

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF MOUNTAIN HOME, IDAHO, AMENDING SECTIONS OF THE MOUNTAIN HOME DEVELOPMENT IMPACT FEE CITY CODE AS FOLLOWS: AMENDING SECTION 9-4-2, "DEFINITIONS" BY CHANGING THE DEFINITIONS OF VARIOUS TERMS IN THAT SECTION; AMENDING SECTION 9-4-3 BY ADDING AN ELMORE COUNTY SERVICE AREA AND ADDING ELMORE COUNTY EMERGENCY MEDICAL SERVICE IMPACT FEES TO THE TABLE OF FEES; AMENDING SECTION 9-4-4 BY SPECIFYING PAYMENT PROCEDURES FOR FEES PURSUANT TO INTERGOVERNMENTAL AGREEMENTS; AMENDING SECTION 9-4-10(B) BY THE ADDITION OF REFUND PROCEDURES FOR AMOUNTS PAID TO ANOTHER GOVERNMENTAL ENTITY PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT; AMENDING SECTION 9-4-16 BY ADOPTING STATE CODE RESIDENCY PROVISIONS AND SPECIFYING THE CITY MEMBERSHIP OF A JOINT DEVELOPMENT IMPACT ADVISORY COMMITTEE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOUNTAIN HOME, IDAHO, AS FOLLOWS:

**Section 1:** That Mountain Home City Code § 9-4-2, "Definitions," be amended by changing the definitions of the terms listed below to read as follows:

**CAPITAL FACILITIES:** Land, buildings, apparatus, vehicles and equipment as identified in ~~Exhibits III-2 and IV-3 of the City's~~ any Capital Improvements Plan as adopted by the City, and specifically including those related costs including System Improvement Costs, but not including maintenance, operations, or improvements that do not expand their capacity. ~~a~~

**CAPITAL IMPROVEMENTS:** Improvements with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of ~~the City's~~ public facilities

**CAPITAL IMPROVEMENTS ELEMENT:** A component of ~~a the~~ Capital Improvements Plan adopted by the City pursuant to Chapters 65 and 82 of Title 67, Idaho Code, as they may be amended, which component meets the requirements of the capital improvements plan required by the Act.

**CAPITAL IMPROVEMENTS PLAN:** ~~The~~ An Impact Fee Study and Capital Improvements Plan ~~recommended~~ reviewed and commented upon by the Development Impact Fee Advisory Committee and adopted by the City that identifies the Capital Facilities for which the City's Impact Fees may be used as a funding source.

**LAND USE ASSUMPTIONS:** A description of the service area and projections of land uses, densities, intensities and population in the service area over at least a twenty ~~ten~~ (20) year period.

**SERVICE AREA:** Land within the boundaries of the City, or other areas pursuant to an intergovernmental agreement, as established pursuant Chapter 82, Title 67, Idaho Code, in

which specific Public Facilities provide service to Development on the basis of sound planning or engineering principles or both as identified in ~~the City's~~ a Capital Improvements Plan adopted by the City.

**Section 2:** That Mountain Home City Code § 9-4-3 be amended to read as follows:

**9-4-3: ESTABLISHMENT OF SERVICE AREAS; IMPOSITION OF IMPACT FEE; FEE SCHEDULE; EXEMPTIONS:**

A. Establishment of Service Areas. There is hereby established a Service Area which Service Area includes all land in the City of Mountain Home. Pursuant to an Intergovernmental Agreement with Elmore County, there is also hereby established, for the purposes of imposing and collecting fees by Elmore County for Emergency Medical Services Capital Improvements, a Service Area which includes all of Elmore County.

B. Imposition of Impact Fees. Impact Fees for the City are hereby imposed on all new Development located within the City of Mountain Home.

C. Fee Schedule. Impact Fees shall be calculated in accordance with the fee schedule set forth below, providing for standard fees based on the total number of Dwelling Units or square feet of nonresidential space in the Development, unless (a) the Fee Payer requests an individual assessment pursuant to section 9-4-6 of this chapter; or (b) the City finds the Development will have an Extraordinary Impact pursuant to section 9-4-9 of this chapter. The methodology for determining the costs per service unit provided for in the fee schedule is set forth in the City's Capital Improvements Plan, and the Elmore County EMS Capital Improvements Plan, as adopted by the City pursuant to Idaho Code§ 67-8208, as they it may be amended.

Police

Residential (per Dwelling Unit)	\$663.00
Non-Residential (per square foot)	\$0.37

Fire

Residential (per Dwelling Unit)	\$1,338.00
Non-Residential (per square foot)	\$0.74

Parks

Single-Family Residential (per Dwelling Unit)	<del>\$1,146.00</del> <u>\$1549.00</u>
Multifamily Residential (per Dwelling Unit)	\$830.00
Non-Residential (per square foot)	-

Streets

Single-Family Residential (per Dwelling Unit)	<del>\$898.00</del> <u>\$889.00</u>
Multifamily Residential (per Dwelling Unit)	<del>\$450.00</del> <u>\$445.00</u>
Non-Residential (per square foot)	<del>\$1.39</del> <u>\$1.38</u>

County EMS Improvements Pursuant to Intergovernmental Agreement

<u>Single-Family Residential (per Dwelling Unit)</u>	<u>\$426.00</u>
<u>Multifamily Residential (per Dwelling Unit)</u>	<u>\$320.00</u>
<u>Non-Residential (per 1,000 square foot)</u>	
<u>Retail</u>	<u>\$821.00</u>
<u>Office</u>	<u>\$316.00</u>
<u>Industrial</u>	<u>\$142.00</u>
<u>Institutional</u>	<u>\$314.00</u>

**Section 3:** That Mountain Home City Code § 9-4-4 be amended to read as follows:

**9-4-4: COLLECTION OF IMPACT FEES; ENFORCEMENT:**

A. Payment of Fees. The Impact Fee shall be paid to the City and to the County at the following times, pursuant to this Code and the terms of any intergovernmental agreement between the City and another entity for the imposition and collection of impact fees:

1. If a Building Permit or manufactured/mobile home installation permit is required, then before or at the time the permit is issued;
2. If no Building Permit or manufactured/mobile home installation permit is required, then at the time that construction commences; or
3. At such other time as the Fee Payer or Developer and the City have agreed upon in writing.
3. For fees due pursuant to an intergovernmental agreement with Elmore County, the County portion of such fees as calculated by the City building department shall be paid directly by the fee payer to the Elmore County Building Services Department and proof of such payment shall be presented to the City before any building permit is issued.

B. Enforcement. When any Impact Fee is due pursuant to this chapter, or pursuant to the terms of any written agreement between a Fee Payer and the City, and such Impact Fee has not been paid in a timely manner, the City may exercise any or all of the following powers as applicable to its authority, in any combination, to enforce the collection of the Impact Fee:

1. Withhold Building Permits, manufactured home installation permits, or other City Development Approval related to the Development for which the Impact Fee is due until all Impact Fees due have been paid, and issue stop work orders, and revoke or suspend a Building Permit;
2. Withhold utility services from the Development for which the Impact Fee is due until all Impact Fees due have been paid;
3. Add interest to the Impact Fee not paid in full at the legal rate provided for in Idaho Code § 28-22-104, as it may be amended, plus five percent (5%) beginning on the date at which the payment of the Impact Fee was due until paid in full;
4. Impose a penalty of five percent (5%) of the total Impact Fee (not merely the portion dishonored, late or not paid in full) per month beginning on the date at which the payment of the Impact Fee was due until paid in full; and
5. Impose a lien pursuant to the authority of Idaho Code § 67-8213(4) for failure to timely pay an Impact Fee following the procedures contained in Idaho Code Title 45, Chapter 5.

**Section 4:** That Mountain Home City Code § 9-4-10(B) be amended to read as follows:

B. Process: The City shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the Fee Payer, successor in interest, or an owner of record of the property for which the fee was paid. When the right to a refund exists, the City shall send the refund within ninety (90) days after the City determines that a refund is due. Amounts paid to Elmore County or another entity pursuant to an intergovernmental agreement shall be refunded by that entity directly to the fee payer pursuant to the terms of that intergovernmental agreement.

**Section 5:** That Mountain Home City Code § 9-4-16 be amended by the addition of a new § 9-4-16(D) to read as follows:

**9-4-16: ADVISORY COMMITTEE:**

A. Establishment and Purpose. Pursuant to Idaho Code § 67-8205, there is hereby established Development Impact Fee Advisory Committee (Advisory Committee), whose purpose is to carry out the duties as set forth in Idaho Code § 67-8205(3), as it may be amended.

B. Membership. The Advisory Committee shall be composed of at least five (5) members, all of whom must reside within the service area City. Two (2) or more members shall be active in the business of development, building or real estate. Two (2) or more members shall not be in the business of development, building or real estate. Employees may not be appointed as members of the committee.

C. Meetings. Meetings may be called by the Advisory Committee by giving reasonable notice of the time and place of the meeting in accordance with the Open Meetings Law, Idaho Code §§ 74-201 et seq., as may be amended. The Advisory Committee shall adopt reasonable rules as are necessary to carry out the duties and responsibilities of the committee subject to the approval of the City, and elect such officers as deemed necessary.

D. When the City and any other governmental or other entity have entered into an intergovernmental agreement pursuant to Idaho Code §67-8204A for the collection and expenditure of development impact fees, the City's Development Advisory Committee shall act as the City's portion of any Joint Development Impact Advisory Committee provided for in an intergovernmental agreement.

**Section 6:** Repealer: That all ordinances or code sections, in conflict with this ordinance are hereby repealed to the extent those portions are in conflict with this ordinance.

**Section 7:** Severability: If any section, subsection, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The City Council of the City of Mountain Home hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 8:** Codification: The City Clerk is hereby directed to forward the signed and approved ordinance, along with an electronic copy, to the City's codifier for codification.

**Section 9:** Effective Date: Pursuant to Idaho Code § 67-8206(6), this Ordinance shall not take effect sooner than thirty (30) days after its adoption, and upon its publication,