

**APPENDIX C
SAMPLE IMPACT FEE ORDINANCE TEMPLATE**

THIS DRAFT ORDINANCE TEMPLATE MUST BE COMPLETED AND REVIEWED BY THE COUNTY ATTORNEY FOR COMPLIANCE WITH THE IDAHO DEVELOPMENT IMPACT FEE STATUTE, IDAHO CODE, §67-8201 ET SEQ., AND THE IMPACT FEE STUDY.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COUNTY CODE OF COUNTY OF _____, STATE OF IDAHO, BY ADOPTING A NEW TITLE ____, CHAPTER ____, _____ COUNTY CODE, TO BE KNOWN AS THE _____ IMPACT FEE ORDINANCE; TO PROVIDE FOR THE IMPOSITION, COMPUTATION AND PAYMENT OF A _____ IMPACT FEE, A _____ IMPACT FEE, AND A _____ IMPACT FEE ON FUTURE DEVELOPMENT; PROVIDING AUTHORITY, INTENT AND DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF SEPARATE IMPACT FEE FUNDS FOR EACH OF SUCH IMPACT FEES; PROVIDING FOR EXEMPTIONS, REFUNDS, CREDITS AND WAIVERS RESPECTING SUCH IMPACT FEES; PROVIDING GENERAL PROVISIONS, APPLICABILITY AND APPEALS; AND PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted in Section 67-8201, et seq., Idaho Code, _____ County ("**the County**") may impose Impact Fees to fund expenditures by the County _____, the _____ Fire District and the _____ Fire District on Capital Improvements needed to serve new development; and

WHEREAS, the _____ retained BBC Research and Consulting, Inc. ("**Consultant**") to analyze and assess new development projections for the period _____ to _____ in order to determine the demand for _____, _____, and _____ Capital Improvements to accommodate new development in the County; and

WHEREAS, the _____ County Impact Fee Study and Capital Improvements Plan, prepared by BBC Research and Consulting, dated _____ (the "**Impact Fee Study**"), incorporated herein by reference, sets forth a reasonable methodology and analysis for determining and quantifying the impacts of various types of new residential and nonresidential Development on the County _____, and _____ and _____ Fire Districts; quantifies the reasonable impact of new development on the System Improvements addressed therein; determines the costs necessary to meet demands created by new development; and determines Impact Fees as set forth in this Ordinance that are at a level no greater than necessary to defray the cost of planned Capital Improvements to increase the service capacity _____ of the County's existing _____, and _____ and _____ Fire Districts. The _____ hereby establishes as the _____ standards the assumptions and Level of Service standards referenced in the Impact Fee Study as part of the County's current plans for future expansions to the County _____, and _____ and _____ Fire Districts.

WHEREAS, based on reasonable methodologies and analyses for determining the impacts of new development on the County _____, and _____ and _____ Fire Districts, including review and reliance on that certain _____ County Comprehensive Plan, _____ (Resolution _____), as amended by Resolution Nos.: _____ and _____ (______); _____) and that certain amendment to the Comprehensive Plan adopted by the County on _____, _____ (Resolution No. __) (collectively, the "**Comprehensive Plan**"), the Impact Fee Study quantifies the impacts of new development on Public Facilities, and establishes Impact Fees on new development no greater than necessary to defray the cost of Capital Improvements that will increase the service capacity _____ of Public Facilities to serve new development.

WHEREAS, in preparing the Impact Fee Study, Consultant reviewed and has relied upon the County's and Districts' ten (10) year Capital Improvements Plans prepared by Consultant, in coordination with

County's engineers, planners, and financial officers, and adopted by the _____, and has reviewed and analyzed what elements of new development are or would generate demand for additional County _____, and _____ and _____ Fire District Public Facilities addressed therein; and

WHEREAS, all of Capital Improvements planned for and included in the Impact Fee Study, which are to be funded by _____, _____, and _____ Impact Fees are directly related to services that the County and Districts are authorized to provide, and are services required by the general policies of the County pursuant to resolution, code or ordinance; and

WHEREAS, an equitable program for planning and financing Capital Improvements to increase the service capacity _____ of Public Facilities needed to serve new development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the County. Such protection requires that the County _____, and _____ and _____ Fire District Public Facilities be expanded to accommodate new development within the County.

WHEREAS, the _____, _____, and _____ Impact Fees to be imposed on new Development will be and are hereby legislatively adopted, will be generally applicable to a broad class of property and are intended to defray the projected impacts on such Public Facilities caused by new development as required by law; and

WHEREAS, the Impact Fee Study quantifies the reasonable impacts of new development on existing _____, _____, and _____ Public Facilities, and the reasonable costs of Capital Improvements necessary to increase the service capacity _____ of the County's existing _____, and _____ and _____ Fire District Public Facilities to accommodate the additional demands and impacts of new development; and

WHEREAS, based upon the Impact Fee Study, the testimony at public hearing, a review of all of the facts and circumstances, and the recommendation of the Planning and Zoning Commission, in the reasonable judgment of the Board of County Commissioners, the _____, _____, and _____ Impact Fees hereby established are at levels no greater than necessary to defray the cost of Capital Improvements directly related to the categories of residential and nonresidential land Development listed herein; and

WHEREAS, in adopting the _____, _____, and _____ Impact Fees, the Board of County Commissioners intends and has determined that such Impact Fees are designed to and do address Capital Improvements needs that are brought about by new development, which needs are separate and distinct from the impacts and needs addressed by other requirements of the County's codes and ordinances, and in no circumstance do the Impact Fees set forth herein address the same subjects as other requirements of the County's codes and ordinances for site specific dedications or improvements; and

WHEREAS, the Impact Fees adopted hereby shall be collected and accounted for in accordance with Section 67-8201, et seq., Idaho Code; and

[Note: In the case of the City of Rigby and the City of Roberts, which are working with Central Fire and Roberts Fire District respectively, the _____ Attorney may consider the following recitals and consider attaching the Districts' Impact Fees as an exhibit:

WHEREAS, Central Fire and Roberts Fire District each have adopted their Capital Improvement Plans and Impact Fees as set forth in the Jefferson County Impact Fee Study, dated _____; and

WHEREAS, the cities of Rigby and Roberts, Jefferson County and Central Fire and Roberts Fire District have entered into an intergovernmental agreement dated _____, 2009, for the purposes of collection of Impact Fees by _____ on behalf of Central Fire; and Roberts Fire District]

WHEREAS, after due and timely notice, the County Planning and Zoning Commission held a public hearing to discuss, review, hear public comments, receive the recommendation of the Impact Fee Advisory Committee, and make recommendations to the Board of County Commissioners on the proposed Impact Fees set forth herein; and

[Note: the County Attorney may prefer to be more specific in showing the proper procedure has been met by including the dates the public was notified of the hearings as well as the dates of the hearings.]

WHEREAS, in accordance with the procedural requirements of Title 67, Chapter 65, Idaho Code, the Capital Improvements Plans have been adopted as part of the Comprehensive Plan, and in accordance with the procedural requirements of Title 67, Chapter 82, Idaho Code, the Impact Fee Study and Capital Improvements Plans have been presented to and reviewed by the Board of County Commissioners; and

WHEREAS, after due and timely notice, the Board of County Commissioners held a public hearing to discuss, review and hear public comments on the proposed Impact Fees set forth herein; and

WHEREAS, the Impact Fees adopted hereby are fair and rational, charge new development according to new development's impact on the County's _____, and _____, and _____ Fire Districts' Public Facilities and benefit those who pay Impact Fees in a tangible way.

BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF _____, STATE OF IDAHO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of County Commissioners.

Section 2. Title __, Chapter __, of the _____ the County Code is hereby adopted as follows:

TITLE __, CHAPTER __,
IMPACT FEE ORDINANCE

SECTION

- ____-01 Legislative Findings
- ____-02 Authority, Applicability, and Effective Date
- ____-03 Intent
- ____-04 Definitions
- ____-05 Imposition and Computation of Impact Fees
- ____-06 Payment of Impact Fees
- ____-07 Impact Fee Fund; Refunds of Impact Fees Paid
- ____-08 Exemptions From Impact Fees
- ____-09 Credits; Reimbursements
- ____-10 Appeals
- ____-11 Impact Fee Advisory Committee
- ____-12 Miscellaneous Provisions

____-01 – Legislative Findings

The Board of County Commissioners of _____, Idaho finds that:

- (a) Based on the _____ Comprehensive Plan adopted by the County pursuant to Title 67, Chapter 65, Idaho Code, including but not limited to the Capital Improvements Element of the Comprehensive Plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the County, it is necessary that the County's Public Facilities for: (1) _____ Public Facilities; and (2) _____ Public Facilities and (3) _____ Public Facilities to accommodate new development within the County.
- (b) New residential and nonresidential growth and development imposes and will impose increasing and excessive demands upon the Public Facilities.
- (c) The revenues generated from new residential and nonresidential growth and development often does not generate sufficient funds to provide the necessary improvements of these Public Facilities to accommodate new development.
- (d) New development is expected to continue, and will place ever-increasing demands on the County to provide and expand the Public Facilities to serve new development.
- (e) The County has planned for the improvement of the Public Facilities in the Capital Improvements Element of the _____ Comprehensive Plan.
- (f) The creation of an equitable Impact Fee system would enable the County to impose a Proportionate Share of the costs of needed improvements to the Public Facilities to accommodate new development, and would assist the County in implementing the Capital Improvements Element of the Comprehensive Plan.
- (g) In order to implement an equitable Impact Fee system for the Public Facilities, the County retained BBC Research & Consulting to prepare an Impact Fee Study for these types of facilities. The resulting document is titled "The _____ Impact Fee Study and Capital Improvements Plan," dated _____ (the "**Impact Fee Study**"), recommended for approval by the Impact Fee Advisory Committee, is on file in the office of the clerk of _____.
- (h) The Impact Fee Study is consistent with the Capital Improvements Element of the _____ Comprehensive Plan, and uses the Levels of Service set forth in the Comprehensive Plan for these Public Facilities. **[Note: Although the Levels of Service are set forth in the Comprehensive Plan, the language of the Idaho Development Impact Fee Act (Section 67-8204(2))**

indicates that the levels of service should also be adopted as part of the Ordinance. Insert the levels of service here.]

(i) The Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of various types of new development on the Public Facilities, and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such Public Facilities created by new development.

(j) The Impact Fee Study uses a calculation methodology in accordance with generally accepted accounting principles. This Ordinance shall not be deemed invalid because payment of an Impact Fee may result in an incidental benefit to others within the Service Area other than the Fee Payer.

(k) The Impact Fees described in this Ordinance are based on the Impact Fee Study, and do not exceed the costs of System Improvements for the Public Facilities to serve new development that will pay the Impact Fees.

(l) The _____, _____, and _____ Public Facilities included in the calculation of Impact Fees in the Impact Fee Study will benefit all new development throughout the County, and it is therefore appropriate to treat all areas of the County as a single Service Area for purposes of calculating, collecting and spending the Impact Fees collected.

(m) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Impact Fees that such development will be required to pay.

(n) This Ordinance creates a system by which Impact Fees paid by new development will be used to finance, defray or to provide Capital Improvements for the Public Facilities in ways that benefit the development for which Impact Fees were paid.

(o) This Ordinance creates a system under which Impact Fees shall not be used to correct existing deficiencies in Public Facilities, or to replace or rehabilitate existing Public Facilities, or to pay for routine operation or maintenance of those Public Facilities.

(p) This Ordinance creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code Section 67-8204(19).

(q) This Ordinance is consistent with all applicable provisions of Title 67, Chapter 82, Idaho Code, concerning Impact Fee Ordinances.

_____ -02 – Authority, Applicability, and Effective Date

(a) This Ordinance is enacted pursuant to the _____ 's general police powers pursuant to the authority granted to the County by Title 50, Idaho Code, and pursuant to the authority granted to the County by Section 67-8201, et seq., Idaho Code.

(b) The provisions of this Ordinance shall apply to all of the territory within the limits of the County and to any incorporated areas of the County where the County has executed an intergovernmental agreement with the _____ of _____ for purposes of collection or expenditure of Impact Fees pursuant to Section 67-8204A, Idaho Code, and other applicable laws of the State of Idaho.

(c) This Ordinance is effective _____ (the "**Effective Date**"), which Effective Date is thirty (30) days subsequent to the passage, approval and publication, according to law, of Ordinance No. _____, which adopted the provisions hereof.

(d) Applications for Building Permits received by the County prior to the Effective Date of this Ordinance, or amendments hereto, adopting Impact Fees or amending or adopting any methodology by which Impact Fees are calculated, will be exempt from that portion of this Ordinance, or amendment enacted after such Building Permit application, if a valid Building Permit has been issued or construction has commenced prior to the Effective Date of this Ordinance, or amendment. For Building Permits that expire or are revoked after the Effective Date of this Ordinance, the Fee Payer shall be entitled to a refund of previously paid Impact Fees as provided further in Section _____, _____ Code, provided that in the case of reapplication for Building Permit, the Impact Fee in effect at that time shall be paid.

(e) Notwithstanding any other provision of law, Development Requirements for System Improvements shall be imposed by the County only by way of Impact Fees imposed pursuant to and in accordance with Section 67-8201 et seq., Idaho Code, and this Ordinance.

_____ -03 – Intent

(a) The intent of this Ordinance is to promote the health, safety and general welfare of the residents of the County.

(b) The intent of this Ordinance is to be consistent with those principles for allocating a fair share of the cost of Capital Improvements to Public Facilities to serve new development in compliance with the provisions set forth in Section 67-8201, et seq., Idaho Code. The provisions of this Ordinance shall be interpreted, construed and enforced in accordance with the provisions set forth in Section 67-8201, et seq., Idaho Code.

(c) The intent of this Ordinance is that Impact Fees should be charged, collected, and expended for _____, _____, and _____ Capital Improvements to increase the service capacity _____ of such categories of Public Facilities, which Capital Improvements are included in approved Capital Improvements Plans that list the Capital Improvements that may be funded with Impact Fees.

(d) The intent of this Ordinance is to ensure that: Public Facilities are available to serve new development; new development bears a Proportionate Share of the cost of _____, _____, and _____ Capital Improvements to such Public Facilities; to ensure that such Proportionate Share does not exceed the cost of the Capital Improvements to such Public Facilities required to serve new development; and to ensure that the funds collected from new development are used for Capital Improvements for Public Facilities that benefit new development.

(e) It is not the intent of this Ordinance to collect any monies from new development in excess of the actual amount necessary to offset new demands for Capital Improvements to Public Facilities created by such new development.

(f) It is not the intent of this Ordinance that the Impact Fees be used to remedy any deficiency in _____, _____, and _____ Capital Improvements existing on the Effective Date of this Ordinance, or ever be used to replace, rehabilitate, maintain and/or operate any Public Facilities.

(g) It is not the intent of this Ordinance that any monies collected from an Impact Fee deposited in an Impact Fee fund ever be commingled with monies from a different fund, or ever be used for Capital Improvements that are different from those for which the Impact Fee was paid.

(h) It is not the intent of this Ordinance that Impact Fees be used for:

(1) Construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plans.

(2) Repair, operation or maintenance of existing or new Capital Improvements.

(3) Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing Development in order to meet stricter safety, efficiency, environmental or regulatory standards.

(4) Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing Development to provide better service to existing Development.

(5) Administrative and operating costs of the County or Districts unless such costs are attributable to development of the Capital Improvements Plans used to determine Impact Fees by a surcharge imposed by ordinance on the collection of an Impact Fee, which surcharge shall not exceed a Development's Proportionate Share of the cost of preparing the Capital Improvements Plans.

(6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the County to finance Capital Improvements identified in the Capital Improvements Plans.

-04 – Definitions

(a) "Affordable Housing" means housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the Service Area or areas within the jurisdiction of the County.

(b) "Appropriate" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a Governmental Entity.

(c) "Building Permit" means an official document or certificate by that name issued by the County authorizing the construction or siting of any building.

(d) "Capital Improvements" means improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity _____ of a Public Facility.

(e) "Capital Improvements Element" means a component of a comprehensive plan adopted pursuant to Chapter 65, Title 67, Idaho Code, which component meets the requirements of a Capital Improvements Plan pursuant to this Ordinance.

(f) "Capital Improvements Plan" means a plan adopted pursuant to this Ordinance that identifies Capital Improvements for which Impact Fees may be used as a funding source.

(g) "County" means _____ County, Idaho.

(h) " Board of County Commissioners " means the legislative body of _____, Idaho.

(i) "Developer" means any Person or legal entity undertaking Development, including a party that undertakes the subdivision of property pursuant to Sections 50-1301 through 50-1334, Idaho Code and _____, _____ Code.

(j) "Development" means any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for Public Facilities or the subdivision of property that would permit any change in the use, character or appearance of land. As used in this Ordinance, "development" shall not include activities that would otherwise be subject to payment of the Development Impact Fee if such activities are undertaken by a taxing district, as defined in section 63-201, Idaho Code, in the course of carrying out the taxing district's public responsibilities, unless the adopted Impact Fee ordinance expressly includes taxing districts as being subject to Development Impact Fees.

- (k) "Development Approval" means any written authorization from a Governmental Entity which authorizes the commencement of a Development.
- (l) Development Impact Fee: See Impact Fee.
- (m) "Development Requirement" means a requirement attached to a Development Approval or other governmental action approving or authorizing a particular Development including, without limitation, a rezoning, which Development Requirement compels the payment, dedication or contribution of goods, services, land and/or money as a condition of approval.
- (n) "Dwelling Unit" means a building or portion of a building designed for or whose primary purpose is for residential occupancy, and which consists of one or more rooms which are arranged, designed or used as living and/or sleeping quarters for one or more Persons. Dwelling Unit includes a Multifamily building, a mobile home, a Manufactured Home, a Modular Building and/or a motel/hotel/rooming house.
- (o) "Extraordinary Costs" means those costs incurred as a result of Extraordinary Impact.
- (p) "Extraordinary Impact" means an impact which is reasonably determined by the County to: result in the need for System Improvements, the cost of which will significantly exceed the sum of the Impact Fees to be generated from the Project; or the sum agreed to be paid pursuant to a development agreement as allowed by [section 67-8214\(2\), Idaho Code](#), or result in the need for System Improvements that are not identified in the Capital Improvements Plan.
- (q) "Fee Administrator" means the official appointed by _____ with the _____ approval to administer this Ordinance.
- (r) "Fee Payer" means a Person who pays or is required to pay an Impact Fee or the Fee Payer's Successor in Interest.
- (s) "Governmental Entity" means any unit of local government that is empowered by Section 67-8201, et seq., Idaho Code, to adopt an Impact Fee ordinance.
- (t) "Impact Fee" means a payment of money imposed as a condition of Development Approval to pay for a Proportionate Share of the cost of System Improvements needed to serve Development. The term does not include a charge or fee to pay the administrative, plan review or inspection costs associated with permits required for Development; connection or hookup charges; availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or amounts collected from a developer in a transaction in which the _____ has incurred expenses in constructing Capital Improvements for the Development if the Owner or Developer has agreed to be financially responsible for the construction or installation of the Capital Improvements, unless a written agreement is made pursuant to section 67-8209(3) Idaho Code, for credit or reimbursement.
- (u) "Impact Fee Study" means the document entitled the " _____," dated _____, prepared by BBC Research & Consulting for the _____.
- (v) "Land Use Assumptions" means a description of the Service Area and projections of land uses, densities, intensities, and population in the Service Area over at least a twenty (20) year period.
- (w) "Level of Service" means a measure of the relationship between service capacity _____ and service demand for Public Facilities.
- (x) "Manufactured Home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and

includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. 5401, et seq.

(y) "Modular Building" Is defined in Section 39-4301, Idaho Code, and means any building or building component, other than a manufactured or mobile home, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site. Section 67-8203(19) Idaho Code.

(z) "Multifamily" means a building or portion thereof, containing two (2) or more Dwelling Units, excluding attached single-family townhouse units located on individual lots.

(aa) "Owner" means the Person holding legal title to real property, including the local, state or federal government or any subdivision thereof.

(bb) "Person" means an individual, corporation, governmental agency, business trust, estate, partnership, association, two or more Persons having a joint or common interest, or any other entity.

(cc) "Present Value" means the total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.

(dd) "Project" means a particular Development on an identified parcel of land.

(ee) "Project Improvements" means site improvements and facilities that are planned and designed to provide service for a Project and that are necessary for the use and convenience of the occupants or users of the Project.

(ff) "Proportionate Share" means that portion of the cost of System Improvements determined pursuant to Section 67-8207, Idaho Code, and Section _____, _____ Code, which reasonably relates to the service demands and needs for Public Facilities of a Project.

(gg) "Public Facility" means:

- (1) Water supply production, treatment, storage and distribution facilities;
- (2) Wastewater collection, treatment and disposal facilities;
- (3) Roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;
- (4) Storm water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;
- (5) Parks, open space and recreation areas, and related capital improvements; and
- (6) Public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.

(hh) "Recreational Vehicle" means a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(ii) "Service Area" means any defined geographic area identified by a Governmental Entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles or both.

(jj) "Service Unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(kk) "Successor in Interest" means a Person who gains legal title in real property for which an Impact Fee is paid or a credit is approved pursuant to the terms of this Ordinance.

(ll) "System Improvements," in contrast to Project Improvements, means Capital Improvements to Public Facilities that are designed to provide service to a Service Area including, without limitation, the type of improvements the _____ has the authority to make as described in Section 50-1703, Idaho Code.

(mm) "System Improvement Costs" means costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in Section 50-1702(h), Idaho Code, to provide additional public facilities needed to serve new development. For clarification, System Improvement Costs do not include:

- (1) Construction, acquisition or expansion of public facilities other than capital improvements identified in the Capital Improvements Plans;
- (2) Repair, operation or maintenance of existing or new Capital Improvements;
- (3) Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (4) Upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing development;
- (5) Administrative and operating costs of the Governmental Entity unless such costs are attributable to development of the Capital Improvements Plans, as provided in Section 67-8208, Idaho Code; or
- (6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the Governmental Entity to finance Capital Improvements identified in the Capital Improvements Plans.

-05 – Imposition and Computation of Impact Fees

(a) Any application for a Building Permit enabling the construction, and in the case of construction that does not require a Building Permit, any building that takes place on or after the Effective Date of this Ordinance shall be subject to the imposition of Impact Fees in the manner and amount set forth in this Ordinance. The methodology adopted for the purpose of determining _____, _____, and _____ Impact Fees shall be based upon the assumptions set forth in the Impact Fee Study.

(b) Impact Fees shall be required as a condition of approval of all residential and nonresidential Development in the Service Area for which a Building Permit is required and shall be payable prior to the issuance of any Building Permit (or installation permit in the case of a Manufactured Home) for a Dwelling Unit or a nonresidential building. Except as otherwise provided herein, after the Effective Date of this Ordinance, no Building Permit shall be issued until the Impact Fees described in this Ordinance have been paid, unless the Development for which the permit is sought is exempted by Section _____-08 or approved credits are used to cover the Impact Fee, as set forth in Section _____-09. The Fee Administrator shall have

the authority to withhold a Building Permit, stop construction, withhold utility services or impose liens as the case may be, until the appropriate Impact Fee has been collected.

(c) 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.

(d) A Fee Payer required by this Ordinance to pay an Impact Fee may choose to have the amount of such Impact Fee determined pursuant to either the Fee Schedule (whereupon such payment shall be recognized as full and complete payment of the Development's Proportionate Share of System Improvement Costs, except as provided in Idaho Code Section 67-8214(3)) or subsections (e) through (g) below. If the Fee Payer chooses to have the amount of such Impact Fee determined pursuant to subsections (e) through (g) below, such Impact Fee shall be subject to the adjustment described in Section ____-09, if applicable. If the Project is a mix of those uses listed on the Fee Schedule, then the Impact Fees shall be determined by adding up the Impact Fees that would be payable for each use as if it were a freestanding use pursuant to the Fee Schedule.

(e) Individual assessment of Impact Fees is permitted in situations where the Fee Payer can demonstrate by clear and convincing evidence that the established Impact Fee is inappropriate for the Project. Written application for individual assessment shall be made to the Fee Administrator at any time prior to receiving Building Permit(s). Late applications for individual assessment of Impact Fees may be considered for a period of sixty (60) days after the receipt of a Building Permit only if the Fee Payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a Building Permit and that undue hardship would result if said application is not considered. Such independent Impact Fee calculation study for the Fee Payer's Development shall be prepared at the Fee Payer's cost by a qualified professional and contain studies, data and other relevant information and be submitted to the Fee Administrator for review. Any such study shall be based on the same methodology and the same Level of Service standards, improvements and costs used in the Impact Fee Study, and must document the methodologies and assumptions used. The _____ may hire a professional consultant to review any independent Impact Fee calculation study on behalf of the _____, and may charge the reasonable costs of such review to the Fee Payer.

(f) Any independent Impact Fee calculation study submitted by a Fee Payer may be accepted, rejected or accepted with modifications by the _____ as the basis for calculating Impact Fees. The _____ shall not be required to accept any study or documentation the _____ reasonably deems to be inaccurate or unreliable, and shall have the authority to request that the Fee Payer submit additional or different documentation for consideration in connection with review of any independent Impact Fee calculation. If such additional or different documentation is accepted or accepted with modifications as a more accurate measure of the Impact Fees due in connection with Fee Payer's proposed Development than the applicable Impact Fees set forth in subsection the Fee Schedule, then the Impact Fee due under this Ordinance shall be calculated according to such documentation.

(g) The Fee Administrator shall render a written decision establishing the Impact Fees in connection with the individual assessment within thirty (30) days of the date a complete application is submitted. The decision shall include an explanation of the calculation of the Impact Fees, shall specify the System Improvement(s) for which the Impact Fees are intended to be used, and shall include an explanation of the following factors considered:

- (1) Any appropriate credit, offset or contribution of money, dedication of land, or construction of System Improvements;
- (2) Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees and debt service payments;

- (3) That portion of general tax and other revenues allocated by the jurisdiction to System Improvements;
 - (4) All other available sources of funding such System Improvements;
 - (5) The cost of existing System Improvements within the Service Area;
 - (6) The means by which existing System Improvements have been financed;
 - (7) The extent to which the new development will contribute to the cost of System Improvements through taxation, assessment, or Developer or landowner contributions, or has previously contributed to the cost of System Improvements through Developer or landowner contributions;
 - (8) The extent to which the new development is required to contribute to the cost of existing System Improvements in the future;
 - (9) The extent to which the new development should be credited for providing System Improvements, without charge to other properties within the Service Area;
 - (10) Extraordinary Costs, if any, incurred in serving the new development;
 - (11) The time and price differential inherent in a fair comparison of Impact Fees paid at different times; and
 - (12) The availability of other sources of funding System Improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation. The _____ shall develop a plan for alternative sources of revenue.
- (h) Certification of the Impact Fee for a Project may be applied for in the following manner:
- (1) Written application may be made to the Fee Administrator not later than sixty (60) days after Development Approval by the _____. Late applications for certification of the Impact Fee will not be considered unless the Fee Payer makes a showing that the facts supporting such application were not known or discoverable until after the time had run and that undue hardship would result if said application is not considered.
 - (2) The Fee Administrator shall provide the Fee Payer with a written Impact Fee certification for the Project within thirty (30) days of the date a complete application is submitted. The certification provided by the Fee Administrator shall establish the Impact Fee for the Project in question so long as there is no material change to the Project as identified in the certification application or the Impact Fee schedule. The certification shall include an explanation of the calculation of the Impact Fees, shall specify the System Improvement(s) for which the Impact Fees are intended to be used, and shall include an explanation of the factors considered, which factors are identified in subsection (g) above.
- (i) Appeals of the Fee Administrator's determination of an individual assessment or certification shall be made to the _____ as provided further in this Ordinance.
- (j) The _____ recognizes that there may be circumstances where the anticipated fiscal impacts of a proposed Development are of such magnitude that the _____ may be unable to accommodate the Development without excessive or unscheduled public expenditures that exceed the amount of the anticipated Impact Fees from such Development. If the _____ determines that a proposed Development would create such an Extraordinary Impact on the _____'s _____, _____, and/or _____ Public Facilities, the _____ may refuse to approve the proposed Development. In the alternative, the _____ may calculate a pro rata share per Dwelling Unit, or

square feet of nonresidential buildings, of the Extraordinary Impact and charge a reasonable Extraordinary Impact Fee that is greater than would ordinarily be charged.

(k) If the _____ discovers an error in its Impact Fee formula that results in assessment or payment of more than a Proportionate Share, _____ shall, at the time of assessment on a case by case basis, adjust the Impact Fee to collect no more than a Proportionate Share or discontinue the collection of any Impact Fees until the error is corrected by ordinance.

_____ -06 – Payment of Impact Fees

(a) After the Effective Date of this Ordinance all Fee Payers shall pay the Impact Fees as provided by this Ordinance to the Fee Administrator following application for a Building Permit and prior to the issuance of any Building Permit for a Dwelling Unit, or nonresidential building.

(b) All Impact Fees paid by a Fee Payer pursuant to this Ordinance shall be promptly deposited in the Impact Fee Fund described in Section _____-07.

_____ -07 – Impact Fee Funds; Refunds of Impact Fees Paid

(a) There is hereby established a _____ Impact Fee fund into which shall be deposited all _____ Impact Fees for the purpose of ensuring _____ Impact Fees collected pursuant hereto are designated for the accommodation of _____ Capital Improvements reasonably necessary to serve new development that paid the Impact Fee.

(b) There is hereby established a _____ Impact Fee fund into which shall be deposited all _____ Impact Fees for the purpose of ensuring _____ Impact Fees collected pursuant hereto are designated for the accommodation of _____ Capital Improvements reasonably necessary to serve new development that paid the Impact Fee.

(c) There is hereby established a _____ Impact Fee fund into which shall be deposited all _____ Impact Fees for the purpose of ensuring _____ Impact Fees collected pursuant hereto are designated for the accommodation of _____ Capital Improvements reasonably necessary to serve new development that paid the Impact Fee.

(d) Each fund shall be an interest-bearing account which shall be accounted for separately from other Impact Fee funds and from other _____ funds. Any interest or other income earned on monies deposited in a fund shall be credited to such fund. Expenditures of Impact Fees shall be made only for the category of System Improvements for which the Impact Fees were collected and as identified in the Capital Improvements Plans.

(e) Except as otherwise provided herein, monies from each fund, including any accrued interest, shall be limited to the financing of acquisition, expansion, and/or improvement of Capital Improvements, or for principal and interest payments on bonds or other borrowed revenues used to acquire, expand or improve such Capital Improvements, necessary to serve new development. Impact Fees in each fund shall be spent within eight (8) years from the date such Impact Fees were collected on a first-in/first-out (FIFO) basis. The _____ may hold the Impact Fees longer than the prescribed time period if the _____ identifies, in writing: (1) a reasonable cause why the Impact Fees should be held longer; and (2) an anticipated date by which the Impact Fees will be expended but in no event longer than eleven (11) years from the date the Impact Fees were collected.

(f) The Fee Administrator shall prepare annual reports to be provided to the Advisory Committee and the _____, which reports shall: (1) Describe the amount of all Impact Fees collected, Appropriated or spent for System Improvements during the preceding year, as applicable, by category of Public Facility and Service Area; and (2) Describe the percentage of tax and revenues other than Impact Fees collected, Appropriated or spent for System Improvements during the preceding year, as applicable, by category of Public Facility and Service Area.

(g) Funds shall be deemed expended when payment of such funds has been approved by the _____. The Fee Payer or Successor in Interest shall be entitled to a refund of the Impact Fee if: (1) service is available but never provided; (2) a Building Permit or permit for installation of a Manufactured Home is revoked or abandoned; (3) the _____, after collecting the Impact Fee when service is not available, has failed to appropriate and expend the collected Impact Fees; or (4) the Fee Payer pays an Impact Fee under protest and a subsequent review of the Impact Fee paid or the completion of an individual assessment determines that the Impact Fee paid exceeded the Proportionate Share to which the _____ was entitled to receive.

(h) When the right to a refund exists, within ninety (90) days after the _____ determines that a refund is due, the _____ shall provide written notice of entitlement to a refund, to the Owner of record and the Fee Payer who paid the Impact Fees at the address shown on the application for Development Approval, or to a Successor in Interest who has notified the _____ of a transfer of the right or entitlement to a refund and who has provided to the _____ a mailing address. When the right to a refund exists, the _____ shall also publish the notice of entitlement to a refund within thirty (30) days after the expiration of the eight (8) year period after the date that the Impact Fees were collected. Such published notice shall contain the heading "Notice of Entitlement to Impact Fee Refund."

(i) A refund shall include interest at one-half (1/2) the legal rate provided for in Section 28-22-104, Idaho Code, from the date on which the Impact Fee was originally paid.

(j) In order to be eligible for a refund, a Fee Payer, Successor in Interest or Owner of record shall file a written application for a refund with the Fee Administrator within six (6) months of the time such refund becomes payable under subsection (e) above, or within six (6) months of publication of the notice of entitlement to a refund, whichever is later. If a Successor in Interest claims a refund of Impact Fees, the Fee Administrator may require written documentation that such rights have been transferred to the claimant prior to issuing the requested refund. Refunds shall be paid within sixty (60) days after the date on which the Fee Administrator determines that a sufficient proof of claim for a refund has been made.

(k) Any Person entitled to a refund shall have standing to sue for a refund under the provisions of this Ordinance if there has not been a timely payment of a refund as provided herein.

_____ -08 – Exemptions from Impact Fees

(a) The following types of land Development shall be exempted from payment of the Impact Fees imposed by this Ordinance:

- (1) Rebuilding the same amount of square feet of a Dwelling Unit or nonresidential structure that was destroyed by fire or other catastrophe, provided that the structure is rebuilt and ready for occupancy within two (2) years of its destruction.
- (2) Construction of an unoccupied, detached accessory structure, or addition of uses related to a Dwelling Unit unless it can be clearly demonstrated that the use creates a significant impact on the capacity _____ of System Improvements.
- (3) Remodeling or repairing a Dwelling Unit or a nonresidential structure in a manner that does not increase the number of Service Units.
- (4) Replacing a Dwelling Unit with another Dwelling Unit on the same lot, provided that the number of Service Units does not increase.
- (5) Placing a temporary construction trailer or office on a lot.
- (6) Constructing an addition on a residential structure which does not increase the number of Service Units.

- (7) 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.
- (8) Developments determined by the County Commission that provide Affordable housing may be exempt from the Impact Fee requirement, provided that the exempt Development's proportionate Share of System Improvements Is funded through a revenue source other than impact fees.
 - a. Current housing affordability guidelines published by the U.S. Department of Housing and Urban Development ("HUD") shall be used to determine whether Dwelling Units in the Development qualify as Affordable Housing.
 - b. Affordable Housing Projects are required to demonstrate that they will provide Dwelling Units to eligible families based on HUD income and family size guidelines.
 - c. Provides of Affordable Housing Dwelling Units must demonstrate a long-term commitment to provide Affordable Housing for a period of not less than twenty (20) years.

(b) An 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: (1) that a Modular Building, Manufactured Home or Recreational Vehicle was legally in place on the lot or space prior to the Effective Date of this Ordinance; or (2) that an Impact Fee has been paid previously for the installation of a Modular Building, Manufactured Home or Recreational Vehicle on that same lot or space. Lawful storage of a Recreational Vehicle shall not be deemed installation for purposes of this Ordinance.

-09 – Credits; Reimbursements

(a) No Fee Payer shall be required to construct, fund or contribute any Capital Improvement to meet the same need for _____, _____, and _____ Capital Improvements for which an Impact Fee is imposed. All System Improvements constructed, funded or contributed over and above the Proportionate Share of System Improvement Costs, including such System Improvements paid for pursuant to a local improvement district, shall result in either a credit on future Impact Fees or reimbursement (at the Fee Payer's option) for such excess construction, funding or contribution to be paid from Impact Fees paid by future Development that benefits from such System Improvements constructed, funded or contributed by the Fee Payer. However, no credit or reimbursement shall be provided for: (1) Project Improvements; (2) any construction, funding or contribution not agreed to in writing by the _____ prior to commencement of such construction, funding or contribution; and (3) any construction, funding or contribution of a type of Capital Improvements not included in the calculation of the applicable Impact Fee.

(b) In the calculation of Impact Fees for a Project pursuant to Section ____-05 (e) through (g), credit shall be given for the Present Value of all tax and user fee revenue generated by the Fee Payer within the Service Area and used by the _____ for System Improvements of the category for which the Impact Fee is being collected. If the amount of such credit exceeds the Impact Fee for a Project, the Fee Payer shall receive a credit on future Impact Fees. The credit may be applied by the Fee Payer as an offset against future Impact Fees only in the Service Area where the credit was generated.

(c) In the calculation of Impact Fees for a Project, credit or reimbursement (at the Fee Payer's option) shall be given for the Present Value of any construction of System Improvements or contribution of land or money required by the _____ from the Developer for System Improvements of the category for which the Impact Fee is being collected, including System Improvements paid for through local improvement district assessments.

(d) If credit or reimbursement is due to the Fee Payer, the _____ and Fee Payer shall enter into a written agreement, negotiated in good faith, prior to the construction, funding or contribution. The

written agreement shall include, without limitation: a description of the construction, funding or contribution of System Improvements including, in the case of real property, a legal description of the real property; description as to how the System Improvements are to be valued; the amount of the credit or the amount, time and form of reimbursement; instructions as to how the Capital Improvements should be provided to the _____ to ensure full transfer of ownership; and the circumstances under which the credit or reimbursement is deemed effective. To assist in such reimbursement, the _____ shall continue to collect Impact Fees from other Developers whose proposed Developments will benefit from such construction, funding or contribution, and will promptly transfer such funds to the Fee Payer. If a Successor in Interest claims a reimbursement or credit, the Fee Administrator may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested reimbursement or credit.

(e) Approved credits may be used to reduce the amount of Impact Fees of the category for which the Impact Fee is being collected in connection with any new development until the amount of the credit is exhausted. Each time a request to use approved credits is presented to the _____, the _____ shall reduce the amount of the applicable Impact Fee otherwise due from the Fee Payer and shall note in the _____ records the amount of credit remaining, if any. Upon request of the Fee Payer, the _____ shall issue a letter stating the amount of credit available. If the credit has not been exhausted within eight (8) years of the date of issuance of the first Building Permit for which an Impact Fee was due and payable, or within such other time period as may be designated in writing by the _____, such credit shall lapse, unless a refund of the remaining credit is applied for as set forth in Section _____-07(j) above.

(f) Approved credits or reimbursement shall only be used to reduce the amount of the Impact Fee of the category for which the Impact Fee is otherwise due, and shall not be paid to the Fee Payer in cash or in credits against any other monies due from the Fee Payer to the _____.

(g) Credit for land dedications shall, at the Fee Payer's option, be valued at: (1) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the _____ County Assessor; or (2) that fair market value established by a private appraiser reasonably acceptable to the _____ in an appraisal paid for by the Fee Payer. Credit for contribution or construction of System Improvements shall be valued by the _____ based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the _____, which estimates shall be revised as actual costs become available. The _____ shall determine the amount of credit due based on the information submitted, or, if the _____ determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs reasonably acceptable to the _____ as a more accurate measure of the value of the offered System Improvements to the _____.

(h) Approved credits for land dedications shall become effective when the land has been conveyed to the _____ in a form reasonably acceptable to the _____ at no cost to the _____, and has been accepted by the _____. Approved credits for contribution or construction of System Improvements shall generally become effective when: (1) all required construction has been completed and has been accepted by the _____; and (2) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the _____. Approved credits for the construction of System Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit or escrow agreement in the amount and under terms reasonably acceptable to the _____.

(i) Credit may only be transferred by a Fee Payer that has received credit to such Fee Payer's Successor in Interest. The credit may be used only to offset Impact Fees for the same category for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits are being transferred, the dollar amount of the credit being transferred, and the System Improvements for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a

copy of the document shall be delivered to the Fee Administrator for documentation of the transfer before the transfer shall be deemed effective.

-10 – Appeals

The decisions of the Fee Administrator may be appealed as provided below:

(a) Any Fee Payer who is or may be obligated to pay an Impact Fee, may appeal a decision made by the Fee Administrator in applying this Ordinance to the _____'s designee. Such decisions that may be appealed include:

- (1) The applicability of an Impact Fee to the Development.
- (2) The amount of an Impact Fee to be paid for the Development.
- (3) The availability, amount or application of any credit.
- (4) The amount of any refund, reimbursement or credit.
- (5) Any discretionary action or inaction by or on behalf of the _____.

A Fee Payer may pay an Impact Fee under protest in order to obtain a Development Approval or Building Permit(s) and, by paying such Impact Fee, shall not be estopped from exercising the right of appeal provided herein, nor shall the Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected. Upon final disposition of an appeal, the Impact Fee shall be adjusted in accordance with the decision rendered and, if necessary, a refund paid.

(b) In order to pursue an appeal, the Fee Payer shall file a written notice of appeal with the _____ designee within fifteen (15) days after the date of the decision being appealed, or the date on which the Fee Payer submitted a payment of Impact Fees under protest, whichever is later. Such written application shall include a statement describing why the appellant believes that the decision was in error, together with copies of any documents that the appellant believes supports the claim.

(c) The _____ designee shall notify the Fee Payer of the hearing date on the appeal, which notice shall be given no less than fifteen (15) days prior to the date of the hearing, and shall hear the appeal within thirty (30) days after receipt of a written notice of appeal. The appellant shall have a right to be present and to present evidence in support of the appeal. The Fee Administrator who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The burden of proof in any such hearing shall be on the Fee Payer to demonstrate that the amount of the Impact Fee, credit, reimbursement or refund was not properly calculated by the _____.

(d) The criteria to be used by the _____ designee shall be whether: (1) the decision or interpretation made by the Fee Administrator; or (2) the alternative decision or interpretation offered by the appellant, more accurately reflects the intent of this Ordinance that new development in the _____ pay its Proportionate Share of the costs of System Improvements for Public Facilities necessary to serve new development. The _____ designee may affirm, reject or revise the decision of the Fee Administrator, providing written findings of fact and conclusions, within fifteen (15) days after hearing the appeal. The _____ designee shall modify the amount of the Impact Fee, credit, refund or reimbursement only if there is substantial evidence in the record that the Fee Administrator erred, based upon the methodologies contained in the Impact Fee Study, this Ordinance and/or the Capital Improvements Plans. The decision of the _____ designee shall be final.

(e) Upon voluntary agreement by the Fee Payer and the _____, the Fee Payer and the _____ may enter into mediation with a qualified independent party to address a disagreement related to the Impact Fee for proposed development. Costs for the independent mediation service shall be shared equally by the Fee Payer and the _____. Mediation may take place at any time during an appeals process and participation in mediation does not preclude the Fee Payer from pursuing other remedies.

-11 – Impact Fee Advisory Committee

(a) The _____ has established an Advisory Committee. The Advisory Committee shall continue to be composed of not fewer than five (5) members appointed by the Board of County Commissioners. Two (2) or more members of the Advisory Committee shall be active in the business of development, building or real estate. An existing planning and zoning commission may serve as the Advisory Committee if the commission includes two (2) or more members who are active in the business of development, building or real estate; otherwise two (2) members who are not employees or officials of the _____ shall be appointed to the Advisory Committee. The Advisory Committee shall serve in an advisory capacity _____ to the _____ and is established to:

- (1) Assist the _____ in adopting Land Use Assumptions;
- (2) Review the Capital Improvements Plans, and proposed amendments, and file written comments;
- (3) Monitor and evaluate implementation of the Capital Improvements Plans;
- (4) File periodic reports, at least annually, with respect to the Capital Improvements Plans and report to the _____ any perceived inequities in implementing the Capital Improvements Plans or imposing the Impact Fees; and
- (5) Advise the _____ of the need to update or revise Land Use Assumptions, Capital Improvements Plans and Impact Fees.

(b) The _____ shall make available to the Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of Land Use Assumptions, the Capital Improvements Plans and periodic updates of the Capital Improvements Plans.

-12 – Miscellaneous Provisions

(a) As used in this Ordinance, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates; the word shall, will or must is always mandatory; the word may is permissive; and the word should indicates that which is recommended, but not required.

(b) Nothing in this Ordinance shall be construed to create any additional right to develop real property or diminish the power of the _____ in regulating the orderly Development of real property.

(c) Nothing in this Ordinance shall limit or modify the rights of any Person to complete any Development for which a lawful Building Permit was issued prior to the Effective Date of this Ordinance.

(d) Nothing in this Ordinance shall prevent the _____ from requiring a Developer to construct reasonable Project Improvements in conjunction with a Project.

- (e) Nothing in this Ordinance shall limit the ability of the _____ to enter into intergovernmental agreements as provided in Section 67-8204A, Idaho Code.
- (f) Nothing in this Ordinance shall obligate the _____ to approve any development request that may reasonably be expected to reduce Levels of Service below minimum acceptable levels established in the Development Impact Fee Study.
- (g) Nothing in this chapter shall obligate the _____ to approve development which results in Extraordinary Impact.
- (h) Notwithstanding any agreement by the Fee Payer to pay the Proportionate Share of System Improvement Costs documented by the supplemental study, nothing in this Ordinance shall obligate the _____ to approve development that results in an Extraordinary Impact.
- (i) Nothing in this Ordinance shall work to limit the use by the _____ of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.
- (j) 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.
- (k) Nothing in this Ordinance shall be construed to prevent or prohibit private agreements between Developers, the _____, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvement Costs incurred by a Developer or Fee Payer, including inter-project transfers of credits, or providing for reimbursement for Project Improvements that are used or shared by more than one Development Project. If it can be shown that a proposed Development has a direct impact on a Public Facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of Development Impact Fees collected from the Developer or Fee Payer for the improvement of the Public Facility by the Idaho Transportation Department.
- (l) Nothing in this Ordinance shall restrict or diminish the power of the _____: (1) to impose reasonable conditions on the annexation of any property to the _____ in accordance with Idaho Code, including conditions for recovery of Project or System Improvement Costs required as a result of such voluntary annexation, or (2) to negotiate and execute development agreements that may impose additional conditions on Development, including the recovery of Project or System Improvement Costs, either in connection with a proposed annexation or in connection with any other Development within the _____.
- (m) The Impact Fees described in this Ordinance, and the administrative procedures of this Ordinance shall be reviewed at least once every five (5) years to ensure that: (1) the demand and cost assumptions and other assumptions underlying such Impact Fees are still valid; (2) the resulting Impact Fees do not exceed the actual costs of providing _____, _____, and/or _____ System Improvements required to serve new development; (3) the monies collected in any Impact Fee fund have been and are expected to be spent for System Improvements of the type for which such Impact Fees were paid; and (4) such System Improvements will benefit those Developments for which the Impact Fees were paid.
- (n) Violation of this Ordinance shall be subject to those remedies provided in the _____ Code. Knowingly furnishing false information to any official of the _____ charged with the administration of this Ordinance on any matter relating to the administration of this Ordinance including, without limitation, the furnishing of false information regarding the expected size or use of a proposed Development, shall be a violation of this Ordinance.
- (o) The captions used in this Ordinance are for convenience only and shall not affect the interpretation of any portion of the text of this Ordinance.

(p) If any paragraph, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, inconsistent with the provisions of the Idaho Impact Fee Act, Sections 67-8201, et seq., Idaho Code, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

(q) This Ordinance shall be in full force and effect from and after thirty (30) days subsequent to this Ordinance's passage, approval, and publication, according to law, whereupon Title __, Chapter __, existing on the date hereof, and all ordinances or parts of ordinances, codes or parts of codes, in conflict with the provisions of this Ordinance shall be repealed.

PASSED BY THE _____ OF THE COUNTY OF _____, IDAHO, this ____ day of _____, 20__.

APPROVED BY THE _____ OF THE COUNTY OF _____, IDAHO, this ____ day of _____, 20__.

ATTEST:

_____, County Commissioner

_____, the _____ County Clerk

I, _____, being the _____ Clerk for the _____ of _____, Idaho, hereby certify that I have personal knowledge of all the facts set forth in this certificate, and that this Ordinance was published, by Title __, Chapter __, only, on the ____ day of _____, _____, which was subsequent to this Ordinance's adoption, in _____, which is the official newspaper of the _____ of _____, Idaho, all in accordance with Section 50-901, et seq., Idaho Code.

_____, the _____ Clerk

EXHIBIT A
JEFFERSON COUNTY FEE SCHEDULE

Except for such Impact Fee as may be calculated, paid and accepted pursuant to an independent Impact Fee calculation study, the amount of each Impact Fee shall be as follows:

_____ Impact Fee Schedule:

Residential	\$_____ per Dwelling Unit
Non-Residential	\$_____ per square foot

This Fee Schedule shall be in effect between _____, _____, and December 31, _____.

On January 1, _____ and on January 1st of each year thereafter in which an Impact Fee is in effect, the amount of the Impact Fee shall be automatically adjusted to account for inflation increases in the cost of providing _____, _____, and _____ Public Facilities to serve new development utilizing an inflation factor for building material from a reputable source such as McGraw Hill's Engineering News Record. Nothing herein shall prevent the _____ from electing to maintain a then-existing _____, _____, and _____ Impact Fee or from electing to waive the inflation adjustment for any given fiscal year, or years. Any such action to determine an inflation factor shall be by the _____ resolution.

EXHIBIT B
CENTRAL FIRE FEE SCHEDULE

Except for such Impact Fee as may be calculated, paid and accepted pursuant to an independent Impact Fee calculation study, the amount of each Impact Fee shall be as follows:

Central Fire Impact Fee Schedule:

Residential	\$_____ per Dwelling Unit
Non-Residential	\$_____ per square foot

This Fee Schedule shall be in effect between _____, _____, and December 31, _____.

On January 1, _____ and on January 1st of each year thereafter in which an Impact Fee is in effect, the amount of the Impact Fee shall be automatically adjusted to account for inflation increases in the cost of providing _____, _____, and _____ Public Facilities to serve new development utilizing an inflation factor for building material from a reputable source such as McGraw Hill's Engineering News Record. Nothing herein shall prevent the District from electing to maintain a then-existing _____, _____, and _____ Impact Fee or from electing to waive the inflation adjustment for any given fiscal year, or years. Any such action to determine an inflation factor shall be by District resolution.

EXHIBIT C
ROBERTS FIRE DISTRICT FEE SCHEDULE

Except for such Impact Fee as may be calculated, paid and accepted pursuant to an independent Impact Fee calculation study, the amount of each Impact Fee shall be as follows:

Roberts Fire District Impact Fee Schedule:

Residential	\$_____ per Dwelling Unit
Non-Residential	\$_____ per square foot

This Fee Schedule shall be in effect between _____, _____, and December 31, _____.

On January 1, _____ and on January 1st of each year thereafter in which an Impact Fee is in effect, the amount of the Impact Fee shall be automatically adjusted to account for inflation increases in the cost of providing _____, _____, and _____ Public Facilities to serve new development utilizing an inflation factor for building material from a reputable source such as McGraw Hill's Engineering News Record. Nothing herein shall prevent the District from electing to maintain a then-existing _____, _____, and _____ Impact Fee or from electing to waive the inflation adjustment for any given fiscal year, or years. Any such action to determine an inflation factor shall be by District resolution.