



## **Technical and Steering Committee Meeting**

**Thursday, April 10, 2008**

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

**Meridian Police Department**

### **AGENDA**

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

- a. **Approval of the March 13, 2008 Meeting Notes (pages 3-6)**

**II. Discussion Items**

- a. **Transportation and Land Use Integration (TLIP) update – Chris Danley (10:05 – 10:15 AM)**

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

- b. **Transit Ready Mixed Use Subcommittee – Gloria Parkvold (10:15 – 10:35 AM)**

Gloria will provide a PowerPoint and facilitate group session on Development Barriers.

- c. **Adequate Public Facilities Ordinance Update - Michael Lauer (10:35 – 11:50 AM) (pg. 7-48)**

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. Revised versions of the APFO and Interlocal Agreement are attached for review as well as a summary of comments received. Full comments are available from Karen Doherty.

- d. **Update of Open Space Subcommittee – Deanna Smith (11:50 – 11:55 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>

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[www.blueprintforgoodgrowth.com](http://www.blueprintforgoodgrowth.com)**

- e. **Agriculture/Farm Land Preservation – Josie Erskine (11:55-12:00 PM) (pg. 49)**  
 Josie will provide a verbal update on the subcommittee status. The subcommittee has created working definitions. Those are attached for your information.

**FOR INFORMATIONAL PURPOSES – FOLLOWING IS MICHAEL LAUER’S  
 PROPOSED APFO Schedule**

May 16            Products for review  
                      Revised APFO for Transportation APFO  
                      Revised ILA for Transportation APFO  
                      Sample application forms and procedures  
                      Revised synthesis report  
                      Sample APFO provisions for water, sewer, fire, school  
                      Sample Comp Plan Language for APF  
                      Supplemental memo on implementation needs

May 30            Comments due to Planning Works

June 12           Final consortium/committee meetings

Adoption process – timing contingent on:

1. refinement of COMPASS transportation model
2. modeling of Community Choice/Trend for 2015
3. adoption of TLIP street typologies and variable levels of service
4. adoption of interlocal agreements and APFOs

***Upcoming 2008 Technical and Steering Meetings are as follows:***

June 12, 2008 – Meridian Police Department, 10:00 AM - Noon



## **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)**

After some discussion, the minutes were approved with the following modification: On page 4, second bullet point from the bottom, starting “Nicole...” include the following sentence at the end of the bullet: “It is also meant to apply to fringe development that had not been planned for by the cities. “

**II. Discussion Items**

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

Chris said ACHD has completed the last of the “first round” meetings with the land use agencies. Notes have been compiled and are ready for an internal review. All of the land use agencies seemed pleased with the concepts. Yesterday, Katey briefed the Commissioners on what had been done to date, and the steps needed to complete the TLIP process. She hoped there would be more movement by the next BGG meeting.

Michael asked if the other initial chapters are going to be released. ACHD indicated the chapters are going through an internal review, and then they will be released after that.

The cities will meet again with ACHD on the TLIP process in two or three months. She said there is a major public involvement plan in place. The level of service component has to move forward first before other areas can be addressed.

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

Michael gave his report to the committee. He attached two versions of the APFO for review. One version

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illustrates the modifications made since February and the second is a “clean” document incorporating the edits.

He indicated he has made significant changes to the document. Most of the comments were about simplifying the document and adding illustrations and graphics. Reviewers also noted that the definitions need to be simplified. He said he attempted to modify the document to reflect the comments received. Many persons indicated that the document needs to show what is the private share of capacity responsibility and what is the extra capacity being provided, if any.

He said he will be sending flow charts for review that will help illustrate the information.

The agencies involved in the reviews will need to decide how much time is needed for analysis. ACHD said they need more time to review a traffic impact analysis. Others, including city governments, said the review process was too long. Discussion occurred regarding “what clock are the land use agencies on when there is inadequate capacity.”

Meeting participants asked if an analysis of available capacity should be done before we start the formal application process. Diane asked what base information will be available to the developer. Will it include level of service and capacity? She said it might help the developer in making a decision early in the conceptual phase. Perhaps, whether there is capacity or not should be decided before the clock starts ticking on the application process. Much discussion occurred about who performs the traffic study, the sphere of traffic influence, and lapsed approvals of nearby developments. Discussion was had regarding the agency and level of sophistication of the travel model which feeds many of these decisions.

Michael also asked the committee to consider preliminary plats and phasing agreements. If someone does come in with a preliminary plat for a large development, then the applicant should enter into a phasing agreement. Assignment of capacity at preliminary plat creates an incentive to grab all the capacity a developer can and then not develop it for another 20 years. That needs to be addressed.

Another discussion occurred about “What is the typical role for a transit authority in this process? Is this through the planning authority, or the transit authority?” Michael said the roles of ITD and Valley Regional Transit are vague now and need to be solidified.

Gary noted he has concerns about the constitutionality of APFO. He will discuss with Michael prior to the next meeting.

Michael said he will distribute revised versions of the drafts no later than April 4. He will be meeting with the jurisdictions’ legal teams to discuss the documents when he is in Boise for the April meetings. He plans to also come back in June to “close the books” on the APFO from this committees’ standpoint. He indicated there will be other items that need to occur after the APFO templates are finished but he feels it is in the best interest to finalize the templates now rather than waiting until TLIP is finished.

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

Tricia gave an update on the Area of City Impact Modification; this was approved at the last Consortium meeting. The next step is to draft the MOU. Subcommittee members agreed that they will deal with it in a small group to settle the details.

Karen will get the Appendix A planning boundary map from Ada County and distribute it to the committee members. (EDITORIAL NOTE – MAP IS AVAILABLE ON THE BGG DOWNLOADS WEBSITE)

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

Kelli provided an update on the various transportation funding activities, including transit support.

She explained how the opinion on the amendment has been changing rapidly over the past few weeks. The Boise Metro Chamber took the position against the constitutional amendment. The county by county vote is a concern to them.

Peter O'Neill indicated that the Canyon County emission testing bill is moving through the Legislature. It passed the House by a substantial majority. It will be reported out of the Senate Committee and into the Senate by next week.

e. **Update of Open Space Subcommittee – Deanna Smith (11:35 – 11:45 AM)**

Deanna provided a verbal update on the activities. She said they are nearly done with the mapping. The mapping has clearly indicated destinations and corridors between those destinations. The committee will see the final draft at the next meeting.

f. **Agriculture/Farm Land Preservation – Josie Erskine (11:45-12:00 PM) (pg. 61-62)**

Josie shared her observations from the March 6 subcommittee meeting. She said that after the first meeting she sought out stakeholders that wanted to join, and found lots of people. Josie gave a presentation to the Idaho Food Growers and the Farm Bureau and got their full support. The subcommittee is meeting every two weeks and is currently creating definitions.

***Upcoming 2008 Technical and Steering Meetings are as follows:***

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

# Blueprint for Good Growth

Committee: Steering

Date: 3-13-08

Name	Contact Number	Representing
Bob Taunton	208-401-5505	ULI
Richard Cook	208-246-8330	WRG Design
Ruby German	208-922-4550	Ag
Dem Gundersen	287-7944	Ada County
Mani Kusman	433-9352	Garden City
John Lee	208-362-7329	United Water
Chris Danley	387 6202	ACHD
Charlie Baum	375-0408	ASWCID
Deanna Smith	333-0066	ISG
Steve Mark	287 7920	ADA COUNTY
Kelli Fairless	846-8547	valley Regional Transit
Patricia Nilsson	384-3842	pnilsson@cityofboise.org
PETE O'NEILL	333-2401	CITAMBER
Clay Carley	345-7852	ECON DEV
Sherry McElishe	343-7851	Uof Idaho
Gary Allen	388-1200	Neighborhoods
Charles Traitor	855-2558	COMPASS
Mary May	939-6263	Industry
Mark Katz		Industry
Jane Suggs	392-6941	JBS Enterprises, LLC
Josie Erskine	345-8003	peacefulbelly@yahoo.com
JOE FRIEDMAN	884-5533	MERIDIAN
Phil Choate	855-8901	PHILCHOATE



# Memo

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

From: Michael Lauer, AICP

Date: April 3, 2008

Re: APFO Status Report

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I'd like to thank the Steering and Technical Committee members who have provided such thoughtful review of the draft APFO. The comments, which I've assembled in a single PDF file, include many great suggestions that I have begun working into the document and numerous questions. Some of the suggestions that I've addressed in the current draft include:

- Simplify the ordinance – it is very difficult to follow and should include flow charts and summary graphics. Several suggestions were made to simplify the definitions. I've not included flow charts in this draft, but will do so in the next draft.
- Proportionate share discussion was very confusing to many readers, who incorrectly assumed that all mitigation would be limited to proportionate shares, thereby redirecting scarce funds to cover improvements for unanticipated projects. Public funding is only assured if the improvement is subject to impact fees or part of the ACHD Work Plan. For other projects, there is the potential for reimbursement through any number of tools, including extraordinary impact fees, but there is no guarantee. This has been clarified, though I have not yet inserted examples.
- Remove directives to outside agencies from the ordinance – the ordinance created some confusion because it included policies and procedures that should be detailed in the interlocal agreement. All procedures have been moved to the draft Agreement.
- Time frames for analysis – one committee member questioned the need for short term analysis, suggesting that reviews should focus on 20-year impacts. This approach has been used by some Florida communities that have found themselves to be perpetually 10 to 20 years behind in providing needed improvements. The APFO should continue to address short term (3 years), as well as longer term impacts.
- TIS/MAS thresholds, standards and review procedures should be established in the ACHD policy manual and cited in a MOU. These standards, particularly thresholds and study area standards may need to be reviewed. Additional coordination is needed with ACHD staff. Review times will require additional discussion. ACHD requested more time and at least one city representative requested less review time than established in the draft.
- Phasing requirements should be modified to provide greater flexibility for very large projects to address improvements incrementally, particularly when demands from later phases are not known. This has been done.

- Trip credits should be discussed. Trip credits for transit supportive and mixed use developments have been removed from the draft. This is a policy issue that merits more discussion.
- Authority – there were several questions about loss of authority voiced by City and ACHD representatives. This needs to be clarified. The premise of the ordinance is that local governments are using (retaining) their authority to approve or deny developments based on transportation system capacity. ACHD is being used to determine whether the capacity is available and, if not, what would need to be done to provide that capacity. As we discussed at several previous meetings, local governments will have the authority to review appeals subject to fairly narrow criteria. These provisions are needed to protect local governments from unreasonable actions by ACHD and protect ACHD from arbitrary decisions of local governments to override mitigation requirements.
- Mitigation options – there is a difference of opinions on this matter; some felt that the ordinance should be broad and inclusive; others wanted more specific direction on mitigation measures. This merits further discussion.
- Review of Plan Amendments – there was concern that the review of transportation capacity at the time of plan amendment is an attempt to shift land use planning authority to ACHD. The language very clearly states that planned transportation system capacity is an important factor to consider as part of a future land use map amendment and the lack of facilities **MAY** result in the City/County denial of the map amendment. This is consistent with State law and keeps all land use decision-making in the hands of local governments. The agreement and ordinance do not address the impacts of City/County actions on plan amendments that ignore capacity constraints.
- Finally, I received letters of concern from several members of the development community that feel that the pieces are not in place to move forward with the APFO. Securing adequate funding is not a precondition of adopting an APFO, though lack of adequate funding will erode the level of service standards over time. There are several items that need to be addressed, many of which I have commented on in the draft. Most significantly, these include:
  - a. Review of the traffic model to ensure that it adequately addresses traffic loading on ACHD streets;
  - b. The need for revisions to the ACHD thresholds, standards, procedures and fees associated with traffic impact and map amendment studies;
  - c. The adoption of variable levels of service;
  - d. The refinement of COMPASS' development monitoring system; and
  - e. The creation of forms and administrative procedures to be used in APF evaluations (I will draft these for staff review in May).



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

Committee Review Draft  
~~3/31/08~~

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Draft

Steering Committee Review 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 ~~new demands as those demands occur~~; and

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**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 [mjl1]: 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 Transportation Facility capacity is essential for the protection of the public health, safety and welfare of residents and businesses;

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**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) **Applicant.** The owner or agent seeking development approval.

(c) **Application.** A complete submittal requesting approval of a development subject to this ordinance.

(d) **Capacity, Available.** Capacity remaining after subtracting demands from all existing and committed demands.

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

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

(g) **Capacity, Programmed.** Capacity provided by existing facilities and those programmed to be completed within three (3) years in accordance with the ACHD Work Plan, in effect at the time of an Application submittal.

(h) **Capital Improvement Program.** The long range plan for provision of Transportation Facilities by ACHD at the time of an Application submittal.

(i) **City.** The City of [redacted], Idaho [not needed for County ordinance]

(j) **COMPASS.** Community Planning Association of Southwest Idaho

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

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- (l) **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.
- (m) **Demand, Existing.** Peak hour demands from existing development at the time of the Application.
- (n) **Demand, External.** Peak hour demands from trips that originate or terminate outside the boundaries of Ada County.
- (o) **Demand, Projected.** Peak hour demands from projected growth over the designated time period for the traffic impact study or map amendment study.
- (p) **Demand, Proposed.** Peak hour demands projected to be generated by an Application.
- (q) **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.
- (r) **Development, Multi-family.** One or more residential structures including 3 or more attached dwelling units.
- (s) **Development, Non-residential.** One or more structures intended for public, commercial, industrial or some combination of uses, but not including structures that exclusively include residential dwelling units.
- (t) **Map Amendment Study.** An assessment of the ability of Planned Capacity to meet Projected Demands, including demands from the proposed zoning of future land use amendment.
- (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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 ¶  
 <#>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.¶  
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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.** A drawing of a proposed subdivision required as part of an application for subdivision approval.

(y) **Site Plan.** A drawing of proposed development required as part of an application for building permit approval.

(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 that is constructed, operated, or maintained in whole or in part with public funds.

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(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 Preliminary Plat and Site Plan Applications subject to this ordinance and meeting the threshold criteria of §2.5, the Applicant shall prepare and submit a TIS in accordance with the procedures established in §2.7 of this Ordinance.

(b) For all proposed comprehensive plan future land use map 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 Applicant and submitted with the Application.

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Comment [MSOffice2]: What is this?  
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## 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.

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- (b) This ordinance applies to:
  - (1) All preliminary subdivision plats creating lots that are zoned or planned for use for detached single family or duplex residential development;
  - (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.

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Comment [mjl3]: Ensure that multi-family is defined in local codes as including 3 or more attached residential dwelling units.

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[comment: 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 identified by ACHD that will be created by a proposed development, regardless of whether the minimum thresholds set forth below are met by the proposed development.

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**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 maintain adopted levels of service as a result of the Application shall be grounds for denial of the Application.

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- (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 DEVELOPMENT REVIEW PROCEDURES AND STANDARDS**

The City/County shall follow the review procedures and standards established in the Agreement for Adequate Public Facilities for Transportation Facilities, which is attached hereto and incorporated by reference.

**2.8 MITIGATION**

If ACHD finds that there is insufficient Available Capacity to meet Proposed Demands, then the City will require Mitigation in accordance with the terms of the Agreement for Adequate Public Facilities for Transportation Facilities prior to granting a Development Approval subject to this Ordinance.

**SECTION 3: Conflict.**

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

**SECTION 4. Severability.**

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

**SECTION 5. Effective Date.**

This Ordinance shall become effective upon the date of adoption.

PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Comment [mj14]:** Procedures have been moved to the interlocal agreement

**Deleted:** ACHD Actions on Application. Based on the results of the Map Amendment Study or TIS, and Mitigation Plan, if applicable, **ACHD shall:**

- ¶ Certify compliance of the proposed development;

- ¶ Certify compliance of the proposed development contingent on City/County acceptance of the Applicant’s Mitigation Plan; or

- ¶ 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;

- ¶ If the Applicant chooses to mitigate a deficiency, the proposed Mitigation Plan shall be reviewed in accordance with §2.17.

- ¶ 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:

- ¶ 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

- ¶ The Applicant is in compliance with the terms of an approved Mitigation Agreement addressing transportation system Adequacy. ... [1]

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- ¶ <#>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. ... [2]

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PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY/COUNTY** of \_\_\_\_\_, IDAHO

\_\_\_\_\_  
<Insert Name of Governing Body Chairperson>  
Chairperson

ATTEST:

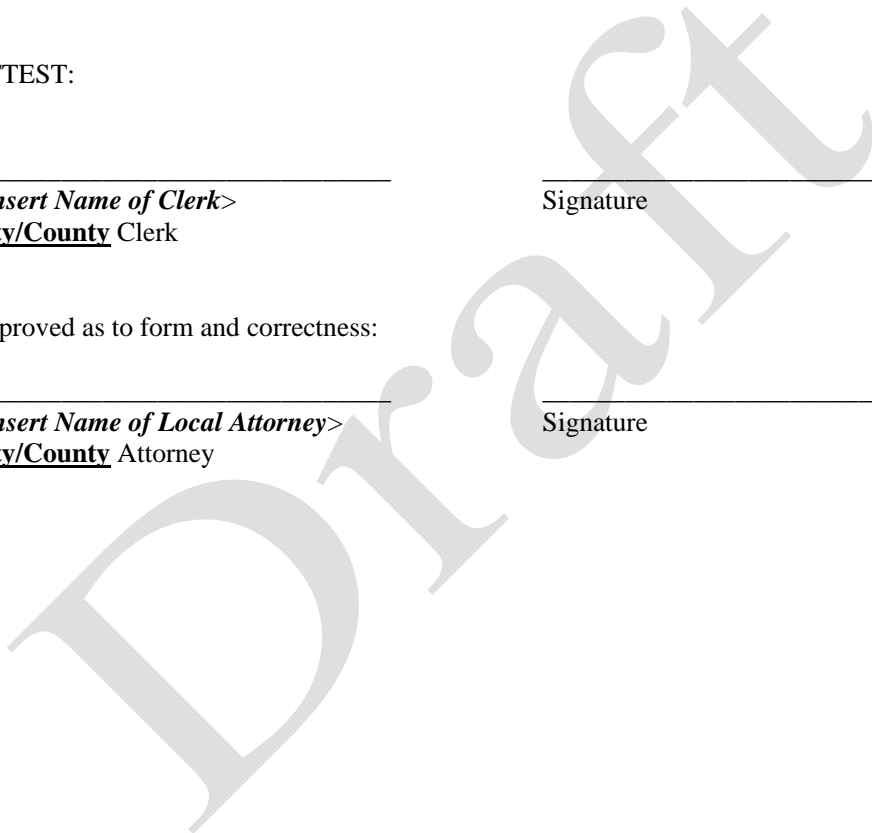
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<Insert Name of Clerk>  
**City/County** Clerk

\_\_\_\_\_  
Signature Date

Approved as to form and correctness:

\_\_\_\_\_  
<Insert Name of Local Attorney>  
**City/County** Attorney

\_\_\_\_\_  
Signature Date



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ACHD Actions on Application. Based on the results of the Map Amendment Study or TIS, and Mitigation Plan, if applicable, **ACHD** shall:

Certify compliance of the proposed development;

Certify compliance of the proposed development contingent on City/County acceptance of the Applicant's Mitigation Plan; or

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.

If the Applicant chooses to mitigate a deficiency, the proposed Mitigation Plan shall be reviewed in accordance with **§2.17**.

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:

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

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

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 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:

The public benefits of approving the Application exceed the detriment resulting from approval of the Application; and

The recommended mitigation will be detrimental to the public good; and

The findings and recommendations are inconsistent with the goals, objectives and policies of the Comprehensive Plan and the Blueprint for Good Growth; and

The findings and recommendations are inconsistent with the purposes of this ordinance.

## PHASED APPLICATIONS

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.

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.

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:

There is unified ownership, indicated by the fact that:

The same person has retained or shared control of the developments;

The same person has ownership or a significant legal or equitable interest in the developments; or

There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

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.

There is a common advertising scheme or promotional plan in effect for the developments.

The voluntary sharing of infrastructure that is indicative of a common development effort or is designed specifically to accommodate the developments.

Any information provided by the Applicant that the project is being phased or subdivided to avoid the requirements of this Ordinance.

## **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.*

## **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.

Page Break

## **LOS CRITERIA AND REQUIRED FINDINGS**

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.**

**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:**

For preliminary plat and site plan applications, there must be Available Capacity to serve Proposed Demands and maintain adopted levels of service (LOS) standards.

For rezoning and plan amendment applications, there must be adequate planned capacity to meet Projected Demands, including the Proposed Demands from the Application.

## **STUDY AREA**

**Cite ACHD Policy here.**

## TRIP GENERATION STANDARDS

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:

Credit for mixed-use. The determination of the number of trips generated shall also take into account

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.

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.

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.

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.

## 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.

## FAILURE TO MEET LOS STANDARD

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.

For an intersection to be found to meet the adopted LOS standards, each turning movement within the intersection must meet the adopted LOS.

## MITIGATION

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:

Reduce the size, scale, scope or density of the development to reduce traffic generation;

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;

Dedicate right-of-way for street improvements;

Construct or fund new street improvements;

Expand the capacity of existing streets and/or intersections;

Redesign ingress and egress to the project to reduce traffic conflicts;

Alter the use and type of development to reduce Peak Hour traffic;

Reduce background (existing) traffic;

Eliminate the potential for additional traffic generation from undeveloped properties in the Impact Area;

Integrate multi-modal design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation, or

Implement other transportation system improvements, operational improvements, access management strategies, demand management strategies approved by ACHD and other applicable Transportation Facility providers.

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.

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.

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.

## REVIEW AND APPROVAL OF DEVELOPMENTS PROVIDING MITIGATION

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.

The **Council/Board** shall review the proposed mitigation measures after receiving the staff or Planning Commission recommendations as applicable. To approve the proposed mitigation measures and enter into a binding Mitigation Agreement, the **Council / Board** must find that the proposed mitigation ensures that Programmed and Available Capacity will not be exceeded by Proposed Demand.

## 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?*

## 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.

## CAPACITY IMPROVEMENTS/PROPORTIONATE FAIR-SHARE PROVISIONS

The proportionate fair-share provisions shall apply to all Mitigation Agreements.

Minimum Requirements for Mitigation.

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:

The proposed development is consistent with the comprehensive plan and applicable land development regulations.

The Work Plan includes transportation facilities or facility segments that upon completion, will fully mitigate Proposed Demand.

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.

The **City/County** may choose, but is not obligated, to allow an Applicant to satisfy transportation adequacy by contributing to an improvement that, upon completion, will fully mitigate the additional traffic generated by the proposed development as follows:

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.

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.

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.

Mitigation Application Process.



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.

Eligible Applicants shall submit a mitigation application to the City/County that includes the following:

Name, address and phone number of owner(s), developer and agent;

Property location, including parcel identification numbers;

Legal description and survey of property;

Project description, including type, intensity and amount of development;

Phasing schedule, if applicable;

Description of requested proportionate fair-share mitigation methods;

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

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.

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.

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.

#### Methodology for Determining Proportionate Fair-Share.

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 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.

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.

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

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

Where:

Development Trips<sub>i</sub> = 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<sub>i</sub> = 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.

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 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:

$$Cost_n = Cost_0 \times (1 + Cost\_growth_{3yr})^n$$

Where:

$Cost_n =$  The cost of the improvements in year n;  
 $Cost_0 =$  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.

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

$$Cost\_growth_{3yr} = [Cost\_growth_{-1} + Cost\_growth_{-2} + Cost\_growth_{-3}]/3$$

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.

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.

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

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.

#### Impact Fee Credit for Proportionate Fair-Share Mitigation.

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.

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.

#### Appropriation of Revenues.

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.

In the event a scheduled facility improvement is removed from the Work Plan, then the revenues collected for its construction may be applied toward the construction of another improvement that ACHD determines would mitigate the impacts of development.

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

#### **TIMING OF REQUIRED IMPROVEMENTS**

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.

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.

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.

ADA COUNTY, IDAHO

OUTLINE OF INTERLOCAL AGREEMENT  
FOR  
ADEQUATE TRANSPORTATION FACILITIES PLANNING

**DRAFT**

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## Ada County Interlocal Agreement

### Statutory Basis and Intent

This is an interlocal agreement for adequate Transportation Facilities planning in Ada County. This agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 2008, by and between the Ada County Highway District, an independent unit of local government in the State of Idaho ("ACHD"), and the County/City, a political subdivision of the State of Idaho ("County/City").

**WHEREAS**, the County/City and the ACHD recognize their mutual obligation and responsibility for the responsible growth, adequate provision of transportation facilities, and general well-being of the residents of Ada County; and

**WHEREAS**, it is mutually beneficial for the County/City and the ACHD to support efforts that facilitate coordination of planning for the location and development of Transportation Facilities to serve the residents of Ada County and to ensure that the impacts of new development occur only in accordance with the ability of the County/City and the ACHD to maintain adequate levels of service; and

**WHEREAS**, Transportation Facilities should be provided concurrent to the actual and projected demand to be served by such facilities; and

**WHEREAS**, the ACHD is responsible for planning for and providing essential transportation facilities; and

**WHEREAS**, the City/County is responsible for approving development that generates demands for Transportation Facilities; and

**WHEREAS**, ACHD and the County/City have mutually agreed that coordination of transportation facility planning and Development decisions is in the best interests of the citizens of Ada County; and

**WHEREAS**, the County and the ACHD are permitted to enter into this Interlocal Agreement pursuant to Section 67-2328 of the Idaho Code; and

**WHEREAS**, the County/City and the ACHD, and the (other) municipalities within the County (and the County) have met and coordinated with respect to the statutory responsibilities for a county-wide, adequate transportation facilities program; and

**WHEREAS**, the County/City is required to amend its land development regulations, as appropriate and necessary, in order to effectuate its obligations under this Agreement and state statute; and

**WHEREAS**, the County/City has the sole authority to undertake land use planning and to implement necessary land development regulations within its jurisdiction in regards to the Adequacy of Transportation Facilities; and

**WHEREAS**, this Agreement neither is intended to nor does it delegate or transfer any land use planning or regulatory authority to the ACHD.

**NOW THEREFORE**, be it mutually agreed between the County/City and Ada County Highway District that the following requirements and procedures shall be utilized in coordinating land use and the provision of transportation facilities:

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**Section 1 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 Agreement.
- (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, 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*]
- (K) **COMPASS.** Community Planning Association of Southwest Idaho
- (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 Agreement 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.

## Ada County Interlocal Agreement

- (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) **Development, Multi-family.** One or more residential structures including 3 or more attached dwelling units.
- (T) **Development, Non-residential.** One or more structures intended for public, commercial, industrial or some combination of uses, but not including structures that exclusively include residential dwelling units.
- (U) **ITD.** Idaho Transportation Department
- (V) **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.
- (W) **Map Amendment Study.** An assessment of the ability of Planned Capacity to meet Projected Demands, including demands from the proposed zoning of future land use amendment.
- (X) **Mitigation.** Approved measure or combination of measures that will resolve a Transportation Facility deficiency.
- (Y) **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.
- (Z) **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].
- (AA) **Preliminary Plat.** A drawing of a proposed subdivision required as part of an application for subdivision approval.
- (BB) **Site Plan.** A drawing of proposed development required as part of an application for building permit approval.
- (CC) **Study Area.** The area affected by demands from a project (**see §2.12**).
- (DD) **TIS.** Traffic Impact Study prepared in accordance with this Agreement.

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- (EE) **Transportation Facility.** Any means for the transportation of people or property from place to place that is constructed, operated, or maintained in whole or in part with public funds.
- (FF) **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.
- (GG) **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.

## **Section 2 Coordination and Sharing of Information**

### **Section 2.1 Joint Meetings**

Staff of the County/City and the Ada County Highway District (Hereinafter "ACHD" or "District") shall meet at least twice yearly to discuss issues regarding coordination of land use and transportation facilities planning, including such issues as: population and building permit projections, development trends, traffic impacts, infrastructure needs, growth trends, and the cumulative affect of de minimis developments approved without Traffic Impact Studies. Additionally, participants shall discuss opportunities to improve the effectiveness of implementing Transportation Facility Adequacy. ACHD staff shall be responsible for making meeting arrangements. COMPASS staff shall be invited to attend these meetings.

### **Section 2.2 Oversight Process**

The effectiveness with which the Interlocal Agreement is being implemented shall be considered at an annual joint workshop between the elected officials of the County, the cities of Ada County and the ACHD. The staff representatives of each local government and the ACHD shall provide technical review and recommendations regarding any need for change to the provisions of the Agreement. The workshop shall be publicly noticed and the agenda shall provide an opportunity for public input and comment. The representatives of each of the local governments and ACHD will report back to their respective bodies with recommendations for any needed changes to this Agreement.

### **Section 2.3 Monitoring**

- (A) The County/City shall report monthly all Development Approvals and expired Development Approvals to COMPASS to facilitate monitoring of Committed Demands.
- (B) The ACHD shall coordinate with COMPASS to monitor Existing Demands and refine traffic modeling reliability in projecting traffic demands.
- (C) Annually, ACHD, in coordination with COMPASS staff, shall provide the County/City with a report on growth and development trends in both the County and each municipality. The County and each municipality shall provide the following information to the ACHD by [REDACTED] of each year:

## Ada County Interlocal Agreement

- (1) An inventory of potential dwelling units that have received preliminary plat or site development plan approval but have not yet received certificate of occupancy approval and a projection of the amount of the number of these units that are anticipated to receive certificate of occupancy approval in the next three years;
  - (2) An inventory of approved developments qualifying as de minimis, including total number of dwelling units and square footage of non-residential space;
  - (3) Information regarding future land use map amendments which may have an impact on transportation facilities;
- (D)** The ACHD shall compile this data into a report, in tabular, graphic, and textual formats, providing the following information:
- (1) A breakdown of Committed Demands and Existing Demands for the County/City;
  - (2) An analysis of the collective impacts of Development Approvals not subject to this Agreement;
  - (3) An analysis of the impacts of Committee Demands on Programmed Transportation Facilities to be substantially completed in the next three (3) years;
  - (4) An analysis of the projected traffic impacts and impact on transportation infrastructure of any future land use map amendments reported by the County or a municipality; and
  - (5) A status report on efforts to refine traffic modeling capabilities.
- (E)** The County/City and the ACHD will use the information described in §2.3.3 of this Agreement to revise acceptable levels of service, as appropriate, to make the most efficient use of Transportation Facilities.

### **Section 3 Work Program and Comprehensive Plan Amendments**

#### **Section 3.1 Work Plan Amendments**

Annually, the ACHD shall submit a draft tentative Work Plan to the County/City for review and comment forty-five (45) days prior to the public hearing for adoption. The notice shall include a description of proposed amendments to the Plan that may affect road capacity projections, levels of service provided, or the adequate provision of transportation facilities.

#### **Section 3.2 Comprehensive Plan Transportation Element Development and Update**

The County/City will coordinate with the ACHD and affected local governments to develop and update a Transportation Facilities Element as part of its Comprehensive Plan.

**Section 4 Adequate Transportation Facilities Implementation**

**Section 4.1 Development Review Requirements.**

**(A) Applicable Developments**

- (1) Applications for approval of Site Plan for Multi-family or Non-residential Developments, Preliminary Plats for single family or duplex lots, zoning map amendments or future land use map amendments shall be subject to this Agreement if they exceed the traffic generation thresholds established in the ACHD Policy Manual.

**Comment [mj11]:** These thresholds are in the process of being revised and should be revised prior to adoption of this Agreement.

**(2) Phased Developments**

- (i) 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 future land use map amendment.
- (ii) 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.
- (iii) Two or more developments represented to be separate developments shall be aggregated and treated as a single development under this Agreement 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:
- (a) The same person has retained or shared control of the developments;
- (b) The same person has ownership or a significant legal or equitable interest in the developments; or
- (c) There is common management of the developments controlling the form of physical development or disposition of parcels of the development.
- (d) 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.
- (e) There is a common advertising scheme or promotional plan in effect for the developments.

- (f) The voluntary sharing of infrastructure that is indicative of a common development effort or is designed specifically to accommodate the developments.
- (g) Any information provided by the Applicant that the project is being phased or subdivided to avoid the requirements of this Agreement.

**(B) Review Procedures**

- (1) Nothing in this Agreement is intended to discourage Applicants from coordinating with ACHD and the City/County staff in advance of the timeframes established herein. ACHD and the City/County will encourage all applicants to meet with staff prior to Application submittals. ACHD will review Traffic Impact Studies or Map Amendment Studies prior to submittal of an Application to the City/County.
- (2) The City/County shall require Applicants subject to the thresholds established in this Agreement to submit a completed Traffic Impact Study or Map Amendment Study in accordance with the criteria established in the ACHD Policy Manual to ACHD at least \_\_\_ days prior to hearing a Development Application subject to this Agreement.
- (3) ACHD Review. ACHD will review the traffic impacts of the Application in accordance with the ACHD Policy Manual requirements and ACHD staff shall prepare written recommendations to the City/County within \_\_\_ days of submittal of the applicable study unless the applicant requests an extension to address Transportation Facility Deficiencies identified during the review process.
- (4) ACHD Recommendations on Application. Based on the results of the Map Amendment Study or TIS, and Mitigation Plan, if applicable, **ACHD** shall:
  - (i) Certify that there is Available Capacity to serve the Proposed Demands from the Application at the adopted Level of Service established in Section 4.2 of this Agreement;
  - (ii) Certify that there is Available Capacity to serve the Proposed Demands from the Application at the adopted Level of Service established in Section 4.2 of this Agreement subject to acceptance of the Applicant's Mitigation Plan; or
  - (iii) 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.
- (5) If the Applicant chooses to mitigate a Transportation Facility Deficiency, the applicant's proposed Mitigation Plan shall be reviewed in accordance with **§4.3** of this Agreement.
- (6) 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:
  - (i) 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

**Comment [mj12]:** The ACHD standards and fees for studies must be updated prior to adoption of this Agreement.

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granted for the applicable site plan within two (2) years 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

- (ii) The Applicant is in compliance with the terms of an approved Mitigation Agreement addressing transportation system Adequacy.
- (7) 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 Agreement. The 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:
- (i) The public benefits of approving the Application exceed the detriment resulting from approval of the Application; and
  - (ii) The recommended mitigation will be detrimental to the public good; and
  - (iii) The findings and recommendations are inconsistent with the goals, objectives and policies of the Comprehensive Plan and the Blueprint for Good Growth; and
  - (iv) The findings and recommendations are inconsistent with the purposes of the City/County Adequate Public Facility Ordinance.

### Section 4.2 Level-of-Service Standards

#### 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:**

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- (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 future land use map amendment applications, there should be adequate planned capacity to meet Projected Demands, including the Proposed Demands from the Application.
- (E) For an intersection to be found to meet the adopted LOS standards, each turning movement within the intersection must meet the adopted LOS.

### Section 4.3 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;
  - (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.

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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 and documented in 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.

### Section 4.4 Review and Approval of Developments Providing Mitigation

- (A) Proposed Mitigation shall initially be submitted by the Applicant for review by ACHD, 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 and enter into a binding Mitigation Agreement, the **Council / Board** must find that the proposed mitigation ensures that Programmed and Available Capacity will not be exceeded by Proposed Demand, subject to the provisions of §4.1(B)(7) of this Agreement.

### Section 4.5 Alternative To Mitigation

As an alternative to mitigating an identified Transportation Facility 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.

### Section 4.6 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 Agreement 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.

## Ada County Interlocal Agreement

- (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 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 of 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.

Comment [mj13]: Should developer funded improvements be added to the CIP/Work Plan?

(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:

Comment [mj14]: Define this

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## Ada County Interlocal Agreement

- (i) Name, address and phone number of owner(s), developer and agent;
- (ii) Property location, including parcel identification numbers;
- (iii) Legal description and survey of property;
- (iv) Project description, including type, intensity and amount of development;
- (v) Phasing schedule, if applicable;
- (vi) Description of requested proportionate fair-share mitigation methods;
- (vii) Estimated value of proposed fair-share mitigation pursuant to this Agreement.

- (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 Agreement, 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.

Comment [mj15]: Clarify ACHD roles

(D) Methodology for Determining Proportionate Fair-Share.

Comment [mj16]: Insert examples

- (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 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**

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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

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

Where:

Development Trips<sub>i</sub> = 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<sub>i</sub> = Service volume increase provided by the eligible improvement to the Transportation Facility "i";

Cost<sub>i</sub> = 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 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<sub>n</sub> = The cost of the improvements in year n;

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$Cost_0 =$  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 [mjl7]:** Should alternative time periods be available if there are extraordinary circumstances?

The three-year growth rate is determined by the following formula:  
 $Cost\_growth_{3yr} = [Cost\_growth_{.1} + Cost\_growth_{.2} + Cost\_growth_{.3}]/3$

**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 off-site right-of-way shall be valued on the date of the dedication at the value to be agreed to by the Applicant and ACHD, or by fair market value established by an independent appraisal approved by ACHD and at no expense to ACHD. The Applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to ACHD at no expense to ACHD and shall deliver at closing clear title by warranty deed to ACHD. If the estimated value of the right-of-way dedication proposed by the Applicant is less than ACHD estimated total proportionate fair-share obligation for that development, then the Applicant must also pay the difference. ACHD is authorized to accept forms of proportionate share mitigation that exceed the actual values calculated above. Under no circumstances shall the **City/County** approve an Application that obligates ACHD or the **City/County** to compensate an Applicant for proportionate fair-share mitigation that exceeds the value calculated above.
- (7) At the discretion of ACHD, the development's overall trips may be reduced by up to 5%, with a developer commitment to the implementation of trip reduction measures, to include: an agreed-on set of capital and/or **operational contributions; record-keeping and annual reporting by implementers of operational programs**; and penalties for failure to implement and maintain the measures for an agreed upon time period. Appropriate capital and operational contributions towards trip reduction will be identified and may include, but are not limited to, transit improvements, vanpool vehicles, preferential parking and other facilities for carpools and vanpools, covered and secure bicycle storage, shower & change facilities available to bicycle commuters, office work-stations available for use by teleworkers, and support for and active promotion of rideshare matching programs.
- (E) Impact Fee Credit for Proportionate Fair-Share Mitigation.

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- (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 the construction of another improvement that ACHD determines would mitigate the impacts of development.
- (G) 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.

### Section 4.7 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 [mj18]:** Discuss appropriate action by agencies, project award, notice to proceed, other?

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#### Section 4.8 Mitigation Options

The Applicant may propose and ACHD staff may recommend approval of any combination of the following Mitigation measures that will adequately address a Transportation Facility Deficiency:

- (A) Reduce the size, scale, scope or density of the development to reduce traffic generation;
- (B) 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;
- (C) Dedicate right-of-way for street improvements;
- (D) Construct or fund new street improvements;
- (E) Expand the capacity of existing streets and/or intersections;
- (F) Redesign ingress and egress to the project to reduce traffic conflicts;
- (G) Alter the use and type of development to reduce Peak Hour traffic;
- (H) Reduce background (existing) traffic;
- (I) Eliminate the potential for additional traffic generation from undeveloped properties in the Impact Area;
- (J) Integrate multi-modal design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation, or
- (K) Implement other transportation system improvements, operational improvements, access management strategies, or demand management strategies approved by ACHD to minimize transportation costs

#### Section 5 Implementation and Amendments

It is understood that the ACHD Director and the County/City Administrator may, in the implementation and administration of this agreement, act on behalf of their respective Councils/Board in any manner that is customarily delegated. It is also understood that references to the ACHD Chairman or County/City Administrator shall include their duly appointed representatives.

This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists with respect to the subject matter of this Agreement except as expressly set out in this Agreement. This Agreement may be amended only by the written consent of both the County/City and the ACHD.

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**Section 6 Termination**

This Agreement is effective upon the date of its execution and shall continue in full force and effect; provided however, that the Agreement shall automatically be renewed for one (1) year periods unless the County/City or the ACHD signifies in writing to the other its intent to terminate the Agreement at least one hundred twenty (120) days prior to the renewal date. It is further provided that either of the two aforementioned parties may terminate this agreement by giving at least one hundred twenty (120) days written notice of its intent. Pursuant to Section 4 herein this Agreement shall be renewed annually.

**Section 7 Resolution of Disputes**

If the parties to this agreement are unable to resolve any issue(s) in which they may be in disagreement that are covered in this agreement, such dispute will be resolved through non-binding arbitration.

**IN WITNESS WHEREOF**, this Interlocal Agreement has been executed by and on behalf of the County/City by \_\_\_\_\_ and the seal of the County/City affixed hereto and attested by the \_\_\_\_\_ and the Ada County Highway District by its Chairman and its corporate seal affixed hereto and attested by the Executive Director on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.



## Farmland / Agricultural Operation Sub- Committee

### Working Definitions

"Agricultural operation" includes, without limitation, any facility for the growing, researching, educating, raising or production of agricultural, horticultural and viticulture crops, orchards and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, fish, trees, apiary and dairy products, and the processing for commercial purposes of livestock or agricultural commodities, including the processing of such commodities into food commodities, direct market sales or fresh pack. (As defined by Idaho's right to farm statute)

"Farmland" - A farm is any place that has, or has the potential to produce, \$1,000 or more in annual gross sales of farm products. ( As defined for purposes of the Census of Agriculture since 1978. This includes all farm sizes and ownership structures, including corporate farms, partnerships, and family farms.)

### Mapping Criteria Tools

#### 1 Lands that qualify for Ada County Agricultural Exemption

**c.** Land, Five (5) Contiguous Acres or Less. Land of five (5) contiguous acres or less shall be

presumed nonagricultural, shall be valued at market value using appraisal procedures identified in Subsection 645.02 of these rules, and shall not qualify for the speculative value exemption. If the owner produces evidence that each contiguous holding of land under the same ownership has been devoted to agricultural use for the last three (3) growing seasons and it agriculturally produced for sale or home consumption fifteen percent (15%) or more of the owner's or lessee's annual gross income or it produced gross revenue in the immediate preceding year of one thousand dollars (\$1,000) or more, the land actively devoted to agriculture, shall qualify for the speculative value exemption. For holdings of five (5) contiguous acres or less income is measured by production of crops, nursery stock, grazing, or net income from sale of livestock. Income shall be estimated from crop prices at harvest or nursery stock prices at time of sale. The use of the land and the income received in the prior year must be certified with the assessor by March 15, each year. (5-3-03)

**d.** Land, More Than Five (5) Contiguous Acres. Land of more than five (5) contiguous acres under

one (1) ownership, producing agricultural field crops, nursery stock, or grazing, or in a cropland retirement or rotation program, as part of an agricultural enterprise, shall qualify for the speculative value exemption. Land not annually meeting any of these requirements shall be valued at market value using appraisal procedures identified in Subsection 645.02 and shall not qualify. (5-3-03)

**2. Farmland 5 acres or more**

**3. Tillable ground and dry grazing**

**4. Best soils**