

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

Consortium Review Draft
7-27-08

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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

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, one of the purposes of the Idaho Local Land Use Act is to “ensure that adequate public facilities and services are provided to the people at reasonable cost.” (§67-6502.b)

WHEREAS, the Idaho Local Land Use Act states that local ordinances “...may provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision. (§67-6513)

WHEREAS, the Idaho Local Land Use Act states that “Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those

- (1) Minimizing adverse impact on other development;
- (2) Controlling the sequence and timing of development;
- (6) Requiring the provision for on-site or off-site public facilities or services;
- (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. (§67-6512 (d)).

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

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

WHEREAS, the **Blueprint for Good Growth** establishes transportation facilities as 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

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; and

WHEREAS, the Council/Board wish to apply this ordinance in a manner that encourages planned infill development; and

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;
 - (4) To promote efficient growth patterns by encouraging infill development and discouraging development in places where public facilities are inadequate;
 - (5) Avoid shifting the burdens of said development to existing residents and businesses;
 - (6) Provide a mechanism for Applicants of said development to mitigate transportation facility deficiencies created by their development; and
 - (7) Establish clear, consistent guidance for Applicants and public decision-makers throughout the development process.

2.3 DEFINITIONS

- (a) **ACHD.** Ada County Highway District.
- (b) **Adequacy/Adequate.** Having sufficient Available Capacity to meet Existing, Committed and Proposed Demands at adopted Levels of Service.
- (c) **Applicant.** The owner or agent seeking development approval.
- (d) **Application.** A complete submittal requesting approval of a development subject to this ordinance.

- (e) **Capacity, Available.** Capacity remaining after subtracting demands from all Existing and Committed Demands from Existing and Programmed Capacity.
- (f) **Capacity, Existing.** Capacity provided by existing facilities.
- (g) **Capacity, Planned.** Capacity provided by existing the ACHD Capital Improvements Plan, 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 the ACHD Five-Year Work Plan, in effect at the time of an Application submittal.
- (i) **Capital Improvement Plan.** The long range plan for provision of Transportation Facilities by ACHD at the time of an Application submittal.
- (j) **City.** The City of , Idaho [*not needed for County ordinance*]
- (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 External Demands projected for the applicable time period. Approved, but un-built development, for purposes of this ordinance includes:
 - (1) vacant lots intended for single family or duplex residential development that have received preliminary plat approval, final plat approval or are part of a recorded plat that have not received certificates of occupancy.; and
 - (2) multi-family and non-residential development projects that have received site plan approval and have not received certificates of occupancy.
- (n) **Demand, Existing.** Peak hour demands from existing development at the time of the Application.
- (o) **Demand, External.** Peak hour demands from trips that originate or terminate outside the boundaries of Ada County.
- (p) **Demand, Projected.** Peak hour demands from projected growth over the designated time period for the traffic impact study or map amendment study. Projected growth shall be the population and employment projections adopted by COMPASS.
- (q) **Demand, Proposed.** Peak hour demands projected to be generated by development from an approved Application.

- (r) **Development.** Any construction or installation of a structure, or any change in use of a structure, or any subdivision of property, or any change in the use of the land that creates additional demand and/or need for Transportation Facilities.
- (s) **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.
- (t) **Development, Multi-family.** One or more residential structures including 3 or more attached dwelling units.
- (u) **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.
- (v) **Future Land Use Map.** The map of future land use categories adopted pursuant the **County/City** Comprehensive Plan.
- (w) **ITD.** The Idaho Department of Transportation.
- (x) **Level of Service (LOS).** A measure of traffic congestion along a Transportation Facility that is determined by comparing traffic volumes to capacity as established in the adopted ACHD Policy Manual.
- (y) **Map Amendment Study.** An assessment of the ability of Planned Capacity to meet Projected Demands, including demands from the proposed zoning or future land use amendment.
- (z) **Mitigation.** Approved measure or combination of measures that will resolve a Transportation Facility Deficiency.
- (aa) **Mitigation Agreement.** A voluntary agreement entered into by the Applicant to mitigate a Transportation Facility Deficiency that will be created or exacerbated by Development from an approved Application.
- (bb) **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].
- (cc) **Preliminary Plat.** A drawing of a proposed subdivision required as part of an application for subdivision approval.
- (dd) **Site Plan.** A drawing of proposed development required as part of an application for building permit approval.

- (ee) **Study Area.** The area affected by Projected Demands as defined in the adopted ACHD Policy Manual.
- (ff) **TIS.** Traffic Impact Study prepared in accordance with this ordinance.
- (gg) **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.
- (hh) **Transportation Facility Deficiency.** The lack of Available Capacity of Transportation Facilities that are existing or scheduled to be under construction in the adopted Work Plan at the time of an Application to serve Proposed Demands and maintain adopted Levels of Service.
- (ii) **Work Plan.** Also referred to as the ACHD Five-Year 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.
- (jj) **Zoning Map.** The **County/City** official zoning district map in effect at the time of an application.

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.

2.5 APPLICABILITY

- (a) No portion of this Ordinance shall be interpreted or deemed to affect any rights that have vested prior to the enactment of this Ordinance.
- (b) This ordinance applies to:
 - (1) All Preliminary 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.

[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 approved 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.

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 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 Transportation Facilities 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 unless the applicant resolves the deficiency as provided in this ordinance.
- (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 Transportation Facilities within the Application's Study Area after deducting Proposed Demands. If there is insufficient Available Capacity to meet Proposed Demands, special use permit approval shall be required prior to the granting of a building permit for the Application. Failure to maintain adopted Levels of Service as a result of the special use permit 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 Interlocal 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 Interlocal 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__.

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

CITY/COUNTY of _____, IDAHO

<Insert Name of Governing Body Chairperson>
Chairperson

ATTEST:

<Insert Name of Clerk>
City/County Clerk

Signature Date

Approved as to form and correctness:

<Insert Name of Local Attorney>
City/County Attorney

Signature Date

Draft