

RESOLUTION NO. 2022-80

ADOPTING COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES RELATED TO CAPITAL IMPROVEMENTS AND IMPACT FEES, ADOPTING A NEW CHAPTER IN THE KOOTENAI COUNTY COMPREHENSIVE PLAN APPENDIX ENTITLED “CAPITAL IMPROVEMENTS AND IMPACT FEES,” AND ADOPTING FIRE PROTECTION DISTRICT AND KCEMSS IMPACT FEE STUDIES AND CAPITAL IMPROVEMENT PLANS

A RESOLUTION OF THE KOOTENAI COUNTY BOARD OF COMMISSIONERS:

- **Making** certain findings;
- **Adopting** goals, objectives and policies related to Capital Improvements and Impact Fees for incorporation into the Kootenai County Comprehensive Plan;
- **Adding** a new chapter to the Kootenai County Comprehensive Plan Appendix entitled “Capital Improvements and Impact Fees;”
- **Approving** the *East Side Fire District Impact Fee Study and Capital Improvements Plan* final report dated December 20, 2021;
- **Approving** the *Hauser Lake Fire Protection District Impact Fee Study and Capital Improvements Plan* final report dated November 5, 2021;
- **Approving** the *Kootenai County Fire and Rescue Impact Fee Study and Capital Improvements Plan* final report dated January 31, 2022;
- **Approving** the *Mica-Kidd Island Fire Protection District Impact Fee Study and Capital Improvements Plan* final report dated January 11, 2022;
- **Approving** the *Northern Lakes Fire Protection District Impact Fee Study and Capital Improvements Plan* final report dated October 11, 2021;
- **Approving** the *Spirit Lake Fire Protection District Impact Fee Study and Capital Improvements Plan* final report dated November 5, 2021;
- **Approving** the *Timberlake Fire Protection District Impact Fee Study and Capital Improvements Plan* final report dated October 11, 2021, as amended January 11, 2022;
- **Approving** the *Kootenai County Emergency Medical Services System Impact Fee Study and Capital Improvement Plan* final report dated October 11, 2021;
- **Directing** the Clerk of the Board of County Commissioners; and
- **Setting** an effective date.

NOW, THEREFORE, BE IT RESOLVED by the Kootenai County Board of Commissioners:

Section 1: Findings



It is hereby found by the Kootenai County Board of Commissioners that:

Bill Brooks, Commissioner - Signed 11/2/2022

- 1.1 The duty and responsibility of East Side Fire Protection District, Hauser Lake Fire Protection District, Kootenai County Fire and Rescue, Mica-Kidd Island Fire Protection District, Northern Lakes Fire Protection District, Spirit Lake Fire Protection District, and Timberlake Fire Protection District (“the participating Fire Districts”) is to provide protection of property against fire and the preservation of life, and enforcement of any of the fire codes and other rules that are adopted by the state fire marshal; and
- 1.2 The Kootenai County Ambulance District, acting by and through the Kootenai County Emergency Medical Services System (KCEMSS), has the duty and responsibility to provide emergency medical services to persons experiencing medical emergencies in Kootenai County; and
- 1.3 The boundaries of each of the participating Fire Districts include areas within the unincorporated area of Kootenai County, and these Fire Districts provide fire and emergency services in the portion of the unincorporated area of Kootenai County located within their respective districts; and
- 1.4 The boundary of KCEMSS includes the unincorporated area of Kootenai County in its entirety, and KCEMSS provides emergency and non-emergency medical services within this area; and
- 1.5 The County is experiencing and is affected by considerable growth and development; and
- 1.6 The *Idaho Development Impact Fee Act*, codified at Title 67, Chapter 82, Idaho Code (“the Act”), provides for the following:
 - the imposition, collection and expenditure of development impact fees in accordance with the provisions of the Act; and
 - the promotion of 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 costs of new public facilities needed to serve new growth and development; and
 - minimum standards for the adoption of development impact fee ordinances by governmental entities which are authorized to adopt ordinances; and
 - The contents of a capital improvements plan and the process to be followed for the adoption of a capital improvements plan.
- 1.7 Kootenai County is a governmental entity as defined in the Act at Idaho Code § 67-8203(14) and, as provided at Idaho Code § 67-8202(5), has ordinance authority to adopt a development impact fee ordinance whereas none of the participating Fire Districts nor KCEMSS have ordinance authority and cannot adopt a development impact fee ordinance themselves; and
- 1.8 The Act provides at Idaho Code § 67-8204A, that the County, when affected by development, has the authority to enter into intergovernmental agreements with each of the

participating Fire Districts and KCEMSS for the purpose of agreeing to collect and expend development impact fees for System Improvements for each Fire District and KCEMSS; and

- 1.9 In anticipation and in consideration of the Kootenai County Board of Commissioners adopting an ordinance intended to provide for the collection and expenditure of development impact fees for the participating Fire Districts and KCEMSS, the County has established and appointed, pursuant to Idaho Code § 67-8205, a Joint Development Impact Fee Advisory Committee; and
- 1.10 The participating Fire Districts and KCEMSS retained Anne Wescott of Galena Consulting, a qualified professional in the field of public administration, to prepare an impact fee study and capital improvements plan in consultation with the *Kootenai County Joint Development Impact Fee Advisory Committee* (the “Advisory Committee”); and
- 1.11 The Advisory Committee has submitted to the Kootenai County Planning and Zoning Commission (“the Planning and Zoning Commission”) an *Impact Fee Study and Capital Improvements Plan* for each participating Fire District (the “Fire District Impact Fee Studies”), prepared in accordance with the requirements of Idaho Code § 67-8208 in consultation with the Advisory Committee as provided in Idaho Code §§ 67-8205 and 67-8206(2); and
- 1.12 The Advisory Committee has also submitted to the Planning and Zoning Commission the *Kootenai County Emergency Medical Services System Impact Fee Study and Capital Improvement Plan*, dated October 11, 2021 (the “KCEMSS Impact Fee Study”), prepared in accordance with the requirements of Idaho Code § 67-8208 in consultation with the Advisory Committee as provided in Idaho Code §§ 67-8205 and 67-8206(2); and
- 1.11 The Planning and Zoning Commission has submitted the Fire District Impact Fee Studies and the KCEMSS Impact Fee Study to the Kootenai County Board of Commissioners with a recommendation of approval; and
- 1.12 Prior to the adoption of the Fire District Impact Fee Studies and the KCEMSS Impact Fee Study, the Planning and Zoning Commission and the Kootenai County Board of Commissioners have published notice, and have held public hearings regarding this matter, in accordance with Idaho Code § 67-8206(3); and
- 1.13 The Fire District Impact Fee Studies and the KCEMSS Impact Fee Study each contain all the necessary contents of a capital improvements plan as provided in the Act by Idaho Code § 67-8208; and
- 1.14 The participating Fire Districts and KCEMSS have each concluded all of their process for the adoption of their respective Impact Fee Studies and Capital Improvements Plans as required in the Act by Idaho Code §§ 67-8205 and 67-8206(3); and
- 1.15 The Kootenai County Board of Commissioners and the Boards of Commissioners of each of the participating Fire Districts have all determined that it is in the best interests of the

County, the participating Fire Districts, and the residents, persons and property within the portion of the unincorporated area of Kootenai County located within each respective district that the County and the participating Fire Districts adopt each respective district's Capital Improvements Plan.

- 1.16 The Kootenai County Board of Commissioners and the KCEMSS Joint Powers Board have both determined that it is in the best interests of the County and KCEMSS, and the residents, persons and property within the unincorporated area of Kootenai County in its entirety, that both adopt the KCEMSS Capital Improvements Plan.

Section 2: Action of adoption of Comprehensive Plan Goals, Objectives and Policies related to Capital Improvements and Impact Fees

- 2.1 The Kootenai County Board of Commissioners does hereby adopt the Comprehensive Plan Goals, Objectives and Policies related to Capital Improvements and Impact Fees attached as **Exhibit A** hereto and incorporated by reference herein.

Section 3: Action of approval of the addition of a new chapter to the Kootenai County Comprehensive Plan Appendix entitled "Capital Improvements and Impact Fees"

- 3.1 The Kootenai County Board of Commissioners does hereby approve the addition of a new chapter to the Kootenai County Comprehensive Plan Appendix entitled "Capital Improvements and Impact Fees," a copy of which is attached as **Exhibit B** hereto and incorporated by reference herein.

Section 4: Action of approval of the Capital Improvements Plans

- 4.1 The Kootenai County Board of Commissioners does hereby approve each participating Fire District's Impact Fee Study and Capital Improvements Plan, true and correct copies of which are attached hereto and marked **Exhibits C through I** and by this reference incorporated herein; and
- 4.2 The Kootenai County Board of Commissioners does hereby approve the KCEMSS Impact Fee Study and Capital Improvements Plan, a true and correct copy of which is attached hereto and marked **Exhibit J** and by this reference incorporated herein; and

Section 5: Direction to County Clerk

- 5.1 The Clerk of the Kootenai County Board of Commissioners is hereby directed to retain this resolution in the official records of the County and to provide a certified copy of this resolution to the District Officer Administrator of each participating Fire District and to the District Officer Administrator of KCEMSS.

Section 6: Effective Date.

6.1 This Resolution shall be in full force and effect after its passage and approval.

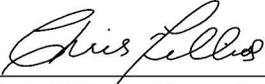
**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**



~~Leslie Duncan, Commissioner - Signed 11/2/2022~~
Leslie Duncan, Chair



~~Bill Brooks, Commissioner - Signed 11/2/2022~~
Bill Brooks, Commissioner



~~Chris Fillos, Commissioner - Signed 11/1/2022~~
Chris Fillos, Commissioner

**ATTEST:
JIM BRANNON, CLERK**



~~Teri Johnston, Deputy Clerk - Signed 11/2/2022~~
Deputy Clerk