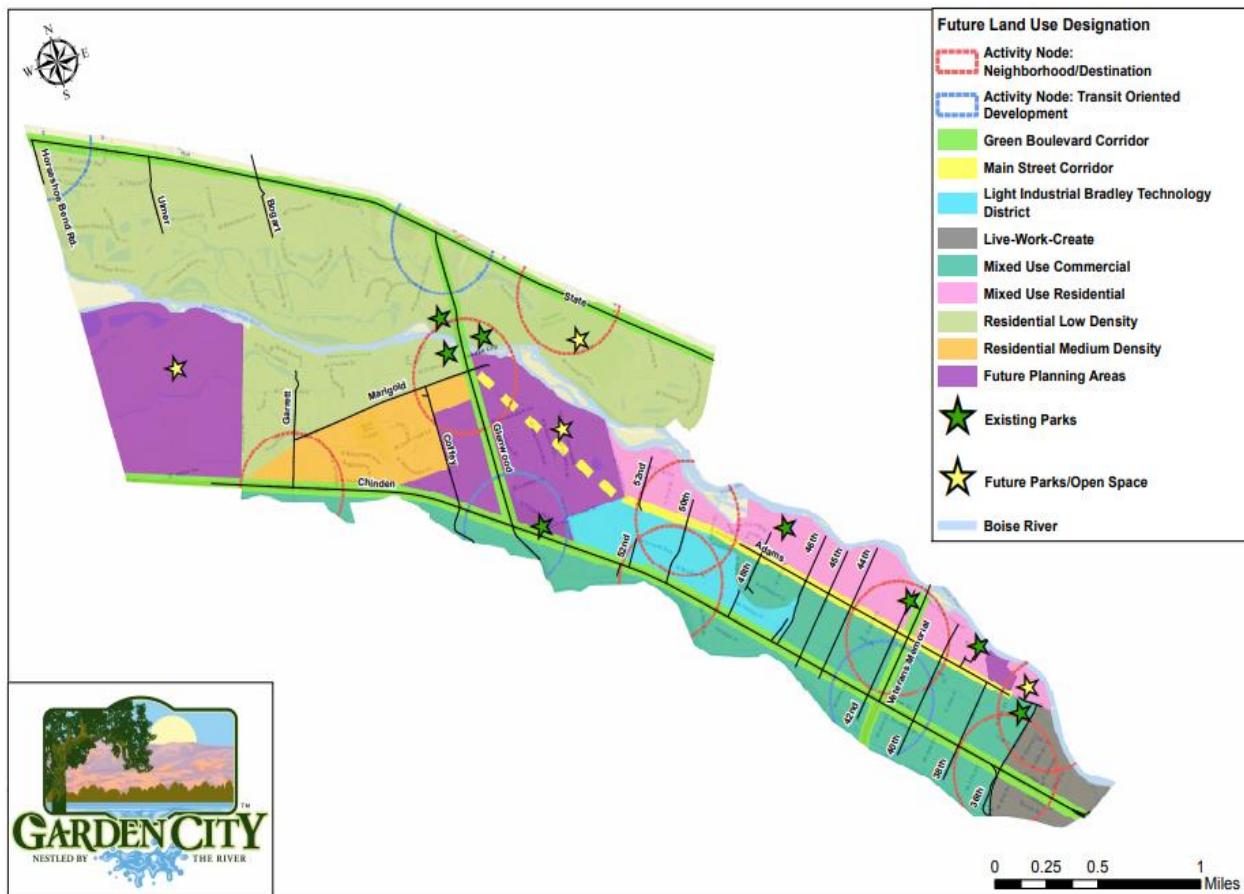


CITY OF GARDEN CITY

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File Number: CPAFY2024-0002
For: Comprehensive Plan Amendment
Addition of North Ada Fire and Rescue District Capital Improvement Plan
Applicant: North Ada County Fire and Rescue District
Report Date: June 18, 2024



Staff Report
Report prepared by Jenah Thornborrow

Contents

Title Page	1
Record Documents	3
Requested Action	3
Recommendation Summary	3
Decision Process	4
Proposed Scope of Work	4
General Provisions	4
Required Decisions	4
Decision	4
Recommendation.....	4
Decision	5
Appeal of Decision	5
Objective	5
Current Deficiencies	5
Proposed Changes	5
Evaluation of Proposed Changes	6
Agency Comments	8
Public Comment	8
Code/Policy Review	8

Record Documents [\(link to all documents\)](#)

[CPAFY2024-0002 Application and Application Materials](#)

[CPAFY2024-0002 Noticing Documents](#)

[North Ada County Fire and Rescue District Impact Fee Study and Capital Improvement Plan](#)

[May 19, 2023](#)

[Draft updated plan](#) *proposed material changes are highlighted

[CPAFY2024-0002 Proposed Resolution](#)

[CPAFY2024-0002 Potential Draft Planning and Zoning Commission Recommendation](#)

Requested Action

Hold a public hearing and provide a recommendation for proposed amendments to the Garden City Comprehensive Plan related to the North Ada County Fire and Rescue District Capital Improvements Plan.

Recommendation Summary

This section will be updated to reflect the Planning and Zoning Commission's recommendation.

Decision Process

Proposed Scope of Work

This application is for a Development Code Amendment per Garden City Code 8-7A-2 Definition of Terms:

COMPREHENSIVE PLAN: The adopted plan for Garden City pursuant to the Local Land Use Planning Act, Idaho Code section [67-6501](#).

General Provisions

This application is processed per GCC 8-6A-7 Public Hearing.

Required Decisions The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Comprehensive Plan Amendment	Design Review None- application had no affect on design regulations. Planning and Zoning Commission: Hearing June 18, 2024	City Council: Hearing July 8, 2024

Decision

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

The Planning and Zoning Commission is the recommending body for this application.

Recommendation

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

Appeal of Decision

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission and Design Review Committees (when there is a design component) are recommending authorities to City Council, the final decision maker for the requested application. The recommendations do not constitute a final decision on the application.

Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521](#)(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code.

Objective

The purpose of the amendments are to update the Fire District's capital improvement plan in compliance with Idaho Code Section 67-8208 as the basis of the enactment by the City Council of the City of Garden City of the Fire District's development impact fees for the Fire District pursuant to an intergovernmental agreement pursuant to Idaho Code Section 67-8204A.

Current Deficiencies

The Comprehensive Plan currently references a plan that is out of date.

Requested Changes

- 1) Amend the Table of Contents Appendices to read:

Appendices

- Appendix A References
- Appendix B Glossary and Acronyms
- Appendix C Exhibits
- Appendix D Public Involvement
- Appendix E - 2006 Background Information
- Appendix F- 2019 Update Exhibits
 - o References

- o Organizations serving the Garden City Community
- o Community Workshop
- o Public Comments received on the Draft Review Plan update
- o Working Group Agendas and meeting notes

■ Appendix G - Capital Improvement Plan Development Impact Fee Study North Ada County Fire & Rescue District May 19, 2023.

2) Amending Community Services, Facilities and Utilities/ Fire at pages 66 and 67 to read: The city continues to be served by the North Ada County Fire and Rescue District (NAFRD). In 2010 NAFRD entered into an agreement with the City of Boise for the operations staff to become employees of Boise City. Stations previously known as Station #1 and #2 are now Station #16 located on Glenwood Street, and Station #18 on Chinden Boulevard, respectively. The City Council has adopted the North Ada County Fire and Rescue District Development Impact Fees and entered into City of Garden City/North Ada County Fire & Rescue District Intergovernmental Agreement and Joint Powers Agreement for the Collection and Expenditure of Development Impact Fees for Fire District Systems Improvements by and between the City and the North Ada County Fire and Rescue District pursuant to Idaho Code §§ 67-8204A and 67-2328 for the collection and expenditure of Fire District Impact Fees for both residential and non-residential development. The City Council has approved the Capital Improvement Plan Development Impact Fee Study North Ada County Fire & Rescue District May 19, 2023 (Appendix G of this Comprehensive Plan) which is the basis for the Fire District Impact Fees.

3) **Request 3:** Amend the Plans Incorporated by Reference at page 71 by deleting the reference to the 2018 North Ada County Fire & Rescue District Capital Improvement Plan.

Evaluation of Proposed Changes

1) **Request 1:** Amending Table of Contents Appendices to add Appendix G Capital Improvement Plan Development Impact Fee Study North Ada County Fire & Rescue District May 19, 2023.

Staff suggests that the more appropriate place to note the adoption of the plan is under the section *Plans Incorporated by Reference to this Comprehensive Plan* where the current reference to the North Ada County Fire & Rescue District (NACFR) Capital Improvement Plan (CIP) is located. The amendment would read: "The North Ada County Fire and Rescue District Impact Fee Study and Capital Improvement Plan (2018) May 19, 2023. The reason for this suggestion is that an appendix is due to the organization of the plan where all other plans are incorporated by reference.

NACFR has noted that they are concerned that adopting by reference is inadequate to fulfill the requirement of Idaho Code 67-8208.

CAPITAL IMPROVEMENTS PLAN. (1) Each governmental entity intending to impose a development impact fee shall prepare a capital improvements plan. That portion of the cost of preparing a capital

improvements plan which is attributable to determining the development impact fee may be funded by a one (1) time ad valorem levy which does not exceed two one-hundredths percent (.02%) of market value or by a surcharge imposed by ordinance on the collection of a development impact fee which surcharge does not exceed the development's proportionate share of the cost of preparing the plan. For governmental entities required to undertake comprehensive planning pursuant to [chapter 65, title 67](#), Idaho Code, such capital improvements plan shall be prepared and adopted according to the requirements contained in the local planning act, section 67-6509, Idaho Code, and shall be included as an element of the comprehensive plan. The capital improvements plan shall be prepared by qualified professionals in fields relating to finance, engineering, planning and transportation. The persons preparing the plan shall consult with the development impact fee advisory committee.

- 2) **Request 2:** Amending Community Services, Facilities and Utilities/ Fire at pages 66 and 67 to read as follows:

The city continues to be served by the North Ada County Fire and Rescue District (NAFRD). In 2010 NAFRD entered into an agreement with the City of Boise for the operations staff to become employees of Boise City. Stations previously known as Station #1 and #2 are now Station #16 located on Glenwood Street, and Station #18 on Chinden Boulevard, respectively. The City Council has adopted the North Ada County Fire and Rescue District Development Impact Fees and entered into City of Garden City/North Ada County Fire & Rescue District Intergovernmental Agreement and Joint Powers Agreement for the Collection and Expenditure of Development Impact Fees for Fire District Systems Improvements by and between the City and the North Ada County Fire and Rescue District pursuant to Idaho Code §§ 67-8204A and 67-2328 for the collection and expenditure of Fire District Impact Fees for both residential and non-residential development. The City Council has approved the Capital Improvement Plan Development Impact Fee Study North Ada County Fire & Rescue District May 19, 2023 (Appendix G of this Comprehensive Plan) which is the basis for the Fire District Impact Fees.

Staff suggests that this addition read: The City Council has approved and incorporated the Capital Improvement Plan Development Impact Fee Study North Ada County Fire & Rescue District May 19, 2023, as an element of this Comprehensive Plan, which is the basis for the Fire District Impact Fees.

- 3) **Request 3:** Amend the Plans Incorporated by Reference at page 71 by deleting the reference to the 2018 North Ada County Fire & Rescue District Capital Improvement Plan.

Staff suggests that this not be stricken as requested. For an explanation, see request 1.

Staff suggests a further addition to the section *Plans Incorporated by Reference to this Comprehensive Plan* to explain: Plans that are incorporated by reference are formally included as an element of this Comprehensive Plan.

4) **Other:** The Comprehensive Plan's graphics are outdated. NACFR's request does not include updating them. Staff has included an update to the graphics and formatting including:

- a. Addition and amendment to graphics.
- b. Update of formatting.
- c. Addition of an acknowledgement to Mariia Antonova, for updating the graphics and formatting.
- d. Addition of an "Introduction"
- e. Addition of a section "Evolution of this Comprehensive Plan" which provides the resolution numbers to each amendment and a brief description of the amendment to the Comprehensive Plan.
- f. Relocation of "Implementation Work program" to the "Introduction" and after each corresponding goal
- g. Addition of adopted plan references
 - i. Garden City Emergency Operations Plan, RES 1013-16
 - ii. [Garden City Master Parks and Waterways Plan](#), RES 1015-16
 - iii. [Garden City Transportation Needs](#), RES 1089-21.
 - iv. [Ada County Multi-Hazards Mitigation Plan \(2022\)](#), RES 1133-22
 - v. Boise River Trails Coalition- [Boise River Trails System, 2009](#)
 - vi. [The North Ada County Fire and Rescue District Impact Fee Study and Capital Improvement Plan](#), May 19, 2023, RES 1056-19
 - vii. [State Street Corridor Transit Oriented Development Design and Implementation](#), RES 1077-20
 - viii. [State Street Transit and Traffic Operational Plan](#), RES 939-10
- h. Appendices grouped by update

Agency Comments

The city maintains a list of agencies that may be stakeholders in landuse applications. All legislative matters regarding Title 8 of the Garden City Code are sent to those potential stakeholders for agency comment.

The only agency comment received was from the City Engineer noting that he had no comment.

Public Comment

There were no comments received by the City as of the drafting of this report.

Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Code Sections

Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/ CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/ CC	No concerns noted	A Compliance Statement was received as required.
8-6A-7 Public Hearing Process	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided notifications to agencies with jurisdiction, and ran a 2"X 4" legal notice in the Idaho Statesman, at least 15 days prior to the first hearing, conspicuously posted notice at the Garden City Library, Garden City Hall, online, and Garden City Police Department, and provided notice to radio, newspaper, and television.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code § 67-6508 Local Land Use Planning	There has been a comprehensive planning process conducted to update the comprehensive plan. The amendment does not affect the required Comprehensive Plan elements: property rights; population; school facilities and transport; economic development; land use; natural resources; hazardous areas; public services, facilities, and utilities; transportation; recreation; special areas or sites; housing; community design; agriculture; implementation; national interest electric transmission corridors; or public airport facilities.
Idaho Code § 67-8204 Minimum Standards and Requirements for Development Impact Fees and Ordinances.	<p>Governmental entities which comply with the requirements of this chapter may impose by ordinance development impact fees as a condition of development approval on all developments.</p> <p>(1) A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.</p> <p>(2) A development impact fee shall be calculated on the basis of levels of service for public facilities adopted in the development impact fee ordinance of the governmental entity that are applicable to existing development as well as new growth and development. The construction, improvement, expansion, or enlargement of new or existing public facilities for which a development impact fee is imposed must be attributable to the capacity demands generated by the new development.</p> <p>(3) A development impact fee ordinance shall specify the point in the development process at which the development impact fee shall be collected. The development impact fee may be collected no earlier than the commencement of construction of the development, or the</p>

issuance of a building permit or a manufactured home installation permit, or as may be agreed by the developer and the governmental entity.

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

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

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

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

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

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

(10) A development impact fee ordinance may exempt all or part of a particular development project from development impact fees provided that such project is determined to create affordable housing, provided that the public policy which supports the exemption is contained in the governmental entity's comprehensive plan and provided that the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.

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

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

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

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

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

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

(17) A development impact fee ordinance shall include a schedule of development impact fees for various land uses per unit of development. The ordinance shall provide that a developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in section [67-8214\(3\)](#), Idaho Code.

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

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

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

	<p>(a) Rebuilding the same amount of floor space of a structure which was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;</p> <p>(b) Remodeling or repairing a structure which does not increase the number of service units;</p> <p>(c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, provided that the number of service units does not increase;</p> <p>(d) Placing a temporary construction trailer or office on a lot;</p> <p>(e) Constructing an addition on a residential structure which does not increase the number of service units; and</p> <p>(f) Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.</p> <p>(21) A development impact fee will be assessed for installation of a modular building, manufactured home, or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either:</p> <p>(a) That a modular building, manufactured home, or recreational vehicle was legally in place on the lot or space prior to the effective date of the development impact fee ordinance; or</p> <p>(b) That a development impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space.</p> <p>(22) A development impact fee ordinance shall include a process for dealing with a project which has extraordinary impacts.</p> <p>(23) A development impact fee ordinance shall provide for the calculation of a development impact fee in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or developers within the service area other than the person paying the fee.</p> <p>(24) A development impact fee ordinance shall include a description of acceptable levels of service for system improvements.</p> <p>(25) Any provision of a development impact fee ordinance that is inconsistent with the requirements of this chapter shall be null and void and that provision shall have no legal effect. A partial invalidity of a development impact fee ordinance shall not affect the validity of the remaining portions of the ordinance that are consistent with the requirements of this chapter.</p>
<p><u>Idaho Code § 67-8204A</u> <u>Intergovernmental Agreements</u></p>	<p>Governmental entities as defined in section <u>67-8203(14)</u>, Idaho Code, which are jointly affected by development are authorized to enter into intergovernmental agreements with each other or with highway districts, fire districts, water districts, sewer districts, recreational water and sewer districts or irrigation districts for the purpose of developing joint plans for capital improvements or for the purpose of agreeing to collect and expend development impact fees for system improvements, or both, provided that such agreement complies with any applicable state laws. Governmental entities are also authorized to enter into agreements with the Idaho transportation department for the expenditure of development impact fees pursuant to a developer's agreement under section <u>67-8214</u>, Idaho Code.</p>