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MEMORANDUM

TO: Honorable Thomas Ford, Chairman Nassau County, FL BOCC

FROM: Taco E. Pope, AICP, County Manager

CC: Board of County Commissioners, Nassau County, Florida
Marshall Eyerman, Asst. County Manager
Heather Encinosa, Nabors, Giblin, Nickerson, PA
Robert Companion, County Engineer

DATE: June 27, 2021 - UPDATED

RE: Extraordinary Circumstance Demonstrated Need Study – Mobility Planning



On June 4, 2021, Governor Ron DeSantis signed into law House Bill No. 337 amending §163.31801, Florida Statutes. Among other changes to State Law, the amendment to §163.31801 (6) states, in part:

A local government, school district, or special district may increase an impact fee only as provided in this subsection.

- (a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.*
- (b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.*
- (c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.*
- (d) An impact fee increase may not exceed 50 percent of the current impact fee rate.*
- (e) An impact fee may not be increased more than once every 4 years.*

(f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

- 1. A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.*
- 2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).*
- 3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.*

(h) This subsection operates retroactively to January 1, 2021.

Nassau County, Florida Transportation and Mobility Network Planning:

On August 25, 2014, the Nassau County Mobility Fee Ordinance was adopted by the Board of County Commissioners to provide additional funding to implement capacity adding improvements to the County Transportation System. These capacity adding improvements are proposed to accommodate the traffic generated by growth and maintain the standards of service adopted in the Nassau County Comprehensive Plan. Nassau County utilizes a Mobility Plan and cost per vehicle mile travelled (VMT) method for determining the dollar amount of the fees to be assessed. As required in Section 3.06 of the Mobility Fee Ordinance, the Mobility Plan must be reviewed and updated every three (3) years.

In accordance with Section 3.06 of the Mobility Fee Ordinance, County Staff began working with the consulting engineering firm of Peters and Yaffee on October 9, 2017 to develop the scope for the update to the Mobility Plan. Once the scope was in place, the Mobility Plan and Mobility Fee Study began on April 23, 2018.

The goals of the Mobility Plan and Mobility Fee Study were to analyze the existing County Transportation System, compare the system against the latest growth projections contained in the Northeast Florida Regional Planning Model – Activity Based 1v3 (NERPM-AB) model, propose projects to mitigate impacts the County Transportation System as a result of the

models projected growth, provide cost estimates to construct the proposed projects, use the cost estimate information to determine the cost per vehicle mile traveled (VMT), and finally, calculate specific fees for a variety of potential uses based on the cost per VMT. The Study has taken over three years to complete due to the County's strong desire to ensure that the fees calculated were based on reasonable Mobility Plan projects, the most current and accurate models and reference data available were utilized, ensure consistency between the North Florida Transportation Planning Organization's Long Range Transportation Plan (NFTPO), the Nassau County Comprehensive Plan/Future Transportation Map Series (FTMS), and ensure that all interested groups such as the Northeast Florida Builders Association, Local Agency partners, and FDOT had a chance to review and comment on the proposed changes. Additionally, the COVID-19 pandemic also impacted the study and updating process for the County's existing Mobility Fees.

On November 14th, 2019, the NFTPO adopted the 2045 LRTP for the NE Region. Nassau County was an active participant during the process serving in a leadership role on the NFTPO's Technical Advisory Committee and providing critical data to ensure a comprehensive mobility strategy was adopted in Nassau County. The NFTPO LRTP was one of the foundational elements of the County's Comprehensive Plan/FTMS update.

On November 9, 2020, Nassau County adopted updates to its 2030 Comprehensive Plan and Future Transportation Map Series. Said updates to the 2030 Comprehensive Plan became effective on December 20, 2020. These amendments were executed in accordance with local and state law.

On June 21, 2021, the Board of County Commissioners held a public workshop to discuss the County's first comprehensive five-year Capital Improvement Plan (5-yr CIP). The 5-yr CIP includes both funded projects, those which funding has been identified in the first five years, and Candidate Projects, those projects which have been deemed necessary or desired but not included for funding in the first five years of the 5-yr CIP. On June 28, 2021, the Board of County Commissioners approved the 5-yr CIP subject to final budget allocation. The 5-yr CIP is inclusive of all the projects in the Nassau County Mobility Plan as either Funded or Candidate Projects.

These foundational documents were updated as part of the County's comprehensive, strategic and thorough review and update of its County-wide Mobility Plan. The Mobility Plan update includes the required five (5) year coordinated review of the East Nassau Community Planning Area Sector Plan Mobility Plan (Mobility Zone 2 of the Comprehensive County-wide Mobility Plan) and a complete restructuring of the remaining portions of the County-wide Mobility Plan (Mobility Zones 1 and 3). The adoption and execution of the Mobility Plan update and adoption of the correlating increased fee is a critical component of implementing the NFTPO's LRTP, Nassau County's Comprehensive Plan/FTMS, and 5-yr CIP.

Additionally, it was necessary to coordinate the East and West Mobility Fee updates with the 5-Year Coordinated Review for the ENCPA Mobility Plan and Fee updates (Zone 2) to ensure the County Mobility Plan (Zones 1 and 3) and the ENCPA Mobility Plan were in harmony. The coordinated review began in 2018 and was completed in June 2021.

Required Workshops:

On June 16, 2021, the Nassau County Board of County Commissioners set public workshops pursuant to the requirements of §163.31801 (6). County Manager Pope verbally articulated to the BOCC on the record the intent of the workshop was to meet the Statutory requirement that, “(t)he local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e)”.

Extraordinary Diligence, Transparency and Technical Execution:

In the spirit of promoting a collaborative approach to governance, County staff created a Mobility Plan and related 5-yr CIP that are robust outward facing documents that are user friendly, easy to comprehend, and readily accessible. In order to package the material in a manner that was easily digestible for the general public, advocacy groups, and development community, it took an extraordinary effort by staff to create this unparalleled transparency, accessibility and equity for users. The referenced documents can be viewed here:

- Nassau County Mobility Plan Review and Update (Nassau County Mobility Zone 1 & 3)
https://www.nassaucountyfl.com/DocumentCenter/View/21303/Nassau-Co-Mobility-Plan-Update-Report_FINAL-DRAFT
- ENCPA Mobility Plan 5-yr Coordinated Review and Update (Nassau County Mobility Zone 2)
https://www.nassaucountyfl.com/DocumentCenter/View/21302/03302021_Raydient-Mobility-Fee-Update_final-submittal-packet
- Five-year Capital Improvement Plan 2021/2022 – 2025/2026
<https://www.nassaucountyfl.com/DocumentCenter/View/21560/CIP-Guidebook---6-25-21-1430>
- Future Transportation Map Series and Transportation Element

Extraordinary Population Expansion/Urbanization:

Since the commencement of the Mobility Plan and Mobility Fee Study began in 2018, Nassau has experienced extraordinary change. An evolutionary thrust brought about by rapid population expansion and urbanization has altered not only the physical and natural environment but also the social and cultural dynamics of the community. These changes have reshaped the manner in which we interact with our environment and the individuals/entities that comprise our community.

According to the latest population on estimates from the Bureau of Economic Business and Research (BEBR), Nassau grew by an extraordinary rate of 4.92% last year (2019-2020). This growth rate ranks Nassau as the 4th fastest growing County in the State. Further, for counties with a population of 80,000 or more, Nassau is the 2nd fastest growing County in the State. For a national perspective, out of 3,141 counties in the United States, Nassau ranked as the 40th fastest-growing county by percent growth for counties in the U.S. with a population over 10,000 from 2018-2019. This growth rate places Nassau in the top 1.5% of all counties in the Country.

This year-over-year growth rate is not an anomaly. Over the coming decade (2020-2030), the BEBR predicts Nassau will be the sixth fastest growing county in the State of Florida (by %) with a projected population expansion of 36% resulting in over 121,600 people calling Nassau home by 2030. However, rapid population expansion does not just bring more people to the County, it brings new people, with new ideas, experiences, expectations and demands. In addition, rapid population expansion spurs new development in the form of retail and job centers, roads, schools, parks and other improvements to support the increased population base. This diversification of the population coupled with rapid urbanization and resulting influx of new non-residential entities entering the County arena has expanded the expectations and demands on local services, infrastructure, and governmental operations.

Capital planning and maintenance is not immune to these striking demands. Not only is there an increased demand on the quantity of services provided, the complexity and level of sophistication necessary to be effective has increased exponentially. This trend will continue for the foreseeable future. As such, we must evolve our capacities and approach to execute our public duties in an efficient and effective manner.

Fee Levels and Extraordinary Cost of Construction Increase:

Despite being one of the fastest growing Counties in the State and US over the past seven (7) years, Nassau County has held the Mobility Fee for zones 1 and 2 flat since 2014 while facing expanding demand on the Mobility Network. Further, standard inflation and supply chain impacts of the COVID-19 pandemic have resulted in a construction cost increase of approximately 20% or more since the Mobility Fee Ordinance inception in 2014. This construction cost increase coupled with the population growth have rendered the historic transportation funding sources augmented by the currently adopted Mobility Fees inadequate to address Mobility Network capacity needs necessary to maintain high quality of life, be regionally and globally competitive, promote creation of high-wage jobs, support the robust tourism industry, and protect the general health, safety and welfare of the citizens of Nassau County and our visitors.

Finding of Fact:

The body of this memorandum satisfies the statutory requirements to demonstrate extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in §163.31801 (6), Florida Statutes. Adopting the proposed Mobility Plan and implementing the related Mobility Fee supports the expansion of the Nassau County Mobility Network's capacity allowing for strategic investment that protects quality of life/quality of place, promotes economic expansion, creates of high-wage jobs, manages growth in a fiscally and sustainable manner, protects the public health, safety, and general welfare, and allows Florida to remain globally competitive.

In sum, the following extraordinary circumstances necessitate and justify the need for Nassau County to increase its Mobility Fees in excess of the statutory phase-in limitations in §163.31801 (6), Florida Statutes:

- (1) Transportation planning is a complicated and evolving process. The County's effort to ensure that the Mobility Fee update was comprehensive, legally sound, and transparent, required additional time to complete. Additionally the COVID-19 pandemic slowed the study process as the County and its consultants focused on the response to the pandemic. Further delays in implementation of the updated fees runs the risk of having underlying data sources becoming outdated and putting the County's transportation funding strategy perpetually behind.
- (2) Nassau County's extraordinary growth rate requires the implementation of new transportation capacity to meet the demands of new growth. To ignore this immediate demand would negatively impact on the County's ability to financially plan and implement the required transportation system upgrades, negatively impact on the desirability of the County for new development and job creation, and cause a deterioration in the level of service for existing residents and businesses.
- (3) The costs of transportation infrastructure continue to increase at an extraordinary rate in the County and any further delays in implementation of an updated Mobility Fee risks the County being able to afford the cost of the needed transportation infrastructure upgrades that are required to serve new growth.