



**Lewiston Development Impact Fee Advisory Committee  
REGULAR MEETING AGENDA  
April 9, 2024 - 3:00 PM  
Lewiston Public Works – Conference Room – 215 D Street  
Lewiston, Idaho 83501**

Seating will be available on a first-come, first-served basis.

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**I. CALL TO ORDER**

**II. CITIZEN COMMENTS**

**III. ACTIVE AGENDA**

- A. **NEW COMMITTEE ORIENTATION:** A brief orientation by Assistant City Attorney Jennifer Tengono on relevant rules and considerations of the committee. - Presentation
- B. **ELECTION OF OFFICERS:** Nominations and Elections of a Chair and Vice Chair. - Action Item
- C. **ADOPTION OF DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE BYLAWS:** Per Section 2-44(b) of City Code, each advisory board and commission shall adopt bylaws using the bylaws template approved by Council. - Action Item
- D. **DISCUSSION OF FOCUS OF COMMITTEE AND SCHEDULE:** An overview of the intent of this Committee by Pat Severance, PE, Development Review Supervisor to facilitate charting future meetings with the goal of presenting to City Council prior to recommending adoption of the Traffic Impact Fee in six-months' time. - Action Item

**IV. ADJOURNMENT**

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact City Clerk's Office at least forty-eight (48) hours in advance of the meeting at 208-746-3671, ext. 6202.

# City of Lewiston

## Development Impact Fee Advisory Committee Bylaws

### Article I. Name

The name of this advisory board or commission is the Development Impact Fee Advisory Committee, hereafter referred to as the Committee.

### Article II. Membership

The Committee shall consist of five (5), voting members. Per Idaho State Code § 67-8205(2)(a), the committee shall be composed of not fewer than five (5) members.

### Article III. Officers

A. The officers of the Committee shall be a chairperson and vice-chairperson elected from among the Committee members at the first regularly scheduled meeting or at such other time as the Committee deems feasible.

B. Officers shall serve a term of one (1) year from the meeting at which they are elected and until their successors are duly elected.

C. The chairperson shall preside at all meetings of the Committee, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Committee, serve as an *ex officio* voting member of all committees, and generally perform all duties associated with that office.

D. The vice-chairperson, in the event of the absence or disability of the chairperson or of a vacancy in that office, shall assume and perform the duties and functions of the chairperson.

E. In the event of the absence of the chairperson and vice-chairperson, those Committee members present shall elect, by majority vote, a temporary chairperson for that meeting. Should the chairperson or vice-chairperson arrive, the temporary chairperson shall relinquish the chair upon the conclusion of the item of business then in consideration before the Committee.

### Article IV. Meetings and Minutes

A. All Committee meetings shall be governed by the Idaho Open Meetings Law, I.C. §§ 74-201 *et seq.*; and all Committee records shall be subject to the Idaho Public Records Act, I.C. §§ 74-101 *et seq.*, and the City of Lewiston records retention schedule.

B. Regular meetings shall be held on an as needed basis at the Public Works conference room or at such other location or time as shall be designed in advance until the Traffic Impact Fee is established. Once the Traffic Impact Fee is established, the Committee shall meet at least once (1) annually. If a day fixed for a regular meeting falls on a holiday recognized by the City of Lewiston, then such meeting shall be cancelled.

C. Special meetings may be called by a consensus of the Committee, the chairperson, or the staff liaison. If the time and place of a special meeting has not been determined at a regular meeting with all

Committee members present, then a notice of the time and place of the special meeting shall be sent to all Committee members as soon as practicable.

D. Unless otherwise provided by law, a quorum for the transaction of business at any meeting shall consist of a majority of the currently appointed voting members of the Committee.

E. Meeting minutes of the Committee shall comply with Idaho Code Title 74, Chapter 2. Meeting minutes shall be maintained in accordance with the City of Lewiston records retention schedule.

#### **Article V. Rules of Debate**

A. *Recognition by chairperson and interruptions prohibited.* A Committee member desiring to speak at a meeting shall address the chairperson and, upon recognition by the chairperson, shall confine himself or herself to the question under debate. A Committee member, once recognized by the chairperson, shall not be interrupted when speaking.

B. *Call for the question.* A Committee member may call for the question upon being recognized by the chairperson. If the motion to call for the question is seconded, debate shall not be allowed, and the motion must be approved by two-thirds (2/3) of the Committee members present. If the motion is so approved, the Committee shall immediately vote on the underlying question without further debate.

#### **Article VI. General**

A. *Voting.* An affirmative vote of the majority of all Committee members present at the time shall be necessary to approve any action before the Committee. A motion shall fail if votes upon such motion are tied. The chairperson may vote upon and may move or second a proposal before the Committee. Unless otherwise provided by law, every Committee member present when a question is put forth shall vote for or against the same. Unless excused from voting, if a Committee member refuses or fails to vote, and the result of such refusal or failure creates a tie, that Committee member's vote shall be counted as an "aye." If a Committee member is excused from voting, that member may be counted for purposes of determining a quorum, but shall not be counted toward the minimum number of votes required to pass or reject a motion.

B. *Conflicts of interest.* Committee members shall adhere to the applicable provisions in Idaho Code regarding conflicts of interest.

C. *Conflicts.* In the event of a conflict between a provision in these Bylaws, the Lewiston City Code, and/or Idaho Code, the order of priority shall be Idaho Code, the Lewiston City Code, and these Bylaws.

D. *Amendments.* The Committee may amend the number of voting members (Article II); when officers will be elected and the duties of additional officers, if applicable (Article III); and the date, time, and location of regular meetings (Article IV) upon majority vote of the full Committee; approval from the City Council shall not be required to amend such provisions. However, the remaining provisions of these Bylaws shall not be amended by the Committee without prior approval from the City Council.

**These Bylaws were adopted by the Committee on April 9, 2024. These Bylaws shall replace and supersede any previously-adopted Bylaws of the Development Impact Fee Advisory Committee.**



## Scope of Work

### City of Lewiston Traffic Impact Fees

#### Lewiston, Idaho

This document outlines the scope of work to develop a transportation impact fee (TIF) program for the City of Lewiston. General work elements include: confirmation of street and intersection capacity improvements to be included in the TIF program; determination of a proportionate mitigation fee methodology; development of a TIF rate study and land use schedule; guidance in municipal code additions resulting in code documents; revision of traffic impact study (TIS) standards; Development Impact Fee Advisory Committee (DIFAC) virtual meetings; and attendance of two City Council meetings.

#### Scope of Services

Idaho State Code Title 67 Chapter 82 for Development Impact Fees were reviewed in establishing scope and work program for this project. The required elements of City Code are also addressed by this section of Idaho State Code. The following summarizes technical scope/work items anticipated in the development of the TIF:

- ◆ Coordination meeting with City officials, including legal counsel, to discuss the City TIF process and adjust the work program, as needed. This can occur as a Teams or Skype meeting, if preferred by the City.
- ◆ Review 20-year transportation projects listed in Regional Transportation Plan and other Lewiston traffic studies to identify improvement needs for the region.
- ◆ Work with City engineers to determine improvements to be incorporated/confirmed from the Capital Improvement Plan (CIP) and additional capacity analysis. These would become the project lists for use in TIF documentation. Note proposed mitigation fee improvements must generate new capacity and benefit development. Pedestrian/bike measures can be included only as a function of street improvements. Transit projects are eligible for impact fees. The current City TIP should be up to date and approved by Council prior to the TIF process.
- ◆ Work with City engineer's office to obtain construction cost estimates for documented CIP improvements. Construction cost estimates can be developed for the three locations specified previous, that have not been addressed by the City.
- ◆ Refine the TIF list to have low to high priority implementation schedules. High priority would comprise the "first funded" projects that would set base fee rates. The low priority projects would "fill" in the high priorities after being constructed. In this way, the TIF fees can be maintained until the next major update.
- ◆ Establish TIF/TMF fee boundaries for three regions of Lewiston set forth by City following earlier project #200458. These will become the Lewiston service areas for the TIF.
- ◆ Identify existing/public versus total forecasts traffic, for each CIP project (i.e. establishing future traffic benefit) per review of the regional travel demand model or other comparable resource. A capacity-based methodology can be used in-lieu of traffic forecasts, with assumption on City-

development proportionality, but this tends to be less defensible as the forecasting methodology and should be used only if City modeling is dated.

- ◆ Allocate construction costs between existing/public versus total forecasts traffic, or the capacity-gained trip totals. This is initially performed for all improvements.
- ◆ Allocate forecasts, public/private trip assessments, and improvement costs to the three TIF service areas of Lewiston. Compare development costs and trips to develop a base mitigation fee per service area.
- ◆ Use base mitigation fee to determine a fee table based on the land uses identified within the Trip Generation Manual (ITE, 2018). Land use schedules would be developed for the three TIF service areas of Lewiston.
- ◆ Prepare a fee rate document for submittal to the City of Lewiston. Solicit comments from City engineers and DIFAC, to be addressed prior to Council presentation.
- ◆ Confirm code requirements of TIF ordinance through review of Current Idaho Statutes, and from review of comparable agency codes.
- ◆ Prepare a Lewiston Municipal Code resolution and ordinance, to be reviewed and addressed by City engineers and the City attorney. Address comments prior to the City Council presentation.
- ◆ Update TIA guidelines following confirmation of rate and code documents. Submit to City engineers for review, with comments addressed prior to Council presentation.
- ◆ Work with City engineers to present TIF strategy documents to City Council in an open public commentary process. This is intended as the public meeting for the project, and it is expected the City would notify the public of this meeting per typical processes. Staff contact with notable City developers is recommended. Information to be presented include a rate study, code/ordinance recommendation, and revised TIA standards.
- ◆ Incorporate additional code recommendations and Council/Commission amendments into technical documents described. These are comments noted from the public hearing, and will also address relevant public testimony of note, as identified by City engineers.
- ◆ Develop final fee mitigation documentation for submittal to the City. This includes the rate study, code/ordinance recommendation, and TIA standards. One more staff review is expected prior to Council presentation.
- ◆ Work with City engineers to present final TIF documents to City Council for adoption. This can be a public meeting, but public testimony is not anticipated. Information to be presented include a final rate study, code/ordinances, and TIA standards
- ◆ Prepare for and lead three (3) DIFAC meetings by Teams or Skype.
- ◆ Graphics for public meetings, presentations, and display boards.

As suggested above, 3 meetings are anticipated in coordination with a DIFAC committee to coordinate the topics applicable in setting up the TIF. The first would introduce the TIF process and confirm improvements to be included in the plan. The second would discuss TIF methodology, potential credits, and coordinate limits of a reasonable fee structure. The third would include presentation of a draft impact fee study to the DIFAC for review.

Per State statutes, impact fee advisory group members were appointed by City Council summer of 2024. The committee shall serve in an advisory capacity and is established to:

- ◆ Assist the governmental entity in adopting land use assumptions,

- ◆ Review the capital improvements plan and proposed amendments,
- ◆ Monitor and evaluate implementation of the capital improvements plan, and
- ◆ Help file periodic reports, at least annually, with respect to the CIP and report to the governmental entity perceived inequities in implementing the plan or imposing the development impact fees.
- ◆ Advise the governmental entity of need to update or revise land use assumptions, capital improvements plan and development impact fees.

As indicated by the scope, two Council meetings would be performed in the support of the TIF process, as likely held in normal Council sessions. The first meeting would present draft TIF strategy and Code recommendations with the ability to take public comment. The second meeting would present final TIF and code recommendations to Council, likely for adoption. Council will decide if public commentary is performed at this second meeting. The City would process notifications for these meetings.

As we have successful hosted community engagement and Council/commission meetings through Teams and Skype we recommend advisory meetings be hosted online. However, it does make sense to attend planning commission or in person, given a larger audience base with elements of community engagement.

### City Provisions

The scope proposal can be accomplished assuming the City provides the following information:

- ◆ Current approved CIP/TIP, Transportation Plan, and/or other approved improvements that identify projects and construction cost estimates.
- ◆ Confirmation of additional improvement locations, as needed.
- ◆ Current unit-bid costs for Lewiston transportation projects.
- ◆ The current travel demand model and/or assessments of developable properties within 5 to 10 years.
- ◆ Support of City Attorney in reviewing ordinance documents.
- ◆ Current traffic impact study standards in word.
- ◆ Provision of advisory committee attendees.
- ◆ Notification for City Council meetings.
- ◆ Dedicated City PM with authority to make decisions, as needed.

### Schedule

The scope of work three in-person DIFAC meetings, and two in person City Council meetings. The work could be completed within a timeframe of about six (6) months following authorization to proceed with the project, with considerable efforts anticipated in February 2024.