



LAND DEVELOPMENT CODE AMENDMENTS TRANSPORTATION MITIGATION

Mobility Committee
April 6, 2016

Development Services Department &
Austin Transportation Department



Agenda

- Overview of Current Practices
- Rough Proportionality
- Overview of the Code Amendments
- Future Strategies – Street Impact Fees
- Discussion/Questions (15 min)

Transportation Funding

- Property taxes aren't enough to keep up with growth
 - ▣ Increase in property taxes from development covers O&M, services, *but not infrastructure*
- Development should 'pay for itself'
 - ▣ Right-of-way dedication, street construction, intersection and roadway improvements, etc.
 - ▣ Should be 'fair'

Other Transportation Funding Tools

- Bonds / Debt
 - ▣ General Obligation (GO), Certificates of Obligation (CO)
- Transportation User Fee (TUF)
- Tax Increment Financing (TIF), Tax Increment Reinvestment Zone (TIRZ), and/or Chapter 380 Agreements
- Impact Fees

Austin's Standard Practice

- Mitigation Assessed With A Traffic Impact Analysis (TIA)
 - A TIA is required for developments that generate more than 2,000 trips per day
 - Mitigation may include intersection improvements, ROW Dedication, Signals, Turn Lanes, etc.
 - Mitigation contribution historically based on pro-rata share for development-generated traffic



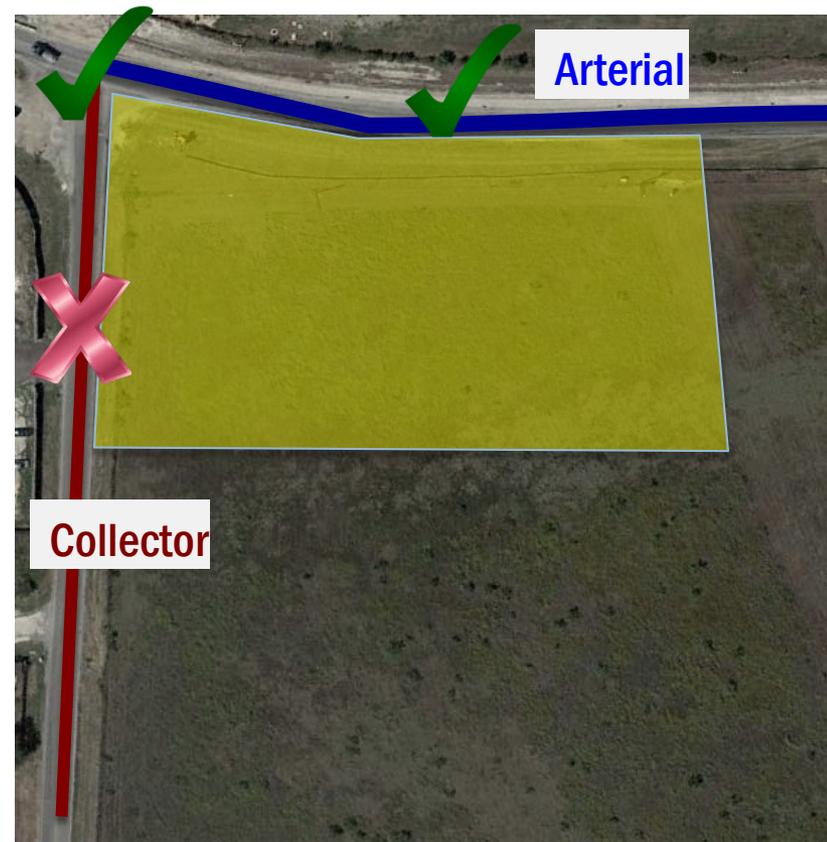
Austin's Standard Practice

- Mitigation Assessed With A Neighborhood Traffic Impact Analysis (NTA)
 - ▣ Sites that have more than 300 trips per day and front on non-arterial streets
 - ▣ Mitigation improvements typically limited to the proximity of the site
 - ▣ Mitigation may include ROW dedication, signals, multi-modal improvements.



Austin's Standard Practice

- All Other Development - Border Street Policy
 - ▣ Limited directly adjacent improvements
 - ▣ Require right-of-way (ROW)
 - ▣ Require partial street construction per Austin Metropolitan Area Transportation Plan (AMATP)
 - ▣ Primary tool for assessing mitigation for sites without a TIA or NTA





Rough Proportionality

Rough Proportionality

Two important U.S. Supreme Court Cases established the principle of 'Rough Proportionality'

- **Nollan vs. California Coastal Commission (1987)** - established that an exaction must have an *essential nexus* to legitimate public interests
- **Dolan vs. City of Tigard (1994)** - established a two-part test for exaction: 1) *essential nexus* and 2) *roughly proportional* in nature and extent of the impact of the development

Legal Background

- Texas House Bill 1835
 - ▣ Adopted in September 2005
 - ▣ Amended Section 212 of the *Local Government Code (LGC)*
 - Dedications, fees, or construction costs
 - “[The] developer’s portion of the costs may not exceed the amount required for infrastructure improvements that are **roughly proportionate** to the proposed development...”

Use of Rough Proportionality

- What Applies?
 - ▣ Requirements not design standards
 - Right-of-way/easement, boundary street construction, intersection and roadway improvements, or fiscal in lieu
 - ▣ Part of typical development approval process
- How is Rough Proportionality Determined?
 - ▣ Compare the peak hour **demand created** by development to the **supply required** by City/County
 - ▣ Spreadsheet comparison
 - ▣ Same approach to HB 1835 as ~30 other TX cities

Rough Proportionality

What is 'Rough Proportionality'?

- A. Legal Principle ✓
- B. Fairness Check ✓
- C. Calculation Tool ✓
- D. City Policy/Rule ✗

Determination

How is Rough Proportionality Determined?

□ Transportation Demand

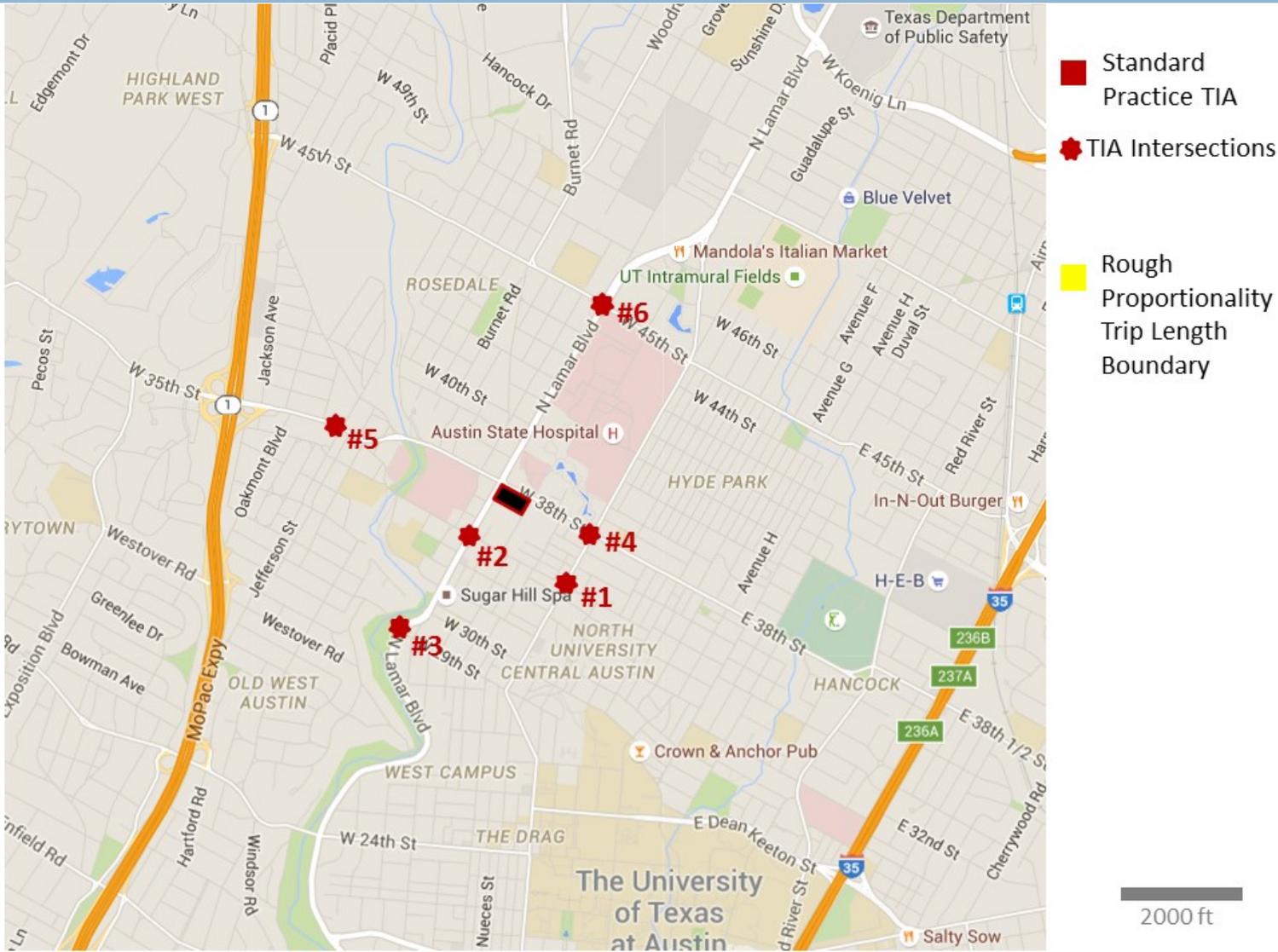
- *Generated by Development*
- Land Use Type
- Intensity
- Peak Hour Trip Rate & Length

□ Transportation Supply

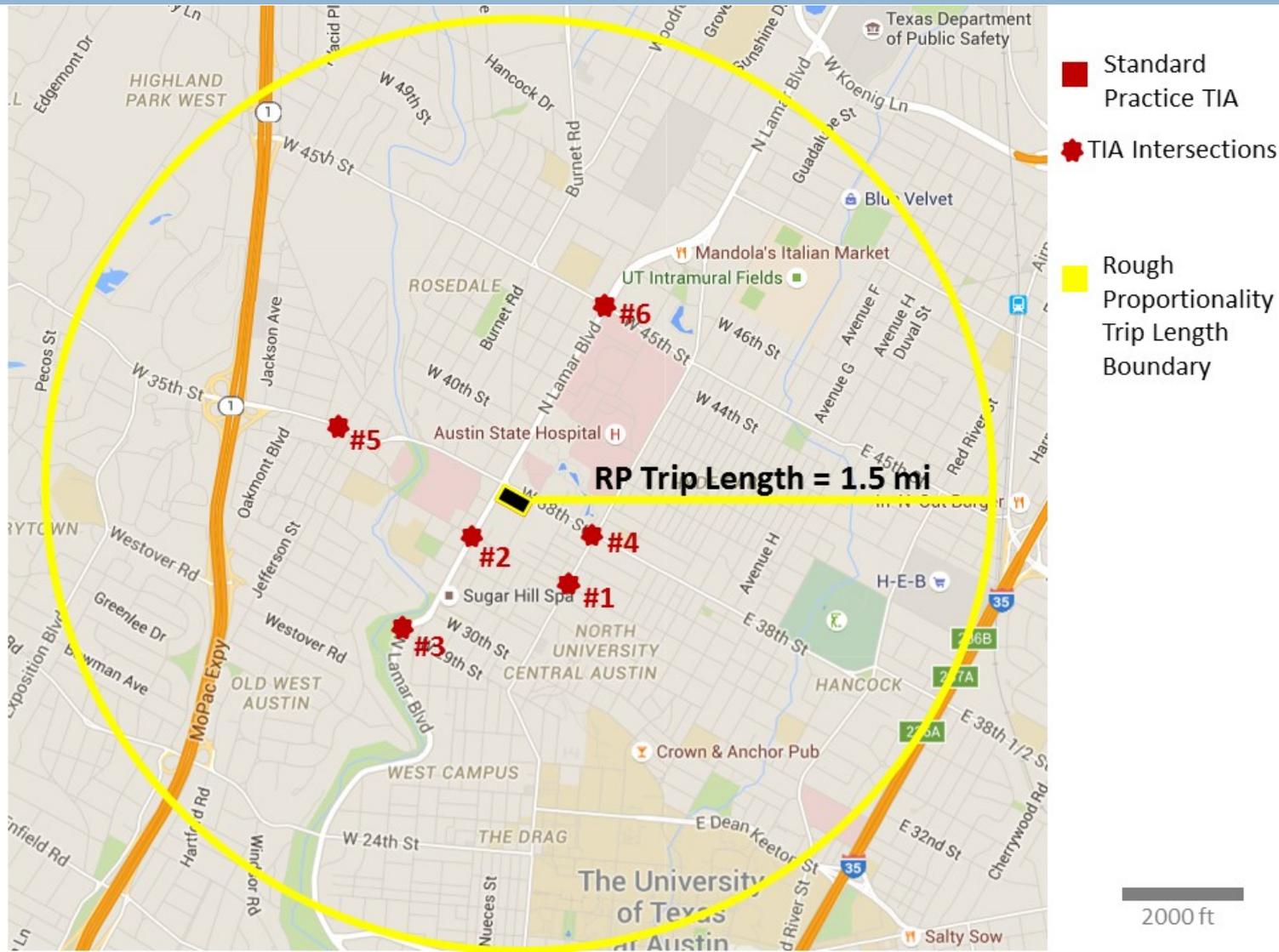
- *Required by City/County*
- Roadway Classification
- Length
- Cross-Section
- Intersection & Roadway Improvements
- Right-of-Way

**Vehicle Miles Traveled (VMT) \approx
\$2,276/VMT \approx \$1.6M/lane mile \approx
Construction Cost**

Rough Proportionality



Rough Proportionality



Rough Proportionality

- Austin's Roughly Proportional Model utilizes a fixed trip length of 1.5 miles
- Within that 1.5 miles there are impacts based on the demand on the complete network
- Current state is pro rata share and a static analysis
- Austin's RP model based on approach used by approximately 30 other municipalities
- RP tool and policies are available for download on the Development Services Website



Overview of Code Amendments

Transportation Code Amendments

- Modifications to LDC Chapter 25-6
 - ▣ Defines Transportation Plan and System
 - ▣ Codifies Requirement for Proportionality Determinations
 - Off-site ROW or transportation improvements
 - Bring City's process into compliance with LGC § 212.904
 - ▣ Clarifies ROW Reservation & Dedication
 - Authorizes as condition to development approval
 - Authorizes dedication requirements for improvements to support all modes of travel
 - Proposed determinations required for off-site ROW

Transportation Code Amendments

- **Modify Code Chapter 25-6**
 - ▣ **Off-site Transportation Improvements**
 - Authorize staff to require construction
 - Allow payment of fee in-lieu for required offsite improvements
 - Accommodates future code for off-site mitigation

Mitigation Options: No TIA or NTA

- Clarifies that the director may require mitigation for development that does not require a TIA or a NTA
- Without a TIA or NTA, required offsite improvements may not be further than from the proposed development than:
 - ▣ one-quarter mile; or
 - ▣ three-fourths of a mile, for an improvement required to provide access between the proposed development and a school, bus stop, public space, or major street.

Mitigation Options: No TIA or NTA

- Required offsite improvements are limited to:
 - sidewalks and curb ramps;
 - traffic signs, markings, and upgrades to signal infrastructure;
 - traffic calming devices;
 - bike lanes and upgrades to bike facilities;
 - rectangular rapid flashing beacons;
 - pedestrian refuge islands;
 - pedestrian hybrid beacons; and
 - measures to limit transportation demand, as provided under the Transportation Criteria Manual.
 - Other measures previously identified through administrative programs

Future Funding Strategies

Street Impact Fees

Street Impact Fees

- Governed by Chapter 395 of the Texas Local Government Code (1987)
 - ▣ Water, Wastewater, Roadway, and Drainage impact fees allowed in Texas
 - ▣ Capacity-related costs (i.e. no public art, streetscape elements, expensive illuminations, etc.)
 - ▣ Recover infrastructure costs for future development
 - ▣ Subject to ‘Rough Proportionality’

Street Impact Fees

□ Impact Fee Definition

“Charge or assessment imposed...against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.”

Source: Local Government Code, Chapter 395

Street Impact Fees

- Impact Fee Calculation considers:
 - ▣ 10 year growth horizon
 - ▣ Proportional share of capacity needed for growth
 - ▣ Growth Projections
 - ▣ Adopted Capital Improvements Plan
- Impact fee calculations updated every 5 years

Street Impact Fees

□ Checks & Balances

▣ Licensed Professionals Prepare

- Capital Improvements Plan
- Growth Projections
- Maximum Assessable Impact Fee Calculations

▣ Public Hearing Required

- Capital Improvements Plan
- Growth Projections

▣ Impact Fee Advisory Committee required

Next Steps

Austin Strategic Mobility Plan	Street Impact Fees	Transportation Code Amendments
March: “Getting the Word Out” and Scope development	March: RFQ Solicitation	April 19: Planning Commission Codes and Ordinances
March/April: Boards and Commissions Project Status Briefings		April 26: Planning Commission
March/April: Consultant Procurement	June: Consultant selection briefings	May 5: City Council public hearing and possible adoption
June 23: Request for City Council action		

Questions



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