

City of Port St. Lucie Mobility Plan and Mobility Fee Presentation of Issues

CONFLICT ASSESSMENT MEETING, AUGUST 24, 2021

RUSS BLACKBURN, CITY MANAGER



"A City for All Ages"

BACKGROUND

May 2019 PSL City Council directed its Budget Advisory Committee (BAC) to investigate the following:

- Does the City of Port St. Lucie receive an equitable distribution of impact fees from St. Lucie County?
- Where are County impact fees being expended?
- What are the trends in impact fee collections?

The BAC reported their recommendations to the City Council, which included considering mobility fees.

FOLLOW THE MONEY...

The City prepared two white papers that provided data and analysis on all four SLC impact fees.

- Most of the road impact fee monies from 1994-2019 has been predominately funding Midway Road improvements.
- No funding has been directed to Range Line and Glades Cutoff (both roads part of the 2011 Interlocal).
- Only 20% of Parks Impact Fees between 2015-2019 were allocated to projects identified in the Interlocal agreement.

The findings of inequity and lack of accountability resulted in the City terminating the Interlocal Roads and Parks Impact Fee.

In addition, the City Council directed staff to pursue a Mobility Plan and Mobility Fee to be effective by October 1, 2021.

**ST. LUCIE COUNTY CAPITAL PROJECTS FUNDED BY ROAD IMPACT FEES FOR
FY15 – FY19**

- **TOTAL REVENUES WERE \$32.4 MILLION. OF THAT AMOUNT \$12.5 MILLION OR 38% WAS SPENT ON MIDWAY OR RELATED PROJECTS.**
- **BETWEEN FY 15 – FY 19, 70% OR \$22.6 MILLION OF SLC ROAD IMPACT FEES WERE COLLECTED WITHIN THE MUNICIPAL BOUNDARIES OF PSL.**

Transportation Impact Fees	FY15	FY16	FY17	FY18	FY19
Beginning Balance Forward	\$ 17,492,544	\$ 19,590,935	\$ 19,452,281	\$ 18,088,083	\$ 21,399,169
Total Revenues	\$ 4,712,684	\$ 4,956,957	\$ 4,925,460	\$ 7,637,907	\$ 10,242,284
Project Expenses:					
Midway Rd (Selvitz Rd - 25th St)	\$ (2,806,680)	\$ (5,073,211)	\$ (4,783,306)	\$ (31,894)	\$ -
44001 Kings Hwy/Indrio Rd	\$ (7,613)	\$ (22,400)	\$ (1,314,363)	\$ (3,860,840)	\$ (4,121,361)
164602 Kings Hwy Widening Okee-Picos Rds	\$ -	\$ -	\$ (187,669)		\$ -
174617 Airport Connector (Turpike-Kings)	\$ -	\$ -	\$ (4,320)	\$ -	\$ (112,500)
4945C COMM ROADS Mainland	\$ -	\$ -	\$ -	\$ (434,087)	\$ -
114604 Midway Rd-Glades Cutoff/Selvitz	\$ -	\$ -	\$ -	\$ -	\$ (4,850)
194628 Jenkins Rd Corridor Study	\$ -		\$ -	\$ -	\$ (10,765)
Total Project Expenses	\$ (2,614,293)	\$ (5,095,611)	\$ (6,289,658)	\$ (4,326,821)	\$ (4,249,476)
Ending Balance	\$ 19,590,935	\$ 19,452,281	\$ 18,088,083	\$ 21,399,169	\$ 27,391,977

Parks Impact Fees	FY15	FY16	FY17	FY18	FY19
Beginning Balance Forward District A	\$ 205,175	\$ 183,145	\$ 302,768	\$ 458,385	\$ 839,784
Total District A Revenues	\$ 74,792	\$ 155,761	\$ 198,619	\$ 444,660	\$ 520,306
Beginning Balance Forward District B	\$ 820,700	\$ 1,405,971	\$ 2,399,368	\$ 3,858,824	\$ 6,089,146
Total District B Revenues	\$ 972,561	\$ 1,270,817	\$ 1,800,237	\$ 2,762,878	\$ 4,597,635

SLC PARK REVENUES - \$12.8 MILLION FROM FY15 – FY19.

84% OR \$10.8 MILLION OF SLC PARK IMPACT FEE REVENUE WAS COLLECTED FROM WITHIN THE MUNICIPAL BOUNDARIES OF PSL.

IN FY 2020, ST. LUCIE COUNTY COLLECTED
\$17 MILLION IN IMPACT FEES FROM
DEVELOPMENT IN PORT ST. LUCIE

\$17 MILLION IS 83% OF THE \$20.4 MILLION
IMPACT FEE REVENUE SHOWN IN THE SLC
CAFR.

SLC Impact Fees Generated Within The Municipal Boundaries of PSL

Fiscal Year	Road	Library	Building	Parks	Total Generated within PSL	County Impact Fee (SLC CAFR)	Percent of County Impact Fee
FY 15/16	\$3,393,501.44	\$241,179.84	\$498,700.16	\$1,230,264.96	\$5,363,646.40	7,058,232.00	76%
FY 16/17	\$3,989,873.50	\$313,401.60	\$437,533.22	\$1,761,568.32	\$6,502,376.64	7,649,488.00	85%
FY 17/18	\$5,909,129.67	\$528,773.76	\$697,103.45	\$2,697,490.56	\$9,832,497.44	12,196,539.00	81%
FY 18/19	\$7,542,487.49	\$713,892.48	\$980,878.65	\$4,257,144.00	\$13,494,402.62	16,571,151.00	81%
FY 19/20	\$9,690,669.67	\$878,431.68	\$1,209,463.52	\$5,280,402.24	\$17,058,967.11	20,459,069.00	83%
Total:	\$30,525,661.77	\$2,675,679.36	\$3,823,679.00	\$15,226,870.08	\$52,251,890.21	63,934,479.00	82%

SLC FY 2021 BUDGETED ROAD IMPACT FEE CIP PROJECTS

SLC Impact Fees Adopted CIP - North of Midway

Project	FY Budget FY 20-21	FY 2022	FY 2023	FY 2024	FY 2025	TOTAL FY 21-25
City of PSL						
Midway Road Widening (Jenkins Road to Selvitz Road)					\$8,000,000	\$ 8,000,000
Turnpike Interchange at Midway Road		\$ 3,500,000				\$ 3,500,000
Glades Cut-off Road Improvements		\$ 4,500,000				\$ 4,500,000
Total City of PSL	\$ -	\$ 8,000,000	\$ -	\$ -	\$8,000,000	\$ 16,000,000
North of Midway						
Jenkins Rd. (Midway Rd. - Orange Ave)				\$ 600,000		\$ 600,000
Jenkins Rd. (Midway Road to Wal-Mart Distribution)	\$ 2,000,000	\$ 5,000,000	\$ 5,000,000			\$ 12,000,000
Selvitz Rd Improvements (Glades Cutoff - Edwards)	\$ 1,000,000	\$ 7,000,000	\$ 5,000,000			\$ 13,000,000
Bell Avenue Sidewalk (25th Street to Sunrise Boulevard)			\$ 200,000			\$ 200,000
Oleander Avenue Vision Study	\$ 550,000					\$ 550,000
Lennard Road ROW (ERD Parcel)	\$ 350,000					\$ 350,000
Kings Highway @ Indrio	\$ 1,673,564					\$ 1,673,564
Oleander Avenue Sidewalk (Edwards Road to South Market Avenue)				\$ 450,000		\$ 450,000
Total North of Midway	\$ 5,573,564	\$12,000,000	\$10,200,000	\$1,050,000	\$ -	\$ 28,223,564
Total	\$ 5,573,564	\$20,000,000	\$10,200,000	\$1,050,000	\$8,000,000	\$ 44,223,564

36% OR \$16 MILLION OF THE \$44.2 MILLION ALLOCATED TO CIP PROJECTS FOR FY 21 -25 ARE PROJECTS WITHIN THE CITY LIMITS.

YEAR TO DATE SLC ROAD IMPACT FEES
COLLECTED WITHIN THE MUNICIPAL
BOUNDARIES OF THE CITY OF PORT ST.
LUCIE TOTAL \$13.3 MILLION.

THE CITY ESTIMATES THAT BY END OF
YEAR SLC WILL COLLECT \$17.7 MILLION.

SLC Road and Parks Impact Fees Generated Within The Municipal Boundaries of PSL

Fiscal Year	Road	Parks	Total Generated within PSL
FY 15/16	\$3,393,501	\$1,230,265	\$4,623,766
FY 16/17	\$3,989,874	\$1,761,568	\$5,751,442
FY 17/18	\$5,909,130	\$2,697,491	\$8,606,620
FY 18/19	\$7,542,487	\$4,257,144	\$11,799,631
FY 19/20	\$9,690,670	\$5,280,402	\$14,971,072
Total:	\$30,525,662	\$15,226,870	\$45,752,532

Fiscal Year	Road	Parks	Total Generated within PSL
FY 20/21 YTD	\$13,280,771	\$6,837,658	\$20,118,429
FY 16 to FY 21 YTD	\$43,806,433	\$22,064,528	\$65,870,961

Fiscal Year	Road	Parks	Total Generated within PSL
Estimated FY 20/21	\$17,707,695	\$9,116,877	\$26,824,572
FY 16 through Estimated FY 21	\$48,233,357	\$24,343,747	\$72,577,104

Why are we adopting a Mobility Plan and Mobility Fee?

Looking beyond road capacity, yet providing equivalent capacity for mobility while lowering the cost to the development community, as compared to the separate City and County road impact fees currently in place.

How is such a fee reduction realistic? **Because bike, sidewalk, transit, micro-transit, and corridor mobility solutions are less expensive to construct than additional road capacity.**

The City's vision is to replace those two fees with the new combined fee applicable to all development within the City.

Technical report addresses not only the impacts to City roads and transportation facilities, but also to County facilities (including those outside of City boundaries that are significantly impacted by City development).

Why are we adopting a Mobility Plan and Mobility Fee?

The City's vision is to reduce reliance on road capacity and focus on moving people.

Mobility Fees would provide the City Council greater flexibility to determine when, what types of projects and how quickly projects will be built in and close to Port St. Lucie.

Mobility Fees provide a greater range of options for use of the funding than impact fees, including bike lanes, sidewalks, trails, transit and roads.

Why are we adopting a Mobility Plan and Fee?

The City's mobility plan and mobility fee have been developed based on the most recent requirements of Florida Statute Sections 163.3180 and 163.31801.

Furthermore, the Community Planning Act recognized that impact fees, mobility fees, and other transportation concurrency mitigation requirements are equivalent forms of transportation mitigation by requiring that dollar-for-dollar credit shall be provided where a local government requires a development to make a proportionate share improvement or payment per Florida Statute Section 163.3180(5)(h)2.e.

~~To ensure fees paid by new development in the City are expended (spent) in a timely manner within or adjacent to the City to provide mobility projects (improvements & services) in accordance with State Statutes.~~

Values Advanced by City Mobility Plan and Fee

Equitable distribution of funding, so revenues from City are spent on mobility projects that serve the current and future residents of the City rather than on distant roads.

Accountability to City development, that revenues from growth in the City will be spent to fund mobility projects that benefit that growth.

Provides for choice, so that modes of mobility other than driving are more feasible in the City.

Plan is designed to mitigate the impact of new growth on City, County, and State roads while providing mobility options.

Addresses transportation system needs by recognizing County road projects just outside of the City's boundary as eligible projects for expenditure of mobility funds.

Mobility Fee

- ✓ Five Benefit Districts
- ✓ Mobility Fees spent in District they are collected or adjacent district
- ✓ Spent on corridors that border or cross multiple Districts
- ✓ Clearly meets dual rational nexus test
- ✓ Funds can also be spent to address mobility, those tools can include trails, sidewalks, transit and roadway improvements.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** - The City mobility plan does not identify needs
 - ✓ **Fact:** The mobility plan details the need for new roads, the widening of existing roads, and the improvement of 2 lane undivided to 2 lane divided roads, with complete streets.
 - ✓ The mobility plan identifies corridors in need of complete street retrofits, off-street greenways and trails, and five (5) types of intersection improvements.
 - ✓ The County road impact fee is not based on any specific road capacity improvements. The City is also implementing areawide level of service and multimodal quality of service as part of the mobility plan and fee, as encouraged by Florida Statute.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** - City is increasing taxes
- ✓ **Fact:** Mobility plan is crafted to mitigate new growth impacts on City, County and State roads. There is no demonstrated need or additional mitigation.

MISCONCEPTIONS PROFFERED BY THE COUNTY

- **Claim** - The City is increasing the cost of development.
- ✓ **Fact:** The City mobility fee is less than the current County fee (except for multi-family above 1,000 sq. ft. & high impact uses)

MISCONCEPTIONS PROFFERED BY THE COUNTY

- **Claim** - The City is seeking to charge its fee against development outside the City limits.
- ✓ **Fact:** The City mobility fee is only charged against development within the City. Its revenues may be spent anywhere in the City benefit district, which is larger than the City limits to account for the impacts of City growth on nearby County roads.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** - Development will pay the full County road impact fee
- ✓ **Fact:** The County cannot legally charge new development twice for the same impact. Without a new road impact fee study, the most the County could attempt to charge is the difference between the City's mobility fee and the County' road impact fee, *adjusted by assessment area*. If it can justify doing so: the County, not the City has the burden of proof.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** – Development must pay County road impact fees no matter what
- ✓ **Fact:** St. Lucie County is not a charter county, and therefore cannot attempt to preempt the City from adopting a City fee. Also, the County cannot charge development twice for the same impact. Development must pay properly enacted road impact fees and City mobility fees.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** – The City is not mitigating impact to County roads
- ✓ **Fact:** The Mobility Plan includes multiple improvements to County Roads, including Glades Cut-Off, Midway, and Range Line. County projects are 13% to 14% of the overall miles of improvements and capacity added, and ~ 23% of the cost.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** – The County can collect its road impact fee no matter what the City does
- ✓ **Fact:** Per statute, the County has the burden of proof assessing its fee. The City methodology fully accounts for impact to City, County, and State facilities. The County can only charge for impact beyond the City mobility fee if it prepares *an updated study justifying that additional charge*. Also, it would have to increase road impact fees in unincorporated County & show that doing so meets the dual rational nexus test and new statutory requirements.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** - The County can spend road impact fees where it wants
- ✓ **Fact:** St. Lucie County is required to meet the benefits test of the dual rational nexus test, something it is not currently doing. St. Lucie County may be the only County in Florida with one benefit district for the entire mainland of the County.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** - The City mobility fee will result in a total loss of funding to the County road system.
- ✓ **Fact:** The mobility fee proposes that funding goes towards Midway and Glades, which are County roads. The City mobility fee will result in a reduction of funding of the overall County system.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** – The County has significant needs
- ✓ **Fact:** County does have continuing maintenance needs which can not be paid by impact fees.
- ✓ Beyond Midway from Selvitz to East Torino and Glades from Midway to Selvitz, the six (6) roads in the current interlocal between the City & County don't need road capacity to address growth impacts.
- ✓ The mobility plan does propose complete streets improvements to two lane divided streets.

MISCONCEPTIONS PROFFERED BY THE COUNTY, continued

- **Claim** – Future development west of I-95 demands 4 lane roads

Fact:

- ✓ Future development in the City west of 95 has plans to provide a gridded network of 2 lane roads. The need for either 4 lanes or complete street improvements will be evaluated further in the Phase 2 mobility plan.
- ✓ Projected volumes do not support the number of 4 lane roads west of I-95. Future growth can be accommodated on planned parallel City roads to Glades Cut-off, Range Line and Midway west of I-95, without the need for any improvements beyond a center turn lane and complete street enhancements.

CITY IS MOVING TOWARD ADOPTING A MOBILITY FEE

First hearing held on August 23rd, adopted by City Council.

Second hearing scheduled for September 13, 2021.

The City is ready to implement October 1, 2021.

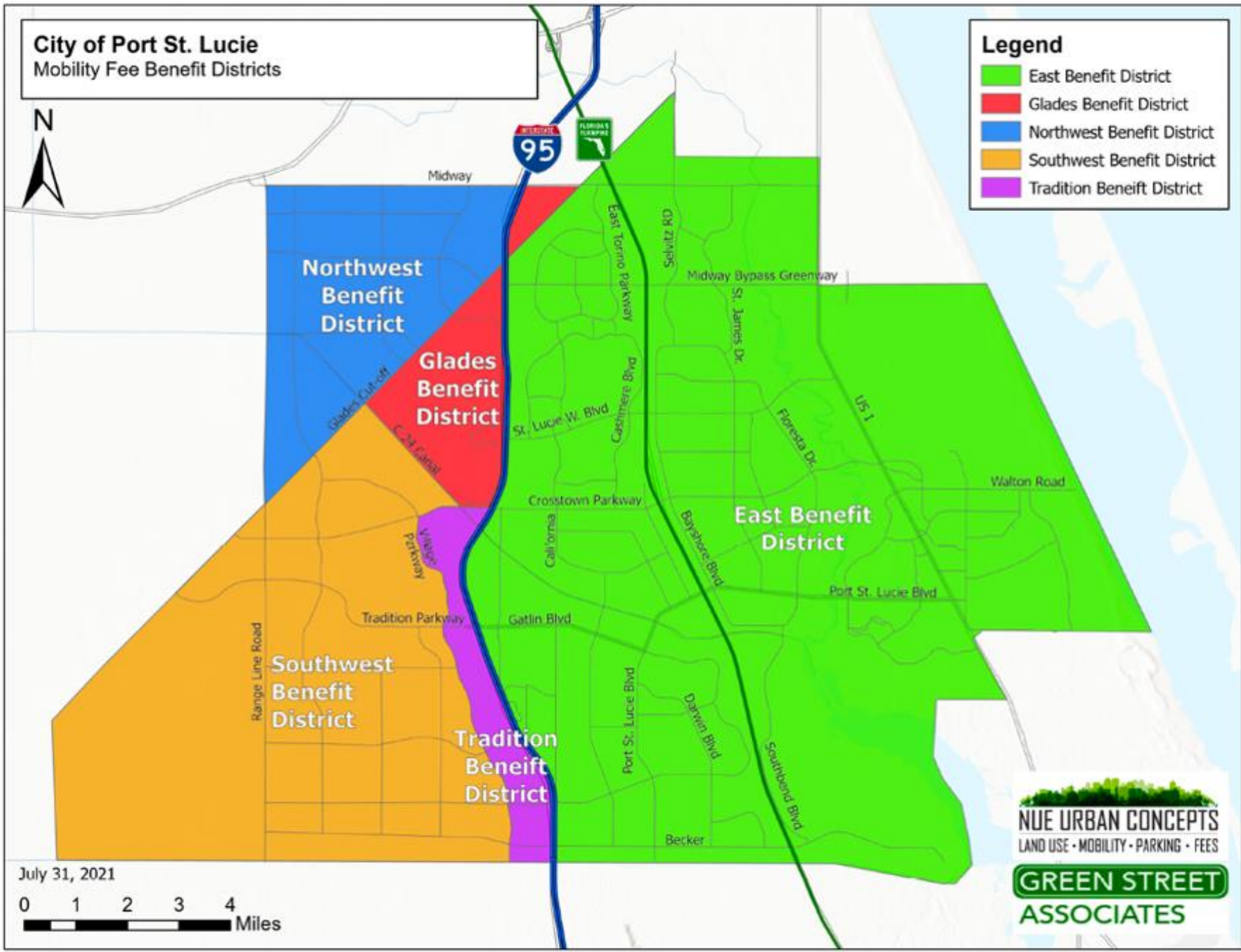
Phase 2 is scheduled to begin in the new fiscal year.

City of Port St. Lucie Mobility Fee Benefit Districts



Legend

- East Benefit District
- Glades Benefit District
- Northwest Benefit District
- Southwest Benefit District
- Tradition Benefit District



July 31, 2021
0 1 2 3 4
Miles

NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES
GREEN STREET ASSOCIATES

Dispute Resolution from City's Perspective

- Are there impacts of City growth to the County roadway system that have not been captured by the City's Mobility Plan? If so, what kinds of impacts to which roads, and in what amount?
- Has the County identified any errors or omissions in the City's mobility plan methodology? If so, what are they?
- Does the County accept the City's use of this methodology as a proper means of mitigating the impact of the City's growth on County roads? If not, how does the County propose to rectify the inequity and lack of accountability for expenditures of road impact fee revenues collected from City growth?
- As currently levied, the City can not support the County Road Impact Fee.