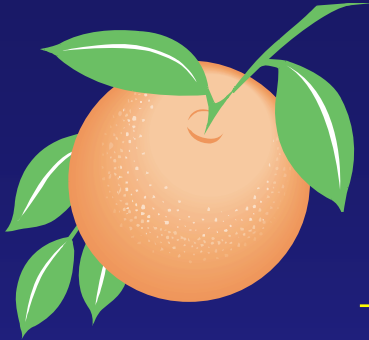


Implementation Process

Proposed Administrative Regulations

- **Alternative Impact Fee Committee**
 - Change in Membership
 - Formalized Process

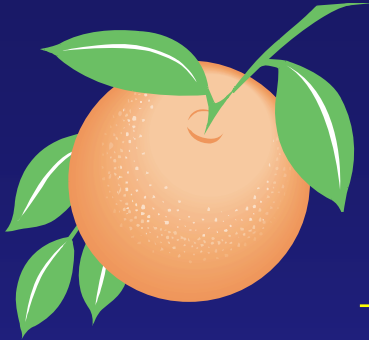




Presentation Outline

- Background
- Proportionate Fair-Share Ordinance
- Implementation Process
- **Staffing and Budget**
- Action Requested

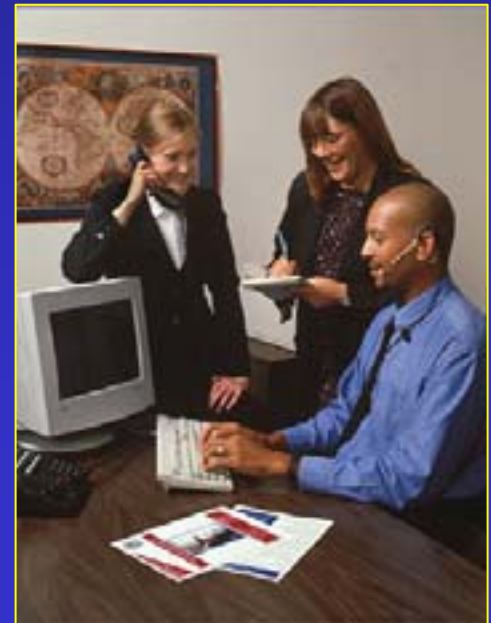


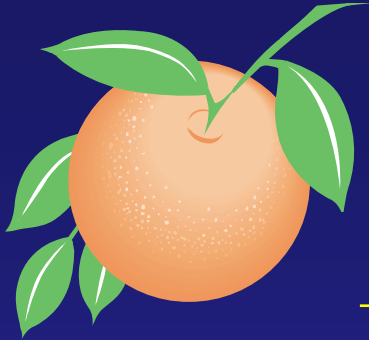


Staffing and Budget

Manning Table Increase

- **Public Works – 3 Positions**
- **Growth Management – 2 Positions**
- **County Attorney's Office – 3 Positions**



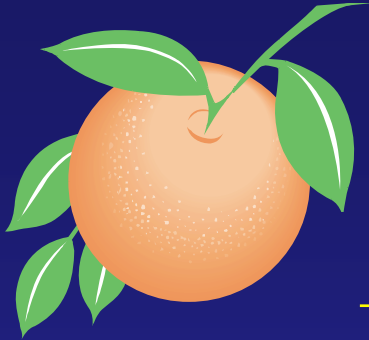


Staffing and Budget

Budget Transfer

- **\$227,200 for Last Two Months of FY2005-06**
- **Regular Salaries and Wages**
- **Building Renovation**
- **Computer Equipment**

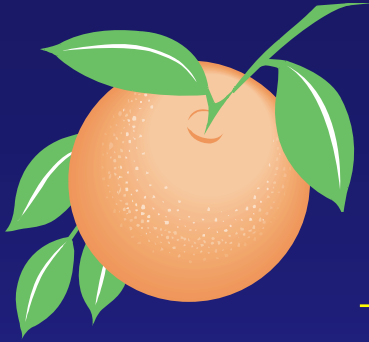




Staffing and Budget

Next Budget Cycle

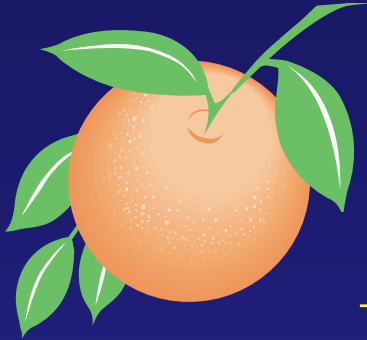
- Funds for Additional Positions
- Building Renovation
- Computer Equipment



Presentation Outline

- Background
- Proportionate Fair-Share Ordinance
- Implementation Process
- Staffing and Budget
- **Action Requested**

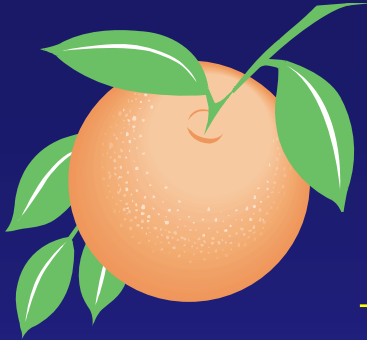




Action Requested

- **Motion 1:**

Affirmatively Determine that Sufficient Information has been Provided to Assess Economic Impact and Adopt the Ordinance Revising Orange County Code, Chapter 30, Article XII, Concurrency Management



Action Requested

- **Motion 2:**

Approval of the Administrative Regulations; Approval to Increase the Manning Table; and Approval of Budget Transfer 06-1295 in the Amount of \$227,200 to Provide Funding for New Positions and Other Related Costs

**Concurrency
Management System
Proportionate Fair-Share Ordinance**



**Board of County Commissioners
Public Hearing**

May 23, 2006