



Steering/Technical Committee Meeting

Thursday, October 2, 2008, 10:00 A.M. to Noon

COMPASS, Conference Room

800 S. Industry Way, Suite 100

Meridian, Idaho

AGENDA

- I. Consent Agenda (10:05 AM – 10:10 AM)
 - a. *Approval of the September 18, 2008 Meeting Notes (pages 2-6) **
- II. Action Items

None.
- III. Discussion Items
 - a. *Transportation and Land Use Integration (TLIP) update – ACHD (10:10 – 10:30 AM)*
ACHD will provide a status on ACHD's TLIP project.
 - b. *Evaluation of Cumulative Demand – COMPASS (10:30 – 11:30 AM) (pages 7-10) **
In the September meeting packet, members were provided an approach to assessing cumulative demand, one of the key components in both the TLIP and APFO processes. ACHD handed out other materials on evaluating demand. These are shown in Attachment 2. Staff will be seeking guidance and assistance from the Technical/Steering regarding land use information and other aspects.
 - c. *Blueprint for Good Growth Organizational Issues - COMPASS (11:30 – 11:40 AM)*
The Consortium elected to maintain a separate identify for Blueprint for Good Growth and its committee structure. The discussion at the Consortium recognized the overlap between BGG and other organizations but wanted to keep the BGG as is to focus on the AFPO process.
 - d. *Adequate Public Facilities Ordinance – Charles Trainor (11:40 – 11:45 AM) (page 11) **
This item was disseminated in the September 18, 2008 packet. The APFO is in a holding pattern pending a variety of technical products. Two of these are discussed above. Other issues were discussed (see minutes of the September 18, 2008 meeting). Some of these issues are summarized in Attachment 3.

* Attachments

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Steering/Technical Committee Meeting

*Thursday, September 18, 2008, 10:00 A.M. to Noon
COMPASS, Conference Room
800 S. Industry Way, Suite 100
Meridian, Idaho*

Meeting Minutes

- I. Consent Agenda (10:05 AM – 10:10 AM)***
a. Approval of the July 10, 2008 Meeting Notes (pages 2-4)*

The minutes were approved without discussion.

- II. Action Items***
a. Adequate Public Facilities Ordinance – Charles Trainor (10:10 – 11:00 AM) (pages 5-35)*

Charles Trainor presented Michael Lauer's July 27, 2008 update of the draft Adequate Public Facilities Ordinance (APFO) and the draft "interlocal Agreement,"), containing revisions based on discussion held at the July Steering Committee meeting. Also included was a letter from the Building Contractors Association (BCA) outlining their concerns on the draft APFO.

Bob Taunton stated that the ULI's position is that the draft APFO has merit, but would prefer to have it put on hold as it is inappropriate today.

Pete Friedman said there has been discussion regarding some of the tools that we currently have that we may or may not be utilizing and asked for a briefing of what those are, i.e., impact fees and how much is currently being charged and how much could be accessed, without going back and adding a whole other process.

Sabrina Bowman responded that ACHD just did a limited update on impact fees. She said there is a lot of mixed messages as increases to the impact fees have not been well accepted county wide. She said that within the last year and a half they were hearing that APFOs are a way to get developers and new growth to pay for itself in coordination with an impact fee structure. She stated the ACHD Commissioner will talk with the BCA and other contractors regarding impact fees and what could be absorbed by the market, but that is a different structure than an APFO, a different way to manage growth.

Nichole Baird Spencer stated that based on her understanding from Michael Lauer the APFO was not ready for adoption and that we should hold off until TLIP took place and be able to determine level of service and to work through some sections of the document. She stated the question on impact fees is how much of the impact fee is covering the actual impact of a development or improvement. She noted that enabling legislation on impact fees from the state say we need to provide adequate public facilities. The term "adequate public facilities" is in the legislation.

Sabrina said currently impact fees are not paying for sidewalks, bike lanes, or collectors. She said at this time from ACHD's perspective, the draft APFO is not ready for adoption. There are a lot of technical issues that still need to be discussed. It is really a process of how do you approve development and how to process that development. It is a technical exercise not a policy exercise from ACHD's perspective.

Pete suggested that Joe Kunz or someone from BCA be invited to speak to the Committee about BCA's concerns.

Charles stated that there is no intent at this point in seeking any kind of endorsement of the draft. He said that Michael Lauer and Karen Doherty said there has only been a cursory legal review by the local agencies.

Gary Allen stated at this time he does not support the APFO. It has been very important that this exercise has been done, but there are some things that are going on in parallel that do not depend on an APFO that are really important and critical. These include getting a more complete traffic analysis, getting all of the planned projects into the traffic analysis, and fixing the levels of service so they are more appropriate. All will help the local agencies make development decisions. There is a fundamental problem with the ordinance that allows for an APFO decision to occur at zoning, at subdivision and at preliminary development plan. It is too late at subdivision and preliminary development. The adequate public facilities determination should happen at the time of zoning, typically at annexation and zoning. He stated that every city has the ability to determine whether the facilities are available to support a level of zoning. So what does the APFO add? We should use what we have and create better tools to support it. We get to the same place without a number of issues such as upsetting expectations once a developer gets too far into the process, or the complexities about whether there is an improper delegation of land use authority to ACHD, or if you are complying with the development impact fee act. Everybody agrees that it is appropriate to address adequate public facilities at the time of development approval. The question is, is this the right tool.

Charles recapped that all of the technical work is important and should continue, all of the cumulative assessment, improved traffic impact studies, level of service, etc. It is just when it is packaged under the ordinance it becomes a sticking point.

Gary concurred and added that the private sector perceives the APFO as a dangerous implementation mode. He said to take the adequate public facilities ordinance off the table, but keep working on how to ensure adequate public facilities are provided.

Sabrina said by the time that all of the technical details are worked out the ordinance might look very different. We need to stay in the technical process mode now and not discount the fact that we may end up with an APFO if it is done in the correct way. It is a development review tool, not just a planning tool. We don't want to send the wrong message because collectively we don't know what the details are, what the options are. That is what people are getting nervous about.

After further discussion, ***Nichole Baird Spencer moved and Karen Gallaher seconded to recommend to the Consortium that the APFO is here but we are in a technical process at this point and want to look at all of the options for implementation and meeting the intent of the concerns that we have been working through for the last however many months. And that the Consortium give the Steering Committee additional time, as the TLIP evolves and as ACHD works through this process, to come back to them with either this ordinance or augmentations to this ordinance that are actually achievable and implementable.***

Discussion:

Gary Allen stated that he could not support the motion as stated. He feels that a stronger statement needs to be made that the APFO needs to be put on ice while the other issues are worked through. He doesn't disagree that an APFO may be the end result, but feels that it sends the wrong message that it is being actively considered for the time being. The level of service and incorporation of the projects need to be figured out. It will divert attention and resources if the message is sent that the APFO is going to be an active part of that for the time being. He said it shouldn't be completely killed, there could be a form of the draft that would work, but feels a stronger message needs to be sent that there are serious concerns about the way it is drafted and that the technical work should go forward until it is revisited.

Mike Wardle stated he was not going to support the motion because the latest draft has a serious disconnect: it essentially puts all of the decision making on the ACHD work plan or CIP without putting the comp plan as adopted by a city on equal footing. ACHD may not have a capital plan that fits the adopted comp plan's provisions and recommendations. So a decision could be made purely on one issue without taking into consideration decisions made through a public involvement process on the comp plan elements. Mike encouraged Gary Allen to make a substitute motion.

Sabrina noted that from ACHD's perspective they don't think that they can separate the work and the effort put into APFO with what is going on with TLIP. There are a lot of TLIP documents being produced that are not tied to the APFO and will go on regardless. She said there is a big danger to the Valley to put the APFO "on ice." Whether the ordinance is the end result or not is not the issue. It is about the message to the Consortium and elected officials--the need to consider these options and the need for the technical reviews to go forward. She said that she was comfortable with how Nichole phrased her motion, we don't know what the end result is going to be, but we need to be going forward to figure it out.

Charles asked Nichole if her intent was that the APFO is on hold until the issues are resolved.

Nichole said that the motion she intended was that the APFO remains as it is and we are not moving forward with it at this point in time. We are going to do the technical research and background needed to determine what the next best step is. It may be the APFO and it may not. It may be tweaking of existing processes. It may be a review of impact fees. It may be a review of annexation and rezoning finds necessary within each jurisdiction. We need to look at the tools that exist today and see whether they implement this or could implement them without having to adopt new legislation.

Gary said that he agreed with Nichole's last comments and asked that the discussion reflect also if this is the consensus of the group that there are significant concerns with the current draft.

Nichole stated she would amend her motion to recognize there are significant concerns to the existing draft. Karen Gallaher agreed with the amended motion.

Sabrina asked if what is being said is that the APFO is not moving forward, but we are supportive of the APFO process.

Nichole replied that what should be said is that at this point in time we are not sure that implementing an ordinance is appropriate. We think that adequate public facilities are important for all development, but we feel that existing legislation and processes may need to be researched to determine if they are better implementation tools than this ordinance.

Sabrina added that, in the mean time, we are working through the technical work to see how it all plays together.

Final motion:

APFO remains as it is, but we are not moving forward with it at this point in time. There are significant concerns with the existing draft. We are going to do the technical research and background needed to determine what the next best step is. It may be the APFO and it may not. It may be tweaking of existing processes. It may be a review of impact fees. It may be a review of annexation and rezoning findings within each jurisdiction. We need to look at the tools that exist today and see whether they implement this or could implement this without having to adopt new legislation. Motion passed.

III. Discussion Items

a. Blueprint for Good Growth Organizational Issues - COMPASS (11:00 – 11:15 AM)

Charles Trainor recapped organizational issues with housing Blueprint for Good Growth at COMPASS.

The Committee discussed the following for Consortium consideration:

- What is the benefit of Blueprint keeping its own identity as a 501 C 3?
- Consider coordination with ongoing processes, i.e. the Alliance, to avoid redundancy in meeting agendas.
- Consider more formal structure of the Steering Committee with bylaws and private sector representation.
- What is the future function of the Steering Committee, i.e. technical and/or advisory.

b. Transportation and Land Use Integration (TLIP) update – ACHD (11:15 – 11:30 AM)

Sabrina Bowman provided a TLIP schedule update. She stated the consultant met with the cities and forwarded the information to ACHD. ACHD has sent the information back to the cities to verify that the information is correct and clear up any issues. It is not ready for public review as of yet. She said the process of running test cases will be a significant undertaking and ACHD will need to work closely with both the public and private sectors. She added TLIP is a development driven process not just a planning driven process.

c. Evaluation of Cumulative Demand – COMPASS (11:30 – 11:45 AM) (pages 36-39) *

Charles Trainor said no action is being sought at this time, but he would like to set the tone for some technical work. He explained that in developing transportation evaluations for various purposes, including an APFO, there is a need to account for the cumulative effects of existing, approved un-built and other proposed developments when considering the effort of a specific proposal.

He said to make the process work we need to look at regional demand. The next step is for ACHD and COMPASS to work together to test the existing year conditions in a sub-area using the COMPASS travel demand model to estimate the “as of April 2008” conditions. COMPASS staff recommends an area bounded by Nampa Blvd., Eagle Road, I-84 and US 20/26. This will allow for an in-depth discussion regarding the process, staff time, and advantages, disadvantages and potential options for adjustments.

Sabrina handed out and reviewed a write up and flow chart developed by ACHD that provides another way to evaluation cumulative demand. She also noted that the test area should be within Ada County.

*d. Discuss future meeting dates – (11:45 AM) (page 40)**

After discussion, it was agreed to move the Steering Committee meetings to the last Thursday of each month at COMPASS from 10:00 am - 12:00 pm.

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Carol A. McKee, President
Sherry R. Huber, 1st Vice President
Dave Bivens, 2nd Vice President
John S. Franden, Commissioner
Rebecca W. Arnold, Commissioner

Adequate Public Facilities Ordinance (APFO)

Introduction

Adequate public facilities ordinance is a growth management concept to balance public facilities and services available with impacts of developments. In the absence of adequate facilities a potential developer must provide, pay or wait till the requisite facilities are provided.

ACHD staff researched other areas where APFO or concurrency requirements are implemented. We found the city of Tallahassee, Florida as a good example to look further into. We followed up with Tallahassee and found valuable information which is included in different sections of this document.

Existing system

When a typical developer comes forward with a development they are mandated to submit a Traffic Impact Study (TIS) for a proposed development. The report should show analysis of potential traffic flow onto the street system. Developers are required to mitigate any deficiencies in the transportation system caused on account of the development. These are usually required from developments crossing a certain thresholds (e.g. more than 100 trips for the proposed development etc). Smaller developments that do not cross this threshold are exempt from any traffic studies and mitigation.

Establishing Current baseline demand and capacity

To establish an APFO tracking system the following has to be first determined to understand existing conditions:

- a. Demand from existing development including built, approved but un-built developments, and background from outside the county
- b. Capacity based on established LOS standards, both street and intersection improvements five years out, committed traffic improvements (Five year work plan, developer driven improvements etc.)

ACHD could use actual existing traffic counts to assess current travel demand, which includes built and background, on roadway segments and intersections. This method would require new traffic counts on every major roadway facility taken at approximately the same time to set the baseline condition.

Implementing and APFO system

Once this baseline is established the tasks ahead include:

- 1.) Establish desired LOS for different areas
- 2) Developing a system to track developments and
- 3.) Monitor traffic demand, i.e. trip generation, distribution, assignment and available capacity and

1. Establishing level of service thresholds

The desired level of service is a vision of what the land-use jurisdiction envisions its future to look like. Setting these thresholds is the first step in determining where developments would be encouraged and dissuaded. Setting these standards are strictly policy issues. However, this is the first step in determining the available capacity for the system.

2. Tracking developments

The tracking system for developments is as simple as maintaining a spreadsheet. The challenge here is tracking the approval of the development and when it is built. This requires co-ordination from local land-use jurisdictions in tracking this.

City of Tallahassee issues a "certification of concurrency" which is revoked if the development does not proceed within three years. This could be used as a possible approach as the hazard of losing certification provides added motivation for the developer to proceed.

3. Monitoring demand

There are two options to estimating travel demand:

A. Travel demand model:

Using a travel demand model requires inputs from land-use in the form of households and/or jobs in each category (Retail, commercial etc.). The model produces a distribution and generation based on these inputs based on the travel patterns or the subarea/region.

The model generated traffic volumes are generic and have the same trip generation rate for a specific category of market segmentation. For e.g., the trip generation rates from ITE's trip generation manual are distinct for retail center and a superstore but the model treats both land-uses with the same trip patterns.

B. Estimating traffic from TIS reports:

Another approach is by tabulating traffic numbers from TIS reports which inherently contain a section on trip generation, distribution and impacted roadways. Maintaining this database is simple as it involves only a spreadsheet.

The drawback of this method is that developments that do not require TIS reports cannot be included. This however can be made feasible by making the TIS requirements more stringent.

The impacts from cross boundary traffic can be monitored in background traffic with traffic counts done annually.

Constrained Corridors, Exempt and Management areas

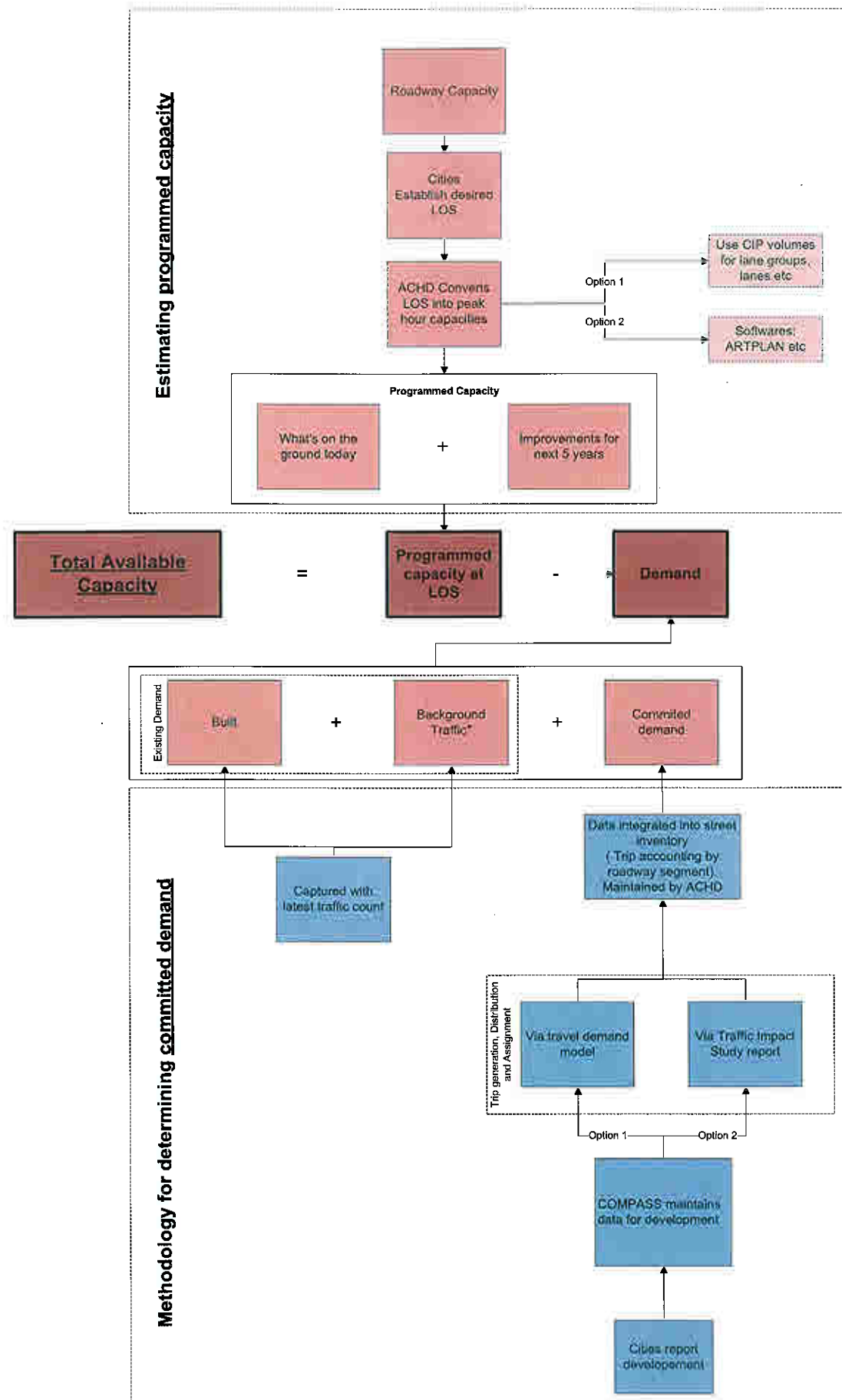
Constrained corridors are certain corridors that are not set for any future improvements because of physical, environment or political restrictions. Though such roads are not improved any further than existing conditions any impact from the constrained corridor is also subject to mitigation fees. This fund is used for improving other corridors/ intersections that need improvement. Typically, corridors and intersections in downtown are constrained. The fund collected, in this case, is used for improving non-motorized modes and transit.

Transportation Concurrency Management Areas (TCMA) are contiguous geographic areas where a desired LOS is applied throughout the whole area and not specific street segments. For e.g., an area a TCMA with desired LOS E would have individual segment with very different service levels. Any improvement would to improve service levels would be to improve area wide LOS and not individual streets/corridors.

On addition to TCMA's there is also Transportation Concurrency Exception Areas (TCEA) where there are no limits to the desired service level. Instead there is a commitment from the community to improve mobility within the areas through alternative modes of transit, facilities for non-motorized modes, connectivity etc. TCMA's and TCEA's are introduced to encourage infill and redevelopment. This an alternative to sprawl where developers are given credits to move within existing urban areas. Typically these are established in downtown cores or urban centers. The city of Tallahassee gives 110 percent trip credit as an added incentive to developers moving forward with infill.

Conclusions:

This document outlines the larger picture there are technical issues as each policy level issue dealt with. ACHD staff recommendation and next steps are to request these options be explored more fully by a technical work group. In addition ACHD would request a group of roadways be identified for a test case area, specifically roads which cross jurisdictions, preferably involving at least Boise Meridian and Ada County to illustrate and work through issues in reporting and determining how to capture existing demand and capacity. We would also recommend the area chosen only be in Ada County as this is the only area currently considering implementation of APFO.



*Background Traffic: Background traffic refers to traffic coming from outside jurisdictional boundaries. E.g. Traffic from Canyon County or Elmore County into Ada County

Issues Related to Adequate Public Facilities

The items below were extracted from the lengthy discussion at the Technical/Steering Committee on September 18, 2008. The list is intended to be a starting point for discussion. Many of these issues pertain to any adequate public facilities process, whether an APFO is pursued or not.

1. Impact fees.
 - a. How much is currently being charged? How could changes in fees or the means of calculating fees affect the ability to increase capacity?
 - b. What is the position of the development community, in particular the Building Contractors Association, regarding increasing impact fees?
 - c. To what extent are impact fees covering the costs of the roads needed for development?

2. Legal reviews by local agencies.
 - a. APFO has not been formally reviewed by city or county legal staff. The Consortium discussed this and concluded it is premature to seek such a review at this time.
 - b. When would be the appropriate time?
 - c. Are some of these issues relevant to legal review? Consider the timing of APFO, current authority, and delegation of authority.

3. Levels of service.
 - a. In the absence of a county-wide approach to APFO, if a development proposal would lead to "violating" a level of service on a street in another community, what is the authority to deny approval? This issue is noted in the "Transportation Concurrency Best Practices Guide"¹ from Florida. It proposes interlocal agreements to establish procedures to address such impacts.

4. Timing of APFO.
 - a. Should APFO only apply at the time of zoning? Is it too late in the process at the subdivision stage?
 - b. If so, is there sufficient detail to evaluate demand at the time zoning is established?
 - c. Would current zoning would consume all programmed capacity? If so, would all rezone and annexation applications either be denied or required to provide mitigation?

5. Application to comprehensive plans.
 - a. Should an analysis of proposed land uses under a comprehensive plan be done to determine if adequate capacity exists? (Comment was made that the comprehensive plans should have "equal footing" with ACHD's CIP.)
 - b. How should the results of the analysis be used? One way would be to base impact fees on growth indicated by the comprehensive plan. Another would be to inform the community of deficiencies and seek to reduce growth or to include financial remedies in the comprehensive plan.

6. Current authority of local governments.
 - a. Do local governments have the ability to deny approvals based on inadequate roadway capacity now?
 - b. On what basis can local governments deny approval? What level of technical analysis is needed?
 - c. If the authority now exists and is not being exercised, why not?

7. Delegation of authority to ACHD.
 - a. Does APFO grant unwarranted authority to ACHD to approve or deny development? (This is a major component of the BCA position.)

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¹ Florida Department of Community Affairs. *Transportation Concurrency Best Practices Guide*.
<http://www.dca.state.fl.us/fdcp/dcp/publications/TCBP.pdf>

**BGG Joint Steering-Technical Committee Meeting
SIGN-IN SHEET**

Date: September 18, 2008

Name	Representing	Phone #
1. Charles Trainor	COMPASS	855-2558
2. Bob Taunton	OLI Idaho	401-5505
3. Mike Wardue	DAVID TURNBULL	378-4000
4. Kelli Fairless	Valley Regional TransA	846-8547
5. Gary Allen	Neighborhoods	388-1200
6. Steve Marse	ADA COUNTY	287-7920
7. Karen Gallagher	Boise	384-3910
8. Michael Baird Spencer	Eagle	939-0227
9. Mary Ann Weldinger	COMPASS	
10. LeAnn Carlsen	Joint School Dist. No. 2	350-5035
11. Phil Cluete	LTD	334-8901
12. STEP FRIEDMAN	CITY OF MERIDIAN	884-5533
13. Deanna Smith	Idaho Smart Growth	333-8066
14. Sabina Bowman	ACHD	387-6154
15. Lishie Lamb	ACHD	387-6234
16. RYAN CUTLER	ACHD	387-6202
17. AMAR PILLAI	ACHD	387-6238
18. Mary May	M3 Companies	939-6263
19. Mark Tate	M3	939-6263
20. Jane Suggs	JBS Enterprises LLC	342-6941
21. Jeannie Undergash	COMPASS	
22. John Lee	United Water	362-7329
23. Shawn Martin	ACHD	387-6154
24. Nancy Bresh	COMPASS	