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## ATTORNEYS AT LAW

### Land Use Bulletin August 2011

#### Pasco County Adopts Mobility Fee System

On July 13, 2011, the Pasco County Commission unanimously adopted a Mobility Fee System to help fund the expansion of transportation facilities necessitated by the County's current and projected growth and new development. The general intent of the System is to encourage growth in the County that will generate new jobs. This System will replace the existing transportation impact fee system, which the County has determined to be too complex, unpredictable, and focused on roadway improvements rather than desired transportation alternatives to facilitate land development.



With the new Mobility Fee System, the County will be able to encourage favored development by providing discounted fees for development in urban areas, redevelopment, development that results in job creation, and mixed-use development. Additionally, the System expands the focus of transportation capital improvements to include assessments for transit (primarily buses), and bicycle/pedestrian facilities in addition to roadway facilities.

The Mobility Fee System will be implemented upon the County's receipt of a completed development or building permit application. The County will then assess the amount of the mobility fee according to the new development's anticipated transportation demands. The fee is calculated using Independent Mobility Fee Studies or a Mobility Fee Schedule, both of which consider the land use, location, square footage and size of the development. In addition to the mobility fee, all developments will be charged an administration fee used to administer and implement the Mobility Fee System. The administration fee is calculated based on the number of building permits issued by the County.

Three Assessment Districts have been established to determine the mobility fee payment for a new development. These include the Urban, Suburban, and Rural Assessment Districts. In accordance with Pasco County's Comprehensive Plan, mobility fees for development in the Urban Assessment District will be reduced in order to attract the majority of development to existing and planned urban areas. Other land uses that will receive discounted fees include those that provide industrial and/or office employment centers, affordable housing, or those that are transit oriented. To the contrary, the district subject to the highest mobility fees is the Rural Assessment District, which is intended to discourage sprawl and development in these areas.

Notably, developments may choose to opt-out of the Mobility Fee System and remain subject to transportation impact fees in the event that the mobility and administration fees cause any impact fee increase for that development. Additionally, any development that would be eligible for a reduction in impact fees as a result of the Mobility Fee System may only obtain the reduction if the building permits were issued after March 1, 2011.

The Mobility Fee System provides Pasco County with more flexibility to guide development as well as transportation capital improvements, as the revenues from transportation impact fees were limited solely to roadway improvements. While the System will generate less income than the impact fees it has replaced, the County will utilize tax increment revenues, gas/fuel tax revenues and local government infrastructure surtax revenues to offset these targeted mobility fee discounts.

We will continue to monitor Pasco County's efforts to implement its Mobility Fee System. If you have any questions or desire to obtain additional information, please contact us at (813) 223-5050 or [mbentley@bentleylawfirm.net](mailto:mbentley@bentleylawfirm.net).