

September 9, 2008

SUBJECT:**ORIGINATING DEPARTMENT:****Transportation Mitigation
Option****County Administrator
Anthony J. Schembri****Author: Gary W. Maidhof, DDS Director**

Page 1 of 3

POLICY:

The County is responsible for monitoring Level of Service on the County's Major Roadway Network and must ensure that all proposed projects are or will achieve concurrency pursuant to the standards of the Citrus County Comprehensive Plan.

PROCEDURE:

Concurrency compliance can be achieved through a number of options to mitigate traffic concurrency deficits. This administrative regulation is established to list those options and the criteria and process by which mitigation can be achieved.

PROCESSES:

Proportional Share Mitigation Agreement: Section 56-4 of the Citrus County Code of Ordinances contains the procedures by which a Proportional Share Mitigation Agreement can be achieved. All proportional share mitigation proposals shall be based on fact-based costs and the adopted Capital Improvement Program.

Fair Share Mitigation Agreement: When a restrained roadway or intersection is not reflected within the adopted Capital Improvement Plan, the Board may entertain a Fair Share Mitigation Agreement from proposed projects when their impact is minor and measurable. As with proportional fair share mitigation, proposals shall be based on fact-based costs.

Developer's Agreement: Large, proposed developments often have a broad impact across the roadway network, as well as other infrastructure components. Further, these projects are often phased and seek flexibility in design. Florida Statute 163.3220 provides the Developer Agreement process to accommodate these types of projects.

A developer must obtain formal Board approval to utilize this process. Board approval to utilize the Developer Agreement process does not constitute Board support for a project, but only concurrence that the Developer's Agreement process is a viable vehicle to facilitate project and infrastructure needs.

Right-of-Way Dedication: In cases where the County or State has a documented need for ownership of right-of-way (or drainage) from a parcel(s) within a proposed development plan, the developer may dedicate the right-of-way to offset all or a portion of the costs of traffic impacts. All dedications shall be via fee simple ownership and shall be based on a current appraisal for the existing land use (not projected).

Trip Transfer Agreement: When a proposed development is facing traffic mitigation caused in part by vested trip impacts, the County may consider approval of a Trip Transfer Agreement when there are willing third-party partners. These agreements will only be considered when all of the following factors are met:

- 1) The recognition of vested trips must be firmly established via a formal Development Order. Further, the donor project must have commenced, fulfilled all Development Order mandated improvements, and is still proceeding in good faith or complete. Vested rights must be established-not assumed.
- 2) Trip transfer cannot occur when the affected roadway is failing due to existing trip counts at Urban Level of Service D.
- 3) The recipient of the trips must utilize them for a project in close proximity to the donor project on transportation corridors servicing both projects.
- 4) The recipient project must achieve an executed Development Order within one year of the transfer date. Failure to accomplish same will nullify the transfer.
- 5) The availability of trips will be based on the latest Development Order. Trips surrendered, lost or offered as justification for a deviation or land use change cannot be resurrected.
- 6) The transfer must be approved by the Board of County Commissioners via a public hearing process, and the assignment document must be recorded in the public record within 5 days of approval by the Board. The authorization for transfer is of the same nature as impact fee transfers and proportional fair share agreements in that it is solely at the discretion of the Board.

Area of Influence Contribution: The County and FDOT District 7 recognize that the Regional road network has areas of constraint which can adversely impact traffic concurrency for relatively small projects for which traditional mitigation methods are not viable. In many cases, identified specific road improvements within these areas can have far-reaching traffic mitigation effects. Thus a program to collect incremental contributions targeting these improvements can aid the system in total and offset the obstacle of segment specific level of service deficits faced by these smaller projects.

Therefore within these established “areas of influence” the County in partnership with FDOT and other participating governments shall identify needed site specific improvements, their projected cost, and the additional trip capacity created within the system upon their completion.

This information will be utilized to establish a per-trip cost contribution within the area of influence. An applicant may then submit a mitigation fee based on their calculated traffic impact to offset their projected traffic contribution. The mitigation fee is in addition to any impact fees remitted.

Upon receipt of the contribution, the County shall earmark the funds for utilization only within the Area of Influence for capacity expansion projects.

All of the above transportation mitigation options shall require Board of County Commission approval. Approval is at the sole discretion of the Board. Any modification to an agreement shall also require Board approval.

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It is incumbent on each supervisor to become familiar with and knowledgeable of the provisions of this Manual. Periodically new or revised AR's will be issued and each recipient of the Manual is responsible for maintaining his/her copy up-to-date. The issuance of an AR automatically supercedes any policy or procedure outstanding covering the same subject or substance. Failure by Department and Division Directors or other employees to follow the policies and procedures outlined could result in disciplinary action.

FOOTNOTES & REFERENCES TO RELATED AR's: