



Consortium Member Agency Meeting

Friday, February 15, 2008 10:00 A.M. to 12:00 P.M.

Ada County Courthouse – First Floor Hearing Room

AGENDA

- I. **Consent Agenda (10:00 AM – 10:05 AM)**
 - a. **Approval of the December 13, 2007 Meeting Notes (pg. 3-6)**

- II. **Discussion Items**
 - a. **Adequate Public Facilities Ordinance Update - Michael Lauer (10:05 – 10:30 AM) (pg. 7 - 30)**
Michael Lauer will provide a verbal update on the Adequate Public Facility Ordinance (APFO) status.
 - b. **Transportation and Land Use Integration (TLIP) update – Katey Levihn (10:30 – 10:40 AM) (page 31)**
Katey will provide a status on ACHD's TLIP project. Refer to attachment for further information.

- III. **Action Items**
 - a. **Request for Adoption of the Area of City Impact Modification Process Subcommittee - Anna Canning (10:40 – 11:00 AM) (pg. 32 - 35)**
The revised Area of City Impact modification process is attached. The revisions reflect direction from the Consortium at their December meeting. The Steering Committee reviewed the modifications at their January meeting. An update from the Steering Committee's February meeting will be given and request for adoption by the Consortium is requested pending confirmation by the Steering Committee on February 14.
 - b. **Request for Supplemental Contract for Continuing Project Coordination Services (11:00– 11:10 AM)**
The contract to provide project coordination services expired on January 31, 2008. The Consortium is requested to approve a supplemental contract for continuing project coordination services. Length of requested services will be discussed at the meeting.
 - c. **Request for Creation of Agricultural and Farm Land Preservation Subcommittee – Josie Erskine (11:10 – 11:30 AM) (pg. 36 - 37)**
The Steering/Technical Committee recommends creation of a subcommittee to explore implementation of Agriculture and Farm Land Preservation as a part of Blueprint for Good Growth. Action on this recommendation is requested. Talking points for this topic are attached.

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VI. Discussion Items**a. Update of Open Space Subcommittee – Deanna Smith (11:30 – 11:40 AM)
(pages 38 - 51)**

Deanna will provide a verbal update on the activities; a status report and draft tools are attached for informational purposes. The Ada County Open Space Task Force website is located at:
<http://www.adaweb.net/departments/developmentservices/OPENSPACETASKFORCE.asp>

**b. Update from the Transit Ready/Mixed Use Compact Development Subcommittee –
Gloria Parkvold (11:40 – 11:50 AM)**

A verbal update will be given by Gloria Parkvold on the subcommittee's progress and coordination with COMPASS' Communities in Motion Community Choices Implementation Tool.

III. Informational Items (11:50 AM - 12:00 PM)**a. Funding Status Update (pg. 52 - 53)****Upcoming Consortium Meetings**

March 13, 2008 – Meridian Police Department – 1:30 – 3:30 PM

April 10, 2008 – ACHD Auditorium - Meridian Police Department – 1:30 – 3:30 PM



Consortium Member Agency Meeting

Thursday, December 13, 2007 2:00 P.M. to 4:00 P.M.

Ada County Courthouse
MEETING MINUTES

I. Consent Agenda (2:00 PM – 2:10 PM)

- a. **Approval of the September 6, 2007 Meeting Notes (pg. 3 - 5)**
- b. **Approval of Planning Works October 2007 and December 2006 Invoice, Status Memo attached (pg. 6 – 8)**

/Approved/

II. Discussion Items

- a. **Update from the Public Outreach Subcommittee – Deanna Smith (2:10 – 2:50 PM)**

Deanna presented the PowerPoint presentation to the Consortium, and explained to the members how the PowerPoint visual, in combination with the Communities in Motion DVD, will be used to educate community members about Blueprint for Good Growth.

Questions/Comments:

Consortium members complimented the presentation and was felt that the visual was a fine way to showcase the Blueprint for Good Growth effort. Participants questioned how discussions generated from the presentations would be brought back to the committees for evaluation; Karen Doherty indicated that a summary for each effort will be created and included in Steering/Technical and Consortium packets for information.

- b. **Update of Ada County Open Space Task Force – Karen Doherty (2:50 – 2:55 PM)**

Karen stated the group has made a lot of progress in the last two meetings and that the current roadblocks are funding and schedule. The Task Force will streamline what they are trying to do in this current phase, and are now going to not have a public process for this phase, nor is the group going to develop an open space plan.

The current work plan includes dividing the County into five sections to graphically illustrate ownership, open space “potential”, and critical areas to be protected. Individual sections will be the focus at upcoming meetings. Open space protection methods are being reviewed and are being sorted into categories based on effectiveness and applicability to Idaho based on current laws.

As planning areas are aggregated and open space areas are identified, a Consortium member queried what public outreach was being done in order to get input. The current effort is to get a plan together, give it to the county, and have the county present it to the public for input.

Karen indicated that the Steering/Technical Committee discussed Agriculture and Farm Land Preservation at their meeting yesterday. A motion was approved to recommend to the Consortium to form a subcommittee of the Steering/Technical Group to begin implementation of Agriculture and Farm Land Preservation. This item will be discussed at the next Consortium meeting.

c. Adequate Public Facilities Update - Michael Lauer (2:55 PM – 3:15 PM) (pg. 9 - 10)

Michael indicated that he has been on hold over the last month while ACHD works through the TLIP process. Appropriate Levels of Service must be identified for the Adequate Public Facilities Ordinances (APFO). Michael is waiting on the approval of some Level of Service concepts from the ACHD Commission so that he can move forward with the draft APFO.

Mayor Bieter asked what the timeline was for advancement, and Michael was hopeful that by February he would have a draft APFO to start the review process, and that everything could move forward at that point.

III. Action Item

a. Request for Adoption of the Area of City Impact Modification Process Subcommittee – Pete Friedman (3:15 – 3:50 PM) (pg. 11 - 14)

Pete explained the purpose for the Area of City Impact modification process. He indicated this process was a collaborative effort by the Steering/Technical Committee and a subcommittee thereof. He also indicated that the process has been simplified and streamlined based on comments received at the last Consortium meeting.

Participants discussed the process and its relationship to the planning boundary map created in November/December. Karen provided a brief summary to the Consortium about the discussion that had occurred at yesterday's Steering/Tech meeting regarding disputes over some of the internal planning boundaries. Participants agreed that this process will begin with the planning boundary map and jurisdictions have flexibility to negotiate modifications as necessary.

After discussion, the Consortium members sent the AOCI document back to the Steering/Technical Committee for the following modifications:

- create a dispute resolution process,
- clarify that Cities will not annex outside of areas of city,
- add evaluation criteria for the sub-area plan, and
- modify section 3.c.i.4 to allow funding options for additional capacity.

The Consortium will review the revised document at its February meeting.

VI. Discussion Items**a. Update from the Transit Ready/Mixed Use Compact Development Subcommittee – Kelli Fairless (3:50 – 3:55 PM)**

VRT and COMPASS have begun a joint effort of public outreach to educate and accumulate input from developers, local officials, financial folks and the general public regarding the goals and policy guidelines in the Communities In Motion document. The effort began on 12/12/07 with a forum hosted at COMPASS by Sherry McKibben, directed by Kelli Fairless and Gloria Parkvold. Thirty developers came together to give their input on the outreach presentation and to voice their opinions regarding implementing the policy guidelines and goals outlined in CIM. Outreach with developers will continue through March. Concurrent forums with other groups will occur through FY 2008.

III. Informational Items (3:55 - 4:00 P.M.)**a. Project Coordinator's Report (pg. 15 - 16)****b. Funding Status Update (pg. 17 - 18)**

Karen reviewed the report for the Consortium. Councilmember Clegg commented that efforts need to continue, and urged representatives to secure investments from their respective jurisdictions.

/adjourned 3:30 pm/

Blueprint for Good Growth

Committee: Consortium

Date: 12-13-07

Name	Contact Number	Representing
Jill Davidson	336-0420	BGG - Doherty's Assoc
Mary May	939-6263	M3 Companies
Berry Robbins	939-6263	" "
Michael Baird Spencer	939-0227	City of Eagle
Kelli Fairless	846-8547	Valley Regional Transit
Dean Gunderson	287-7944	Ada County
Michael Lauer	816 516 7094	Planning Works
Richard Cook	246-8300	WRG Design Inc.
Chris Todd	899 0451	Landmark Engineering
Charlie Bann	375-0408	Ada County Soil & Water Cons. Dist.
Patricia Nilsson	384-3842	pnilsson@ clearwater city of boise
JAnn Butler	388-1000	jbutler@sb-attorneys.com
Sharon Gallivan	388-3868	land owners
Elaine Clegg	333-8060	City of Boise
Dave Bieter		City of Boise
Carol McKee		ACHD
Fred Tillman		Ada County
Rick Yi		Ada County
John Evans		Garden City
Pete O'Neil		Boise Chamber
Susan Buxton?		Attorney City of Eagle
Scott Gurnsey		ITD
Pete Friedman		Meridian



Memo

To: Blueprint for Good Growth Consortium
BGG Steering/Technical Committee Meeting

From: Michael Lauer, AICP

Date: February 11, 2008

Re: APFO Status Report

Attached to this memo is a draft of the APFO for initial discussion by the Steering/Technical Committee. This memo has not been reviewed by ACHD or any of the local governments, so there may be significant changes before the final draft. I've highlighted several outstanding issues throughout the text of the ordinance. The highlighted discussion items will be the focus of our discussion on February 14. Outstanding items listed below will be addressed after the February Workshop.

- Traffic Impact Study format and contents
- Constrained roads list
- Mitigation for constrained roads
- Alternative to mitigation

Note that some of the procedural/technical interagency details will be addressed in the interlocal agreement between the City/County and ACHD.

ADEQUATE PUBLIC FACILITIES ORDINANCE
FOR TRANSPORTATION FACILITIES
TEMPLATE
ADA COUNTY, IDAHO

Draft

ORDINANCE NO. _____

AN ORDINANCE OF THE <Insert Name of Jurisdiction>, IDAHO, CREATING <Insert Section of Code> TO ADOPT ADEQUATE PUBLIC FACILITIES REQUIREMENTS FOR TRANSPORTATION FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PREAMBLE

WHEREAS, the <Insert Name of Governing Body> (the “**Council/Board**”) finds that, in the interest of protecting the public health, safety, and general welfare, it is necessary to ensure, as new development occurs in the **City/County** of <Insert Name of Jurisdiction> (the “**City/County**”), that adequate Transportation Facilities be in place to serve those new residents; and

WHEREAS, the **Council/Board** has determined that this Ordinance is necessary to mitigate the potential negative impacts on Transportation Facilities if new development is allowed to occur at a rate or in locations that exceed the ability of the **ACHD** to provide adequate Public Transportation Facilities for new development; and

WHEREAS, the **City/County** endorses the goals, objectives and policies of the **Blueprint for Good Growth**; and

WHEREAS, the **Blueprint for Good Growth** establishes goals and policies that recommend the adoption of adequate public facilities requirements to coordinate development activity with the availability of adequate capacity for essential public facilities; and

WHEREAS, the **Blueprint for Good Growth** establishes transportation facilities as essential public facilities; and

WHEREAS, the **Council/Board** finds that excess traffic congestion would result in increased safety hazards for the public, traffic delays that would damage local businesses and the local economy, excess energy consumption; and decreased air quality; and

WHEREAS, the **Council/Board** finds that an adequate public facilities ordinance coordinating development approvals with the ability to provide adequate street capacity is essential for the protection of the public health, safety and welfare of City residents and businesses;

WHEREAS, the **Council/Board** hereby adopts and incorporates the purpose, intent and findings set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City/County of *<Insert Name of Jurisdiction>*, Idaho, as follows:

SECTION 1: Consistency with the Comprehensive Plan.

The City Council/Board of County Commissioners has reviewed this Ordinance and has determined that it is consistent with the Comprehensive Plan and the Blueprint for Good Growth.

SECTION 2: Amendment to the City/County Code of Ordinances.

The City/County Code of Ordinances shall be amended to add the following:

2.1 SHORT TITLE

This Ordinance shall be known and may be cited as the “Adequate Public Facilities Ordinance.”

2.2 PURPOSE, INTENT, AND FINDINGS

- (a) The purposes of this ordinance are to:
- (1) Protect the public health, safety and welfare;
 - (2) Ensure that adequate essential Transportation Facilities are available at adopted levels of service concurrent with the demands for those facilities;
 - (3) Prevent development at unanticipated locations, times or intensities from producing unacceptable levels of traffic congestion;
 - (4) Avoid shifting the burdens of said development to existing residents and businesses;
 - (5) Provide a mechanism for Applicants of said development to mitigate transportation facility deficiencies; and

- (6) Establish clear, consistent guidance for Applicants and public decision-makers throughout the development process.

2.3 DEFINITIONS

- (a) **ACHD.** Ada County Highway District.
- (b) **Adequacy.** Transportation facilities needed to serve new development shall be in place or substantially complete within three (3) years after the local government approves an Application that results in increased traffic generation.
- (c) **Applicant.** The owner or agent seeking development approval.
- (d) **Application.** A complete submittal requesting approval of a development subject to this ordinance.
- (e) **Capacity, Available.** Capacity remaining after subtracting demands from existing and committed demands.
- (f) **Capacity, Existing.** Capacity provided by existing facilities.
- (g) **Capacity, Planned.** Capacity provided by existing the ACHD Work Program or Capital Improvements Program.
- (h) **Capacity, Programmed.** Capacity provided by existing facilities and those programmed to be completed within three (3) years in accordance with the ACHD Work Program in effect at the time of an Application submittal.
- (i) **Capital Improvement Program.** The long range plan for provision of Transportation Facilities by ACHD at the time of an Application submittal.
- (j) **City.** The city of , Idaho
- (k) **County.** Ada County, Idaho
- (l) **Demand, Committed.** Peak hour demands from approved, but un-built development plus projected external demands for the applicable time period. Approved, but unbuilt development, for purposes of this ordinance includes vacant lots intended for single family or duplex residential development that have received preliminary plat approval, final plat approval or are part of a recorded plat on the date of adoption of this ordinance and multi-family and non-residential development projects that have received site plan approval and have not received certificates of occupancy on the date of adoption of this ordinance.

- (m) **Demand, Existing.** Peak hour demands from current development having received certificates of occupancy on the date of adoption of this ordinance.
- (n) **Demand, Projected.** Peak hour demands from projected growth over the designated time period.
- (o) **Demand, Proposed.** Peak hour demands projected to be generated by an Application.
- (p) **Development Order.** Any action approving a development.
- (q) **Development Permit.** Any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the City having the effect of permitting the development of land.
- (r) **HCM.** Highway Capacity Manual.
- (s) **Impacted Transportation Facility.** A transportation facility that is part of the ACHD transportation system and is expected to be used by the proposed development, that is either deficient, or will become deficient as a result of the projects impacts.
- (t) **ITD.** Idaho Transportation Department
- (u) **Level of Service (“LOS”).** A measure of traffic flow provided by a road segment or intersection, ranging from unobstructed flow/room until capacity is reached to a forced flow or rate beyond capacity of the facility.
- (v) **Mitigation.** Approved measure or combination of measures that will resolve a Transportation Facility deficiency.
- (w) **Mitigation Agreement.** A voluntary development agreement entered into by the Applicant to mitigate a Transportation Facility deficiency that will be created or exacerbated by an Application.
- (x) **Peak Hour.** The period of the day when a facility experiences the highest number of vehicles, which includes both AM and PM peaks extending from [insert peak hours to be used here].
- (y) **Study Area.** The area affected by demands from a project (see §2.7).
- (z) **TIS.** Traffic Impact Study prepared in accordance with this ordinance.
- (aa) **Transportation Facility.** Any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds.

- (bb) **Work Program.** An annually updated document adopted by ACHD that identifies capital projects having funding approval for the current fiscal year and those capital projects which are currently planned for the following four (4) year period, including the proposed means of financing the same.

2.4 ADEQUATE PUBLIC FACILITIES ASSESSMENT

- (a) For all Applications subject to this ordinance and meeting the threshold criteria of §2.5, the Applicant shall prepare and submit a Traffic Impact Study (hereinafter “TIS”).
- (b) For all proposed Comprehensive Plan or Zoning map amendments meeting the threshold criteria of §2.5, a Map Amendment Study shall be prepared by the developer and submitted with the Application.

2.5 APPLICABILITY

- (a) No portion of this Ordinance shall be interpreted or deemed to affect any rights that have vested prior to the enactment of this Ordinance.
- (b) For the purpose of monitoring cumulative impacts on road segments, intersections and bridges from applications not requiring a TIS such de minimis applications shall be tracked through a cumulative database maintained by COMPASS staff.
- (c) Nothing within this Ordinance shall prohibit the City/County from requiring on-site or of-site improvements necessary to address traffic safety concerns created by a proposed development, regardless of whether the minimum thresholds set forth below are met by the proposed development.

[comment: the following are the existing triggers]

- (d) *The Ada County Highway District (Hereinafter “District” or “ACHD”) will decide if a traffic impact study will be required and set the parameters. The District must consider the impacts of a proposed development on nearby land uses and transportation facilities. A study will be required if the proposed development:*
- (1) *contains more than 100 dwelling units;*
 - (2) *more than 30,000 square feet of commercial use; or*
 - (3) *more than 50,000 square feet of industrial or institutional use.*

- (4) *If a project has special circumstances associated with it, the District may require an impact study, even if the aforementioned criteria are not met.*
- (e) *The type of land use (other than residential) will be determined using the Institute of Transportation Engineers' (ITE) publication, "Trip Generation -- An Informational Report." Typical uses within the commercial, industrial, and institutional categories include (but are not limited to):*

<i>COMMERCIAL</i>	<i>INDUSTRIAL</i>	<i>INSTITUTIONAL</i>
<i>Indoor Theater</i>	<i>Truck/Bus Terminal</i>	<i>Military Base</i>
<i>Office Building</i>	<i>Light Industry</i>	<i>School</i>
<i>Business Park</i>	<i>Heavy Industry</i>	<i>College/University</i>
<i>Retail Store</i>	<i>Industrial Park</i>	<i>Place of Worship</i>
<i>Shopping Center</i>	<i>Manufacturing</i>	<i>Prison</i>
<i>Restaurant</i>	<i>Warehousing</i>	<i>Library</i>
<i>Supermarket</i>	<i>Utility Plant</i>	<i>Hospital/Nursing Home</i>

- (f) *The District may waive the requirement if, in the District's opinion, there are no traffic issues to resolve.*
- (g) *The term "dwelling units" used in this policy includes hotels, motels and private homes or apartments.*
- (h) *The District will consider proposed developments of other types not listed above and decide the need for a traffic impact study on a case-by-case basis.*

Alternative Provisions

- (d) *Except as provided for Special Events below, a TIS shall be required for any of the following thresholds in a single phase or phased development as established in Section 2.4 of this ordinance:*
- (1) *Any subdivision creating lots intended for development of single family residential units or duplexes with fifty (50) or more dwelling units;*
 - (2) *Any nonresidential development that exceeds fifty (50) peak hour trips based on traffic generation estimates of the current edition of the Institute of Transportation Engineers' Trip Generation Manual;*
 - (3) *Any development taking direct access from an arterial street identified in the ACHD [insert name of functional classification map].*
- (e) *Special events. Special events, such as sporting events, concerts or other similar uses, which meet or exceed the threshold above, but do not occur during the adjacent roadway system's peak hour, shall not require a TIS.*

- (f) *A Map Amendment Traffic Study will be required for rezoning and future land use map amendment requests that would allow increases in the allowable Peak Hour trip generation of the site proposed for amendment. The purpose of these studies will be to evaluate whether adequate transportation capacity exists or is planned in the ACHD capital improvement plan to serve the average Peak Hour trip generation allowed by the proposed zoning or future land use category.*
- (g) *The District may waive the requirement if, in the District's opinion, there are no traffic issues to resolve.*

2.6 APPLICATIONS AND REVIEW CRITERIA

- (a) Map Amendments – For all Applications to amend the Comprehensive Plan Future Land Use Map or the Zoning Map, the **City/County** will consider ACHD’s determination of whether improvements necessary to serve Projected and Proposed Demands at adopted levels of service are included within an adopted ACHD CIP. Failure to maintain adopted levels of service as a result of the Application shall be grounds for denial of the Application.
- (b) Preliminary Subdivision Plats – For Applications for preliminary subdivision plats creating lots intended or zoned for single family or duplex development, the **City/County**, based on ACHD findings, will determine whether there is Available Capacity to maintain adopted levels of service for streets and intersections within the Application’s Study Area after deducting Proposed Demands. Failure to maintain adopted levels of service as a result of the Application shall be grounds for denial of the Application.
- (c) Site Plans – For site plan Applications for multi-family, attached residential or non-residential development the **City/County**, based on ACHD findings, will determine whether there is Available Capacity to maintain adopted levels of service for streets and intersections within the Application’s Study Area after deducting Proposed Demands. Failure to maintain adopted levels of service as a result of the Application shall be grounds for denial of the Application.

2.7 REVIEW PROCEDURE

- (a) ACHD Actions on Application. Based on the results of the Map Amendment Study or TIS, and Mitigation Plan, if applicable, **ACHD** shall:
- (1) Certify compliance of the proposed development;
 - (2) Certify compliance of the proposed development contingent on City/County acceptance of the Applicant’s Mitigation Plan; or

- (3) Recommend denial of the Application for development for which the traffic study is submitted based on the lack of Available Capacity after deducting Proposed Demands.
- (b) If the Applicant chooses to mitigate a deficiency, the proposed Mitigation Plan shall be reviewed in accordance with §2.17.
- (c) Effect of **City/County** Application Approval. Approval of an Application subject to a Traffic Impact Study shall exempt the subject development from a future assessment of Adequacy if:
 - (1) A final plat for an applicable preliminary plat or planned development is recorded within two (2) years of the action requiring a traffic impact analysis or traffic design study or a certificate of occupancy is granted for the applicable site plan within one (1) year of the site plan approval; or
 - (2) The Applicant is in compliance with the terms of an approved Mitigation Agreement addressing transportation system Adequacy.
- (d) Appeals to ACHD Findings and Recommendations. [discussion item]

2.8 PHASED APPLICATIONS

- (a) Proposed developments may not be phased or subdivided in piecemeal fashion to avoid application of TIS or adequacy requirements. In determining applicability thresholds, Study Areas and LOS standards, all land at one location within the County under common ownership or control by a developer shall be included in a review of a zoning or plan amendment.
- (b) If land is subdivided in phases, the TIS shall be based on a concept plan encompassing all contiguous land holdings under unified ownership. The need for subsequent TIS and adequacy findings shall be based on the consistency of subsequent phases of development with the original concept plan.
- (c) Two or more developments represented to be separate developments shall be aggregated and treated as a single development under this Ordinance if the City/County Planning Director determines them to be part of a unified plan of development and physically proximate to one another, based on the following factors:
 - (1) There is unified ownership, indicated by the fact that:
 - (i) The same person has retained or shared control of the developments;

- (ii) The same person has ownership or a significant legal or equitable interest in the developments; or
- (iii) There is common management of the developments controlling the form of physical development or disposition of parcels of the development.
- (iv) There is reasonable closeness in time between the completion of eighty (80) percent or less of one development and the submission of a development proposal for a subsequent development that is indicative of a common development effort.
- (v) There is a common advertising scheme or promotional plan in effect for the developments.
- (vi) The voluntary sharing of infrastructure that is indicative of a common development effort or is designed specifically to accommodate the developments.
- (vii) Any information provided by the Applicant that the project is being phased or subdivided to avoid the requirements of this Ordinance.

2.9 TIS/MAP AMENDMENT STUDY FORMAT AND CONTENTS

A qualified traffic engineer or traffic planner with at least five (5) years experience in traffic modeling shall prepare the study in accordance with ACHD standards. The ACHD **Traffic Engineering Design Supervisor**, or designated staff member, will confirm the qualifications of the proposed professional(s). The qualified professional will serve as the ACHD and City/County's primary contact during review of the study.

[Discussion –

- Are ACHD TIS requirements adequate?
- How should MAS Content differ?]

2.10 TIS /MAP AMENDMENT STUDY REVIEW

- (a) Process for the Review and Preparation of a Traffic Impact Study or Map Amendment Study. The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Study or Map Amendment Study:
 - (1) The Applicant shall meet or correspond with the ACHD Traffic Engineering Design Supervisor to determine whether a study needs to be prepared for a proposed development Application, and to identify Study Area, study issues, assumptions, Horizon Years and time periods to be analyzed, analysis

procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. The ITD Regional Traffic Engineer or designated representative shall be contacted and coordinated with as appropriate when the TIS includes state or federal highways as points of access for a development;

- (2) Following initial completion of a study, it shall be submitted to the **City/County** Planning Director for distribution to ACHD and ITD, if applicable. If direct access is being proposed to a State Highway, the Applicant shall submit a highway access permit Application to ITD when submitting the Traffic Impact Study, if not previously submitted;
 - (3) Within twenty (20) days, ACHD shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the Applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant;
 - (4) Within forty-five (45) days of submittal of a complete Application, ACHD shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed development's access needs and impacts on the transportation system.
- (b) In the case of a Traffic Impact Study showing deficiencies requiring Mitigation, negotiations, based on the conclusions and finding resulting from the TIS shall be held with appropriate ACHD Staff and ITD Staff as applicable. A Mitigation Agreement, detailing the Applicant's responsibilities and ACHD responsibilities for implementing identified Mitigation measures, shall be prepared following the negotiations for final action by **City Council/Board of County Commissioners** and the Applicant.

2.11 LOS CRITERIA AND REQUIRED FINDINGS

- (a) The Level of Service (LOS) standards in **Table 1-1**, shall be used when determining the adequacy of intersections and roadway segments within the Study Area except as provided in **Table 1-2**. (note: need to clarify the basis for LOS in terms of primary and secondary peak hour)

Table 1-1: Level of Service (LOS) Standards

Area	Area	Level of Service
Rural	ACHD Arterial	B / B
	Mobility Arterial	B / B
	Mobility Highway	B / B
City Edge	ACHD Arterial	C / C
	Mobility Arterial	C / C
	Mobility Highway	C / C
Urban	ACHD Arterial	E / D
	Mobility Arterial	D / C
	Mobility Highway	D / C
Centers / Corridors	ACHD Arterial	F / E
	Mobility Arterial	E / D
	Mobility Highway	E / D

- (b) **Table 1-2** identifies roads for which Existing or Committed Demands exceed the Level of Service Standards established in Table 1-1. The City/County may accept alternative mitigation measures established in **§2.18** to accommodate demands from applications affecting these roads.

Insert constrained roads list here:

- (c) For preliminary plat and site plan applications, there must be Available Capacity to serve Proposed Demands and maintain adopted levels of service (LOS) standards.
- (d) For rezoning and plan amendment applications, there must be adequate planned capacity to meet projected demands, including the proposed demands from the Application.

2.12 STUDY AREA

Existing ACHD Policy

The boundary of the study area shall be identified jointly by the professional conducting the study and the District staff. The impact study area shall include all roadways and intersections directly joining the proposed development. It should include other nearby

roadways and intersections that the District believes are affected by traffic generated by the proposed development.

Alternative Study Area Definition

Table 1-3 establishes the Study Area for Traffic Impact and Map Amendment Studies.

Table 1-2: Study Area Definition

Trip Generation	Study Area
<i>Development with fewer than 200 trips during any peak hour</i>	<i>One-half (1/2) mile radius from the property line plus any intersections where the proposed development contributes seven (7) percent or more of the traffic of any intersection approach during any peak hour</i>
<i>Development with peak hour trips between 200-500 during any peak hour</i>	<i>One (1) mile radius from the property line plus any intersections where the proposed development contributes seven (7) percent or more of the traffic of any intersection approach during any peak hour</i>
<i>Development with peak hour trips greater than 500 during any peak hour</i>	<i>Two (2) mile radius from the property line plus any intersections where the proposed development contributes seven (7) percent or more of the traffic of any intersection approach during any peak hour</i>
<i>Development with more than 100 peak hour trips within a defined activity center</i>	<i>One-quarter (1/4) mile radius from the property line plus any intersections where the proposed development contributes seven (7) percent or more of the traffic of any intersection approach during any peak hour</i>

2.13 TRIP GENERATION STANDARDS

- (a) Trip generation for each proposed development shall be based upon the current edition of the Institute of Traffic Engineers' *Trip Generation Manual*. The following credits may also apply to proposed development:
- (1) Credit for mixed-use. The determination of the number of trips generated shall also take into account pass-by trips, internal trip capture for integrated mixed-use projects (e.g. roadway and/or pedestrian connectivity) and any proposed transportation demand management system, provided that adequate

guarantees can be provided to ensure that such demand management system will function as claimed for the life of the project. (discussion item: how soon must the benefits of mixed use be achieved?)

- (2) Credit for transit oriented development. For proposed development located within one-quarter (1/4) of one mile of an existing or programmed transit route a four (4) percent credit for peak hour vehicle trips potentially captured by the transit facility may be awarded.
- (3) Redevelopment projects. For redevelopment projects trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed development over and above the number of trips generated by the current use of the site.

2.14 MONITORING

The City/County shall report all Development Orders and expired Development Orders on a monthly basis to COMPASS to facilitate monitoring of Committed Demands. COMPASS and ACHD shall coordinate to monitor Existing Demands and refine traffic modeling reliability in projecting traffic demands.

2.15 FAILURE TO MEET LOS STANDARD

- (a) Unless an Applicant voluntarily mitigates the impacts of the proposed development, as provided below, no Application subject to the requirements of this Ordinance shall be approved if the level of service for an intersection or roadway segment within the Study Area fails to meet the adopted LOS as a result of Proposed Demand.
- (b) For an intersection to be found to meet the adopted LOS standards, each turning movement within the intersection must meet the adopted LOS.

2.16 MITIGATION

- (a) If Proposed Demand exceeds Available Capacity, the Application shall be denied unless the Applicant submits a Mitigation Plan approved by ACHD that addresses the deficiency through one or more of the following actions:
 - (1) Reduce the size, scale, scope or density of the development to reduce traffic generation;
 - (2) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of development;
 - (3) Dedicate right-of-way for street improvements;

- (4) Construct or fund new street improvements;
 - (5) Expand the capacity of existing streets and/or intersections;
 - (6) Redesign ingress and egress to the project to reduce traffic conflicts;
 - (7) Alter the use and type of development to reduce Peak Hour traffic;
 - (8) Reduce background (existing) traffic;
 - (9) Eliminate the potential for additional traffic generation from undeveloped properties in the Impact Area;
 - (10) Integrate multi-modal design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation, or
 - (11) Implement other transportation system improvements, operational improvements, access management strategies, demand management strategies approved by ACHD.
- (b) The **Council/Board** shall approve any transportation system improvement that is part of the Capital Improvements Plan. The **Council/Board** may approve other transportation system improvements subject to ACHD agreement to add the improvement to the Capital Improvement Plan.
 - (c) Proposed mitigation shall be included as a condition of approval or a binding Mitigation Agreement between the Applicant, the **City/County**, and ACHD or ITD as appropriate. The Mitigation Agreement shall document the mitigation measures, ensuring that development is timed with the provision of capacity.
 - (d) The Applicant shall complete the improvements prior to the issuance of a certificate of occupancy for any structure relying on capacity provided by the Mitigation Agreement.

2.17 REVIEW AND APPROVAL OF DEVELOPMENTS PROVIDING MITIGATION

- (a) Proposed mitigation measures shall initially be submitted by the Applicant for review by ACHD in accordance with §2.20 of this ordinance, which shall recommend approval of mitigation measures only upon finding that the measures fully mitigate the transportation impacts of the Application.
- (b) Appeals to ACHD determinations shall be filed within thirty (30) calendar days of staff action. Upon appellate review, for approval the Council/Board must find that the proposed mitigation measures ensure that Available Capacity will not be exceeded by Proposed Demands.
- (c) The **Council/Board** shall review the proposed mitigation measures after receiving the staff or Planning Commission recommendations as applicable. To approve

the proposed mitigation measures and enter into a binding Mitigation Agreement, the **Council / Board** must find that the proposed mitigation ensures that Available Capacity will not be exceed Proposed Demand.

2.18 MITIGATION FOR CONSTRAINED TRANSPORTATION FACILITIES

Discussion item: what options should be available to development served by constrained facilities?

2.19 ALTERNATIVE TO MITIGATION

MJL to draft provisions allowing an Applicant to wait 5 years from submittal of a complete application for adequate transportation facilities to be included in the work program.

2.20 CAPACITY IMPROVEMENTS/PROPORTIONATE FAIR-SHARE PROVISIONS

- (a) The proportionate fair-share provisions shall apply to all Mitigation Agreements.
- (b) Minimum Requirements for Mitigation.
 - (1) An Applicant may choose to satisfy the transportation level of service requirements set forth in this Ordinance by making a proportionate fair-share contribution, pursuant to the following requirements:
 - (i) The proposed development is consistent with the comprehensive plan and applicable land development regulations.
 - (ii) The Work Program includes transportation facilities or facility segments that upon completion, will fully mitigate for the additional traffic generated by the proposed development.
 - (iii) If **ACHD** determines that the Available Capacity of the transportation improvements set forth in the Work Program has already been consumed, or the Work Program does not reflect the transportation improvement needed to satisfy adequacy, then the provisions of subsection (2) below shall apply.
 - (2) The **City/County and ACHD** may choose, but are not obligated, to allow an Applicant to satisfy transportation adequacy by contributing to an improvement that, upon completion, will fully mitigate the additional traffic generated by the proposed development as follows:
 - (i) The ACHD Board adopts, by resolution or ordinance, a commitment to add the improvement to the Work Program. For an improvement to an

arterial street to qualify for consideration under this Section, the proposed improvement must be included in the CIP.

- (ii) If the funds allocated for the Work Program are insufficient to fully fund construction of a transportation improvement required by the adequacy management system, the **City/County and ACHD** may still enter into a binding Mitigation Agreement with the Applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the funding provided by the Mitigation Agreement is sufficient to pay for one or more improvements which will, in the opinion ACHD, significantly benefit the impacted transportation system. Proposed improvements not included in the Work Program may be allowed as mitigation at the discretion of ACHD if they would significantly reduce access problems and increase mobility by addressing congestion or trips on a major transportation corridor, including, but not limited to new or improved roads, service roads, bicycle and pedestrian facilities, improved network development and connectivity, transit facilities and/or operations, ridesharing programs and trip reduction measures, or a combination thereof. Arterial street improvements funded by the Applicant must be adopted into the CIP or Work Program at the next update as appropriate based on the timing established in the Mitigation Agreement.

- (3) Any improvement project proposed to meet the Applicant's obligation must meet design standards of ACHD for locally maintained roadways and those of the Idaho Transportation Department (ITD) for the state highway system.

(b) Mitigation Application Process.

- (1) Prior to submitting a mitigation application, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues.
- (2) Eligible Applicants shall submit a mitigation application to the **City/County** that includes the following:
 - (i) Name, address and phone number of owner(s), developer and agent;
 - (ii) Property location, including parcel identification numbers;
 - (iii) Legal description and survey of property;
 - (iv) Project description, including type, intensity and amount of development;
 - (v) Phasing schedule, if applicable;

(vi) Description of requested proportionate fair-share mitigation methods;

(vii) Estimated value of proposed fair-share mitigation pursuant to this Ordinance.

- (3) The **City/County** shall review the mitigation application and certify that the application is sufficient and complete within sixty (60) calendar days. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of this Ordinance, then the Applicant will be notified in writing of the reasons for such deficiencies within sixty (60) calendar days of submittal of the Application. If such deficiencies are not remedied by the Applicant within sixty (60) calendar days of receipt of the written notification, then the application will be deemed abandoned. The **City/County** may grant an extension of time if requested in writing from the Applicant not to exceed sixty (60) calendar days to cure such deficiencies, provided that the Applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- (4) When an application is deemed sufficient, complete, and eligible, the Applicant shall be advised in writing and a proposed Mitigation Agreement will be prepared by **City/County** or the Applicant with direction from ACHD and delivered to the appropriate parties for review no later than sixty (60) calendar days from the date at which the Applicant received the notification of a sufficient application if no other jurisdiction is involved and one hundred twenty (120) days from said date of notice if there are multiple jurisdictions involved.
- (5) The **City/County** shall notify the Applicant regarding the date of the **Council/Board** meeting when the Mitigation Agreement will be considered for final approval. No Mitigation Agreement will be effective until approved by the **Council/Board** and the **ACHD Board**.

(b) Methodology for Determining Proportionate Fair-Share.

- (1) Proportionate fair-share mitigation for transportation adequacy impacts may include, without limitation, separately or collectively, private funds, contributions of land, construction and contribution of facilities, and funding of transit or rideshare vehicles and/or operations in accordance with subsection (7) of this section, provided that ACHD determines that the proposed mitigation adequately addresses transportation demands generated by the proposed development by maintaining or achieving adopted levels of services for impacted roadways.
- (2) A development's required proportionate fair-share shall be calculated pursuant to this Section. **A development shall not be required to pay more**

than its proportionate fair share; however, to qualify under the provisions of subsection (c)(2), an Applicant may agree to pay more than the proportionate fair-share amount calculated herein.

- (3) The methodology used to calculate an Applicant's proportionate fair-share obligation shall be the cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost of the improvement in the year the improvement cost is projected to occur.

OR

$$\text{Proportionate Fair Share} = \sum \left[\left[\frac{\text{Development Trips}_i}{\text{SV Increase}_i} \right] \times \text{Cost}_i \right]$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the adequacy management system;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i";

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (4) For the purposes of determining proportionate fair-share obligations, ACHD shall determine improvement costs based upon the best estimate of actual cost of the improvement. The cost used for the proportionate fair-share calculation shall be today's cost estimate of tomorrow's cost. Where such information is not available, improvement cost shall be determined using one of the following two methods, depending on which method ACHD determines more accurately reflects estimated costs:

An analysis by ACHD of costs by cross-section type that incorporates data from recent projects and is updated annually and approved by the **ACHD Board**. To accommodate increases in construction material costs, projected improvement costs shall be adjusted by the average annual rate of increase in

the Construction Cost Index over the three years preceding execution of the proportionate fair-share agreement as follows:

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost_growth}_{3\text{yr}})^n$$

Where:

$\text{Cost}_n =$	The cost of the improvements in year n;
$\text{Cost}_0 =$	The cost of the improvement in the current year;
$\text{Cost_growth}_{3\text{yr}} =$	The growth rate of costs over the last 3 years;
$n =$	The number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula:

$$\text{Cost_growth}_{3\text{yr}} = [\text{Cost_growth}_{.1} + \text{Cost_growth}_{.2} + \text{Cost_growth}_{.3}]/3$$

Where:

$\text{Cost_growth}_{3\text{yr}} =$	The growth rate of costs over the last 3 years;
$\text{Cost_growth}_{.1} =$	The growth rate of costs in the previous year;
$\text{Cost_growth}_{.2} =$	The growth rate of costs two years prior;
$\text{Cost_growth}_{.3} =$	The growth rate of costs three years prior

Cost estimates for state road improvements not included in the adopted ITD Work Program shall be determined using this method in coordination with the ITD District.

- (5) If ACHD has accepted an improvement proposed by the Applicant, then the value of the improvement shall be determined using one of the methods provided in this Section.
- (6) If ACHD has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at the value to be agreed to by the Applicant and ACHD, or by fair market value established by an independent appraisal approved by ACHD and at no expense to ACHD. The Applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to ACHD at no expense to ACHD and shall deliver at closing clear title by warranty deed to ACHD. If the estimated value of the right-of-way dedication proposed by the Applicant is less than ACHD estimated total proportionate fair-share obligation for that development, then the Applicant must also pay the difference. ACHD is authorized to accept forms of proportionate share mitigation that exceed the actual values calculated above. Under no circumstances shall the **City/County** approve an Application that obligates ACHD or the **City/County** to compensate an Applicant for proportionate fair-share mitigation that exceeds the value calculated above.

- (7) At the discretion of ACHD, the development's overall trips may be reduced by up to 5%, with a developer commitment to the implementation of trip reduction measures, to include: an agreed-on set of capital and/or operational contributions; record-keeping and annual reporting by implementers of operational programs; and penalties for failure to implement and maintain the measures for an agreed upon time period. Appropriate capital and operational contributions towards trip reduction will be identified and may include, but are not limited to, transit improvements, vanpool vehicles, preferential parking and other facilities for carpools and vanpools, covered and secure bicycle storage, shower & change facilities available to bicycle commuters, office work-stations available for use by teleworkers, and support for and active promotion of rideshare matching programs.
- (c) Impact Fee Credit for Proportionate Fair-Share Mitigation.
- (1) Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the mitigation is used to address the same capital infrastructure improvements contemplated by ACHD's Transportation Impact Fee ordinance.
 - (2) Impact fee credits for the proportionate fair-share contribution will be applied for and determined as provided by ACHD. If the Applicant's proportionate fair-share obligation is less than the development's anticipated transportation impact fee for the specific stage or phase of development under review, then the Applicant or its successor must pay the remaining transportation impact fee amount to ACHD pursuant to the requirements of ACHD's transportation impact fee ordinance.
 - (3) The proportionate fair-share obligation is intended to mitigate the transportation impacts of proposed development at a specific location. As a result, any transportation impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location.
- (d) Appropriation of Revenues.
- (1) Revenues shall be placed in the appropriate project account for funding of scheduled improvements in the Works Program, or as otherwise established in the terms of the Mitigation Agreement. At the discretion of ACHD, revenues may be used for operational improvements prior to construction of the capacity project from which the revenues were derived.
 - (2) In the event a scheduled facility improvement is removed from the Work Program, then the revenues collected for its construction may be applied toward the construction of another improvement that ACHD determines would mitigate the impacts of development.

- (e) Reimbursement for Excess Contributions. The Mitigation Agreement may provide for reimbursement from available funding sources when an Applicant chooses to provide more than the proportionate fair-share cost of improvements. Available funding sources may include impact fees, extraordinary impact fees or other development generated revenues that would not divert funding from other projects included in the Work Program or transportation system maintenance.

2.21 TIMING OF REQUIRED IMPROVEMENTS

- (a) If required improvements are to be constructed by the developer, no certificate of occupancy shall be issued for the project until the improvements have been completed. If there is a reasonable expectation for completion, required improvements may occur after certificate of occupancy if plans have received approval by the City/County and the improvements have been secured by a bond or other method meeting City/County requirements.
- (b) If required improvements are to be made by the ACHD, or the Idaho Transportation Department (ITD), no certificate of occupancy shall be issued for the project until final plans for the project have been approved.
- (c) Notwithstanding the above, if a portion of a development project can be accommodated at the specified LOS for the Study Area prior to the need for the improvement based upon the TIS, certificates of occupancy may be issued for that portion of the development project prior to the requirements of (a) and (b) above.

SECTION 3: Conflict.

To the extent of any conflict between other City/County ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City/County ordinance, resolution, or regulation.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Effective Date.

This Ordinance shall become effective upon the date of adoption.

PASSED on this ____ day of _____, 20__.

PASSED AND ADOPTED on this ____ day of _____, 20__.

CITY/COUNTY of _____, IDAHO

<Insert Name of Governing Body Chairperson>
Chairperson

ATTEST:

<Insert Name of Clerk>
City/County Clerk

Signature Date

Approved as to form and correctness:

<Insert Name of Local Attorney>
City/County Attorney

Signature Date



 INTER-OFFICE MEMO

 Planning & Projects Division

February 5, 2008

To: Blueprint for Good Growth

From: Katey Levihn

Subject: **Transportation and Land Use Integration Plan (TLIP)
Status Report**

The TLIP study has made significant progress:

November and December 2007: ACHD internal staff and Commission reviews resulting in release of draft materials for discussion with the six cities and county.

Workshops Completed:

January 28 & 29, 2008	City of Boise elected officials, staff and stakeholders
January 29, 2008	Debrief before Boise City Council
February 5, 2008	City of Meridian staff and stakeholders

Upcoming Workshops:

February 6, 2008	City of Kuna elected officials, staff and stakeholders
February 12, 2008	City of Meridian elected officials, staff and stakeholders, day 2
February 19, 2008	Debrief before Meridian City Council
February 20, 2008	Ada County elected officials, staff and stakeholders
February 25, 2008	City of Star staff and elected officials, staff and stakeholders
February 26, 2008	City of Eagle staff and elected officials, staff and stakeholders

Next Steps:

Dependent on differences in proposed typologies, major corridors and/or variable levels-of-service, additional mini-workshops may need to be held with adjoining jurisdictions. Upon resolution of inconsistencies, public comment will be invited.

AREA OF CITY IMPACT EXPANSION PROCESS

Introduction

Idaho State Code requires cities to establish areas of impact to identify where they intend to annex and provide city services. Ada County and its six cities have grappled with expansions of areas of city impact over the past four years in the face of tremendous growth pressures. Current provisions in the Local Land Use Planning Act have proved inadequate in defining the purpose and function of an area of city impact boundary, bogging down what had historically been straightforward renegotiations between Ada County Commissioners and city leaders.

The successful implementation of Blueprint for Good Growth requires a straightforward, equitable process for defining areas of impact. During 2007, a subcommittee of city and county planners met to create a process that would fulfill a mutual desire to create a process that:

1. Relies on city provision of adequate public facilities in keeping with the commitment to the Blueprint for Good Growth;
2. Requires subarea planning before a boundary expansion is approved;
3. Includes substantive public involvement in the development of a subarea plan;
4. Relies on objective standards to guide the County approval process.
5. Provide for planning areas describe very long term spheres of influence where a city intends to evaluate how its area of impact may be extended.

1. Establishment of a Planning Boundary

- a. Goal: Delineation of planning areas outside currently adopted areas of impact where sub area planning is desired and/or necessary by a city. A sub area plan can be an addendum or amendment to the existing city comprehensive plan or an independent plan. The planning areas are not intended to represent areas of planned urban development. Part of a planning area may become an area of impact where urban development occurs and part may remain rural. By reaching beyond anticipated areas of impact, they allow each community to more rationally plan for the needs of future generations.
- b. Purpose: This boundary is created solely for the purposes of developing sub area plans and to establish communication protocols among the city, adjacent cities, and Ada County regarding development activity during the sub area planning process.
- c. Process: Since property rights are not affected by establishing the planning boundary, the boundary will be created through a Memorandum of Understanding between Ada County and the affected city. The Memorandum of Understanding will include the following provisions:
 - i. Establish the planning boundary.
 - ii. Define the roles and responsibilities of the requesting city, the county, and other cities adjacent to or overlapping the planning boundary.
 - iii. Establish referral area for mutual notice of county and city rezone, land division, or conditional use applications of other city, county, or ACHD planning activities within the planning boundary. The planning area shall serve

as a referral area. All county applications shall be transmitted to the appropriate city or cities for comment and review until a formal area of impact agreement takes effect after the completion of the sub area plan and/or the referral area is deemed unnecessary by the requesting city or cities and the county.

- iv. Periodic review of the sub area planning process and planning boundary.
- v. Set a term of the Memorandum of Understanding.

d. Guidelines and/or Criteria:

- i. There are not specified criteria regarding the sufficiency of a particular planning boundary, but generally they respect natural or man-made features, landforms, major transportation corridors, infrastructure constraints, and jurisdictional boundaries.
- ii. The planning boundary shall include, at a minimum, area to accommodate twenty years of growth for the city.
- iii. The planning boundary shall not include a portion of an existing planning boundary proposed by another city. Such city (or cities) shall be invited to participate in any subsequent sub area planning process proposed by the city.
- iv. Proposed planning boundaries are shown on Appendix A.

e. Dispute resolution: Where jurisdictions do not agree on planning boundaries, the jurisdictions shall participate in at least one mediation session. The county shall participate in the mediation. The county shall select the mediator with input from the interested parties. Compensation of the mediator shall be equally divided among the parties. The results of the mediator shall be forwarded to all parties. If mediation is not successful, the recommendation from the mediator shall be forwarded to the board of county commissioners. The board of county commissioners shall make a decision on the boundary within 120 days and shall forward the appropriate memorandums of understanding to the jurisdictions.

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2. Sub Area Plan Scope of Work and Process

- a. Goal: Sub area plans that express the vision of the community after consideration of the needs and vision of affected cities and/or the county.
- b. Purpose: The purpose of this section is to provide criteria related on how to conduct the sub area planning process.
- c. Process:
 - i. Each city, as part of the sub area planning process, shall first develop a scope of work, timeline, and public participation plan for the sub area planning effort.
 - ii. The city shall invite the county, neighboring cities, transportation agencies, and any affected service providers to be stakeholders in the planning process and allow these stakeholders to review the plan timeline, scope of work, and public participation plan.
 - iii. The city shall take comments (requested modifications) and make necessary changes to accommodate such comments. The city and county staffs shall schedule a joint workshop with property owners and affected residents.

d. Guidelines and/or Criteria:

- i. Sub area plans may include all or part of the planning area defined in Section 1.
- ii. The sub area plan shall address the 14 elements, including agricultural land uses, required under Idaho Code by specific discussion or by reference to an existing plan. The 14 mandated elements include: property rights; population; school facilities and transportation; economic development; land use; natural resources; hazardous areas; public services, facilities, and utilities; transportation; recreation; special areas or sites; housing; community design; and implementation.
- iii. The sub area plan shall implement to the extent possible adopted regional plans, including but not limited to, Communities in Motion, the Blueprint for Good Growth policies and Tiers Map, the Ada County Parks and Waterways Open Space Plan, Ridge to Rivers Plan, and other local or regional open space, pathways, trails, bikeway, air quality or transportation plans. At times, the policies of the many regional plans may be inconsistent with regard to a particular issue or area; where there is inconsistency, the sub area plan should address the underlying intent of such policies in light of the needs of their community.

3. Area of City Impact Expansion Submittal and Hearing Process

- a. Goal: Predictable and timely review and adoption of area of city impact expansion requests and associated sub area plans by the Board of County Commissioners. The goal is also to shorten the lag time between the two governing units regarding adoption of the sub area plans. Long delays create uncertainty for property owners, invite criticisms of inefficient government bureaucracy, and create a feeling of mistrust in the community members involved in the planning efforts.
- b. Purpose: To establish a process that allows the county to participate early in the sub area plan process so that when the expansion request is formally submitted, the county can quickly evaluate the adequacy of area of city impact expansion requests.
- c. Process:
 - i. Following the joint workshop (see Section 2), the city shall submit a formal request for and area of city impact expansion. Such request shall include:
 1. A map of the proposed area of city impact.
 2. . A copy of the subarea plan with the adopting resolution and findings indicating that the plan has been adopted consistent with state law, any city evaluation criteria, and the Blueprint for Good Growth Phase 1 Report policies.
 3. Map of areas within the proposed area of city impact that are not proposed for urban services, with a brief written explanation;
 4. Capital Facilities Plan that has a 20-year horizon with a detailed program of the first five years.
 - a. The requesting city shall document how the new facilities proposed in the sub area plan shall be phased (including time increments) to ensure that new facilities shall meet the adopted adequate public facilities ordinance including acceptable mitigation measures.

- b. If the city does not provide the water, sewer, transportation, storm water, or public safety services, the city shall obtain a letter from such providers indicating sufficient capacity and the ability to fund and provide capital improvements consistent with the five-year capital facilities plan.
- 5. Intergovernmental Agreement on the specific implementation guidelines and/or standards that the county would apply to developments proposed within an area of city impact.
- ii. County Review of Area of City Impact Amendment Negotiation Request.
 - 1. The provisions of Idaho Code, Section 67-6526 shall apply.
 - 2. Within 30 days of submittal, county shall notify the requesting city of any missing items listed in 3ci above. The purpose is to determine if the county has a complete application. The city shall respond within 30 days or as may be mutually agreed upon with the County. Subsequent submittals by the requesting city shall be reviewed within 14 days. The county shall notify the requesting city in writing of the date the application is deemed complete.
 - 3. After the request is deemed complete, the County shall schedule a joint meeting between the city and county governing boards. The joint meeting shall include the following:
 - i. Discussion of the proposed intergovernmental agreement and any potential issues related to processing the necessary comprehensive plan and/or zoning ordinance text and/or map amendments.
 - ii. Establishment of a hearing schedule for the city and county adoption of the amended area of city impact agreement.
 - iii. Establishment of a schedule for implementing additional provisions as submitted by the city in section 3(c)(i)(11) above.

The meeting may be waived with agreement by both parties.

4. Annexation outside of Areas of Impact: Currently, many cities do not have a 20-year area of city impact. Once established, cities may not annex beyond their 20-year area of city impact without the agreement of any affected adjoining city.

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Agricultural Land and its Role in Food Security, Must Be Addressed in Comprehensive Plans for Idaho Cities,

Counties and State

Prepared by Josie Erskine

Ada County and its cities are at a cross roads in development and planning. The leaders of today are taking a stewardship role in creating the Valley of the future. City and county leaders have the opportunity to create plans that will drastically shape the landscape, longevity and the well-being of their community for years to come.

Air, water, food and shelter are among the essentials of life. Planners have been involved in efforts to improve the quality of air and water through pollution control programs and more comprehensively in shelter planning. But the fourth essential, food, has been virtually ignored by planners.

If planners are not conscious of food and agriculture issues then their impact is negative, not just neutral.

Listed below are reasons why Agricultural land must be addressed in planning.

- **The food industry plays a huge role in the economy of Boise and Ada County. When farm land is cut from planning we are denying ourselves the ability to participate in a major section of our economy.**

According to the US census, every resident of Ada County spends approximately \$42 per week on food. This adds up to nearly \$450 million just for Boise residents alone and \$1.4 billion for the entire Treasure Valley. But beyond personal spending on food, the food industry accounts for 20 percent of all retail sales, 20 percent of all service jobs, 10 percent of industry jobs, 20 percent of all car trips and traffic. Poor nutrition is linked to 20 percent of chronic disease, and 25 percent of fossil fuel energy and air pollution. Food waste is 40 percent of all garbage and 80 percent of sewage treatment. Given the over arching importance of food in urban life, planners need to put food security and agricultural land preservation closer to the top of their planning menu.

The only true local food store dedicated to selling food grown in our community is The Boise Coop. In 2006 they grossed 21 million dollars and have over 20 thousand members.

A prime example of how essential our local food economy is in relationship to the vitality of our city can be seen in the Capital City Public Market. The Boise Capital City Public Market has recorded an average of 12,000 people attend every weekend. Consumers want food grown in their community, by farmers they trust and they want to keep money in the local economy. According to Idaho Preferred the local food industry is the fastest growing food industry in the US.

- **Food systems and agricultural land preservation planning are essential to food security**

We live in an era of climatic and social instability, when anything from drought in California, hurricanes in Florida, oil depletion and the rising price of wheat can keep food from reaching our community. If these possibilities are not planned for, the entire population, not just our poorest, is put at risk of food insecurity. We will be "shooting ourselves in the stomach"

A major threat to our food security is the decreasing number of agricultural acres in food production and the shift of acreage from food to fuel production. According to the 2006 USDA report. In 1950, Idaho's farmed acreage per resident was 23 acres. In 2006 it was 8 acres and the national average was 3 acres per person. In 2006 14 million acres of our nation's farmland transferred from food production to crops for ethanol production. (Sources from the USDA)

Local efforts to protect agricultural land from sprawl should be classified as public safety measures, on par with any other obligatory measure designed to prepare for emergencies. Ada County may be an urban county but it can also be known as the urban farming capital, considering all the magically rich farm land hidden between sub divisions, planned communities and down long busy roads. Urban agriculture is the Swiss army knife of farming, small and compact yet extremely useful and irreplaceable necessary. Urban farms are a time old tradition in community planning. Fewer miles travelled to the consumer mean less pollution in raising crops.

Another major threat to our food security is the minimal government protection afforded to our agricultural land. Agricultural lands needs protection the same way highways, schools, open space and hospitals do. It is an interregal part of our community. Are we so short sighted at this point in history to allow preservation of agricultural land to fall unprotected into the greedy hands of out of state interests and developers?

We are all familiar with the argument that, "At this point in history the majority of farm land in Ada County does not grow food that directly feeds this community." But it was not long ago that our land did feed this community. To cut off the chance, or the right, for this community to feed itself again because in 2008 it did not make short-term economic sense is harmful and ignorant.

We are dependant on a food system that is out of our control. We have created and are perpetuating a food system in which we do not know where the food comes from, how it gets to us or how long the system will survive. By addressing food and agriculture in planning, counties and cities can take the first steps in being taking control of their own food systems. Children today think food comes from the store. Their parents laugh and say no it comes from the farm. Not so, grandparents scold, food comes from seeds, sun, soil, water and human labor. Any where there is green there can be food. There can be incredible amounts of food produced off land that commercial agriculture would classify as too small for profitability. According to the USDA, farms less then four acres in size have an average net of \$1,400 per acre. The profit declines steadily as farm size increases, to less than \$40 an acre for farms above one thousand acres

- **Agricultural land is crucial to human existence**

The American Farmland Trust is producing a bumper sticker that says, "NO FARMS NO FOOD". As we talk about Agricultural land preservation in Ada County we are not just talking about profit factor but, the legacy we are leaving to future generations and their ability to grow their own food. . We are witnessing the destruction and extinction of a rare resource, our source for local food. We have the foundation for a local food system which gives us the ability to weather crisis and disaster and to offer true food security. But, unless planners see the incomprehensible value of these gems they will disappear because the farm land that keeps these possibilities alive will be swallowed up and gone for good.

- **A community's health and security is directly tied to its access to fresh healthy food**

As a nation we are at an all-time high of obesity, diabetes, cancer and heart disease. All of these are directly linked to our community food system. Personal food choices are influenced by the vision of the city planners. Our city and county planners determine whether the main drag is a nowheresville fast-food strip, or a main street with a farmers market lined with spots that ooze local flavor and character. Is our community a place where all people have access to fresh healthy food brought in by farmers who live close by or is it shipped from around the world in refrigerated 18 wheelers? Is our city a place that holds high its agricultural heritage and understands the social justice issues involved in putting food and agriculture into their comprehensive plans?

Two years ago the nation faced a crisis with contaminated spinach. If Ada County had a developed local food economy during that crisis, city mayors would have been able to say, "We can eat spinach, because we grew it". Think of the security that a local food system can offer its community in times of crisis.

It is not a planning groups job to teach people how to grow food but it is their obligation to make sure that people have access to land. The loss of these traditions has accentuated the relationship between poverty, hunger, health and hopelessness. Preserving agricultural land will not answer the hunger problem but it will create the ability for a community to produce its own food. And a community that can grow its own food is in a better position than a community that cannot grow its own food to address the tattered social safety net of hunger. Community, school, refugee and church gardens all address this issue of hunger, health and a secure local food supply.

- **The health of our environment can be improved by more local food choices**

The average carrot travels 1500 miles. One fifth of our nation's fuel usage is used in transportation of food. One in every three trucks on our highways is transporting food. Our food choices and our lack of involvement in our food system are polluting our air, our ground water and are killing native plant and animal species. Planners need to address the food system as a major component in the health of our environment.

- **Agricultural lands can help preserve our rich cultural heritage**

We all want to live in a place that tells our story. Who are we? Where did we come from? What did our ancestors overcome to live here? Farm land creates a history and a sense of place. It establishes urban boundaries. Farm land creates a buffer and preserves a sense of place, community and heritage. Planners need to give future Idahoans the same things that our founders gave us. Many men and women put their lives and backs into digging water ways, picking stones, clearing fields so that we all could have the life that food and farmland gives to us all. There will be a time in the future that the citizens of Ada County will need to grow their own food.

- **Cities, Counties and States that are addressing Food and Agricultural Land in their growth and comprehensive plans are on the cutting edge**

Boise and Ada County have an opportunity to be among the first communities in the nation to recognize this issue and take action. Among the many communities that include agriculture as part of their comprehensive plan are Boulder County, Colorado; Queen Anne County, Maryland; and Henderson County, North Carolina. The American Planning Association recognizes the area of food system and agricultural planning as being "cutting edge". The following excerpt is from the APA Policy Guide on Community and Regional Food Planning adopted at the national planning conference in May 2007:

...Interest in food system issues is clearly on the rise in the planning community. In 2005 at the APA National Planning Conference in San Francisco, a special track of sessions on food planning subjects was held for the first time in APA's history. An unexpectedly high number of 80 planners responded to the call for papers for this track. In 2006, a follow-up track of sessions took place at the San Antonio APA conference. Special journal issues devoted entirely to food planning have included the *Journal of Planning Education and Research* (Summer 2004) and *Progressive Planning* (Winter 2004). Courses on community food planning are being offered for the first time by several graduate planning programs. Another sign of progress was a white paper on food planning prepared in late 2005 and presented to the Delegates Assembly at the 2006 APA conference. Approved subsequently by the APA Legislative and Policy Committee, the white paper became the impetus for preparing this Policy Guide, which provides a vision and suggests ways for planners to become engaged in community and regional food planning.

The following are a few converging factors that explain the heightened awareness among planners that the food system is indeed significant:

- Recognition that food system activities take up a significant amount of urban and regional land.
- Awareness that planners can play a role to help reduce the rising incidence of hunger on the one hand, and obesity on the other.
- Understanding that the food system represents an important part of community and regional economies.
- Awareness that the food Americans eat takes a considerable amount of fossil fuel energy to produce, process, transport, and dispose of. All of these contribute to the health of our environment.
- Understanding that farmland in metropolitan areas, and therefore the capacity to produce food for local and regional markets, is being lost at a strong pace.
- Awareness that access to healthy foods in low-income areas is an increasing problem for which urban agriculture can offer an important solution.
- Recognition that many benefits emerge from stronger community and regional food systems
<http://planning.org/policyguides/food.htm>



MEMORANDUM:

TO: Blueprint for Good Growth Consortium

FROM: Deanna Smith, Ada County Open Space Task Force member representing Blueprint for Good Growth

DATE: February 7, 2008

RE: **Ada County Open Space Task Force status**

Action Requested:

For information only. This information provides you with a background on the Task Force status.

Background:

The **Ada County Open Space Task Force** is working towards its final recommendations to the BOC. Those final recommendations will include open space preservation criteria, priority areas for preservation, implementation tools and policy actions that will be necessary to accomplish the open space preservation that is desired by this community.

Attached is a table of our implementation tools recommendations. This is still a working draft and I would appreciate any comments or suggested additions from members of this committee to take to the Task Force before we adopt our final recommendations on implementation tools for open space preservation.

We included nearly every tool we could think of even those we considered not viable for various reasons at this time. We did this recognizing that while one tool may not be appropriate or available at this time that may not always be true and we felt it important to list all tools that we thought could be used now or sometime in the future. The list includes regulatory measures, voluntary efforts, and possible ways to fund public purchase of land. They are organized by the categories listed below and identify actions needed to fully implement each tool. The lists recognizes that no one implementation tool will accomplish the public's desired level of preservation and that to achieve the goals of open space preservation it will take many approaches and efforts by all jurisdictions, the public, and the private sector.

They are categorized and listed in this order:

- a. Implementable now and should be explored and/or implemented.
- b. Should be considered, but needs further study and/or more information.
- c. Existing but already utilized.
- d. Not viable at this time.

There were a few options we took out of the list altogether because they were simply impractical, but list them to show they were considered. These include:

The lottery – Lottery dividend would have to be split with state permanent building fund and school district account. This would require an amendment to I.C. 67-7432.

Bed Tax – Increase the hotel bed tax to feed into a conservation fund. Legislation required.

In addition to implementation tools we are also discussing policy and administrative recommendations which I would welcome comments/suggestions on.

- Public Process - One of our original goals as a Task Force was to include a public process with our efforts. Due to lack of resources we scaled back our goals and this was one thing that we realized we could not do. However, the report that accompanies this will most likely include a recommendation for a public process to accompany future steps that the County may take to implement the recommendations within our report.
- Comprehensive Open Space Plan - Adoption of one comprehensive Open Space Plan by the County and all the Cities to that covers the entire county – rural, suburban and urban. This would help all jurisdictions recognize potential areas that have opportunities to build upon existing open space, areas that need more open space, and areas that require specific protection through land use policy and ordinances. This information will provide a nexus to help implement the various tools, identify priorities areas, and show where jurisdictions can work together on protecting open space. A shared plan would also make it easier for the development community to understand how and where they can and should provide for open space.
- Sub-area Plans - Sub-area planning for all comprehensive plans would facilitate preservation of open space by providing clarity around lands to be preserved and for what purpose. This would provide clear guidance for jurisdictions in establishing implementing ordinances. The Foothills Plan adopted by Boise City is a good example of what can occur when a sub-area is planned for beyond the Comprehensive Plan. The Task Force recognizes that several jurisdictions have already begun to do this.
- Inventory of existing conservation easements - The County should house and maintain an inventory of existing conservation easements for the entire county to provide a one stop reference for existing conservation easements.

	Technique	Description	Useable now for OSM	Minor legislation needed	Requires major legislation	City or County	Comments
	CATAGORY	Should be considered: a. implementable now					
a.	Purchase of Development Rights	Utilizing one of the potential funding sources, seek to acquire development rights to property. Underlying ownership would remain in private hands. This approach is most often used in protecting farmland but could work well for floodplain protection or foothills conservation. Similar to TDR (see below) but funds are used to acquire the density units.	X			City or County	This is similar to City accepting façade easements of historic properties in that owner retains property, but local government can determine if land needs to remain as open space. Could help remove pressure from land owner to develop.
a.	Voluntary Real Estate Transfer Fees	A percent of the value of real estate is paid at closing and used for open space acquisition. This fee is paid every time a piece of property changes hands.	X			City or County Private Sector	Already occurs, how to incentivize.
a.	Federal PILT payments. (payment in lieu of taxes)	Annual payment to county from federal government (BLM) could be accumulated in an account for acquisition or for conservation project grants to local entities. Could fund a permanent endowment that will grow over the years.	X			County	PILT is a General Fund revenue for the County, so utilization could cause budget and operation issues.
a.	Voluntary Donations	Usually associated with a specific project such as Hulls Gulch, Castlerock, Harris Ranch. Jackson has implemented "1% for Open Space" program, where companies voluntarily contribute 1% to a fund. There are a number of similar approaches that could be proposed. Zoo Boise's Conservation Fund is another example.	X			City or County	Currently used regularly in foothills. Developer sets aside land & receives federal tax break & /or density bonus for clustered development. A 1% for open space would compete with the 1% for art ordinance within the City.
a.	Design Criteria	Work with irrigation entities to create design criteria for paths along canals, drains and ditches.	X			City or County	Workable; also parks green belt could be used. Would need a thorough exam of liability issues. Need to examine interagency hurdles for recreational use of canals.
a.	Cluster and Density Bonus	This is the method used by Boise City in the Boise Foothills. Rewarding developers with increased density if open space with community values is protected. Very similar to PUD strategy.	X			City or County	This has worked well.

	Technique	Description	Useable now for OSM	Minor legislation needed	Requires major legislation	City or County	Comments
a.	Developments/ Planned Communities	Developments could result in an increase in meaningful open space conservation. Incentives can be created that provide for density bonuses and simpler approval processes.	X			City or County	PUD's, Specific Plan Ordinance and Planned Communities ordinance could be required to set aside a significant percentage of dedicated open space as discussed in Blue Print for Good Growth.
a.	Tax Deed Property	Determine if tax deed property contains conservation values. If not, use county portion of proceeds to feed acquisition fund.				County	Input from the County is needed to answer this one.
a.	Transfer of Development Rights	A sending (priority for conservation) area and a receiving (priority of increased density) area are established. Properties in the sending area may sell their density to a property owner in a receiving area, thus being compensated for open space.	Allowed by state code - see I.C. 67-6513. Cities would need ordinance to implement.			City or County	Research shows complicated to administer/ set up/ find receiving areas. However, TDR's could be used on a strategic basis, i.e. Planned Communities could be required to obtain a portion of their development rights from surrounding rural areas.
a.	Conservation Subdivision	This form of development is meant to balance development with meaningful open space conservation. There have been draft ordinances proposed or created for use in the Treasure Valley. Design criteria could help this strategy achieve desired results.	X			City or County	Foothills ordinance is an example. Could utilize this tool.
a.	Flood plain Ordinance	Many communities regulate or limit development in the flood plain much more aggressively than in the Treasure Valley. A specific strategy – TDR, PDR, PUD, could be used to minimize units in floodplain.				City or County	Limited applicability. Hard to do when we haven't for so long. Could possibly create an incentive plan for the developers to leave flood plain open. This would be more applicable in the County as City is largely developed or has a green belt already.
a.	Health and Fitness Pathway Fund	Federal grant program available to state and local governments for pathways that address the need for fitness.	X			City or County	Has been used in Canyon Co. for development of pathways.

	Technique	Description	Useable now for OSM	minor legislation needed	Requires major legislation	City or County	Comments
		Should be considered: b. further study / more information					
b.	Impact fee	Create impact fees for all communities and county to include conservation of natural areas.	X			City or County	I.C. 67-8204(2) allows impact fees for public facilities including open space. Also, 67-204(A) allows for intergovernmental agreements which are jointly affected by development.
b.	General Revenue	A portion of the general revenue is set aside for acquisition.	X			City or County	Budget issue – the operating budget of other General Fund programs would need to be reduced for OSM to be included.
b.	Serial levy	Used for the Boise Foothills, this is a 2 year levy as part of the property tax and ends after the 2 year period. A simple majority is needed to pass the levy.	X			City or County	Could be dedicated as Open Space Management (hereafter OSM) money
b.	Create a public land 'conservation and reallocation' program	This approach would allow for the sale or exchange of certain BLM lands, with any proceeds of a sale to be used exclusively for conservation land acquisition within a designated area in the Treasure Valley. This would need Congressional approval and would help solve the challenges of structuring multi party private land exchanges.			X		Creative idea for federal assistance. Probably not going to happen fast. This may be related to creation of a Statewide Land Trust. Requires Congressional approval.
b.	Historic Preservation Act	This act could be utilized to preserve features, sites, and surroundings that have historical, architectural, archeological and cultural significance. Preservation could be through creation of a district, acquiring property and or acquiring a historic easement.	X			City or county	Open space could be preserved while preserving Indian sites, Basque sheep herding, the Oregon Trail, Hulls Gulch, Table Rock, Lucky Peak, etc.
b.	Idaho Heritage Trust	Funds from vehicle license plates are utilized to preserve historic, cultural and archeological resources including buildings with appurtenant land, sites and districts.	X				Could possibly use immediately with matching funds. See Idaho Code 67-7602 (A) & (B) attached. Funding source for the County. Where would matching funds come from?

	Technique	Description	Useable now for OSM	minor legislation needed	Requires major legislation	City or County	Comments
b.	Tipping Fee at Landfill	A certain amount could be added to the tipping fee at the landfill. The nexus could be 'voluntary' mitigation for affects to foothills open space.	County to decide				If implemented, it would have an impact on solid waste rates. Competes with recycling. An OSM fee could be added to the tipping fee similar to the way that a zoo conservation fee is added at admission. Zoo fee has a nexus of animal conservation, a clear nexus for OSM would be needed.
b.	Idaho Heritage Trust	Funds from vehicle license plates are utilized to preserve historic, cultural and archeological resources including buildings with appurtenant land, sites and districts.	X				Could possibly use immediately with matching funds. See Idaho Code 67-7602 (A) & (B) attached. Funding source for the County. Where would matching funds come from?
b.	Tax Credits	Use of tax credits to as incentive for developers trade lands or set aside lands or to encourage current property owners to retain a current use.					The State currently can use tax credits but unsure about local jurisdictions. Would require legislation.
	CATEGORY	Existing but already utilized elsewhere					
c.	Franchise Fees	An extra amount typically added to utilities or other public service entity's monthly billing. This can be a source of funds over a long period of time. Nexus could be use of open space to guide development to less costly areas to serve.	x			City	<i>Franchises are currently at the maximum percentage allowed. Electric franchise is specifically dedicated to capital, so purchases for open space could be included in the capital plan requests for funding consideration. All other franchise revenues are being utilized for General Fund operations. Cuts would need to be made in other programs to make funding available for OSM.</i>

	CATAGORY	Not Viable at this time					
d.	Local Sales Tax	A certain amount is added to the sales tax. This would need approval for local option taxing authority from the state and then be passed by the local community, city or county-wide.			X		Requires legislation. Many competing interests if Cities were given a local option tax.
d.	Statewide Land Trust	Governor Otter's proposal for selling ID Fish and Game property and to collect BPA mitigation funds to build an endowment for acquisition could be used as a statewide tool to receive and distribute funds from statewide sources.			X		New legislation needed. This would be managed by the State and out of local control.

Idaho Statutes

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6513. SUBDIVISION ORDINANCE. Each governing board shall provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code. Each such ordinance may provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision. Fees established for purposes of mitigating the financial impacts of development must comply with the provisions of chapter 82, title 67, Idaho Code. Denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

Idaho Statutes

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 76
IDAHO HERITAGE TRUST

67-7602A. HERITAGE RESOURCES. A heritage resource is a diverse range of historic, cultural and archaeological resources including, but not limited to, buildings with appurtenant land, sites, districts, artifacts, objects, manuscripts and published documents, and the remains of ethnic and regional folklife having local, regional, state or national significance.

Idaho Statutes

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 76
IDAHO HERITAGE TRUST

67-7602B. FUNDING. The Idaho heritage trust shall receive funds collected in section 49-450, Idaho Code, in the amount of fifty cents (50¢) per plate for the use of the copyrighted design provided in section 49-443(10), Idaho Code. The Idaho transportation department shall collect such funds and distribute them to the Idaho heritage trust fund quarterly. The role of the heritage trust is to accept proposals from the public requesting funds for heritage preservation projects. The proposals are evaluated on established criteria, and if in the opinion of the heritage trust they qualify, a grant may be awarded subject to the availability of funds. The heritage trust shall insure that the following occurs in respect to the management of funds:

(1) Funds earned from the use of the motor vehicle license plate design shall be deposited directly into the trust fund where it will earn interest that will be used for heritage preservation projects. Contributions from private fund raising efforts may also be deposited to the trust fund.

(2) Only the interest earned from the trust fund shall be expended, and the trust fund shall remain as a permanent endowment generating income in perpetuity for heritage preservation.

(3) The Idaho heritage trust shall require project sponsors to match the funds granted for each project, so that no more than half the monetary support for any project shall come from the proceeds of the trust fund.

Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS
 CHAPTER 74
 IDAHO STATE LOTTERY

67-7432. CASH DISBURSEMENTS. The director is authorized to make the following disbursements from the state lottery account:

- (1) Payment of prizes directly to the holder of valid winning tickets or shares;
- (2) Purchase of annuities or investments to be utilized to pay future installments of winning tickets or shares;
- (3) Refunds, if any, due to lottery retailers or players;
- (4) Expenses of the lottery;
- (5) Payments to an Indian tribe pursuant to a state-tribal gaming compact negotiated pursuant to section 67-429A, Idaho Code;
- (6) The payment of the lottery's obligations, including the funds advanced under the temporary line of credit, as provided for under section 67-7430, Idaho Code, and the purchase of property, buildings and equipment; and
- (7) The payment of dividends, as provided for under section 67-7434, Idaho Code.

Idaho Statutes

TITLE 67
 STATE GOVERNMENT AND STATE AFFAIRS
 CHAPTER 82
 DEVELOPMENT IMPACT FEES

67-8204. MINIMUM STANDARDS AND REQUIREMENTS FOR DEVELOPMENT IMPACT FEES ORDINANCES. Governmental entities which comply with the requirements of this chapter may impose by ordinance development impact fees as a condition of development approval on all developments.

- (1) A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.
- (2) A development impact fee shall be calculated on the basis of levels of service for public facilities adopted in the development impact fee ordinance of the governmental entity that are applicable to existing development as well as new growth and development. The construction, improvement, expansion or enlargement of new or existing public facilities for which a development impact fee is imposed must be attributable to the capacity

demands generated by the new development.

(3) A development impact fee ordinance shall specify the point in the development process at which the development impact fee shall be collected. The development impact fee may be collected no earlier than the commencement of construction of the development, or the issuance of a building permit or a manufactured home installation permit, or as may be agreed by the developer and the governmental entity.

(4) A development impact fee ordinance shall be adopted in accordance with the procedural requirements of section 67-8206, Idaho Code.

(5) A development impact fee ordinance shall include a process whereby the governmental agency shall allow the developer, upon request by the developer, to provide a written individual assessment of the proportionate share of development impact fees under the guidelines established by this chapter which shall be set forth in the ordinance. The individual assessment process shall permit consideration of studies, data, and any other relevant information submitted by the developer to adjust the amount of the fee. The decision by the governmental agency on an application for an individual assessment shall include an explanation of the calculation of the impact fee, including an explanation of factors considered under section 67-8207, Idaho Code, and shall specify the system improvement(s) for which the impact fee is intended to be used.

(6) A development impact fee ordinance shall provide a process whereby a developer shall receive, upon request, a written certification of the development impact fee schedule or individual assessment for a particular project, which shall establish the development impact fee so long as there is no material change to the particular project as identified in the individual assessment application, or the impact fee schedule. The certification shall include an explanation of the calculation of the impact fee including an explanation of factors considered under section 67-8207, Idaho Code. The certification shall also specify the system improvement(s) for which the impact fee is intended to be used.

(7) A development impact fee ordinance shall include a provision for credits in accordance with the requirements of section 67-8209, Idaho Code.

(8) A development impact fee ordinance shall include a provision prohibiting the expenditure of development impact fees except in accordance with the requirements of section 67-8210, Idaho Code.

(9) A development impact fee ordinance may provide for the imposition of a development impact fee for system improvement costs incurred subsequent to adoption of the ordinance to the extent that new growth and development will be served by the system improvements.

(10) A development impact fee ordinance may exempt all or part of a particular development project from development impact fees provided that such project is determined to create affordable housing, provided that the public policy which supports the exemption is contained in the governmental entity's

comprehensive plan and provided that the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.

(11) A development impact fee ordinance shall provide that development impact fees shall only be spent for the category of system improvements for which the fees were collected and either within or for the benefit of the service area in which the project is located.

(12) A development impact fee ordinance shall provide for a refund of development impact fees in accordance with the requirements of section 67-8211, Idaho Code.

(13) A development impact fee ordinance shall establish for a procedure for timely processing of applications for determination by the governmental entity regarding development impact fees applicable to a project, individual assessment of development impact fees, credits or reimbursements to be allowed or paid under section 67-8209, Idaho Code, and extraordinary impact.

(14) A development impact fee ordinance shall specify when an application for an individual assessment of development impact fees shall be permitted to be made by a developer or fee payer. An application for an individual assessment of development impact fees shall be permitted sufficiently in advance of the time that the developer or fee payer may seek a building permit or related permits so that the issuance of a building permit or related permits will not be delayed.

(15) A development impact fee ordinance shall provide for appeals regarding development impact fees in accordance with the requirements of section 67-8212, Idaho Code.

(16) A development impact fee ordinance must provide a detailed description of the methodology by which costs per service unit are determined. The development impact fee per service unit may not exceed the amount determined by dividing the costs of the capital improvements described in section 67-8208(1)(f), Idaho Code, by the total number of projected service units described in section 67-8208(1)(g), Idaho Code. If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to the projected new service units described in section 67-8208(1)(g), Idaho Code, by the total projected new service units described in that section.

(17) A development impact fee ordinance shall include a schedule of development impact fees for various land uses per unit of development. The ordinance shall provide that a developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement

costs, except as provided in section 67-8214(3), Idaho Code.

(18) After payment of the development impact fees or execution of an agreement for payment of development impact fees, additional development impact fees or increases in fees may not be assessed unless the number of service units increases or the scope or schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional development impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.

(19) No system for the calculation of development impact fees shall be adopted which subjects any development to double payment of impact fees.

(20) A development impact fee ordinance shall exempt from development impact fees the following activities:

- (a) Rebuilding the same amount of floor space of a structure which was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
- (b) Remodeling or repairing a structure which does not increase the number of service units;
- (c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, provided that the number of service units does not increase;
- (d) Placing a temporary construction trailer or office on a lot;
- (e) Constructing an addition on a residential structure which does not increase the number of service units; and
- (f) Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

(21) A development impact fee will be assessed for installation of a modular building, manufactured home or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either:

- (a) That a modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date of the development impact fee ordinance; or
- (b) That a development impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space.

(22) A development impact fee ordinance shall include a process for dealing with a project which has extraordinary impacts.

(23) A development impact fee ordinance shall provide for the calculation of a development impact fee in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or developers within the service area other than the person paying the fee.

(24) A development impact fee ordinance shall include a description of acceptable levels of service for system improvements.

(25) Any provision of a development impact fee ordinance that is inconsistent with the requirements of this chapter shall be null and void and that provision shall have no legal effect. A partial invalidity of a development impact fee ordinance shall not affect the validity of the remaining portions of the ordinance that are consistent with the requirements of this chapter.



MEMORANDUM:

TO: Blueprint for Good Growth Consortium

FROM: Karen Doherty, P.E. – Project Coordinator

DATE: February 11, 2008

RE: **Funding Committee Status**

Action Requested:

For information only. This information provides you with a background on the funding status.

Background:

Non-Profit Status

The IRS has determined that BGG, Inc. is exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to BGG, Inc. are deductible under section 170 of the Code Ruling effective December 23, 2004.

Funding Solicitation Status

The funding committee is actively soliciting additional funds from the remaining participating jurisdictions as outlined below.

Jurisdiction	Request	Responsible Funding Member
Kuna	\$ 20,000	Bieter
Total	\$ 20,000	

Funding Status

Following is a summary of the total contributions to date.

Name	Total	Notes
Ada County	\$ 210,000	\$50k for Phase I and \$50k for Phase II; \$60k for Doherty. Addtl \$50k for Phase II in Aug 2006.
ACHD	150,000	\$122k for Phase I; \$28k for Phase II.
City of Boise	150,000	\$50k ea Phase I and II. Addtl \$50k for Phase II in June 2006.
ITD	50,000	
City of Meridian	60,000	\$30k each Phase I and II. Phase II pledged in July 2006.
US Environmental Protection Agency	22,500	
City of Eagle	20,000	\$20k Phase I. \$20k Phase II pledged in June 2006 pending all other contributions received.
City of Kuna	20,000	
City of Star	20,000	
City of Garden City	10,000	
COMPASS Yr End Sweep	9,266	Doherty supplemental.
Boise River Flood Control District #10	7,500	
Hewlett Packard Boise Operations	5,000	Phase II
Tom Ryder	1,500	Additional \$500 contribution received June 2007
North End Neighborhood Assn.	300	
Boise Chamber of Commerce	50,000	
Total Metro Contributions	\$786,066	

Overall Financial Status	
Total Contributions	\$ 786,066
Phase I Payments (completed)	(\$ 405,000)
Phase II Payments (as of Oct 1, 2006 work completion)	(62,060)
Local Project Coordination Contract through January 31, 2008 (completed)	(230,500)
Phase II Adequate Public Facilities Task Order	(67,740)
Planning Works services December 13, 2006, (pre-APF) Phase II work (completed)	(4,404)
Total Remaining Available Unallocated Funds for Phase II	\$ 16,362