



Technical and Steering Committee Meeting

Thursday, March 13, 2008

10:00 A.M. to 12:00 P.M.

Boise City Hall Council Chambers

AGENDA

I. Consent Agenda (10:00-10:05 AM)

- a. **Approval of the February 15, 2008 Meeting Notes (pages 3-9)**

II. Discussion Items

- a. **Transportation and Land Use Integration (TLIP) update – Chris Danley (10:05 – 10:20 AM)**

Chris will provide a status on ACHD's TLIP project.

- b. **Adequate Public Facilities Ordinance Update - Michael Lauer (10:20 – 11:20 AM) (pg. 10-55)**

Michael Lauer will lead a discussion on the Adequate Public Facility Ordinance (APFO). Many revisions have been made according to input received from the BGG participants. Two versions of the APFO are attached for information; one version illustrates the modifications made since February and the second is a "clean" document incorporating the edits.

- c. **Area of City Impact Modification – Tricia Nilsson & Anna Canning (11:20-11:25 AM) (pg. 56-59)**

The Consortium approved the modified document. The adopted version is attached for your information.

- d. **Transportation Funding Committees/Transit Ready Mixed Use Subcommittee – Kelli Fairless (11:25 – 11:35 AM) (pg. 60)**

Kelli will provide an update on the various transportation funding activities, including transit support. A written update from Gloria Parkvold regarding the Transit Ready Mixed Use Subcommittee is attached for your information.

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www.blueprintforgoodgrowth.com**

- e. **Update of Open Space Subcommittee – Deanna Smith (11:35 – 11:45 AM)**
Deanna will provide a verbal update on the activities. The Ada County Open Space Task Force website is located at:
<http://www.adaweb.net/departments/developmentservices/OPENSPACETASKFORCE.asp>

- f. **Agriculture/Farm Land Preservation – Josie Erskine (11:45-12:00 PM) (pg. 61-62)**
The Consortium approved creation of this subcommittee at their February meeting. Josie will share observations from the March 6 subcommittee meeting. Notes from the meeting are attached.

Upcoming 2008 Technical and Steering Meetings are as follows:

April 10, 2008 – Meridian Police Department, 10:00 AM - Noon



Technical and Steering Committee Meeting

Thursday, February 14, 2008

10:00 A.M. to 12:00 P.M.

Ada County Courthouse, First Floor Hearing Room

MEETING MINUTES

I. Consent Agenda (10:00-10:05 AM)

- a. **Approval of the January 10, 2008 Meeting Notes (pages 3-5)**
Meeting notes were approved.

II. Action Items

- a. **Area of City Impact Modification – Tricia Nilsson & Anna Canning (10:05-10:15 AM) (pages 6-9)**

The committee focused on reviewed the changes from the previous document. The entire text was approved for recommendation to the Consortium with the following modifications:

- Dean asked about Cities not annexing outside the 20 year AOCI. After some discussion on “may not” vs. “will not” on page 9 of the packet, the wording was amended to “may not”. Final text is ...”cities will not annex beyond their 20-year area of city limit without the agreement of any affected adjoining city.”
- Other clarifications included adding a definition of “Area of City Impact” to boundary expansion in point 2 on the first page as well as addition of the word “that” in bullet 5.
- City of Eagle had issues with the phrasing on page 4 regarding Annexation outside of Areas of Impact. They were the lone dissent.

III. Discussion Items

a. **Draft Adequate Public Facilities Ordinance – Michael Lauer (10:15 – 11:15 AM) (pages 10-33)**

Michael, on a conference call, asked participants to review his draft and send comments to him by Feb. 29. He initially reviewed the entire document in summary highlighted areas which need further information prior to opening discussion. Michael's summary was as follows:

- **Preamble** – Each jurisdiction to add reference to their 20 year comprehensive plan.
- **Section 2.5** – Michael requested direction regarding TIS “triggers”. ACHD’s TIS triggers are more stringent than other areas on which he has provided services.
- **Section 2.9** – He needs more discussions with ACHD before completion on this section.
- **Section 2.11** – This section is really just a “placeholder” for the time being. Table 1-1 will be completed when TLIP has established the LOS standards. Michael also indicated that the listing of constrained roads are missing and will be inserted based on the TLIP outcomes.
- **Section 2.18** – This section needs further data.
- **Section 2.19** – This section needs further data.

After his review, the participants had a general conversation about the draft ordinance as follows:

- Participants discussed TIS triggers. Michael asked what is appropriate as a trigger, what do we require, and when? Participants agreed there are two types of review: 1) Map amendments will evaluate the project against the CIP, and 2) annexation which would result in change in the future land use or zoning. Michael will clarify trigger points in the next version. Charles wondered about the idea of having variable trigger points? Is this advisable? Michael said it is viable and something to consider.
- Nicole had concerns about “going against what was already planned for”. Michael clarified that the intent of the APFO is not to preclude development in downtowns. David and Nicole said this is not clear in the text. Michael said he add those notions to the preamble and purpose.
- On page 19, Michael said he needed to complete provision d in Section 2.7. Appeals to ACHD Findings and Recommendations. This section allows for a land use agency to find contrary to ACHD’s action on the application. Participants agreed that this section was necessary; Michael will add provisions for contrary findings and asked local jurisdictions for recommended verbiage. This section provides safeguards against unreasonableness.

- Michael will work with ACHD and COMPASS on Section 2.9 Study Format. Charles asked for clarification; Michael will discuss with ACHD and COMPASS. The committee agreed that preparation should be added in the title of Section 2.9.
- Tricia commented that the LOS standards and constrained roadways sections must be tied to the transportation section in each jurisdiction's comprehensive plan. APFO is just an implementation tool for the comprehensive plans.
- Discussions were held regarding Section 2.12 Study Area. Michael indicated he is looking for improvements to ACHD's existing language. He asked for comments on the seven percent of total intersection traffic in table 1.2. Tricia asked to have the land-use jurisdictions involved in the definition of the study area. Michael wants to have objective criteria to define the study area so there wouldn't be individual negotiations on study area boundaries. He wants land use jurisdiction input now on the criteria.
- The committee discussed mitigation relative to Section 2.16. Michael will be looking at site plan requirements and proportional share provisions. There are options for an applicant to be reimbursed in the future for extraordinary improvements, but no guarantee of payback.

Air Quality Update from Peter O'Neill

Before slipping out of the meeting to attend a hearing for his bill, Peter gave the committee an air quality legislation update. HB 482 would require emissions testing in Ada and Canyon counties. He hoped that the bill will be introduced onto the House floor soon. He will keep participants informed about the status.

b. Transportation Funding Committees – Kelli Fairless (11:15 – 11:25 AM)

Kelli gave an update on the Local Option Sales Tax legislation. She said it is moving forward and the public and lawmakers are discussing it in the terms "how" not "if". The redrafted bill is more generic and not geared specifically towards the Treasure Valley.

She said debate still continues around a couple of issues:

- Whether or not to tie the legislation to a constitutional amendment; and
- Addressing the local option tax on a county by county basis. As a regional organization, Kelli doesn't think this is a good option. Many participants agreed that regional organizations must be funded through sources from all participating counties.

This bill is only for transportation and allows local progress without forced taxation. She encouraged everyone who is interested to visit MovingIdahoForward.com and to share their opinions with their legislators.

c. **Transportation and Land Use Integration (TLIP) update – Chris Danley (11:25 – 11:35 AM) (page 34)**

The committee reviewed the schedule of local meetings for TLIP. Before the next BGG meeting, each land use agency should have held its initial meeting. Chris distributed the actual product to show the committee: a draft livable streets design guidelines. He also passed around a FAQ about the plan as well as a draft map of the constrained corridors. He explained that the constrained corridors are the biggest issues that each city is tackling.

Each participating jurisdiction is expected to formalize adoption of TLIP through modifications to its Comprehensive Plan. Official action won't come until it is formalized in each jurisdiction's comp plan. Anna related that the process held by the Cities was an interesting exercise to articulate the vision for each area.

d. **Update of Open Space Subcommittee – Deanna Smith (11:35 – 11:45 AM) (pages 35-48)**

Deanna indicated that the report was due in early April. She forwarded the tools which were reviewed. Deanna asked for input from the committee especially regarding omitted tools.

Input was also requested on the following:

- Where are the open spaces in your community?
- What could be supported by the jurisdictions?
- Do you disagree with the categories?

She said there are key individuals drafting the report. Once the OS Task Force has reviewed the draft, then she'll provide the report to BGG for review. She said Charlie has done a great job on mapping efforts.

e. **Update from the Transit Ready/Mixed Use Compact Development Subcommittee –Gloria Parkvold (11:45 – 11:55 AM)**

Gloria indicated that her subcommittee is developing an electronic survey and should get the results back by March 14. They will then take the information from the survey to the neighborhood associations and general public. While meeting with the public they will gather the stakeholder's opinions and educate them about the implementation tool. Gloria said they will then give that data to local officials in the Fall on how we can overcome barriers to get Communities In Motion implemented. The subcommittee will meet at a minimum of four times. She encouraged everyone who was interested to review the Guidebook at CommunitiesinMotion.org.

f. **Agriculture/Farm Land Preservation – Josie Erskine (11:55 – 12:00 PM)
(pages 49 – 57)**

Josie asked participants to review the Agriculture/Farm Land and preliminary Farmland - Agriculture Subcommittee Purpose & Scope draft statement. This also includes a list of potential key stakeholders and citations of supportive Goals, Objectives, and Policies from CIM and the adopted BGG Phase I Report. She requested comments prior to the anticipated meetings.

Upcoming 2008 Technical and Steering Meetings are as follows:

March 13, 2008 – Boise City Hall, 10:00 AM - Noon

April 10, 2008 – Meridian Police Department, 10:00 AM - Noon

Blueprint for Good Growth

Committee: Technical & Steering

Date: 2-14-08

Name	Contact Number	Representing
Patricia Nilsson	384-3842	City of Boise
STE FRIEDMAN	884-5533	CITY OF MERIDIAN
ANNA CANNING	804-5533	CITY OF MERIDIAN
Deanna Smith	333-8066	Idaho Smart Growth
Phil Choate	334-8901	ITD, District 3
Dean Gunderson	287-7944	Ada County
John Lee	362-7329	United Water
Charlie Bann	325-0408	ASWCD
Bob Taunton	401-5505	ULI
RIDANE	867-8184	ACAR
Bill Clark	342-2625	RES
Josie Erskine	345-8003	Ag
Ruby German	922-4550	Ag
PETE D'NEILL	333-2401	BOISE CHAMBER
Robert Miller	860-4944	Industry
Mark Tate	631-2025	Industry
Clay Carley	345-7852	ECON DEV
Shawn Wardle	863-4160	MDC
Nichol Baird Spencer	939-0227	City of Eagle
Charles Trainer	865-2558	COMPASS
Gloria Parkvold	846 8547	VRT
Sherry McKittrick	343-7851	University of Idaho
Chris Danley	337 6202	ACHD
DAVID TURNBULL	378-4000	COMMERCIAL DEVELOPERS
Karen Oshitsy	387-7075	BGG / HDR
Jane Krollner	387-7078	HDR
Mary May	939-6263	ACHD / Dev. Industry

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

Committee Review Draft
3/10/08

Draft

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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, intensities or in locations are not anticipated in the ACHD Work Plan or Capital Improvement Plan and consequently, exceed the ability of the ACHD to provide adequate Transportation Facilities for new development; and

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WHEREAS, [insert city/county statutory authority]

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

Comment [mj11]: Should all applicable GOPs be listed in ordinance?

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

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WHEREAS, [insert findings of local comprehensive plan consistency]; 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

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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 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:

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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 Transportation Facilities are available at adopted levels of service concurrent with the demands for those facilities;
- (3) Mitigate the impacts of development at unanticipated locations, times or intensities to maintain acceptable levels of traffic congestion;

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(4) To promote efficient growth patterns by encouraging infill development and discouraging development in places where adequate public facilities are inadequate;

(5) Avoid shifting the burdens of said development to existing residents and businesses;

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(6) Provide a mechanism for Applicants of said development to mitigate transportation facility deficiencies created by their development; and

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

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2.3 DEFINITIONS

(a) **ACHD.** Ada County Highway District.

(b) **Adequacy.** Available Capacity to serve Proposed Demand is in place or are scheduled to be substantially complete within three (3) years after the local government approves an Application that results in increased traffic generation.

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(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 all existing and committed demands.

(f) **Capacity, Existing.** Capacity provided by existing facilities.

(g) **Capacity, Planned.** Capacity provided by existing the ACHD Capital Improvements Program, and adopted plans for Valley Regional Transit and the Idaho Transportation Department.

Deleted: ACHD Work Program

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(h) **Capacity, Programmed.** Capacity provided by existing facilities and those programmed to be completed within three (3) years in accordance with the ACHD Work Plan, [discussion item: insert VRT and ITD here?] in effect at the time of an Application submittal.

Deleted: Work Program

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(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 [not needed for County ordinance]

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(k) Community Planning Association of ...

(l) **County.** Ada County, Idaho

(m) **Demand, Committed.** Peak hour demands from approved, but un-built development plus projected external demands for the applicable time period. Approved, but un-built development, for purposes of this ordinance includes:

- (1) 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 that have not received certificates of occupancy; and
- (2) multi-family and non-residential development projects that have received site plan approval and have not received certificates of occupancy.

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(n) **Demand, Existing.** Peak hour demands from existing development at the time of the Application.

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(o) Demand, External. Peak hour demands from trips that originate or terminate outside the boundaries of Ada County.

(p) **Demand, Projected.** Peak hour demands from projected growth over the designated time period for the traffic impact study or map amendment study.

(q) **Demand, Proposed.** Peak hour demands projected to be generated by an Application.

(r) **Development Approvals.** Any action approving an Application for a 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.

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<#>¶
Development Permit. Any

(s) ITD. Idaho Transportation Department

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(t) **Level of Service (“LOS”).** A measure of traffic flow provided by a road segment or intersection, ranging from unobstructed flow until capacity is reached to a forced flow or rate beyond capacity of the facility.

<#>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. ¶

(u) **Mitigation.** Approved measure or combination of measures that will resolve a Transportation Facility deficiency.

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(v) **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.

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(w) **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].

(x) **Preliminary Plat.**

(y) **Site Plan.**

(z) **Study Area.** The area affected by demands from a project (see §2.12).

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(aa) **TIS.** Traffic Impact Study prepared in accordance with this ordinance.

(bb) **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.

(cc) **Transportation Facility Deficiency.** The lack of Available Capacity of Transportation Facilities that are existing or programmed to be substantially complete within three (3) years of an Application to serve Proposed Demands and maintain adopted Levels of Service.

(dd) **Work Plan.** 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.

Deleted: Work Program

2.4 ADEQUATE PUBLIC FACILITIES ASSESSMENT FOR TRANSPORTATION FACILITIES

(a) For all Applications subject to this ordinance and meeting the threshold criteria of §2.5, the Applicant shall prepare and submit a TIS.

Deleted: Traffic Impact Study (hereinafter "TIS")

(b) For all proposed Comprehensive Plan or Zoning map amendments that will result in net increases in traffic that meets the threshold criteria of §2.5, a Map Amendment Study shall be prepared by the developer and submitted with the Application.

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Comment [MSOffice2]: What is this?

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) This ordinance applies to:

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- (1) All preliminary subdivision plats creating lots that are zoned or planned for use for single family uses;
 - (2) All site plans for multi-family or non-residential development; and
 - (3) All zoning and future land use map amendments.
- (c) Applications for Development Applications identified in §2.5b of this ordinance shall be required to submit a Traffic Impact Study or Map Amendment Study if Proposed Demands exceed the trip generation thresholds for traffic impact studies pursuant to the ACHD policy manual.

[comment: The APFO may cite existing ACHD policies and procedures, establish thresholds or reference an memo of understanding. I recommend that ACHD standards be used, but additional coordination is required to ensure that ACHD standards:

- *are adequate to adequately address demands from projects with significant impacts on local and collector level streets,*
- *address the impacts of multi-phase projects,*
- *Address submittal requirements for Map Amendment Studies]*

(d) For the purpose of monitoring cumulative impacts on Transportation Facilities from Applications not requiring a TIS or Map Amendment Study, the City/County shall monitor and report all Development Approvals to COMPASS on a monthly basis.

(e) Nothing within this Ordinance shall prohibit the City/County from requiring on-site or off-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.

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 Capital Improvements Plan. Failure to maintain adopted levels of service as a result of the Application may 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

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Comment [MSOffice3]: Relocate to definitions

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<#>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:

¶

<#>contains more than 100 dwelling units; ¶

¶

<#>more than 30,000 square feet of commercial use; or ¶

¶

<#>more than 50,000 square feet of industrial or institutional use. ¶

¶

<#>If a project has special circumstances associated with it, the District may require an impact study, even if the aforementioned criteria are not met. ¶

¶

<#>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):

COMMERCIAL ... [1]

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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 (other than duplexes) 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

Comment [mj14]: Procedures will be moved to the interlocal agreement

- (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 o 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 TIS, or a certificate of occupancy is granted for the applicable site plan within one (1) year of the site plan approval. If the area covered by a final plat is less than the area described in the preliminary plat, the Application may be exempt from future assessment of adequacy if the Applicant enters into a Development Agreement addressing the phasing of development and the timing of development of future phases; or

Deleted: traffic impact analysis or traffic design study

Comment [mj15]: Review time frames.

- (2) The Applicant is in compliance with the terms of an approved Mitigation Agreement addressing transportation system Adequacy.

- (d) Consideration of ACHD Findings and Recommendations. An Applicant may request the Board/Council to consider actions that are inconsistent with ACHD findings and recommendations, made pursuant to the terms of this Ordinance. The

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Applicant shall have the opportunity to present the reason for the requested action and evidence in support of the change. The Board/Council may take action that is not consistent with ACHD's findings and recommendations if it determines:

- (1) The public benefits of approving the Application exceed the detriment resulting from approval of the Application; and
- (2) The recommended mitigation will be detrimental to the public good; and
- (3) The findings and recommendations are inconsistent with the goals, objectives and policies of the Comprehensive Plan and the Blueprint for Good Growth; and
- (4) The findings and recommendations are inconsistent with the purposes of this ordinance.

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. If approval of development in subsequent phases is not sought at the time of application, a TIS shall be required when the cumulative demands from multiple phases reach thresholds established by ACHD.
- (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.

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- (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

The preparation, format and contents of the TIS and Map Amendment Study shall comply with adopted ACHD provisions.

Comment: this requires revisions to current ACHD TIS standards and the creation of standards for Map Amendment Studies.

2.10 TIS /MAP AMENDMENT STUDY REVIEW

Process for the preparation and review of a Traffic Impact Study or Map Amendment Study shall comply with the APFO Memo of Understanding established between the City/County and ACHD.

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Deleted: 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?]

Deleted: Review and P

Comment [MSOffice6]: See previous comment

Comment [MSOffice7]: Define?

Comment [MSOffice8]: What is this and where did this come from??

Comment [mj19]: Should land use agency staff participate in this meeting?

Deleted: 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:¶

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

Deleted: Regional Traffic Engineer or

Deleted: 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;¶

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;¶

Within twenty (20) days, ACHD shall complete an initial review to determine the completeness of the analysis at (... [2]

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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**.

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

Planning Works is coordinating with TLIP process to identify appropriate level of service standards. Current discussions are focusing on defining LOS in terms of peak hour capacity and some secondary hour.

- (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

Cite ACHD Policy here.

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.
 - (i) Internal trip capture for integrated mixed-use projects for which ACHD finds there is sufficient credible data to document projected trip reductions and the applicant enters into a development agreement that establishes an adequate mix of development to achieve trip reductions within [] years of Development Approval.

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 ¶ 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 ... [4]

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(ii) Proposed transportation demand management system, provided that adequate guarantees can be provided to ensure that the demand management system will function as claimed for the life of the project.

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(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 percent credit for peak hour vehicle trips potentially captured by the transit facility may be awarded.

Comment [mjl13]: Several comments noted that 4 percent was too high for transit and others commented that 4 percent was too low to provide any meaningful incentive.

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(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 Approvals and expired Development Approvals on a monthly basis to Ada County and COMPASS to facilitate monitoring of Committed Demands.

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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 by the City/County unless the Applicant submits a Mitigation Plan approved by ACHD and other applicable Transportation Facility providers 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;

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- (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 and other applicable Transportation Facility providers.

(b) The **Council/Board** shall approve mitigation agreements that provide any transportation system improvement that is part of the adopted Work Plan or Capital Improvements Plan. The **Council/Board** may approve mitigation agreements that provide other transportation system improvements subject to ACHD and other applicable Transportation Facility provider agreement to add the improvement to the applicable provider's work plan or capital improvement plan.

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(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 other Transportation Facility as appropriate. The Mitigation Agreement shall document the mitigation measures, ensuring that development demands are coordinated with the availability of adequate capacity.

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(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) 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,

Deleted: <#>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.¶
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the **Council / Board** must find that the proposed mitigation ensures that Programmed and Available Capacity will not be exceeded by Proposed Demand.

2.18 MITIGATION FOR CONSTRAINED TRANSPORTATION FACILITIES

Define Constrained Transportation Facilities

Discussion Items:

- Should we list applicable mitigation measures or insert provisions providing flexibility to include the full range of options?
- Should agreement by all parties be required?

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2.19 ALTERNATIVE TO MITIGATION

As an alternative to mitigating an identified transportation system deficiency, an Applicant may submit a notice of intent to wait until there is Available Capacity to serve Proposed Demand pursuant to the Work Plan, but no longer than five (5) years from the date of submittal of a complete application. If the Applicant chooses to wait for available capacity, the submittal of a Development Proposal having no greater traffic impact than the one initially submitted shall become an Exempt Development for purposes of transportation adequacy after the end of the five (5) year waiting period.

Deleted: 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 Plan includes transportation facilities or facility segments that upon completion, will fully mitigate Proposed Demand.
 - (iii) If **ACHD** determines that the Available Capacity of the transportation improvements set forth in the Work Plan has already been consumed, or the Work Plan does not reflect the transportation improvement needed to satisfy adequacy, then the provisions of subsection (2) below shall apply.
 - (2) The City/County may choose, but is not obligated, to allow an Applicant to satisfy transportation adequacy by contributing to an improvement that, upon

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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 Plan. For an improvement to an arterial street to qualify for consideration under this Section, the proposed improvement must be included in the Capital Improvement Plan.

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- (ii) If the funds allocated for the Work Plan are insufficient to fully fund construction of a Transportation Facility required to meet Proposed Demands, the City/County may still enter into a binding Mitigation Agreement with the Applicant and ACHD. The Mitigation Agreement shall authorize 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 Plan may be allowed by the City/County as mitigation subject to ACHD approval if they would significantly reduce access problems and increase mobility by addressing congestion or trips on a major transportation corridor. Mitigation may include but is 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 Capital Improvements Program or Work Plan at the next update as appropriate based on the timing established in the Mitigation Agreement.

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Comment [mj114]: Should developer funded improvements be added to the CIP/Work Plan?

- (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.

(c) Mitigation Application Process.

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- (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.

Comment [mj115]: Define this

- (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;

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- (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 mitigation application deficiencies are not remedied by the Applicant within sixty (60) calendar days of receipt of the written notification, then the mitigation 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.

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(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.

Comment [mj116]: Clarify ACHD roles

(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**, the **ACHD Board** and other applicable Transportation Facility provider.

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(d) Methodology for Determining Proportionate Fair-Share.

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(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 the ACHD Board determines that

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the proposed mitigation adequately addresses transportation demands generated by the proposed development by maintaining or achieving adopted levels of services for impacted roadways. In the case of land contribution, the land value shall be based on pre-development value.

- (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 §2.20(b)(2), an Applicant may agree to pay more than the proportionate fair-share amount calculated herein.

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- (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 applicable roadways and intersections 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 and intersections 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

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

Where:

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

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SV Increase_i = Service volume increase provided by the eligible improvement to the Transportation Facility "i";

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Cost_i = Adjusted cost of the Transportation Facility improvement "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.

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- (4) For the purposes of determining proportionate fair-share obligations, ACHD or the applicable Transportation Facility provider 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

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be today's cost estimate of tomorrow's cost. Where such information is not available, improvement cost shall be determined using the following method:

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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:

- Cost_n = The cost of the improvements in year n;
- Cost₀ = The cost of the improvement in the current year;
- Cost_{growth}_{3yr} = The growth rate of costs over the last 3 years;
- n = The number of years until the improvement is constructed.

Comment [mj117]: Should alternative time periods be available if there are extraordinary circumstances?

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:

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

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

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- (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

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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.

(e) 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.

(f) 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 Plan, then the revenues collected for its construction may be applied toward

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 <#>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.¶

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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 Plan or transportation system maintenance.

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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 unless otherwise specified in the Mitigation Agreement. 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.

Comment [mj118]: Discuss appropriate action by agencies, project award, notice to proceed, other?

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.

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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

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[comment: the following are the existing triggers]

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:

contains more than 100 dwelling units;

more than 30,000 square feet of commercial use; or

more than 50,000 square feet of industrial or institutional use.

If a project has special circumstances associated with it, the District may require an impact study, even if the aforementioned criteria are not met.

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>

The District may waive the requirement if, in the District's opinion, there are no traffic issues to resolve.

The term "dwelling units" used in this policy includes hotels, motels and private homes or apartments. [MSOffice1]

The District in consultation with the land use agency 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

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:

Any subdivision creating lots intended for development of single family residential units or duplexes with fifty (50) or more dwelling units;

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

Any development taking direct access from an arterial street identified in the ACHD [insert name of functional classification map].

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.

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.

The District may waive the requirement if, in the District's opinion, there are no traffic issues to resolve.

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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;

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 [MSOffice2]to ITD when submitting the Traffic Impact Study, if not previously submitted;

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;

Within forty-five (45) days of submittal of a complete Application, ACHD shall prepare a report outlining recommendations and proposed mitigation measure, if needed, 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.

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^{[mj]13}. 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.

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Area	Area	Level of Service
Rural	ACHD Arterial	B / B
	Mobility Arterial	B / B
	Mobility Highway ^[MSOffice4]	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 ^[MSOffice5]
	Mobility Highway	D / C ^[MSOffice6]
Centers / Corridors	ACHD Arterial	F / E
	Mobility Arterial	E / D
	Mobility Highway	E / D

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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

<i>Trip Generation</i>	<i>Study Area</i>
<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</i>

	<i>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>

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

**Committee Review Draft
3/10/08**

Draft

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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, intensities or in locations are not anticipated in the ACHD Work Plan or Capital Improvement Plan and consequently exceed the ability of the **ACHD** to provide adequate Transportation Facilities for new development; and

WHEREAS, [insert city/county statutory authority }

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

Comment [mj11]: Should all applicable GOPs be listed in ordinance?

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

WHEREAS, [insert findings of local comprehensive plan consistency]; 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

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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 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 Transportation Facilities are available at adopted levels of service concurrent with the demands for those facilities;
 - (3) Mitigate the impacts of development at unanticipated locations, times or intensities to maintain acceptable levels of traffic congestion;

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- (4) To promote efficient growth patterns by encouraging infill development and discouraging development in places where adequate public facilities are inadequate;
- (5) Avoid shifting the burdens of said development to existing residents and businesses;
- (6) Provide a mechanism for Applicants of said development to mitigate transportation facility deficiencies created by their development; and
- (7) 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.** Available Capacity to serve Proposed Demand is in place or are scheduled to be 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 all existing and committed demands.
- (f) **Capacity, Existing.** Capacity provided by existing facilities.
- (g) **Capacity, Planned.** Capacity provided by existing the ACHD Capital Improvements Program, and adopted plans for Valley Regional Transit and the Idaho Transportation Department.
- (h) **Capacity, Programmed.** Capacity provided by existing facilities and those programmed to be completed within three (3) years in accordance with the ACHD Work Plan, [discussion item: insert VRT and ITD here?] 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 [redacted], Idaho [*not needed for County ordinance*]

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- (k) **Community Planning Association of ...**
- (l) **County.** Ada County, Idaho
- (m) **Demand, Committed.** Peak hour demands from approved, but un-built development plus projected external demands for the applicable time period. Approved, but un-built development, for purposes of this ordinance includes:
 - (1) 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 that have not received certificates of occupancy.; and
 - (2) multi-family and non-residential development projects that have received site plan approval and have not received certificates of occupancy.
- (n) **Demand, Existing.** Peak hour demands from existing development at the time of the Application.
- (o) **Demand, External.** Peak hour demands from trips that originate or terminate outside the boundaries of Ada County.
- (p) **Demand, Projected.** Peak hour demands from projected growth over the designated time period for the traffic impact study or map amendment study.
- (q) **Demand, Proposed.** Peak hour demands projected to be generated by an Application.
- (r) **Development Approvals.** Any action approving an Application for a 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.
- (s) **ITD.** Idaho Transportation Department
- (t) **Level of Service (“LOS”).** A measure of traffic flow provided by a road segment or intersection, ranging from unobstructed flow until capacity is reached to a forced flow or rate beyond capacity of the facility.
- (u) **Mitigation.** Approved measure or combination of measures that will resolve a Transportation Facility deficiency.
- (v) **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.

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- (w) **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].

(x) **Preliminary Plat.**

(y) **Site Plan.**

- (z) **Study Area.** The area affected by demands from a project (see §2.12).
- (aa) **TIS.** Traffic Impact Study prepared in accordance with this ordinance.
- (bb) **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.
- (cc) **Transportation Facility Deficiency.** The lack of Available Capacity of Transportation Facilities that are existing or programmed to be substantially complete within three (3) years of an Application to serve Proposed Demands and maintain adopted Levels of Service.
- (dd) **Work Plan.** 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 FOR TRANSPORTATION FACILITIES

- (a) For all Applications subject to this ordinance and meeting the threshold criteria of §2.5, the Applicant shall prepare and submit a TIS.
- (b) For all proposed Comprehensive Plan or Zoning map amendments that will result in net increases in traffic that meets the threshold criteria of §2.5, a Map Amendment Study shall be prepared by the developer and submitted with the Application.

Comment [MSOffice2]: What is this?

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) This ordinance applies to:

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- (1) All preliminary subdivision plats creating lots that are zoned or planned for use for single family uses;
 - (2) All site plans for multi-family or non-residential development; and
 - (3) All zoning and future land use map amendments.
- (c) Applications for Development Applications identified in §2.5b of this ordinance shall be required to submit a Traffic Impact Study or Map Amendment Study if Proposed Demands exceed the trip generation thresholds for traffic impact studies pursuant to the ACHD policy manual.

[comment: The APFO may cite existing ACHD policies and procedures, establish thresholds or reference an memo of understanding. I recommend that ACHD standards be used, but additional coordination is required to ensure that ACHD standards:

- *are adequate to adequately address demands from projects with significant impacts on local and collector level streets,*
- *address the impacts of multi-phase projects,*
- *Address submittal requirements for Map Amendment Studies]*

- (d) For the purpose of monitoring cumulative impacts on Transportation Facilities from Applications not requiring a TIS or Map Amendment Study, the **City/County** shall monitor and report all Development Approvals to COMPASS on a monthly basis.
- (e) Nothing within this Ordinance shall prohibit the **City/County** from requiring on-site or off-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.

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 Capital Improvements Plan. Failure to maintain adopted levels of service as a result of the Application may 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

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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 (other than duplexes) 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

Comment [mj13]: Procedures will be moved to the interlocal agreement

- (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 TIS, or a certificate of occupancy is granted for the applicable site plan within one (1) year of the site plan approval. If the area covered by a final plat is less than the area described in the preliminary plat, the Application may be exempt from future assessment of adequacy if the Applicant enters into a Development Agreement addressing the phasing of development and the timing of development of future phases; or
 - (2) The Applicant is in compliance with the terms of an approved Mitigation Agreement addressing transportation system Adequacy.
- (d) Consideration of ACHD Findings and Recommendations. An Applicant may request the **Board/Council** to consider actions that are inconsistent with ACHD findings and recommendations, made pursuant to the terms of this Ordinance. The

Comment [mj14]: Review time frames.

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Applicant shall have the opportunity to present the reason for the requested action and evidence in support of the change. The **Board/Council** may take action that is not consistent with ACHD's findings and recommendations if it determines:

- (1) The public benefits of approving the Application exceed the detriment resulting from approval of the Application; and
- (2) The recommended mitigation will be detrimental to the public good; and
- (3) The findings and recommendations are inconsistent with the goals, objectives and policies of the Comprehensive Plan and the Blueprint for Good Growth; and
- (4) The findings and recommendations are inconsistent with the purposes of this ordinance.

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. If approval of development in subsequent phases is not sought at the time of application, a TIS shall be required when the cumulative demands from multiple phases reach thresholds established by ACHD.
- (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.

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- (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

The preparation, format and contents of the TIS and Map Amendment Study shall comply with adopted ACHD provisions.

Comment: this requires revisions to current ACHD TIS standards and the creation of standards for Map Amendment Studies.

2.10 TIS /MAP AMENDMENT STUDY REVIEW

Process for the preparation and review of a Traffic Impact Study or Map Amendment Study shall comply with the APFO Memo of Understanding established between the City/County and ACHD.

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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**.

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

Planning Works is coordinating with TLIP process to identify appropriate level of service standards. Current discussions are focusing on defining LOS in terms of peak hour capacity and some secondary hour.

- (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

Cite ACHD Policy here.

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
- (i) Internal trip capture for integrated mixed-use projects for which ACHD finds there is sufficient credible data to document projected trip reductions and the applicant enters into a development agreement that establishes an adequate mix of development to achieve trip reductions within years of Development Approval.

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- (ii) Proposed transportation demand management system, provided that adequate guarantees can be provided to ensure that the demand management system will function as claimed for the **life of the project**.
- (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 **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.

Comment [mj15]: Several comments noted that 4 percent was too high for transit and others commented that 4 percent was too low to provide any meaningful incentive.

2.14 MONITORING

The **City/County** shall report all Development Approvals and expired Development Approvals on a monthly basis to Ada County and COMPASS to facilitate monitoring of Committed 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 by the City/County unless the Applicant submits a Mitigation Plan approved by ACHD and other applicable Transportation Facility providers 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;

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- (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 and other applicable Transportation Facility providers.
- (b) The **Council/Board** shall approve mitigation agreements that provide any transportation system improvement that is part of the adopted Work Plan or Capital Improvements Plan. The **Council/Board** may approve mitigation agreements that provide other transportation system improvements subject to ACHD and other applicable Transportation Facility provider agreement to add the improvement to the applicable provider's work plan or 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 other Transportation Facility as appropriate. The Mitigation Agreement shall document the mitigation measures, ensuring that development demands are coordinated with the availability of adequate 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) 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,

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the **Council / Board** must find that the proposed mitigation ensures that Programmed and Available Capacity will not be exceeded by Proposed Demand.

2.18 MITIGATION FOR CONSTRAINED TRANSPORTATION FACILITIES

Define Constrained Transportation Facilities

Discussion Items:

- *Should we list applicable mitigation measures or insert provisions providing flexibility to include the full range of options?*
- *Should agreement by all parties be required?*

2.19 ALTERNATIVE TO MITIGATION

As an alternative to mitigating an identified transportation system deficiency, an Applicant may submit a notice of intent to wait until there is Available Capacity to serve Proposed Demand pursuant to the Work Plan, but no longer than five (5) years from the date of submittal of a complete application. If the Applicant chooses to wait for available capacity, the submittal of a Development Proposal having no greater traffic impact than the one initially submitted shall become an Exempt Development for purposes of transportation adequacy after the end of the five (5) year waiting period.

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 Plan includes transportation facilities or facility segments that upon completion, will fully mitigate Proposed Demand.
 - (iii) If **ACHD** determines that the Available Capacity of the transportation improvements set forth in the Work Plan has already been consumed, or the Work Plan does not reflect the transportation improvement needed to satisfy adequacy, then the provisions of subsection (2) below shall apply.
 - (2) The **City/County** may choose, but is not obligated, to allow an Applicant to satisfy transportation adequacy by contributing to an improvement that, upon

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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 Plan. For an improvement to an arterial street to qualify for consideration under this Section, the proposed improvement must be included in the Capital Improvement Plan.
 - (ii) If the funds allocated for the Work Plan are insufficient to fully fund construction of a Transportation Facility required to meet Proposed Demands, the **City/County** may still enter into a binding Mitigation Agreement with the Applicant and ACHD. The Mitigation Agreement shall authorize 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 Plan may be allowed by the **City/County** as mitigation subject to ACHD approval if they would significantly reduce access problems and increase mobility by addressing congestion or trips on a major transportation corridor. Mitigation may include but is 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 Capital Improvements Program or Work Plan 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.
- (c) 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;

Comment [mj16]: Should developer funded improvements be added to the CIP/Work Plan?

Comment [mj17]: Define this

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- (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 mitigation application deficiencies are not remedied by the Applicant within sixty (60) calendar days of receipt of the written notification, then the mitigation 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.
- (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**, the **ACHD Board** and other applicable Transportation Facility provider.
- (d) 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 the ACHD Board determines that

Comment [mj18]: Clarify ACHD roles

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the proposed mitigation adequately addresses transportation demands generated by the proposed development by maintaining or achieving adopted levels of services for impacted roadways. In the case of land contribution, the land value shall be based on pre-development value.

- (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 §2.20(b)(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 applicable roadways and intersections 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 and intersections 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

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

Where:

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

SV Increase_i = Service volume increase provided by the eligible improvement to the Transportation Facility "i";

Cost_i = Adjusted cost of the Transportation Facility improvement "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 or the applicable Transportation Facility provider 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

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be today's cost estimate of tomorrow's cost. Where such information is not available, improvement cost shall be determined using the following method:

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:

Cost_n = The cost of the improvements in year n;
 Cost₀ = The cost of the improvement in the current year;
 Cost_{growth}_{3yr} = The growth rate of costs over the last 3 years;
 n = The number of years until the improvement is constructed.

Comment [mj19]: Should alternative time periods be available if there are extraordinary circumstances?

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:

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

Cost estimates for state road improvements not included in the adopted ITD Work Plan 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

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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.
- (e) 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.
- (f) 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 Plan, then the revenues collected for its construction may be applied toward

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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 Plan 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 unless otherwise specified in the Mitigation Agreement. 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.

Comment [mj110]: Discuss appropriate action by agencies, project award, notice to proceed, other?

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.

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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

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AREA OF CITY IMPACT EXPANSION PROCESS

(APPROVED BY BGG CONSORTIUM ON FEBRUARY 15, 2008)

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 an area of city impact 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 that 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 disputing parties shall select a mediator. Compensation of the mediator shall be equally divided among the disputing 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.

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4. Annexation outside of Areas of Impact: Currently, many cities do not have a 20-year area of city impact. Once established (and amended in a timely way), cities will not annex beyond their 20-year area of city impact. Any exceptions to this policy on adjacent boundaries shall be negotiated between affected parties.

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The TRMUCD Sub committee met and reviewed the timeline for upcoming CIM forums. Those in attendance were Mark Wasdahl, Dean Gunderson, Deanna Smith, Sherry McKibben and Gloria Parkvold. Input was given regarding the video developed for use in the forums for the General Public, Public Officials and Other Groups.

Developers received an electronic survey regarding perceived barriers to Transit Ready Development at the end of February. The survey will close March 14th. Results will be reviewed at a breakfast meeting at Boise City Hall Bonneville Room, March 21st, 8:30-9:30 a.m.

A verbal update/presentation on the survey results will be given at the April BGG meeting.

Thank you,

Gloria N. Parkvold , Service Development Manager
Valley Regional Transportation
830 N. Main Street, Suite 230
Meridian, Idaho 83642
Direct (208)846-8547 ext. 4218
Cell (208) 284-5624
Fax (208) 846-8564
Email gparkvold@valleyregionaltransit.org

MEETING NOTES

DATE: MARCH 6, 2008

PREPARED BY: BRENT DANIELSON

SUBJECT: AGRICULTURAL / FARMLAND SUBCOMMITTEE MEETING NOTES

ATTENDEES: DEAN GUNDERSON, DIANA SANDERS, BRENT DANIELSON, JOSIE ERSKINE, CHERYL MCCORD, DON SONKE, DON JOHNSON, RUBY GERMAN, LINDA OSTOLASA, DR. DAVID HAYES, PAT BARCLAY, JANIE BURNS, DON OGAWA, SHELBY KERNS, ROSS DODGE, SUSAN ABDO, PAM SHELDON, PATRICIA NILSSON, DEANNA SMITH

Notes

- Introductions of meeting participants were made.
- Purpose of the Agricultural and Farmland Subcommittee.
 - Josey Erskine went over purpose of the subcommittee and her involvement with Blueprint for Good Growth.
 - There are no preconceived ideas about what the end product will look like.
 - Blueprint for Good Growth concludes in four (4) months.
 - There was discussion amongst the group that stakeholders need to be identified and that different types of agriculture use tend to occur near urbanized lands.
 - Josie also mentioned that she has had some resistance from developers and county commissioners.
 - Don Johnson mentioned that in 1998 that there was a Transfer Development Rights (TDR) bill that was in front of the Idaho State Legislature, but did not pass.
 - Patricia Nilsson briefly went over the prongs of how the County she worked for in Pennsylvania accomplished agriculture preservation.
 - Agriculture Development
 - Farmland Acquisition Bonding
 - Focusing on saving the best farmland
- What is Blueprint for Good Growth?
 - Patricia Nilsson briefly went over the purpose of Blueprint for Good Growth.
 - The focus is on transportation issues and the relationship to land use planning.
- Review of Proposed Work Program
 - The Work Program Draft is broken into five (5) different tasks.
 - Task 1 – Define agricultural categories.

- Task 2 – Inventory of farmland/ag industry by category
 - Task 3 – Identify opportunities for new food production
 - Task 4 – Develop draft policies
 - Task 5 – Develop draft action plan
- Dean Gunderson mentioned that there is currently no clear definition of what farmland is?
- Ross Dodge stated that when developing definitions that they need to be real and trackable.
- There was discussion amongst the group about the importance of public outreach.
- It was also discussed that there needs to be clear implementation strategies and tools. In addition, there needs to be viable economic incentives for landowners.
- Work Assignments
 - Define Agricultural categories: Josie Erskine, Shelby Kerns, Ross Dodge, Cheryl McCord, David Hayes, Don Johnson
 - Develop draft policies: Deanna Smith and Patricia Nilsson
- Miscellaneous
 - The sub-committee will meet on the 1st and 3rd Thursdays of the month from 10:00 A.M. to 12:00 P.M. in the Public Meeting Room at the Courthouse.
 - Pam Sheldon mentioned that it would be beneficial for those not in agricultural production to see what impacts affect those that are in agricultural production.

Action Tasks

1. Josie Erskine, Shelby Kerns, Ross Dodge, Cheryl McCord, David Hayes, and Don Johnson will work on defining agricultural categories.
2. Deanna Smith, Pam Sheldon and Patricia Nilsson will work on developing some draft policies.
3. Dean is going to put Pam Sheldon's suggestion of the impacts affecting agricultural producers on the next meeting agenda.