

**IMPACT FEE ORDINANCE NO. 446**  
**CASE NO. OA-143-09**  
**TITLE 7, CHAPTER 4, KOOTENAI COUNTY CODE**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO DEVELOPMENT IMPACT FEES; ENACTING A NEW TITLE 7, CHAPTER 4, KOOTENAI COUNTY CODE, TO BE KNOWN AS THE KOOTENAI COUNTY DEVELOPMENT IMPACT FEE ORDINANCE, TO PROVIDE FOR THE IMPOSITION, COMPUTATION AND PAYMENT OF A FIRE IMPACT FEE, AN EMERGENCY MEDICAL SERVICE (EMS) IMPACT FEE, A SHERIFF'S DEPARTMENT IMPACT FEE, A JAIL IMPACT FEE, A PARKS AND WATERWAYS IMPACT FEE, AND A HIGHWAY 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted in Section 67-8201, et seq., Idaho Code, and through intergovernmental agreements with Lakes Highway District, Post Falls Highway District, East Side Highway District, the Kootenai County Emergency Medical Services System ("KCEMSS"), and the several fire protection districts located within or serving portions of Kootenai County with the exception of Hauser Fire Protection District and St. Maries Fire Protection District, Kootenai County may impose Impact Fees to fund expenditures by the Kootenai County Sheriff's Department (including the Kootenai County Jail), the Kootenai County Parks and Waterways Department, KCEMSS, the Fire Districts, and the Highway Districts on Capital Improvements needed to serve new growth and development; and

WHEREAS, the County retained BBC Research and Consulting, Galena Consulting and Spink Butler, LLP (collectively, "Consultant") to analyze and assess new growth and development projections through December 31, 2017 in order to determine the demand for fire, law enforcement, jail, parks and waterways, emergency medical services (EMS), and highway Capital Improvements to accommodate new growth and development in the unincorporated area of Kootenai County; and

WHEREAS, the report entitled "Kootenai County Impact Fee Study and Capital Improvement Plans," dated April 15, 2008, as updated by the document entitled "Kootenai County Highway District Impact Fees Update," dated December 18, 2008, which were prepared by BBC Research and Consulting (collectively referred to as the "Impact Fee Study"), and the document entitled "Impact Fee Advisory Committee Recommendations – Draft," dated January 9, 2009, prepared by BBC Research and Consulting, as updated by Kootenai County Building and Planning Director Scott Clark on April 26, 2010, including the additional capital improvement plan materials attached thereto, set forth a reasonable methodology and analysis for determining and

quantifying the impacts of various types of new residential and nonresidential development on fire, EMS, law enforcement, jail, highway, and parks and waterways Public Facilities; quantifies the reasonable impact of new growth and development on the System Improvements addressed therein; determines the costs necessary to meet demands created by new growth and development; and determines Impact Fees as set forth in this Chapter 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 fire, EMS, law enforcement, jail, highway, and parks and waterways Public Facilities. The County hereby establishes as 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 fire, EMS, law enforcement, jail, highway, and parks and waterways Public Facilities.

WHEREAS, based on reasonable methodologies and analyses for determining the impacts of new growth and development on the County's fire, EMS, law enforcement, jail, highway, and parks and waterways Public Facilities, and a review and reliance on the Kootenai County Comprehensive Plan (the "Comprehensive Plan"), including, without limitation, the Capital Improvements Plans adopted via enactment of Resolution No. 2010-76 on September 9, 2010, the Impact Fee Study quantifies the impacts of new growth and development on Public Facilities, and establishes Impact Fees on new growth and development no greater than necessary to defray the cost of Capital Improvements that will increase the service capacity of Public Facilities to serve new growth and development.

WHEREAS, all of the Capital Improvements planned for and included in the Impact Fee Study which are to be funded by highway, fire, EMS, Sheriff's Department, jail, and parks and waterways Impact Fees, are directly related to services that the County, the Fire Districts, the Highway Districts, and KCEMSS are required or authorized to provide, and are services recognized as necessary public services under the general policies of the County pursuant to intergovernmental agreement, 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 growth and 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's fire, EMS, Sheriff's Department, jail, highway, and parks and waterways Public Facilities be expanded to accommodate new growth and development in the unincorporated area of Kootenai County.

WHEREAS, the highway, fire, EMS, law enforcement, jail, and parks and waterways Impact Fees to be imposed on new growth and 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 Capital Improvements caused by new growth and development as required by law; and

WHEREAS, the Impact Fee Study quantifies the reasonable impacts of new growth and development on existing highway, fire, EMS, Sheriff's Department, jail, and parks and

waterways Capital Improvements, and the reasonable costs of Capital Improvements necessary to increase the service capacity of the fire, EMS, law enforcement, jail, highway, and parks and waterways Public Facilities now existing in Kootenai County to accommodate the additional demands and impacts of new growth and development; and

WHEREAS, based upon the Impact Fee Study, the testimony at public hearing and a review of all of the facts and circumstances, in the reasonable judgment of the Kootenai County Board of Commissioners ("Board"), the highway, fire, EMS, Sheriff's Department, jail, and parks and waterways 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 highway, fire, EMS, Sheriff's Department, jail, and parks and waterways Impact Fees, the Board intends and has determined that such Impact Fees are designed to and do address Capital Improvements needs that are brought about by new growth and development, which needs are separate and distinct from the impacts and needs addressed by other requirements of the County, the Fire Districts, the Highway Districts, and KCEMSS, and in no circumstance do the Impact Fees set forth herein address the same subjects as other requirements of the County, the Fire Districts, the Highway Districts, or KCEMSS 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

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; and

WHEREAS, after due and timely notice, the Board 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 growth and development according to new growth and development's impact on the highway, fire, EMS, Sheriff's Department, jail, and parks and waterways Public Facilities in Kootenai County and benefit those who pay Impact Fees in a tangible way;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, IDAHO AS FOLLOWS:

**SECTION 1.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board.

**SECTION 2.** That Title 7, Kootenai County Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Title 7, Chapter 4, Kootenai County Code, and to read as follows:

**7-4-1: LEGISLATIVE FINDINGS:** The Board of County Commissioners of Kootenai County, Idaho hereby finds that:

- A. Based on the Kootenai County Comprehensive Plan adopted by the Board pursuant to Title 67, Chapter 65, Idaho Code, including but not limited to the Capital Improvements chapter contained therein, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the County, it is necessary that the Public Facilities for (1) highway, (2) fire, (3) EMS, (4) Sheriff's Department, (5) jail, and (6) parks and waterways be expanded and improved to accommodate new Development within the County. Throughout this Chapter, the System Improvements for these six (6) types of Public Facilities are sometimes collectively referred to as "Capital Facilities" and sometimes individually referred to as a "Capital Improvements Element."
- B. The County has formed the Development Impact Fee Advisory Committee required by Idaho Code § 67-8205, and that Committee has performed the duties required of it pursuant to such statute. The County intends that the Committee continue to exist and to perform those duties identified in Idaho Code § 67-8205 that occur following the adoption of Development Impact Fees.
- C. New residential and nonresidential Development imposes and will impose increasing and excessive demands upon Capital Facilities located within Kootenai County.
- D. The revenues generated from new residential and nonresidential Development often do not generate sufficient funds to provide the necessary improvements of these Capital Facilities to accommodate new Development.
- E. New Development is expected to continue, and will place ever-increasing demands on the County, the Fire Districts, the Highway Districts, and KCEMSS, to provide and expand Public Facilities to serve new Development.
- F. The County has planned for the improvement of Capital Facilities in the Capital Improvements chapter of the Kootenai County Comprehensive Plan. In addition, the Highway Districts, Fire Districts, and KCEMSS have adopted their respective Capital Improvements Plans by resolution or other official action.
- G. The Idaho Development Impact Fee Act, Title 67, Chapter 82, Idaho Code, authorizes the County to adopt a Development Impact Fee system to offset, recoup, or reimburse the portion of the costs of needed improvements to the Capital Facilities caused by new Development within the County.

- H. The creation of an equitable Development Impact Fee System would promote the purposes set forth in the Idaho Development Impact Fee Act, in that it would: (1) ensure that adequate Public Facilities are available to serve new growth and Development; (2) promote orderly growth and Development by establishing uniform standards by which local governments may require that those who benefit from new growth and Development pay a Proportionate Share of the cost of new Public Facilities needed to serve new growth and Development; (3) ensure that those who benefit from new growth and Development are required to pay no more than their Proportionate Share of the cost of Public Facilities needed to serve new growth and Development, and (4) prevent duplicate and *ad hoc* Development Requirements.
- I. The creation of an equitable Development Impact Fee system would enable the County to accommodate new Development, and would assist the County to implement the Capital Improvements Element of the Comprehensive Plan.
- J. In order to implement an equitable Development Impact Fee system for Capital Facilities, the County retained BBC Research & Consulting to prepare an impact fee study for these types of facilities. The resulting document, the "Kootenai County Impact Fee Study and Capital Improvements Plans," dated April 15, 2008, was later updated by the document entitled "Kootenai County Highway District Impact Fees Update," dated December 18, 2008 (collectively, the "Development Impact Fee Study"). The Development Impact Fee Study was later amended by the additional capital improvement plan materials attached to the document entitled "Impact Fee Advisory Committee Recommendations – Draft," as updated by Kootenai County Building and Planning Director Scott Clark on April 26, 2010. The Development Impact Fee Study and all updates thereto are hereby incorporated by reference, and are available at the Office of the Kootenai County Board of Commissioners.
- K. The methodology used in preparing the Development Impact Fee Study, when applied through this Chapter, complies with all applicable provisions of Idaho Law, including those set forth in Idaho Code §§ 67-8204(2), 67-8204(16), 67-8204(23), 67-8207 and 67-8209. The incorporation of the Development Impact Fee Study and all updates thereto by reference satisfies the requirement in Idaho Code § 67-8204(16) for a detailed description of the methodology by which the Development Impact Fees were calculated, and the requirement in Idaho Code § 67-8204(24) for a description of acceptable Levels of Service for System Improvements.
- L. The Development Impact Fee Study, as updated, is incorporated into the Capital Improvements chapter of the Kootenai County Comprehensive Plan by reference therein, and such chapter has been prepared in conformance with the requirements of Title 67, Chapters 65 and 82, Idaho Code.
- M. The Development Impact Fee Study, as updated, sets forth reasonable methodologies and analyses for determining the impacts of various types of new Development on Capital Facilities, and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such facilities created by new Development.

- N. In accordance with Idaho Code, the Development Impact Fee Study, as updated, is based on actual System Improvement Costs or reasonable estimates of such costs. In addition, the Development Impact Fee Study, as updated, uses a Fee calculation methodology that is net of credits for the Present Value of revenues that will be generated by new growth and Development based on historical funding patterns and that are anticipated to be available to pay for System Improvements, including taxes, assessments, user fees, and intergovernmental transfers.
- O. The Development Impact Fees described in this Chapter are based on the Development Impact Fee Study, as updated, and do not exceed the costs of System Improvements for Capital Facilities to serve new Development that will pay the Development Impact Fees.
- P. The EMS, Sheriff's Department, jail, and parks and waterways Public Facilities included in the calculation of Fees in the Development Impact Fee Study, as updated, will benefit all new growth and development throughout the unincorporated area of the County. Therefore, it is appropriate to treat the unincorporated area of the County as a single Service Area for purposes of calculating, collecting and spending the Development Impact Fees collected from residential and nonresidential Development for these Public Facilities.
- Q. The highway and fire Public Facilities included in the calculation of Fees in the Development Impact Fee Study, as updated, are provided by highway districts and fire protection districts which serve certain portions of Kootenai County, and will benefit new growth and development occurring within each respective district. Therefore, it is appropriate to treat each highway district and fire protection district as a separate Service Area for purposes of calculating, collecting and spending the Development Impact Fees collected from residential and nonresidential Development for these Public Facilities.
- R. There is both a rational nexus and a rough proportionality between the Development impacts created by each type of Development covered by this Chapter and the Development Impact Fees that such Development will be required to pay.
- S. This Chapter creates a system by which Development Impact Fees paid by new Development will be used to finance, defray, or reimburse a portion of the costs incurred by the County, the Fire Districts, the Highway Districts, and KCEMSS to construct improvements for Capital Facilities in ways that benefit the Development for which each Development Impact Fee was paid within a reasonable period of time after the Development Impact Fee is paid, and in conformance with Idaho Code § 67-8210.
- T. This Chapter creates a system under which Development Impact Fees shall not be used to correct existing deficiencies for any capital facilities, or to replace or rehabilitate existing improvements, or to pay for routine operation or maintenance of those facilities.
- U. This Chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code § 67-8204(19).

V. This Chapter is consistent with all applicable provisions of Title 67, Chapter 82, Idaho Code, concerning Development Impact Fee Ordinances.

**7-4-2: AUTHORITY, APPLICABILITY, AND EFFECTIVE DATE:**

- A. In addition to the general authorities set forth in section 1-1-2 of this Code, this chapter is enacted pursuant to the authority granted to the County pursuant to Title 67, Chapters 65 and 82, Idaho Code, and other applicable laws of the State of Idaho.
- B. The provisions of this chapter shall apply to all of the territory within the unincorporated area of Kootenai County with respect to impact fees payable to Kootenai County or to KCEMSS, and shall apply to all of the territory within the portions of each highway district or fire protection district within the unincorporated area of Kootenai County which has executed an intergovernmental agreement with the County for purposes of collection or expenditure of highway district or fire protection district Impact Fees pursuant to Section 67-8204A, Idaho Code, and other applicable laws of the State of Idaho.
- C. Applications for Building Permits received by the County prior to the Effective Date of this chapter, 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 chapter, 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 chapter, or amendment. For Building Permits that expire or are revoked after the Effective Date of this chapter, the Fee payer shall be entitled to a refund of previously paid Impact Fees as provided further in section 7-4-8 of this chapter, provided that in the case of reapplication for Building Permit, the Impact Fee in effect at that time shall be paid.
- D. 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 Title 67, Chapter 82, Idaho Code, and this chapter.

**7-4-3: INTENT:** This Chapter is adopted to be consistent with, and to help implement, the Kootenai County Comprehensive Plan, and particularly the Capital Improvements chapter of that Plan.

A. The intent of this Chapter is:

- 1. To ensure that new Development bears a Proportionate Share of the cost of improvements to Capital Facilities; to ensure that such Proportionate Share does not exceed the cost of improvements to such facilities required to accommodate new Development; and to ensure that funds collected from new Development are actually used for improvements to Capital Facilities that benefit such new Development.

2. To be consistent with those principles for allocating a fair share of the cost of new capital facilities to new Development, and for adopting Development Impact Fee Ordinances, established by Title 67, Chapter 82, Idaho Code.

B. It is not the intent of this Chapter:

1. To collect any money from any new Development in excess of the actual amount necessary to offset new demands for Capital Facilities created by such new Development.
2. That any monies collected from any Development Impact Fee deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee Account, or ever be used for a Development Impact Fee component different from that for which the Fee was paid, or ever be used to correct current deficiencies in Capital Facilities or ever be used to replace, rehabilitate, maintain, or operate any such facility.

#### **7-4-4: DEFINITIONS:**

For purposes of this chapter, the following terms shall have the following meanings, some of which are assigned by Idaho Code § 67-8203, as indicated:

**ACCOUNTS:** The Fire Capital Facilities Account, Highway Capital Facilities Account, Jail Capital Facilities Account, Sheriff's Department Capital Facilities Account, EMS Capital Facilities Account, and Parks and Waterways Capital Facilities Account established as part of the Development Impact Fee Trust Fund pursuant to section 7-4-7 of this chapter.

**AFFORDABLE HOUSING:** Housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income within Kootenai County.

**APPROPRIATE:** To legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity.

**BOARD:** The Board of County Commissioners of Kootenai County, Idaho.

**BUILDING PERMIT:** An official document or certificate issued by the County pursuant to Chapter 1 of this title which authorizes the construction or siting of any building.

**CAPITAL IMPROVEMENT:** An improvement with a useful life of ten (10) years or more, by new construction or other action that increases the service capacity of a public facility.

**CAPITAL IMPROVEMENTS ELEMENT:** A chapter of the Kootenai County Comprehensive Plan adopted pursuant to Title 67, Chapter 65, Idaho Code, including all documents incorporated by reference therein, which meets the requirements of a Capital Improvements Plan pursuant to Title 67, Chapter 82, Idaho Code.



**CAPITAL IMPROVEMENTS PLAN:** A plan adopted pursuant to Title 67, Chapter 82, Idaho Code that identifies Capital Improvements for which Development Impact Fees may be used as a funding source.

**COUNTY:** Kootenai County, Idaho.

**DEVELOPER:** Any Person or legal entity undertaking Development, including a party that undertakes the subdivision of property pursuant to Idaho Code §§ 50-1301 through 50-1334 and Title 10 of this code.

**DEVELOPMENT:** 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, that 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, except that "Development" shall not include activities that would otherwise be subject to the payment of the Development Impact Fee if such activities are undertaken by a taxing district as defined in Idaho Code § 63-201 in the course of carrying out the taxing district's public responsibilities.

**DEVELOPMENT APPROVAL:** Any written authorization from a governmental entity that authorizes the commencement of a Development.

**DEVELOPMENT IMPACT FEE:** The 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. In the context of this Chapter, Development Impact Fee means one of the six (6) Development Impact Fees defined for the six (6) Capital Facilities elements, and Development Impact Fees (in the plural) means all six (6) Development Impact Fees (or all of them that apply to the proposed Development pursuant to this chapter), unless the context clearly indicates otherwise. The term does not include:

- a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for Development; or
- b. Amounts collected from a Developer in a transaction in which the County, a fire protection district, a highway district, or KCEMSS 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 Idaho Code Section 67-8209(3) for credit or reimbursement.

**DEVELOPMENT IMPACT FEE ADMINISTRATOR:** The Director of the Kootenai County Building and Planning Department, or his or her designee.

**DEVELOPMENT IMPACT FEE STUDY:** The document entitled the "Kootenai County Impact Fee Study and Capital Improvement Plans," dated April 15, 2008, as updated by the document entitled "Kootenai County Highway District Impact Fees Update," dated December 18, 2008,

which were prepared by BBC Research & Consulting for the County, the Fire Districts, the Highway Districts, and KCEMSS, and as amended by the additional capital improvement plan materials attached to the document entitled "Impact Fee Advisory Committee Recommendations – Draft," as updated on April 26, 2010, and as may be subsequently amended or updated, which set forth reasonable methodologies and analyses for determining the impacts of various types of Development on Capital Facilities and determines the cost of expansions to those facilities necessary to meet the demands created by new Development.

**DEVELOPMENT IMPACT FEE TRUST FUND:** The trust fund established under section 7-4-7 of this chapter that includes:

- a. a Fire Capital Facilities Account;
- b. a Highway Capital Facilities Account;
- c. a Jail Capital Facilities Account;
- d. a Sheriff's Department Capital Facilities Account;
- e. an EMS Capital Facilities Account; and
- f. a Parks and Waterways Capital Facilities Account.

The Development Impact Fee Trust Fund is also sometimes called the Trust Fund.

**DEVELOPMENT REQUIREMENT:** A requirement attached to a developmental approval or other governmental action approving or authorizing a particular Development Project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

**EMS:** Emergency medical services.

**EMS CAPITAL FACILITIES:** Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for emergency medical service facilities included in the calculation of the EMS Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

**EXTRAORDINARY COSTS:** Those costs incurred as a result of an Extraordinary Impact.

**EXTRAORDINARY IMPACT:** An impact that is reasonably determined by the governmental entity with jurisdiction to:

- a. result in the need for System Improvements, the cost of which will significantly exceed the sum of the Development Impact Fees to be generated from the Project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code § 67-8214(2); or

- b. result in the need for System Improvements that are not identified in the Capital Improvements Plan.

**FEE PAYER:** That Person who pays or is required to pay a Development Impact Fee. A Fee Payer may include a Developer.

**FIRE CAPITAL FACILITIES:** Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for fire protection facilities included in the calculation of the Fire Impact Fees in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

**FIRE DISTRICTS:** Refers collectively to the several fire protection districts located within or serving portions of Kootenai County, with the exception of the Hauser Fire Protection District and the St. Maries Fire Protection District.

**HEARING EXAMINER:** The Kootenai County hearing examiner, as established under section 2-1-3 of this code.

**HIGHWAY CAPITAL FACILITIES:** Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for public highway facilities included in the calculation of the Highway Impact Fees in the Development Impact Fee Study, and consistent with the Capital Improvements Element, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

**HIGHWAY DISTRICTS:** Refers collectively to Lakes Highway District, Post Falls Highway District, and East Side Highway District.

**IMPACT-GENERATING LAND DEVELOPMENT:** Land Development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand for Capital Facilities. The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.

**INDIVIDUAL ASSESSMENT:** A study prepared by a Fee Payer, calculating the cost of expansions or improvements to one or more of the County Capital Improvements Elements required to serve the Fee Payer's proposed Development, that is based on the established LOS standard, is performed on an average cost (not marginal cost) methodology, that uses the Service Units and unit construction costs stated in the Development Impact Fee Study, and is performed in compliance with any criteria for such studies established by this Chapter or by the County.

**JAIL CAPITAL FACILITIES:** Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for any police facilities designated as a "county jail" pursuant to Title 20, Chapter 6, Idaho Code, included in the calculation of the Jail Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

**KCEMSS:** The Kootenai County Emergency Medical Services System established and governed pursuant to Title 2, Chapter 3 of this code.

**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 (20) year period.

**LEVEL OF SERVICE ("LOS"):** A measure of the relationship between service capacity and service demand for Public Facilities.

**MANUFACTURED HOME:** A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, that, in the traveling mode, is eight feet (8') 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 that 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 that 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.*

**MODULAR BUILDING:** As defined in Idaho Code § 39-4301.

**PARKS AND WATERWAYS CAPITAL FACILITIES:** Lands, as well as buildings, improvements to land (including submerged lands), improvements to, on, or over public waterways, and related equipment and vehicles meeting the definition of Capital Improvement, used for public parks, recreation, open space, trail and waterways facilities included in the calculation of the Parks and Waterways Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

**PERSON:** An individual, corporation, governmental agency, business trust, estate, partnership, association, two (2) or more Persons having a joint or common interest, or any other entity.

**PRESENT VALUE:** The total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money.

**PROJECT:** A particular Development on an identified parcel of land.

**PROJECT IMPROVEMENTS:** Site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project.

**PROPORTIONATE SHARE:** That portion of the cost of System Improvements determined pursuant to Idaho Code § 67-8207, that reasonably relates to the service demands and needs of the Project.

**PUBLIC FACILITIES:** Shall include EMS Capital Facilities, Fire Capital Facilities, Highway Capital Facilities, Jail Capital Facilities, Parks and Waterways Capital Facilities, and Sheriff's Department Capital Facilities.

**RECREATIONAL VEHICLE:** A vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.

**SERVICE AREA:** A defined geographic area in which specific Public Facilities provide service to Development within the area defined.

**SERVICE UNIT:** 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.

**SHERIFF'S DEPARTMENT CAPITAL FACILITIES:** Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for police facilities other than those designated as a "county jail" pursuant to Title 20, Chapter 6, Idaho Code, included in the calculation of the Sheriff's Department Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

**SUCCESSOR IN INTEREST:** A Person, as defined by this Chapter, who gains a fee simple interest in land for which a Development Impact Fee is paid or a credit is approved pursuant to the terms of this Chapter.

**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 described in Idaho Code Section 50-1703. For the purposes of this Chapter, the System Improvements are the Fire Capital Facilities, Highway Capital Facilities, Jail Capital Facilities, Sheriff's Department Capital Facilities, EMS Capital Facilities, and Parks and Waterways Capital Facilities.

**SYSTEM IMPROVEMENT COSTS:** 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 Idaho Code § 50-

1702(h), to provide additional Public Facilities needed to serve new growth and Development. System Improvement Costs do not include:

- a. construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan;
- b. repair, operation or maintenance of existing or new Capital Improvements;
- c. upgrading, updating, expanding or replacing existing Capital Improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- d. upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing development;
- e. administrative and operating costs of the governmental entity unless such costs are attributable to development of the Capital Improvement plan, as provided in Idaho Code § 67-8208; or
- f. 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 plan.

#### **7-4-5: IMPOSITION AND COMPUTATION OF DEVELOPMENT IMPACT FEES:**

##### **A. Fee Obligation.**

1. After the effective date of this chapter, any Person who commences any Impact-Generating Land Development, except those exempted pursuant to subsection B of this section, shall be obligated to pay Development Impact Fees upon commencement of such activity. The amount of the Development Impact Fees shall be determined in accordance with this Chapter.
2. If the Fee Payer is applying for an extension of a permit issued previously, then the Development Impact Fees required to be paid shall be the net increase between the Development Impact Fees applicable at the time of the current permit application and any Development Impact Fees previously paid pursuant to this Chapter to finance similar types of System Improvements to accommodate demands created by the same Development.
3. If the Fee Payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Development Impact Fees required to be paid shall be based on the net increase in the Development Impact Fees for the new use as compared to the previous use.