



**AGENDA
PAYETTE CITY COUNCIL
January 4, 2016
WORK SESSION & REGULAR MEETING**

HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING

LEE NELSON MARK HELEKER
CRAIG JENSEN JEFF SANDS
NANCY DALE RAY WICKERSHAM

6:00 PM – Work Session

- A. Review of Development Impact Fess

7:00 PM – Regular Meeting

- I. ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. CITIZENS COMMENTS
- IV. APPROVAL OF MINUTES
 - A. 12-21-2015 – Work Session, Public Hearing & Regular Meeting..... 1
- V. APPROVAL OF BILLS & PAYROLL..... 6
- VI. OLD BUSINESS
 - A. Donation Request – MMS Idaho Drug Free Youth..... 7
 - B. Ordinance #1400 – Amending Title 6, Chapter 6.08 – Dogs – 2nd Reading.... 9
 - C. Ordinance #1401 – Temporary Suspension of Impact Fees – 2nd Reading.... 34
- VII. ADJOURN SINE DIE
- VIII. OATHS OF OFFICE
- IX. CALL MEETING TO ORDER/ROLL CALL
- X. SPECIAL ORDERS
 - A. Resolution #2016-01 – Appreciation to Kevin Hanigan on Planning & Zoning
 - B. Resolution #2016-02 – Appreciation to Jeff Sands for Service on Council
 - C. Resolution #2016-03 – Appreciation to Mark Heleker for Service on Council
- XI. COMMUNICATIONS
- XII. PLANNING & ZONING
- XIII. AGENDA ITEMS
 - A. Election of Council President
 - B. Council Committee Appointments
 - C. Appointment of P & Z member – Peggy Childers..... 37
 - D. Appointment of P & Z member – Jim Franklin..... 39
- XIV. DEPARTMENTAL REPORT
- XV. MAYOR’S COMMENTS

XVI. CITIZEN'S COMMENTS
(Limited to 5 minutes per person, at the discretion of the Mayor)

XVII. ADJOURNMENT

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.



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CITY OF PAYETTE, IDAHO
IMPACT FEE REPORT – FINAL REVISED

May 4, 2011

Section I. Introduction

This report regarding impact fees for the City of Payette is organized into the following sections:

- An overview of the report's background and objectives;
- A definition of impact fees and a discussion of their appropriate use;
- An overview of land use and demographics;
- A step-by-step calculation of impact fees under the Capital Improvement Plan (CIP) approach;
- A list of implementation recommendations; and
- A brief summary of conclusions.

Each section follows sequentially.

Background and Objectives

The City of Payette (City) hired BBC Research & Consulting (BBC) to calculate impact fees in the categories of police, fire, parks, and streets. BBC was assisted by two Idaho-based subcontractors: Anne Wescott of Galena Consulting and JoAnn Butler and Sharon Gallivan of Spink Butler, LLP.

Galena Consulting inventoried each department's current capital improvements; established capital improvement replacement costs; helped the departments refine their Capital Improvement Plans; and assisted in all phases of the project. Spink Butler interpreted the requirements of the Idaho Code (see Appendix A) and helped prepare the City's draft impact fee ordinance (see Appendix B). This document presents the impact fees based on the City's demographic data and infrastructure costs before credit adjustment; calculates the City's monetary participation; examines the likely cash flow produced by the recommended fee amount; and outlines specific fee implementation recommendations.

Definition of Impact Fees

Impact fees are one-time assessments established by local governments to assist with the provision of capital improvements necessitated by new growth and development. Impact fees are governed by principles established in Title 67, Chapter 82, Idaho Code, known as the Idaho Development Impact Fee Act (Impact Fee Act) which specifically gives cities, towns and counties the authority to levy impact fees. The Idaho Code defines an impact fee as "... 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.”¹

Purpose of impact fees. The Impact Fee Act repeats the legislative finding that “... an equitable program for planning and financing 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 state of Idaho.”²

Idaho fee restrictions and requirements. The Impact Fee Act places numerous restrictions on the calculation and use of impact fees, all of which help ensure that local governments adopt impact fees that are consistent with federal law.³ Some of those restrictions include:

- Impact fees shall not be used for any purpose other than to defray system improvement costs incurred to provide additional public facilities to serve new growth;⁴
- Impact fees must be expended within 8 years from the date they are collected. Fees may be held in certain circumstances beyond the 8-year time limit if the governmental entity can provide reasonable cause;⁵
- Impact fees must not exceed the proportionate share of the cost of capital improvements needed to serve new growth and development;⁶
- Impact fees must be maintained in one or more interest-bearing accounts within the capital projects fund.⁷

¹ See Section 67-8203(9), Idaho Code. “System improvements” are capital improvements (i.e., improvements with a useful life of 10 years or more) that, in addition to a long life, increase the service capacity of a public facility. Public facilities include: parks, open space and recreation areas, and related capital improvements; and public safety facilities, including law enforcement, fire, emergency medical and rescue facilities. See Sections 67-8203(3), (24) and (28), Idaho Code.

² See Section 67-8202, Idaho Code.

³ As explained further in this study, proportionality is the foundation of a defensible impact fee. To meet substantive due process requirements, an impact fee must provide a rational relationship (or nexus) between the impact fee assessed against new development and the actual need for additional capital improvements. An impact fee must substantially advance legitimate local government interests. This relationship must be of “rough proportionality.” Adequate consideration of the factors outlined in Section 67-8207(2) ensures that rough proportionality is reached. See *Banbury Development Corp. v. South Jordan*, 631 P.2d 899 (1981); *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

⁴ See Sections 67-8202(4) and 67-8203(29), Idaho Code.

⁵ See Section 67-8210(4), Idaho Code.

⁶ See Sections 67-8204(1) and 67-8207, Idaho Code.

⁷ See Section 67-8210(1), Idaho Code.

In addition, the Impact Fee Act requires the following:

- Establishment of and consultation with a development impact fee advisory committee (Advisory Committee);⁸
- Identification of all existing public facilities;
- Determination of a standardized measure (or service unit) of consumption of public facilities;
- Identification of the current level of service that existing public facilities provide;
- Identification of the deficiencies in the existing public facilities;
- Forecast of residential and nonresidential growth;⁹
- Identification of the growth-related portion of each department's Capital Improvement Plans;¹⁰
- Analysis of cash flow stemming from impact fees and other capital improvement funding sources;¹¹
- Implementation of recommendations such as impact fee credits, how impact fee revenues should be accounted for, and how the impact fees should be updated over time;¹²
- Preparation and adoption of a Capital Improvement Plan pursuant to state law and public hearings regarding the same;¹³ and
- Preparation and adoption of an ordinance authorizing impact fees pursuant to state law and public hearings regarding the same.¹⁴

How should fees be calculated? State law requires the City to implement the Capital Improvement Plan methodology to calculate impact fees. The City could implement fees of any amount not to exceed the fees as calculated by the CIP approach. This methodology requires the City to describe its service area, forecast the land uses, densities and population that are expected to occur in that service area over the next 20 years, and identify the capital improvements that will be needed to serve the forecasted growth over the next 10 years at the planned level of service, not to exceed

⁸ See Section 67-8205, Idaho Code.

⁹ See Section 67-8206(2), Idaho Code.

¹⁰ See Section 67-8208, Idaho Code.

¹¹ See Section 67-8207, Idaho Code.

¹² See Sections 67-8209 and 67-8210, Idaho Code.

¹³ See Section 67-8208, Idaho Code.

¹⁴ See Sections 67-8204 and 67-8206, Idaho Code.

that found in the existing community.¹⁵ This list and cost of capital improvements constitutes the capital improvement element to be adopted as part of Payette's Comprehensive Plan.¹⁶ Only those items identified as growth-related on the CIP are eligible to be funded by impact fees.

Each department intending to adopt an impact fee must first prepare a capital improvements plan.¹⁷ To ensure that impact fees are adopted and spent for capital improvements in support of the community's needs and planning goals, the Impact Fee Act establishes a link between the authority to charge impact fees and certain planning requirements of Idaho's Local Land Use Planning Act (LLUPA). The local government must have adopted a comprehensive plan per LLUPA procedures, and that comprehensive plan must be updated to include a current capital improvement element.¹⁸ This study considers the planned capital improvements for the ten-year period from 2009 through the end of 2018 that will need to be adopted as an element of Payette's Comprehensive Plan.

Once the essential capital planning has taken place, impact fees can be calculated. The Impact Fee Act places many restrictions on the way impact fees are calculated and spent, particularly via the principal that local governments cannot charge new development more than a "proportionate share" of the cost of public facilities to serve that new growth. "Proportionate share" is defined as ". . . that portion of the cost of system improvements . . . which reasonably relates to the service demands and needs of the project."¹⁹ Practically, this concept requires the City to carefully project future growth and estimate capital improvement costs so that it prepares reasonable and defensible impact fee schedules.

The proportionate share concept is designed to ensure that impact fees are calculated by measuring the needs created for capital improvements by development being charged the impact fee; do not exceed the cost of such improvements; and are "earmarked" to fund growth-related capital improvements to benefit those that pay the impact fees.

There are various approaches to calculating impact fees and to crediting new development for past and future contributions made toward system improvements. The Impact Fee Act does not specify a single type of fee calculation, but it does specify that the formula be "reasonable and fair." Impact fees must take into account the following:

- Any appropriate credit, offset or contribution of money, dedication of land, or construction of system improvements;

¹⁵ As a comparison and benchmark for the impact fees calculated under the Capital Improvement Plan approach, BBC also calculated Payette's current level of service by quantifying the City's current investment in capital improvements for each impact fee category, allocating a portion of these assets to residential and nonresidential development, and dividing the resulting amount by current housing units (residential fees) or current square footage (nonresidential fees). By using current assets to denote the current service standard, this methodology guards against using fees to correct existing deficiencies.

¹⁶ See Sections 67-8203(4) and 67-8208, Idaho Code.

¹⁷ See Section 67-8208, Idaho Code.

¹⁸ See Sections 67-8203(4) and 67-8208, Idaho Code.

¹⁹ See Section 67-8203(23), Idaho Code.

- 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;
- That portion of general tax and other revenues allocated by the City to growth-related system improvements; and
- All other available sources of funding such system improvements.²⁰

Through data analysis and interviews with each City department, BBC and Galena Consulting identified the share of each capital improvement needed to serve growth. The total projected capital improvements needed to serve growth are then allocated to residential and nonresidential development with the resulting amounts divided by the appropriate growth projections from 2009 to 2018. This is consistent with the Impact Fee Act.²¹ Among the advantages of the CIP approach is its establishment of a spending plan to give developers and new residents more certainty about the use of the particular impact fee revenues.

Other fee calculation considerations. The basic CIP methodology used in the fee calculations is presented above. However, implementing this methodology requires a number of decisions. The considerations accounted for in the fee calculations include the following:

- The allocation of costs is made using a service unit which is “a standard measure of consumption, use, generation or discharge attributable to an individual unit²² of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvement.”²³ The service units chosen by the study team for the police, fire and streets departments are linked directly to residential dwelling units and nonresidential development square feet.²⁴ In the case of the parks and recreation department, only residential units are used as they are the primary users of parks infrastructure.
- A second consideration involves refinement of cost allocations to different land uses. According to Idaho Code, the CIP must include a “conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural and industrial.”²⁵ In this analysis, the study team has chosen to use the highest level of detail supportable by available data and, as a result, in this study, every impact fee is allocated between aggregated residential

²⁰ See Section 67-8207, Idaho Code.

²¹ The impact fee that can be charged to each service unit (in this study, residential dwelling units and nonresidential square feet) cannot exceed the amount determined by dividing the cost of capital improvements attributable to new development (in order to provide an adopted service level) by the total number of service units attributable to new development. See Sections 67-8204(16), 67-8208(1)(f) and 67-8208(1)(g), Idaho Code.

²² See Section 67-8203(27), Idaho Code.

²³ See Section 67-8203(27), Idaho Code.

²⁴ The construction of detached garages alongside residential units does not typically trigger the payment of additional impact fees unless that structure will be the site of a home-based business with significant outside employment.

²⁵ See Section 67-8208(1)(e), Idaho Code.

(i.e., all forms of residential housing) and nonresidential development (all nonresidential uses including retail, office and industrial).

Current Assets and Capital Improvement Plans

The CIP approach estimates future capital improvement investments required to serve growth over a fixed period of time. The Impact Fee Act calls for the CIP to “. . . project demand for system improvements required by new service units . . . over a reasonable period of time not to exceed 20 years.”²⁶ The impact fee study team recommends a 10-year time period based on Payette’s best available capital planning data.

The types of costs eligible for inclusion in this calculation include any land purchases, construction of new facilities and expansion of existing facilities to serve growth over the next 10 years at planned and/or adopted service levels. Equipment and vehicles with a useful life of 10 years or more are also impact fee eligible under the Impact Fee Act.²⁷ The total cost of improvements over the 10 years is referred to as the “CIP Value” throughout this report. The cost of this impact fee study is also impact fee eligible for all impact fee categories.

The forward-looking 10-year CIPs for each fee category include some facilities that are only partially necessitated by growth (e.g., road replacement, facility expansion, etc.). The study team met with each department to determine a defensible metric for including a portion of these facilities in the impact fee calculations. A general methodology used to determine this metric is discussed below. In some cases, a more specific metric was used to identify the growth-related portion of such improvements. In these cases, notations were made in the applicable section.

Fee Calculation

In accordance with the CIP approach described above, we calculated fees for each department by answering the following seven questions:

Question #1) Who is currently served by each city service department? This includes the number of residents as well as residential and nonresidential land-uses.

Question #2) What is the current level of service provided by each department?

Since an important purpose of impact fees is to help each department achieve their planned level of service²⁸, it is necessary to know the level of service they are currently providing to the community.

Question #3) What current assets allow each department to provide this level of service? This provides a current inventory of assets used by each department, such as

²⁶ See Section 67-8208(1)(h).

²⁷ The Impact Fee Act allows a broad range of improvements to be considered as “capital” improvements, so long as the improvements have useful life of at least 10 years and also increase the service capacity of public facilities. See Sections 67-8203(28) and 50-1703, Idaho Code.

²⁸ This assumes that the planned level of service does not exceed the current level of service.

facilities, land, roadways and equipment. In addition, each asset's replacement value was calculated and summed to determine the total value of each department's current assets.

Question #4) What is the current investment per residential and nonresidential land-use? In other words, how much of each department's current assets' total value is needed to serve current residential households and nonresidential square feet?

Question #5) What future growth is expected in the City? How many residential households and nonresidential buildings will each department serve in the next ten years?

Question #6) What new capital improvements are required to serve future growth? For example, how much new office space will be needed by the police department in the next ten years to achieve the planned level of service for the department?

Question #7) What impact fee is required to pay for the new infrastructure? We calculated an apportionment of new infrastructure costs to future residential and nonresidential land-uses for each department. Then, using this distribution, the impact fees were determined.

Addressing these seven questions, in order, provides the most effective and logical way to calculate impact fees for each department. In addition, these seven steps satisfy and follow the regulations set forth earlier in this section.

"GRUM" Analysis

For each department, as in any local government, not all capital costs are associated with growth. Some capital costs are for repair and replacement of facilities e.g., standard periodic investment in existing facilities such as paving and roofing. These costs *are not* impact fee eligible. Some capital costs are for betterment of facilities, or implementation of new services (e.g., development of an expanded training facility). These costs *are generally not entirely* impact fee eligible. Some costs are for expansion of facilities to accommodate new development at the current level of service (e.g., purchase of new fire station to accommodate expanding population). These costs *are* impact fee eligible.

Because there are different reasons why each department invests in capital projects, the study team conducted a "GRUM" analysis on all projects listed in each CIP:

- **Growth.** The "G" in GRUM stands for growth. To determine if a project is solely related to growth, we ask "Is this project designed to maintain the current level of service as growth occurs?" and "Would the department still need this capital project if it weren't growing at all?" "G" projects are only necessary to maintain each department's current level of service as growth occurs. It is thus appropriate to include 100 percent of their cost in the impact fee calculations.
- **Repair & Replacement.** The "R" in GRUM stands for repair & replacement. We ask, "Is this project related only to fixing existing infrastructure?" and "Would the department still need it if it weren't growing at all?" "R" projects have nothing to do

with growth. It is thus not appropriate to include any of their cost in the impact fee calculations.

- **Upgrade.** The “U” in GRUM stands for upgrade. We ask, “Would this project improve the department’s current level of service?” and “Would the department still do it even if it weren’t growing at all?” “U” projects have nothing to do with growth. It is thus not appropriate to include any of their cost in the impact fee calculations.
- **Mixed.** The “M” in GRUM stands for mixed. It is reserved for capital projects that have some combination of G, R and U. “M” projects by their very definition are partially necessitated by growth, but also include an element of repair, replacement and/or upgrade. In this instance, a cost amount between 0 and 100 percent should be included in the fee calculations. Although the need for these projects is triggered by new development, they will also benefit existing residents.

Projects that are 100 percent growth-related were determined by our study to be necessitated solely by growth. Alternatively, some projects were determined to be “mixed,” with some aspects of growth and others aspects of repair and replacement. In these situations, only a portion of the total cost of each project was included in the final impact fee calculation. This portion represented the incremental increase in land uses from 2008 to 2017 for the City.

It should be understood that growth is expected to pay only the portion of the cost of capital improvements that are growth-related. The City will need to plan to fund the pro rata share of these partially growth-related capital improvements with revenue sources other than impact fees within the time frame that impact fees must be spent. As discussed later in this report, these funds could come from City revenues, donations, grants or other partnerships. Note that Exhibit VII-2 details the City participation for each fee category.

Exhibits found in Sections III through VI of this report detail all capital improvements planned for purchase over the next ten years by each department.

Mechanics of Transportation Fee Calculations

In this report, the allocation of assets to residential and nonresidential development is accomplished using two methods. Unlike police, fire, and parks fee calculations in which fees are calculated *generally* for residential units and nonresidential square feet, streets fees are calculated for residential and nonresidential land uses based on street and facility usages generated by each land use type. To calculate this distribution, trip generation figures from the Institute of Transportation Engineers’ *Trip Generation Manual Sixth Edition* are considered. The trip generation figures estimate the number of p.m. peak hour trips generated by particular land uses. Peak hour trips are appropriate for this calculation because street infrastructure is sized according to the expected peak. Since peak hour trips will be used to distribute infrastructure costs, peak hour estimates should be employed. Exhibit I-1 below presents trip generation figures for land uses in Payette.

Exhibit I-1.
Trip Generation Rates by Land Use
Category

Notes:

(1) Reflects weekday traffic generation patterns, weekday p.m. peak hour trip rate formula.

(2) Reflects average of office, commercial, retail and industrial land uses, weekday p.m. peak hour trip rate formula.

Source:

International Transportation Engineering *Trip Generation Manual Sixth Edition.*

Land-Use Category	Trip Generation Relative Weighting
Residential ⁽¹⁾	1.02
Nonresidential ⁽²⁾	2.66

Using the trip generation figures from Exhibit I-1 and current land use within Payette found in Exhibit II-2, total current trips can be distributed to each land use. For nonresidential development, the *Trip Generation Manual* reports trips per 1,000 square feet of nonresidential space. Therefore, after the square footage of non-residential land uses is multiplied by the trip generation weighting of 2.66, the resulting trips are divided by 1,000 to determine the number of trips per 1,000 square feet of nonresidential land use. Total trips are then distributed on a percentage basis among different residential and nonresidential development.

Acknowledgements

We would like to thank Mary Cordova and Bobbie Black with the City of Payette for serving as our project liaison to all the city departments. We would also like to thank the duly appointed members of the Impact Fee Advisory Committee: Jim Franklin/Machine Sales, Alan Massey/Boat Industry, Jeff Ward/Journalist, Kevin Hannigan/Auto Sales, Tom Ladley/Trucking Industry, Randy Choate/Lender, Larry Hogg/Lender, Brent King/Realtor, and Stan Clements/Developer & Insurance Agent.

Section II. Payette Land Uses

As noted in Section I, it is necessary to allocate capital improvement plan (CIP) costs to both residential and nonresidential development when calculating impact fees. The Study Team performed this allocation based on the number of projected new households and nonresidential square feet the City of Payette will add in future years. Population and land-use growth projections through 2030 can be found in the City of Payette Comprehensive Plan.

However, rather than use the twenty-year land use assumptions, the Study Team has used a 10-year projection horizon to be consistent with the 10-year CIP projection. Demographic and land-use projections are some of the most variable and potentially debatable components of an impact fee study, and in all likelihood the projections used in our study will not prove to be 100 percent correct. However, as each CIP is tied to the City's land-use growth, the CIP and resulting fees can be revised based on actual growth as it occurs. In other words, even if our projections are wrong, the CIP and impact fees can be updated to correctly reflect actual growth. In fact, the annual Advisory Committee meetings and reviews are designed to respond to variables in the actual outcomes of growth.

The following Exhibit II-1 presents the current and future projected population for Payette.

**Exhibit II-1.
Current and Future
Population in Payette, Idaho**

	2010	2019	Net Increase	Percent Increase
Population	7,433	9,068	1,635	22%

Source:
City of Payette Comprehensive Plan, 2010
Census, 2009 American Community Survey, and
BBC Research & Consulting.

Payette's total population is expected to increase by 1,635 residents, or approximately 22 percent, over the next ten years.

The following Exhibit II-2 presents the current and future number of residential units and nonresidential square feet for Payette.

Exhibit II-2.

Current and Future Land Uses, City of Payette, Idaho

	Units or Square Feet		Net Increase in Square Feet ⁽²⁾	Percent of Total Growth
	2010	2019		
Residential (in units)	2,859	3,488	1,037,761	92%
Nonresidential (in square feet) ⁽¹⁾	434,545	530,144	95,600	8%
Total			1,133,361	100%

Notes: (1) Based on 152 square feet of nonresidential land use per residential unit. Detailed data on nonresidential square footage per household was available from four previous clients: Boise, Nampa, Meridian, and Caldwell. Based on previous experience and conservatism, we have assumed 50 percent of the average of the four metro-area clients.

(2) Based on 1,650 square feet per residential unit based on US Census Median and Average Square Feet of Floor Area in New Single-Family Houses 1973-2009 Outside MSA

Source: City of Payette Comprehensive Plan, 2010 Census, 2009 American Community Survey, and BBC Research & Consulting.

As shown above, Payette is expected to grow by approximately 629 residential units and 95,600 nonresidential square feet over the next ten years. Ninety-two percent of this growth is attributable to residential land uses, while the remaining eight percent is attributable to nonresidential growth. These growth numbers and percentages will be used later in the study.

Section III. Police Impact Fees

In this section, we calculate impact fees for the Payette Police Department following the seven question method outlined in Section I of this report.

Question #1) Who is currently served by the Payette Police Department?

As shown in Exhibit II-2, the Police Department currently serves approximately 7,433 residents (2,859 residential units) and approximately 434,545 square feet of nonresidential land use.

Question #2) What is the current level of service provided by the Payette Police Department?

The Police Department currently provides a level of service of 1.6 officers per 1,000 Payette residents.

Question #3) What current assets allow the Payette Police Department to provide this level of service?

The following Exhibit III-1 displays the current assets of the Police Department.

Exhibit III-1. Current Assets – Payette Police Department

Type of Capital Infrastructure	Square Feet/Acres	Replacement Value	Times	Equity Percentage	Times	Shared Facility (% of fee) equals	Replacement Value of Current Assets
Facilities							
Police Department (located in City Hall)	4,745	\$1,067,625		100%		100%	\$1,067,625
Police Department training range	2.52	\$108,360		100%		100%	\$108,360
Vehicles							
2008 Dodge Charger (admin vehicle)		\$34,000		100%		100%	\$34,000
1998 Ford Crown Victoria (admin vehicle)		\$34,000		100%		100%	\$34,000
1999 Ford Crown Victoria (admin vehicle)		\$34,000		100%		100%	\$34,000
1999 Chevrolet 1500 pick up (ordnance vehicle)		\$34,000		100%		100%	\$34,000
Equipment							
Weaponry		\$33,495		100%		100%	\$33,495
Hand-held & in-vehicle radios		\$77,500		100%		100%	\$77,500
ATN night vision & thermal eye infrared		\$7,500		100%		100%	\$7,500
Radar equipment & trailer		\$23,000		100%		100%	\$23,000
Misc equipment		\$12,415		100%		100%	\$12,415
Total Infrastructure		\$1,363,480					\$1,363,480
Plus Cost of Fee-Related Research		\$28,000		100%		25%	\$7,000
Grand Total		\$1,472,885					\$1,472,885

Notes: Current level of service is 1.6 officers per 1,000 Payette residents.

Source: BBC and Galena Consulting interviews with Payette Police Captain David Platt, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Police Department currently owns approximately \$1.5 million of current assets. These assets are used to provide the Department's current level of service.

Question #4) What is the current investment per residential unit and nonresidential square foot for the Payette Police Department?

The City has already invested \$472 per residential unit and \$0.29 per nonresidential square foot in order to provide the current level of police service. This figure is derived by allocating the value

of the Department's current assets between the current number of residential units and nonresidential square feet. It will be compared to the impact fees calculated below.

Question #5) What future growth is expected in Payette?

As shown in Exhibit II-2, Payette is expected to grow by 629 residential units and 95,600 square feet of nonresidential land use over the next ten years.

Question #6) What new capital improvements are required to serve future growth?

The following Exhibit III-2 displays the capital improvements planned for purchase by the Police Department over the next ten years. The City plans no change in the current level of service as growth occurs.

**Exhibit III-2.
Payette Police Department CIP – 2011-2020**

Type of Capital Improvement	Square Footage	CIP Value	Growth Portion	Shared Facility % (SF)	Amount to be Paid in Fees	Amount from General Fund
Facilities						
Expansion of police station to accommodate new growth	1,186	\$266,906	100%	100%	\$266,906	\$0
Equipment						
New weaponry		\$9,345	100%	100%	\$9,345	\$0
Hand-held and in-vehicle radios		\$25,000	100%	100%	\$25,000	\$0
Radar Equipment		\$4,500	100%	100%	\$4,500	\$0
Digital Cameras		\$900	100%	100%	\$900	\$0
Total Infrastructure		\$306,651			\$306,651	\$0
Plus Cost of Fee-Related Research						
Impact Fee Study		\$28,000	100%	25%	\$7,000	\$0
Grand Total		\$334,651			\$313,651	\$0

Notes: The Police Dept. currently houses 12 officers in 4,745 square feet = 395 sf per officer. Estimated population increase by 2019 is 1,635. Increased population warrants an additional 3 officers to respond to growth (1,635/1,000 x 1.6). Three officers x 395 sq ft per officer = 1,185 new sq ft attributable to growth.

Source: BBC and Galena Consulting interviews with Payette Police Captain David Platt, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Department plans to fund approximately \$313,651 in capital improvements over the next ten years, all of which is impact fee eligible. These assets will allow the Department to achieve its planned level of service in the future²⁹.

Question #7) What impact fee is required to pay for the new capital improvements?

The following Exhibit III-3 takes the projected future growth in Payette from Exhibit II-2 and the growth-related CIP from Exhibit III-2 to calculate impact fees for the Police Department.

²⁹ This assumes that the planned level of service does not exceed the current level of service.

**Exhibit III-3.
Payette Police Department Fee
Calculation**

Notes:

- (1) From Exhibit III-2.
- (2) From Exhibit II-2.
- (3) From Exhibit II-2.

Source:

City of Payette and Impact Fee Study Team.

Impact Fee Calculation	
Allocated Value for Future Police Capital Improvements	\$ 313,651
Future City Land Use	
Residential (in dwelling units)	92%
Nonresidential (in square feet)	8%
Allocated Value by Land Use Category	
Residential	\$ 287,195
Nonresidential	\$ 26,457
Future City Development	
Residential (in dwelling units)	629
Nonresidential (in square feet)	95,600
Calculated Impact Fee	
Residential (per dwelling unit)	\$ 457
Nonresidential (per square foot)	\$ 0.28

As shown above, we have calculated impact fees for the Payette Police Department at \$457 per residential unit and \$0.28 per nonresidential square foot. The City cannot assess fees greater than this amount. The City can assess fees lower than this amount, but would then experience a decline in service levels unless other City revenues made up the difference.

The Study Team is pleased to report the impact fees calculated in Exhibit III-3 are less than the current investment described earlier in this section. This indicates new growth would not be asked to pay more than its proportionate share of future capital infrastructure.

Section IV. Fire Impact Fees

In this section, we calculate impact fees for the Payette Fire Department following the seven question method outlined in Section I of this report.

Question #1) Who is currently served by the Payette Fire Department?

As shown in Exhibit II-2, the Fire Department currently serves 7,433 residents (2,859 residential units) and approximately 434,545 square feet of nonresidential land use.

Question #2) What is the current level of service provided by the Payette Fire Department?

The Payette Fire Department has an average response time of 6 minutes, 10 seconds, and has received a Class 4 rating from the Idaho State Ratings Bureau.³⁰

Question #3) What current assets allow the Payette Fire Department to provide this level of service?

The following Exhibit IV-1 displays the current assets of the Fire Department.

Exhibit IV-1. Current Assets – Payette Fire Department

Type of Capital Infrastructure	Square Feet	Replacement Value	Equity Times Percentage	Shared Facility (% in fee)	Replacement Value of Current Assets
Facilities					
Fire Station #1	16,000	\$2,400,000	100%	100%	\$2,400,000
Apparatus Bay at City Hall	600	\$90,000	100%	100%	\$90,000
Vehicles/Apparatus					
2006 Pierce Saber		\$600,000	100%	100%	\$600,000
1988 Pierce Arrow		\$600,000	100%	100%	\$600,000
1977 American LaFrance Spartan		\$600,000	100%	100%	\$600,000
2 Staff Vehicles - Chevrolet Pick-up		\$100,000	100%	100%	\$100,000
Equipment					
9 SCBA units		\$63,000	100%	100%	\$63,000
Communications System		\$70,000	100%	100%	\$70,000
Total Infrastructure		\$4,623,000			\$4,623,000
Plus Cost of Fee-Related Research					
Impact Fee Study		\$28,000	100%	25%	\$7,000
Grand Total		\$4,651,000			\$4,630,000

Notes: Current level of service is a Class 4 rating with an average response time of 6 minutes, 10 seconds.

Source: BBC and Galena Consulting interviews with Payette Fire Chief Jeff Sands, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Fire Department currently owns approximately \$4.5 million of current assets. These assets are used to provide the Department's current level of service.

³⁰ Average response time reported includes both city calls and rural calls. City calls are typically responded to in five minutes or less.

Question #4) What is the current investment per residential unit and nonresidential square foot for the Payette Fire Department?

The City has already invested \$1,451 per residential unit and \$0.88 per nonresidential square foot in order to provide the Fire Department's current level of service. This figure is derived by allocating the value of the Department's current assets between the current number of residential units and nonresidential square feet. It will be compared to the impact fees calculated below.

Question #5) What future growth is expected in Payette?

As shown in Exhibit II-2, Payette is expected to grow by 629 residential units and 95,600 square feet of nonresidential land use over the next ten years.

Question #6) What new capital improvements are required to serve future growth?

The following Exhibit IV-2 displays the capital improvements planned for purchase by the Fire Department over the next ten years. The City plans no change in the current level of service as growth occurs.

**Exhibit IV-2.
Payette Fire Department CIP – 2011-2020**

Type of Capital Infrastructure	CIP Value	Growth Times	Portion	Shared Facility (in fee) %/eq	Amount to Include in Fee	Amount from General Fund
Vehicles						
1 Ladder Truck	\$700,000		22%	100%	\$154,000	\$546,000
1 Heavy Rescue Truck	\$400,000		22%	100%	\$88,000	\$312,000
1 Replacement Engine	\$600,000		0%	100%	\$0	\$600,000
Equipment						
Upgrade communications system	\$50,000		0%	100%	\$0	\$50,000
Total Infrastructure	\$1,750,000				\$242,000	\$1,508,000
Plus Cost of Fee-Related Research						
Impact Fee Study	\$28,000		100%	25%	\$7,000	
Grand Total	\$1,778,000				\$249,000	\$1,508,000

Source: BBC and Galena Consulting interviews with Payette Fire Chief Jeff Sands, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Department plans to fund \$1.8 million in capital improvements over the next ten years, approximately \$249,000 of which is impact fee eligible. The remaining \$1.5 million is the price for Payette to accomplish two goals: 1) correct existing deficiencies, and 2) repair and replace existing equipment and facilities. Neither type of capital project is eligible for inclusion in the impact fee calculations. The City will therefore have to use other sources of revenue, including all those listed in Idaho Code 67-8207(iv)(2)(h).

Question #7) What impact fee is required to pay for the new capital improvements?

The following Exhibit IV-3 takes the projected future growth in Payette from Exhibit II-2 and the growth-related CIP from Exhibit IV-2 to calculate impact fees for the Fire Department.

**Exhibit IV-3.
Payette Fire Department Fee
Calculation**

Note:
(1) From Exhibit III-2.
(2) From Exhibit II-2.
(3) From Exhibit II-2.

Source:
City of Payette and Impact Fee Study Team.

Impact Fee Calculation	
Allocated Value for Future Fire Capital Improvements	\$ 249,000
Future City Land Use	
Residential (in dwelling units)	92%
Nonresidential (in square feet)	8%
Allocated Value by Land Use Category	
Residential	\$ 227,997
Nonresidential	\$ 21,003
Future City Development	
Residential (in dwelling units)	629
Nonresidential (in square feet)	95,600
Calculated Impact Fee	
Residential (per dwelling unit)	\$ 363
Nonresidential (per square foot)	\$ 0.22

As shown above, we have calculated impact fees for the Payette Fire Department at \$363 per residential unit and \$0.22 per nonresidential square foot. The City cannot assess fees greater than this amount. The City may assess fees lower than this amount, but would then experience a decline in service levels unless other City revenues made up the difference.

The Study Team is pleased to report the impact fees in Exhibit IV-3 are significantly less than the current investment levels calculated in Question #4. This is a result of the fact that the City recently relocated and expanded its Fire Station #1 without impact fee revenues, although a portion of that project was impact fee eligible.

Section V. Parks Impact Fees

In this section, we calculate impact fees for the Payette Parks Department following the seven question method outlined in Section I of this report.

Question #1) Who is currently served by the Payette Parks Department?

As shown in Exhibit II-2, the Parks Department currently serves 7,433 residents (2,859 residential units).

Question #2) What is the current level of service provided by the Payette Parks Department?

The Parks Department currently provides a level of service of 5.9 acres of developed parks per 1,000 population.

Question #3) What current assets allow the Payette Parks Department to provide this level of service?

The following Exhibit V-1 displays the current assets of the Payette Parks Department.

Exhibit V-1. Current Assets – Payette Parks Department

Type of Capital Infrastructure	Size of Park (acres)	Square Footage	Replacement Value	Times	Equity Percentage	Shared Facility (% in fee)	Replaces	Replacement Value of Current Assets
Pathways and Trails								
Trail - 822 yards long x 11 feet wide	0.6		\$90,000		100%	100%		\$90,000
Neighborhood and Community Parks								
Centennial Park	10.2		\$1,023,000		100%	100%		\$1,023,000
Kiwanis Park	19.5		\$1,954,000		100%	100%		\$1,954,000
Gateway Park	9.7		\$966,000		100%	100%		\$966,000
Central Park	2.1		\$208,000		100%	100%		\$208,000
Wilson Park	0.3		\$33,000		100%	100%		\$33,000
Bancroft Park	0.3		\$33,000		100%	100%		\$33,000
Sinclair Park	1.0		\$100,000		100%	100%		\$100,000
Undeveloped Parks (land cost only)								
Perry Drive	0.3		\$10,750		100%	100%		\$10,750
Equipment & Facilities								
Park Shop & Offices		1,836	\$183,600		100%	100%		\$183,600
1 Tractor			\$10,000		100%	100%		\$10,000
2 Tractor Attachments			\$15,000		100%	100%		\$15,000
6 Grass Mowers			\$105,000		100%	100%		\$105,000
1 Vacuum Mowers			\$40,000		100%	100%		\$40,000
3 Pickups			\$75,000		100%	100%		\$75,000
1 Bucket Truck			\$110,000		100%	100%		\$110,000
1 Trailer			\$6,000		100%	100%		\$6,000
1 Mule			\$10,000		100%	100%		\$10,000
Miscellaneous Equipment			\$5,000		100%	100%		\$5,000
Total Infrastructure	44.0	1,836	\$4,977,350					\$4,977,350
Plus Cost of Fee-Related Research								
Impact Fee Study			\$26,000		100%	25%		\$7,000
Grand Total			\$5,003,350					\$4,984,350

Notes: Current level of service is 5.9 acres of developed parkland per 1,000 Payette residents. Calculation is 43.7 developed acres divided by 7.43. Calculation excludes undeveloped acreage at Perry Drive.

Source: BBC and Galena Consulting interviews with the Payette Parks Department Superintendent Tony Mell, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Parks Department currently owns approximately \$5.0 million of current assets. These assets are used to provide the Department's current level of service.

Question #4) What is the current investment per residential unit and nonresidential square foot?

The Parks Department has already invested \$1,744 per residential unit in order to provide the current level of service. As parks infrastructure is primarily used by residential land-uses, the City has made the decision to attribute 100 percent of the park department's current investment to residential land use. It will be compared to the impact fees calculated below.

Question #5) What future growth is expected in Payette?

As shown in Exhibit II-2, the Parks Department's service population is expected to grow by 629 residential units over the next ten years.

Question #6) What new capital improvements are required to serve future growth?

The following Exhibit V-2 displays the capital improvements planned for purchase by the Parks Department over the next ten years.

**Exhibit V-2.
Payette Parks Department CIP – 2011-2020**

Type of Capital Infrastructure	CIP Value	Growth Portion	Share Facility Equals	Amount to Include in Fees	Amount From General Fund
Parks					
Acquire & develop 9 acres of parkland to support growth	\$270,000	100%	100%	\$270,000	\$0
Equipment					
Equipment Replacement	\$375,000	0%	100%	\$0	\$375,000
Total Infrastructure	\$645,000			\$270,000	\$375,000
Plus Cost of Fee-Related Research					
Impact Fee Study	\$28,000	100%	25%	\$7,000	
Grand Total	\$673,000			\$277,000	

Notes: To continue existing service level of 5.9 acres per thousand, if the 2020 population is estimated to increase by 1,635, then 9 acres (1.635 x 5.9) of parks are impact fee eligible.

Source: BBC and Galena Consulting interview with the Payette Parks Department Superintendent Tony Mell, July 2008. Updated January 2010 and April 2011.

As shown above, the Department plans to fund \$673,000 in capital improvements over the next ten years, approximately \$277,000 of which is impact fee eligible. The remaining \$375 thousand is the price for Payette to repair and replace existing equipment. This type of capital project is not eligible for inclusion in the impact fee calculations. The City will therefore have to use other sources of revenue, including all those listed in Idaho Code 67-8207(iv)(2)(h).

Question #7) What impact fee is required to pay for the new capital improvements?

The following Exhibit V-3 takes the projected future growth from Exhibit II-2 and the growth-related CIP from Exhibit V-2 to calculate impact fees for the Parks Department.

**Exhibit V-3.
Payette Parks Department Fee
Calculation**

Note:
(1) From Exhibit III-2.
(2) From Exhibit II-2.
(3) From Exhibit II-2.

Source:
City of Payette and Impact Fee Study Team.

Impact Fee Calculation	
Allocated Value for Future Parks Capital Improvements	\$ 277,000
Future City Land Use	
Residential (in dwelling units)	100%
Allocated Value by Land Use Category	
Residential	\$ 277,000
Future City Development	
Residential (in dwelling units)	629
Calculated Impact Fee	
Residential (per dwelling unit)	\$ 440

As shown above, we have calculated full-cost recovery impact fees for the Payette Parks Department at \$440 per residential unit. As residential land uses are the primary users of parks infrastructure, we have only calculated fees for future residential growth. The City cannot assess fees greater than this amount. The City may assess fees lower than this amount, but would then experience a decline in service levels unless other City revenues made up the difference.

The Study Team is pleased to report the impact fee calculated in Exhibit V-3 is less than the current investment described earlier in this section. This indicates new growth would not be asked to pay more than its proportionate share of future capital infrastructure.

Section VI.

Streets Impact Fees

In this section, we calculate impact fees for the Payette Streets Department following the seven question method outlined in Section I of this report.

Question #1) Who is currently served by the Payette Streets Department?

As shown in Exhibit II-2, the Streets Department currently serves 7,433 residents (2,859 residential units) and approximately 434,545 square feet of nonresidential land use.

Question #2) What is the current level of service provided by the Payette Streets Department?

The Payette Streets Department currently provides a level of service of "A" in most areas, with certain intersections functioning at a "B" service level.³¹

Question #3) What current assets allow the Payette Streets Department to provide this level of service?

The following Exhibit VI-1 displays the current infrastructure assets of the Streets Department.

³¹ According to the City's Engineer, Holladay Engineering, and based on the Highway Capacity Manual, Level of Service "A" is defined as "completely free-flow conditions. The operation of vehicles is virtually unaffected by the presence of other vehicles, and operations are constrained only by the geometric features of the highway and by driver preferences. Maneuverability with the traffic stream is good. Minor disruptions to flow are easily absorbed without a change in travel speed." Level of Service "B" is defined as "free-flow conditions, although the presence of other vehicles becomes noticeable. Average travel speeds are the same as in LOS 'A', but drivers have slightly less freedom to maneuver. In simple words, it can be defined as 'reasonably free flow traffic'."

Exhibit VI-1.
Current Assets – Payette Streets Infrastructure

Type of Capital Improvement	Replacement Value	Equity %	Shared Facility	Amount to Include in Fee Calculations
Roadways				
100.7 lane miles	\$ 121,877,210	100%	100%	\$ 121,877,210
Bridges				
7th Ave North Canal Bridge	\$ 200,000	100%	100%	\$ 200,000
Center Avenue Canal Bridge	\$ 200,000	100%	100%	\$ 200,000
1st Ave South Canal Bridge	\$ 200,000	100%	100%	\$ 200,000
2nd Ave South Canal Bridge	\$ 200,000	100%	100%	\$ 200,000
Dewitt Canal Bridge	\$ 200,000	100%	100%	\$ 200,000
S6th St Canal Bridge	\$ 200,000	100%	100%	\$ 200,000
6th Ave South Canal Bridges (2)	\$ 400,000	100%	100%	\$ 400,000
Street Lights				
Decorative Street Lights on Main St.	\$ 350,000	100%	100%	\$ 350,000
Facilities				
Street Maintenance Shop--1,750 sq ft	\$ 262,500	100%	100%	\$ 262,500
Equip Shed #1-- 4,050 sq ft	\$ 405,000	100%	100%	\$ 405,000
Equip Shed #2-- 2,400 sq ft	\$ 240,000	100%	100%	\$ 240,000
Sand Shed-- 1,800 sq ft	\$ 180,000	100%	100%	\$ 180,000
Truck Shed & Repair Shop-- 7,200 sq ft	\$ 720,000	100%	100%	\$ 720,000
Office space-- 480 sq ft	\$ 72,000	100%	100%	\$ 72,000
Vehicles & Equipment				
6 Dump Trucks	\$ 750,000	100%	100%	\$ 750,000
2 Sand Trucks	\$ 300,000	100%	100%	\$ 300,000
1 Jet Truck	\$ 280,000	100%	100%	\$ 280,000
4 Pickup Trucks	\$ 95,000	100%	100%	\$ 95,000
1 Flatbed Truck	\$ 50,000	100%	100%	\$ 50,000
1 Water Tanker 2000 gallons	\$ 150,000	100%	100%	\$ 150,000
1 Loader	\$ 178,000	100%	100%	\$ 178,000
1 Grader	\$ 250,000	100%	100%	\$ 250,000
1 Tractor	\$ 100,000	100%	100%	\$ 100,000
3 Rollers	\$ 300,000	100%	100%	\$ 300,000
2 Street Sweepers	\$ 400,000	100%	100%	\$ 400,000
1 Chip Spreader	\$ 220,000	100%	100%	\$ 220,000
1 Equipmt Trailer	\$ 50,000	100%	100%	\$ 50,000
1 Bobcat loader	\$ 80,000	100%	100%	\$ 80,000
2 Paint Sprayers	\$ 20,000	100%	100%	\$ 20,000
2 Asphalt Zipper/Asphalt Cutter	\$ 90,000	100%	100%	\$ 90,000
1 Crack Sealer	\$ 60,000	100%	100%	\$ 60,000
1 Backhoe	\$ 90,000	100%	100%	\$ 90,000
1 Mag Chloride Tank & Pump	\$ 25,000	100%	100%	\$ 25,000
Total Infrastructure	\$129,194,710			\$129,194,710
Plus Cost of Fee-Related Research				
Impact Fee Study	\$28,000	100%	25%	\$ 7,000
Grand Total	\$129,222,710			\$129,201,710

Notes: Replacement values per lane mile, unit and square foot provided by City staff in conjunction with Holladay Engineering.
Source: BBC and Galena Consulting interviews with Payette Streets Superintendent Willie Hollis, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Streets Department owns approximately \$129.2 million of impact fee eligible streets infrastructure current assets.

Question #4) What is the current investment per residential unit and nonresidential square foot?

The City has already invested \$32,365 per residential unit and \$84.40 per nonresidential square foot in order to provide the current level of service. This figure is derived by allocating the value

of the Department's current assets between the current number of residential-based trips and nonresidential-based trips. It will be compared to the impact fees calculated below.

Question #5) What future growth is expected in Payette?

As shown in Exhibit II-2, Payette is expected to grow by 629 residential units and 95,600 square feet of nonresidential land use over the next ten years.

Question #6) What new capital improvements are required to serve future growth?

The following Exhibit VI-2 displays the Streets infrastructure capital improvements planned for purchase by the Payette Streets Department over the next ten years. The City plans no change in its current level of service "A" with certain intersections at "B."

**Exhibit VI-2.
Payette Streets Infrastructure CIP – 2011-2020**

Type of Capital Improvement	CIP Value	Growth %	Shared Facility %	Amount to Include in Fee	Amount from General Fund
Roadway Projects					
Iowa Ave Wdn/Rbld, Center to 1st Ave	\$200,000	90%	100%	\$180,000	\$20,000
7th Ave Widening, Iowa to Shelley	\$816,136	90%	100%	\$734,523	\$81,614
River Road Widening	\$665,000	0%	100%	\$0	\$665,000
Traffic Signals					
SH 52 & SH95	\$300,000	0%	100%	\$0	\$300,000
Equipment					
Dump Truck, replace	\$100,000	0%	100%	\$0	\$100,000
Jet-Vac Truck, replace	\$280,000	0%	100%	\$0	\$280,000
Sweeper, growth-related	\$168,000	100%	100%	\$168,000	\$0
Grader, replace	\$170,000	0%	100%	\$0	\$170,000
Sanding Truck, growth-related	\$135,000	100%	100%	\$135,000	\$0
Pick-up Truck, growth-related	\$35,000	100%	100%	\$35,000	\$0
Chip Spreader, growth-related	\$220,000	100%	100%	\$220,000	\$0
Total Infrastructure	\$3,089,136			\$1,472,523	\$1,616,614
Fee-Related Research					
Transportation Master Plan	\$20,000	20%	100%	\$3,915	\$16,085
Impact Fee Study	\$28,000	100%	25%	\$7,000	\$0
Grand Total	\$3,137,136			\$1,483,438	\$1,632,698

Source: BBC and Galena Consulting interviews with Payette Streets Superintendent Willie Hollis, July & August 2008. Updated January 2010 and April 2011.

As shown above, the Department plans to fund \$3.1 million in capital improvements over the next ten years, approximately \$1.5 million of which is impact fee eligible. The remaining \$1.6 million is the price for Payette to accomplish two goals: 1) correct existing deficiencies, and 2) repair and replace existing equipment. Neither type of capital project is eligible for inclusion in the impact fee calculations. The City will therefore have to use other sources of revenue, including all those listed in Idaho Code 67-8207(iv)(2)(h).

Question #7) What impact fee is required to pay for the new capital improvements?

As noted in Section I, the calculation of transportation impact fees is based on the projected number of trips each land-use type will generate in the next ten years. Exhibit VI-3 below displays this projection for the City.

**Exhibit VI-3.
Projected Trips 2011-2020
Payette, Idaho**

Note:

(1) See Exhibit II-2.

(2) See Exhibit I-1.

May not total due to rounding. Reflects general traffic generation patterns, emphasizing PM peak period conditions.

Land Use	New Development	Weighted Trip Generation Factor	Percent Distribution
Residential (*1.02)	629	642	72%
Nonresidential (*2.66)	95,600	254	28%
Total		896	100%

Source:

International Transportation Engineering Trip Generation Manual Sixth Edition, City of Payette and Impact Fee Study Team.

As shown above, the number of daily trips in Payette is expected to increase by approximately 296 trips by 2020. Seventy-two percent of those trips will be for residential uses and twenty-eight percent will be for nonresidential uses. Residential uses include buildings such as single-family homes and apartments. Nonresidential land uses include buildings such as retail establishments, offices, hotels and industrial factories.

Exhibit VI-4 below uses the trip generation figures from Exhibit VI-3 and the growth-related CIPs from Exhibit VI-2 to calculate impact fees for the Payette Streets Department.

**Exhibit VI-4.
Payette Streets Department
Impact Fee Calculation**

Note:

(1) See Exhibit VI-2.

(2) See Exhibit II-2.

(3) See Exhibit II-2.

Source:

City of Payette and Impact Fee Study Team.

Impact Fee Calculation	
Allocated Value for Future Roads Capital Improvements	\$ 1,483,438
Percent of Future Trips	
Residential	72%
Nonresidential	28%
Allocated Value by Land Use Category	
Residential	\$ 1,062,336
Nonresidential	\$ 421,102
Future City Development	
Residential (in dwelling units)	629
Nonresidential (in square feet)	95,600
Calculated Impact Fee	
Residential (per dwelling unit)	\$ 1,689
Nonresidential (per square foot)	\$ 4.40

The Streets Department's full cost-recovery impact fees have been calculated at \$1,689 per residential unit and \$4.40 per nonresidential square foot. The City cannot assess fees greater than this amount. The City may assess fees lower than this amount, but would then experience a decline in service levels unless other City revenues made up the difference.

The Study Team is pleased to report the impact fees calculated in Exhibit VI-4 are significantly less than the current investment described earlier in this section. This indicates new growth would not be asked to pay more than its proportionate share of future capital infrastructure.

Section VII. Summary

The following Exhibit VII-1 summarizes the impact fees for the City of Payette.

**Exhibit VII-1.
Summary of City of Payette
Impact Fees**

Source:
Impact Fee Study Team.

	2009 Fees Proposed		2011 Revised Fees	
Police Fees				
Residential	\$	446	\$	457
Nonresidential	\$	0.21	\$	0.28
Fire Fees				
Residential	\$	1,012	\$	363
Nonresidential	\$	0.48	\$	0.22
Parks Fees				
Residential	\$	1,506	\$	440
Nonresidential	\$	-	\$	-
Streets Fees				
Residential	\$	7,480	\$	1,689
Nonresidential	\$	19.51	\$	4.40
Total City Impact Fees				
Residential	\$	10,444	\$	2,949
Nonresidential	\$	20.20	\$	4.90

We have calculated impact fees for Payette that total \$2,949 per residential dwelling unit and \$4.90 per nonresidential square foot.

The fees summarized in Exhibit VII-1 should be considered as the defensible amounts. The City has the option to adopt less than this amount, particularly if the City determines that this amount is in conflict with other policy objectives. However, it should be noted that adopting less than this amount requires the General Fund to contribute more to fund the total CIP, unless the City is willing to reduce service levels.

City Participation

Because not all the capital improvements listed in the CIPs are 100 percent growth-related, the City will assume the responsibility of paying for the portion of the capital improvements that are

not attributable to new growth. These payments will come from existing funds, Federal or state grants, donations and/or ongoing revenue sources.

To arrive at the City participation amount, the expected impact fee revenue and any shared facility amount need to be subtracted from the total CIP value. Exhibit VII-2 divides the City's participation amount into two categories: the portion of purely non-growth-related improvements, and the portion of growth-related improvements that are attributable to repair, replacement, or upgrade, but are not impact fee eligible.

It should be noted that the participation amount associated with purely non-growth improvements is discretionary. The City can choose not to fund these capital improvements (although this could result in a decrease in the level of service if the deferred repairs or replacements were urgent). However, the non-growth-related portion of improvements that are impact fee eligible *must* be funded in order to maintain the integrity of the impact fee program.

**Exhibit VII-2.
City Participation Summary,
2011 through 2020**

Source:
City of Payette and Impact Fee
Study Team.

	Required	Discretionary	Total
Police	\$ -	\$ -	\$ -
Fire	\$ 858,000	\$ 650,000	\$ 1,508,000
Parks & Rec	\$ -	\$ 375,000	\$ 375,000
Streets	\$ 117,698	\$ 1,515,000	\$ 1,632,698
TOTAL	\$ 975,698	\$ 2,540,000	\$ 3,515,698

The total amount the City would be *required* to contribute over 10 years, should the City adopt fees at the full amount, will be approximately \$975,698. The City could also choose to fund the discretionary infrastructure of \$2.5 million for fire, parks, and streets improvements over the 10-year period.

In addition, the City of Payette could choose to exempt certain land uses from paying impact fees entirely if it believed that would promote economic development or comply with other Comprehensive Plan goals. In this case, however, the City would be *required* to transfer General Fund revenues to the Impact Fee Fund in order to keep the system whole.

Implementation Recommendations

As the City Council evaluates whether or not to adopt the Capital Improvement Plans and impact fees, we also offer the following information for your consideration. Please note that this information will be included in the City's impact fee enabling ordinance.

Capital Improvements Plan. The Development Impact Fee Advisory has reviewed this study and made a recommendation for adoption to the Planning and Zoning Commission and City Council. Should the City Council adopt the study, Payette should revise the City's existing Capital Improvement Plans using the information in this study. A revised capital improvement plan

would then be presented to the City for adoption as an element of the Comprehensive Plan pursuant to the procedures of the Local Land Use Planning Act.³²

Impact Fee Ordinance. Following adoption of the Capital Improvement Plan, the City should review the proposed Impact Fee Ordinance for adoption as reviewed and recommended by the Advisory Committee.

Advisory Committee. The Advisory Committee is in a unique position to work with and advise several departments and the City Council to ensure that the capital improvement plans and impact fees are routinely reviewed and modified as appropriate³³.

Specialized assessments. If permit applicants are concerned they would be paying more than their fair share of future infrastructure purchases, the applicant can request an individual assessment to ensure they will only be paying their proportionate fair share. The applicant would be required to prepare and pay for all costs related to such an assessment. The proposed ordinance in Appendix B details this procedure.

Donations. If the City receives donations for capital improvements listed on the CIP, the City must account for the donation in one of two ways. If the donation is for a non- or partially growth-related improvement, the donation can contribute to the City's General Fund participation along with more traditional forms, such as revenue transfers from the General Fund. If, however, the donation is for a growth-related project in the CIP, the donor's impact fees should be reduced dollar for dollar. This means that the City will either credit the donor or reimburse the donor for that portion of the impact fee.

Grants. If a grant is expected and regular, the growth related portion of that grant amount should be reflected upfront in the fee calculations, meaning that the impact fees will be lower in anticipation of the contribution. If the grant is speculative or uncertain, this should not be reflected up-front in the fee calculations since the City cannot count on those dollars as it undergoes capital planning.

The rational nexus is still maintained because the unexpected higher fund balance, due to the receipt of a grant, is deducted from the calculations as a "down payment on the CIP" when the fee study is updated.

Credit/reimbursement. If a developer constructs or contributes all or part of a growth-related project that would otherwise be financed with impact fees, that developer must receive a credit against the fees owed for this category or, at the developer's choice, be reimbursed from impact fees collected in the future.³⁴ This prevents "double dipping" by the City.

The presumption would be that builders/developers owe the entirety of the impact fee amount until they make the City aware of the construction or contribution. If credit or reimbursement is

³² See Sections 67-8203(4) and 67-8208(1).

³³ As described in Section 67-8205 (3)(c)(d)(e), the Advisory Committee will play an important role in these updates and reviews.

³⁴ See Section 67-8209(3), Idaho Code.

due, the City must enter into an agreement with the fee payer that specifies the amount of the credit or the amount, time and form of reimbursement.³⁵

Impact fee accounting. The City should continue to maintain Impact Fee Funds separate and apart from the General Fund. All current and future impact fee revenue should be immediately deposited into this account and withdrawn only to pay for growth-related capital improvements. The City General Funds should be reserved solely for the receipt of tax revenues, grants, user fees and associated interest earnings, and ongoing operational expenses including the repair and replacement of existing capital improvements not related to growth.

Spending policy. The City should establish and adhere to a policy governing their expenditure of monies from the Impact Fee Fund. The Fund should be prohibited from paying for City operational expenses and the repair and replacement or upgrade of existing infrastructure not necessitated by growth. In cases when growth-related capital improvements are constructed, impact fees are an allowable revenue source as long as only new growth is served. In cases when new capital improvements are expected to partially replace existing capacity and to partially serve new growth, cost sharing between the General Fund and Impact Fee Fund should be allowed on a pro rata basis.

Update procedures. The City is expected to grow rapidly over the 10-year span of the CIPs. Therefore, the fees calculated in this study should be updated annually as the City invests in additional infrastructure beyond what is listed in this report, and/or as the City's projected development changes significantly. Fees can be updated on an annual basis using an inflation factor for building material from a reputable source such as McGraw Hill's Engineering News Record.

³⁵ See Section 67-8209(4), Idaho Code.

**MINUTES
PAYETTE CITY COUNCIL
Work Session, Public Hearing & Regular Meeting
December 21, 2015**

6:15 PM- Work Sessions

A work session of the Payette City Council was called to order at 6:15 PM by Mayor Jeff Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Williams, Ray Wickersham, Nancy Dale, Lee Nelson, Jeff Sands, and Mark Heleker.

Members Absent: Craig Jensen

Staff Present: Mary Cordova; City Coordinator, Mark Clark; Chief of Police, Doug Argo; City Engineer and Matea Gabiola; Administrative Assistant

AGENDA

A. Outsourcing- Mr. Williams stated that there were some ideas about outsourcing jobs within the City. There was talk about outsourcing the Human Resources position. Mr. Wickersham said you have to take it case by case, but it seems to be working so far. Mr. Wickersham thinks Human Resources would be a great idea due to no conflict. Mr. Williams said in visiting with Ms. Black, some employees like to come in and visit with someone that they are familiar with. Ms. Dale thought that this was something that we can do with the county, and build a greater relationship. Mr. Williams thinks from his perspective we can't hire someone new to do the job, it has to be someone who has knowledge of the City and how the office and employees work. Mr. Sands stated to keep the City the City. Keep the jobs within the citizens of Payette, why add layers rather than keep it the same. Mr. Heleker states having someone in house is the best.

6:30 PM – Public Hearing

A public hearing meeting of the Payette City Council was called to order at 6:37 PM by Mayor Jeff Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Williams, Ray Wickersham, Nancy Dale, Lee Nelson, Jeff Sands, and Mark Heleker.

Members Absent: Craig Jensen

Staff Present: Mary Cordova; City Coordinator, Mark Clark; Chief of Police, Doug Argo; City Engineer and Matea Gabiola; Administrative Assistant

AGENDA

A. Review of Development Impact Fees- No one was in attendance to speak about this public hearing. The Impact advisory committee has made a recommendation to modify the Impact fees. The Impact Advisory committee asked for the Capital Improvement plan to be revised. Mr. Williams stated when he was a council member; the City Council started charging developers a development fee which was roughly around \$2,000 dollars. The City Council at that time wanted to not charge that much to developers, that's when the amounts were revised and came up with the \$820 for the Police and Fire Departments. Mr. Williams now questions is growth paying for itself. Mr. Wickersham asked if those funds directly go in the Police and Fire funds. Ms. Cordova spoke about what the Planning and Zoning Commission as well as Commissioner

Franklin stated that not to eliminate the fees, but to address they way there distributed. As the Impact Advisory took a look at the Capital Improvement Plan they realized that it is outdated. Ms. Cordova stated the impact fees that are collected go into completely separate funds. Ms. Cordova stated we started taking developmental fees in 2007, and then in 2012 started taking Impact fees in March. Mr. Nelson stated that the subdivisions are growing, but are they getting the type of growth like Fruitland and New Plymouth. Mr. Williams stated there aren't many lots in Fruitland at this moment, and at this time there are lots available in Payette. Mr. Wickersham is in favor of putting this on hold for a while. Mr. Sands wanted to remind this is the City of Payette, and we are unique. Ms. Dale doesn't think that \$820 dollars would make me to change my mind on building here. Mr. Sands asked Ms. Cordova asked potentially looking at the Capital improvement plan and see if they things on the list that are still needed and update from there.

7:00 PM – Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:01 PM by Mayor Jeff Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Williams, Ray Wickersham, Nancy Dale, Lee Nelson, Jeff Sands, and Mark Heleker.

Members Absent: Craig Jensen

Staff Present: Mary Cordova; City Coordinator, Mark Clark; Chief of Police, Doug Argo; City Engineer and Matea Gabiola; Administrative Assistant

PLEDGE

The Pledge of Allegiance was led by Chief of Police; Mark Clark.

CITIZENS COMMENTS

None Heard.

APPROVAL OF MINUTES

A. 12-04-2015 Special Meeting.

B. 12-07-2015 Regular Meeting

A motion was made by Heleker and seconded by Dale to approve the minutes of 12-04-2015 Special Meeting and 12-07-2015 Regular meeting.

After a voice vote by the Council, the motion CARRIED.

APPROVAL OF BILLS & PAYROLL

A motion was made by Heleker and seconded by Nelson to approve the City Bills & Payroll in the amount of \$262,238.87.

Ms. Dale questioned the \$980.00 for Petty Cash. Ms. Cordova stated that is for our employee Christmas breakfast.

At the roll call:

Ayes: Wickersham, Heleker, Sands, Nelson and Dale.

The motion CARRIED.

SPECIAL ORDERS

None Heard.

COMMUNICATIONS

- A. 21st Century Learning Grant Support Letter- the Council discussed the letter and it will be revised and sent.

AGENDA ITEMS

- A. Building Inspector – Steve Pierson- Steve Pierson addressed the Council. Mr. Pierson wanted to keep the lines of communication open. Mr. Wickersham stated that he has heard nothing bad about Mr. Pierson and all good review.

- B. Quest CPA's, Kurt Folke – FY15 Financial Report- Kurt Folke from Quest CPA reviewed the 2015 Financial Statements book. The City Council stated that this presentation was by far the fastest and best that they have ever listened to.

- C. Building Permit Fee Discount- Mr. Williams stated that we authorized the Building Permit fees of 45% through December 31, 2015. Ms. Cordova this was brought up earlier, due to the impact fees, and the building inspector is going to propose to increase those fees.

A motion was made by Sands to extend the 45% discount for building permit fees to January 31, 2016 the motion was seconded by Heleker.

After a voice vote by the Council, the motion CARRIED.

- D. 2016 City Council Regular Meeting Calendar- Ms. Dale looked at the meeting calendar and the meetings in August should be the 1st & 15th not the 8th and 22nd.

A motion was made Heleker by to approve the 2016 City Council meeting calendar with the changes to August 2016 being the 1st & 15th not the 8th and 22nd. Motion was seconded by Nelson.

After a voice vote by the Council, the motion CARRIED.

- E. Donation Request – MMS Idaho Drug Free Youth- the McCain is asking for 20 pool passes. No one was in attendance to speak on this behalf. This will be on the next meeting agenda.

- F. Ordinance 1399 -- Amending Title 13, Chapter 13.10, Publicly Owned Treatment Works

A motion was made by Heleker and seconded by Nelson to introduce Ordinance #1399 by title only.

After a voice vote by the Council, the motion CARRIED

Mr. Osborn read by title only.

Mr. Williams stated that this ordinance appears to be EPA recommendations and housekeeping issues.

A motion was made by Heleker and seconded by Nelson to suspend the rules and pass ordinance #1399 on its first reading.

At the roll call:

Ayes: Wickersham, Sands, Heleker, Nelson and Dale.

Nays:

The motion CARRIED.

A motion was made by Heleker that Ordinance #1399 do pass. The motion was seconded by Dale.

At the roll call:

Ayes: Wickersham, Sands, Heleker, Nelson and Dale

Nays: None.

The motion CARRIED.

G. Ordinance 1400 – Amending Title 6, Chapter 6.08 – Dogs

A motion was made by Heleker and seconded by Nelson to introduce Ordinance #1400 by title only.

After a voice vote by the Council, the motion CARRIED

Mr. Osborn read by title only.

Mr. Osborn asked to table this until the next meeting due the district court stated some language is unconstitutional and this needs to reviewed.

A motion was made by Heleker and seconded by Nelson to send Ordinance #1400 to second reading.

After a voice vote by the Council, the motion CARRIED

H. Ordinance # 1401 – Temporary Suspension of Impact Fees

A motion was made by Heleker and seconded by Nelson to introduce Ordinance #1401 by title only.

Mr. Osborn read by title only.

Mr. Williams stated having a work session on this ordinance before it is passed.

A motion was made by Heleker and seconded by Nelson to send Ordinance #1401 to second reading.

After a voice vote by the Council, the motion CARRIED

DEPARTMENTAL REPORT

- I. Police Department – November 2015
- J. Fire Department – November 2015
- K. Treasurer’s Report – November 2015
- L. 12-10-2015 Library Commission
- M. 12-14-2015 Airport Commission- the Airport Commission has had discussions about purchasing a tanker truck down the road.

MAYOR’S COMMENTS

Mr. Williams stated that he spoke to Jamie Couch our Street Supervisor that snow will be removed from the Main Street tomorrow morning with the newly purchase snow blower. Mr. Williams is encouraging all Council members to attend the employee’s appreciation breakfast on Thursday morning. There are vacancies on 3 Commissions, the Planning and Zoning, Historic Preservation Commission, and Library Board of Trustees.

CITIZEN’S COMMENTS

NONE.

ADJOURNMENT

A motion was made by Heleker and seconded by Nelson to adjourn the special meeting at 8:18 PM.

After a voice vote by the Council, the motion CARRIED.

Signed this _____ day of, 2015.

ATTEST:

Matea Gabiola
Administrative Assistant

CITY OF PAYETTE
 JANUARY 4, 2016

CITY PAYROLL	12/24/2015	\$ 116,211.03
HARDIN SANITATION	12/21/2015	26,467.58
IDAHO TRANSPORTATION	12/23/2015	23.00
AMERICAN CHILLER	1/4/2016	405.00
B.C. SALES	1/4/2016	184.85
BOUND TREE MEDICAL	1/4/2016	131.48
BRADY INDUSTRIES	1/4/2016	77.63
CABLE ONE	1/4/2016	181.53
CESCO	1/4/2016	734.74
DART'S	1/4/2016	1,526.73
DCS TECHNOLOGIES	1/4/2016	116.55
DURHAM GRAVEL	1/4/2016	495.00
FRUITLAND ELECTRIC	1/4/2016	445.00
GALL'S	1/4/2016	312.45
HANIGAN CHEVROLET	1/4/2016	40.31
HENDON WELDING	1/4/2016	20.00
IDAHO POWER	1/4/2016	4,703.33
INDEPENDENT ENTERPRISE	1/4/2016	20.52
LEXIPOL	1/4/2016	2,450.00
MES	1/4/2016	516.00
OXARC	1/4/2016	1,247.86
PAYETTE COUNTY DRIVER'S LICENSE	1/4/2016	10.00
PAYETTE COUNTY PARAMEDICS	1/4/2016	100.00
PAYETTE TIRE CENTER	1/4/2016	34.34
QUEST CPA	1/4/2016	8,100.00
RESPOND FIRST AID	1/4/2016	144.71
S&H	1/4/2016	105.98
STATE OF IDAHO-IBOL	1/4/2016	30.00
STERLING CODIFIERS	1/4/2016	500.00
WHITE CLOUD COMMUNICATIONS	1/4/2016	470.00
		\$ 165,805.62



City of Payette

Donation Request Form

Note: Requests must be received two (2) weeks prior to your event. We cannot fill requests without proper advance notification. One donation will be given per calendar year. A submitted request does not guarantee a donation.

Please initial that you have read the above statement WMS

- Annual Request
- One Time Request

Organization Information

Name of Organization/Club MMS, Idaho Drug free youth
 Organization's Address 400 N. Iowa ave
 City Payette State ID Phone 83661
 Organization E-mail CJones@PayetteSchools.org

Please Attach Proof of Tax Exempt Status

Contact Person Information

Contact Name Wendy Shaw
 Contact E-mail shaw5shaw@hotmail.com
 Contact Cell Number 208-740-9506 Work/Home Number same
 Are you a Payette resident Y N

Event Information

Event Name Bingo Night
 Event Date and Time Jan. 26th 2016
 Projected Attendance 95 kid's Cost per Person (if applicable) \$5.00
 Item to Be Used For (Door Prize, Silent Auction, Live Auction, Etc.) Prize's
 Are you requesting a pool pass Y N If not, list your request Individual Passes
 Event Description Bingo games and Door prizes and prizes for Games. Teaching Teens & Pre Teens about the Dangers of Alcohol, drugs, Tobacco passes 20

RECEIVED
OFFICE USE ONLY
 DEC 10 2015
 CITY OF PAYETTE

Date Received _____
 Received by Drop off
 Call made by/time _____
 Donation Awarded Y/N CC Date _____
 Amount of Donation 190.00
 Amount left in line item 2800.00 before



McCain Middle School
400 N. Iowa Ave.
Payette, Idaho 83661
(208)-642-4122

November 19, 2015

To whom it concerns:

Greetings from the McCain Middle School, Idaho Drug Free youth (IDFY) chapter. IDFY is a youth group for student to learn about the dangers of Alcohol, Drugs and Tobacco. Each month we have activities to teach drug free alternatives. We are a group of 200 plus students who are trying to get donations for our door prizes for the 15 actives we have though out the year.

We raise money throughout the year by selling suckers, candy canes and dances. But much of this money goes towards sending IDFY members to leadership camp in June

This is where we need your help. We are looking for donations that we can use for door prizes for Movie and Pizza Night that is December 4th 2015, and our Bingo night January 26, 2016.

The donation we are asking for is anything that we can use for door prizes and for bingo prizes.

Contact person: Wendy Shaw or Connie Jones (IDFY advisor)
Phone number: 208-741-4459 (Wendy) 208-642-4122 (Connie)
E-mail: shaw5shaw@hotmail.com or cljones@payetteschools.org
Address: McCain Middle School
400 N. Iowa Ave
Payette, ID 83661

Thank you

Connie Jones

McCain Middle School Idaho Drug Free Youth Chapter, Advisor

ORDINANCE 1400

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 6.08.010, DEFINITIONS, 6.08.020 LICENSE REQUIREMENTS, 6.08.030 LICENSE TAGS, 6.08.050 POLICE AUTHORITY, 6.08.060 OFFENSES AND CONDITIONS, 6.08.070 HARBORING OF VICIOUS DOGS, 6.08.090 KEEPING GUARD DOGS, AND 6.08.107 IMPOUNDMENT PROCEDURES; ADDING NEW SECTIONS 6.08.072 IMPOUNDING VICIOUS DOGS, AND 6.08.107 APPEALS; AND REPEALING SECTIONS 6.08.080 GUARD DOGS EXCEPTED, 6.08.100 INSURANCE, 6.08.101 IDENTIFICATION PHOTOGRAPHS, 6.08.102 PIT BULLS PROHIBITED, 6.08.105 IMPOUNDING, AND 6.08.106 RESTRICTIONS; AND RENUMBERING SECTION 6.08.107 IMPOUNDMENT PROCEDURES TO 6.08.105 IMPOUNDMENT PROCEDURES, OF CHAPTER 6.08, DOGS, PAYETTE MUNICIPAL CODE; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY

WHEREAS, Chapter 6.08 of the Payette Municipal Code of the City of Payette, Idaho, contains provisions relating to vicious and nuisance dogs; and,

WHEREAS, the City Council desires to amend this Chapter in order to better protect Payette citizens from the threat vicious dogs impose and to provide penalties for those who violate provisions of Chapter 6.08; and,

WHEREAS, the City Council finds that the presence of vicious, ferocious, or dangerous dogs within the City of Payette constitutes a clear and present danger to the public health, safety, and welfare of the citizens of the City of Payette; and,

WHEREAS, the City Council has determined that the public health, safety, and welfare of the citizens of the City of Payette require the establishment of regulations regarding the sale, ownership, and harboring of such dogs; the confinement and impoundment of such dogs; the registration of such dogs; and procedures necessary to protect the public from such dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO, AS FOLLOWS:

Section 1: Sections 6.08.010, DEFINITIONS, 6.08.020 LICENSE REQUIREMENTS, 6.08.030 LICENSE TAGS, 6.08.050 POLICE AUTHORITY, 6.08.060 OFFENSES AND CONDITIONS, 6.08.070 HARBORING OF VICIOUS DOGS, 6.08.090 KEEPING GUARD DOGS, AND 6.08.107 IMPOUNDMENT PROCEDURES, of Chapter 6.08 of Title 6 of the Payette City code are hereby amended as follows:

**Chapter 6.08
DOGS**

6.08.010: DEFINITIONS:
6.08.020: LICENSE REQUIREMENTS:
6.08.030: LICENSE TAGS:
6.08.040: KENNEL LICENSE:
6.08.050: POLICE AUTHORITY:
6.08.060: OFFENSES AND NUISANCE CONDITIONS:
6.08.070: ~~HARBORING OF~~ VICIOUS DOGS:
6.08.072: IMPOUNDING VICIOUS DOGS:
~~6.08.080: GUARD DOGS EXCEPTED:~~
6.08.090: KEEPING GUARD DOGS:
~~6.08.100: INSURANCE:~~
~~6.08.101: IDENTIFICATION PHOTOGRAPHS:~~
~~6.08.102: PIT BULLS PROHIBITED:~~
6.08.103: RESPONSIBILITY:
6.08.104: ACTION FOR DAMAGES:
~~6.08.105: IMPOUNDING:~~
~~6.08.106: RESTRICTIONS:~~
6.08.1075: IMPOUNDMENT PROCEDURES:
6.08.107: APPEALS:
6.08.108: DISPOSITION OF UNCLAIMED DOGS:
6.08.109: OWNERS TO PAY COSTS:
6.08.110: PENALTIES:

6.08.010: DEFINITIONS:

CANARY DOG: means any Canary Dog or Perro de Presa Canario, or any mixed breed of dog which contains, as an element of its breeding, the breed of Canary Dog or Perro de Presa Canario as to be identifiable as partially of the breed of Canary Dog or Perro de Presa Canario. ~~Include other breed definitions?~~

CONFINED: Keeping an animal within a ~~a~~ secure enclosure or pen that cannot be opened by any person other than the owner or with the owner's assistance or consent and from which an animal cannot escape.

GUARD DOG: Any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler. No person shall possess any ~~pit bull~~ vicious dog as defined in 6.08.010 (A)(3) for use as a guard dog.

IMMEDIATE FAMILY: for purposes of this chapter, includes the owner's spouse, child, parent or sibling.

HANDLER: for purposes of this chapter, means an individual with a disability who is utilizing a service dog, as that term is defined in this chapter, to do work or perform tasks directly related to the individual's disability. If over the age of 21,

the handler must also be the owner of the service dog. If under the age of 21, the handler's legal guardian must be the owner of the service dog

MUZZLE: for purposes of this chapter, shall mean a restraining device made of metal, plastic, leather, cloth or a combination of these materials that, when fitted and fastened over a snout/mouth/head, prevents the dog from biting but allows room for the dog to breath and pant. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

VICIOUS DOG SERVICE ANIMAL: For purposes of this chapter, is defined as any dog that meets the definition of "vicious dog" provided in PMC 6.08.010(A)(3), and which also qualifies as a service animal in accord with the Animals of America Service and Therapy Animals requirements.

ORDINANCE OFFICER: That person employed by the city of Payette who has as their primary responsibility the enforcement of all city ordinances including all animal control ordinances.

OWNER: Any person who owns, possesses, keeps, exercises control over, maintains, harbors, feeds, waters, transports, or sells an animal or one who assists another in possession, sale, transport, harboring, feeding, watering or maintenance thereof. An owner need not have any pecuniary, proprietary or economic interest in a dog.

PIT BULL DOG: Any pit bull terrier. "Pit bull terrier" means any ~~dog that is an~~ American pit bull terrier, American bulldog, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English Staffordshire terrier, or any breed of dog or any mixed breed of dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier, American Bulldog, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English Staffordshire terrier, or having appearance and characteristics so as to be identifiable as partially of one or more of such the breeds of American pit bull terrier, American Bulldog, English pit bull, bull terrier, American Staffordshire terrier, Staffordshire bull terrier. ~~The AKC and UKC standards for the above breeds are on file in the office of the city clerk of the city of Payette.~~

SECURE TEMPORARY ENCLOSURE: A secure enclosure used for purposes

of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a door for removal of the animal. Such enclosure shall be of such material and of such construction that when the door is closed the pit bull cannot exit the enclosure on its own.

SECURE PEN OR ENCLOSURE: For the purposes of this chapter, shall mean a six-sided structure designed to prevent entry of a child or escape of a vicious dog. Such pen or structure must have minimum dimensions of five feet by ten feet per animal housed within and must have secure chain-link sides, a secured top and a secure bottom. At a minimum, a pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet (2') (0.6096 meters). The enclosure must provide protection from the elements for the dog. All structures erected to house a vicious dog must comply with all zoning and building ordinances and regulations of the city and shall be kept in a clean and sanitary condition. The gate of the pen or enclosure shall be secured with a keyed or combination lock. All such structures shall be constructed in such a manner, and of such materials, as approved by the Payette city building inspector and the Chief of Police or his appointed representative. A certificate of inspection of the structures shall be made a part of that dog's file at the Payette police department.

VICIOUS ANIMAL: Any animal, other than a "vicious dog", that, without intentional provocation, bites or attacks humans or other animals; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.

VICIOUS DOG:

A. Means:

1. A dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings, domestic animals, or livestock; or
2. Any dog which bites or attacks a human being, domestic animal, or livestock, without provocation or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or
3. Any dog that is an Pit Bull Dog, ~~American pit bull, American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English pit bull terrier, English Staffordshire terrier, pit bull, Presa Canario, Canary Island dog, Dogo Argentina, American Bulldog, Cane Corso, Russian wolfhound, or wolf hybrid,~~

~~mountain dog or any dog exhibiting these distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, if any, or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull, American pit bull terrier, pit bull, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English pit bull terrier, English Staffordshire terrier, Presa Canario, Canary Island dog, Cane Corso, Russian wolfhound, mountain dog or wolf hybrid, or any dog which has sufficient characteristics so as to be identifiable as partially of the breed of a Pit Bull Dog, American pit bull terrier, American Staffordshire terrier, pit bull, English pit bull, English pit bull terrier, English Staffordshire terrier, Staffordshire bull terrier, Presa Canario, Canary Island Dog, Dogo Argentina, American Bulldog, Cane Corso, Russian wolfhound, or wolf hybrid or mountain dog, as determined by dog owner or by qualified animal control officer, zoologist or veterinarian. It shall be prima-facie evidence that a dog is a Vicious Dog if a qualified veterinarian, zoologist, or animal control officer makes or provides a sworn statement that a particular dog exhibits distinguishing physical characteristics of a pit bull dog. or~~

4. Any dog which is kept with the intention of using its size, manner, disposition, training, or breeding to instill fear in others; or
5. Any dog which is bred, trained, owned, possessed, or kept for the purpose of dogfighting.
- ~~6. A wolf hybrid is any dog which has gray wolf (Canus lupis), timber or eastern timber wolf (Canus lupis lycaon), great plains wolf (Canus lupis nubilus), or any animal identified as part of the afore described animals as a part of its breeding.~~

B. A vicious dog is "unconfined", as the term is used in this chapter, if such dog is not ~~securely~~ confined in a ~~securely enclosed enclosure and locked or secure~~ pen or structure as defined in this chapter upon the premises of the person in possession of such dog, as the term "confined" is defined in this section. ~~At a minimum, a pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet (2') (0.6096 meters).~~ Said pen or structure shall be sufficiently secure to keep unauthorized persons from releasing the enclosed animal. Said pen shall also be sufficiently secure to keep the animal from releasing itself. A list of approved building materials for such structures will be maintained by the Chief of Police and made available upon request. All such structures shall be constructed in such a manner, and of such materials, as approved by the Payette city

building inspector and the Chief of Police or his appointed representative. A certificate of inspection of the structures shall be made a part of that dog's file at the Payette police department.

C. A vicious dog is "confined", as the term is used in this chapter, if such dog is securely confined in a securely enclosed and locked pen or structure upon the premises of the person in possession of such dog in a manner described in the definition of "confined" and "secure pen" in this section. ~~At a minimum, such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet (2') (0.6096 meters). Said pen or structure shall be sufficiently secured with redundant locking mechanisms to prevent unauthorized persons from releasing the enclosed animal. Said pen shall also be sufficiently secure to keep the animal from releasing itself. A list of approved building materials for such structures will be maintained by the Chief of Police and made available upon request. All such structures shall be constructed in such a manner, and of such materials, as approved by the Payette city building inspector and the Chief of Police or his appointed representative. A certificate of inspection of the structures shall be made a part of that dog's file at the Payette police department.~~

D. A "vicious dog" shall not include the following:

1. A police dog that is being used to assist one or more law enforcement officers in the performance of their duties.
2. A dog that has caused injury to any person while such person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger orf the dog.

WOLF-HYBRID: shall mean an animal which is the progeny of a dog (canis familiaris) and a wolf (canis lupus or canis rufus). Wolf-hybrid also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or keeper or an animal which exhibits primary physical and behavioral wolf characteristics.

6.08.020: LICENSE REQUIREMENTS:

A. License Required:

1. Any person who shall own or keep any dog within the city limits without having first obtained a license therefor, or without being in compliance with this chapter, shall be guilty of a misdemeanor;

- a. Provided, however, that the provisions of this section shall not apply to any person visiting in the city for a period not exceeding thirty (30) days, any nonresident of the city not maintaining a dog within the city limits, or the owner of any dog under four (4) months of age where the dog is ~~neither a pit bull, Presa Canario, Canary Island dog, Cane Corso, mountain dog, Russian wolfhound, a wolf hybrid nor~~ not a vicious dog.
2. It shall be unlawful for any person to own or keep a ~~pit bull or any other~~ vicious dog within the city limits prior to the issuance of a City of Payette dog license. No license shall be issued to the owner of any ~~pit bull or other~~ vicious dog prior to complete compliance with all sections of this chapter. Compliance with this chapter shall be verified by the Chief of Police, or his designee.
- B. Nonvicious Dog Fees: The city clerk, or a designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination and upon payment as set by resolution per head for each nonvicious dog. Owners presenting veterinary certification that the dog has been spayed or neutered will pay a fee as set by resolution. Persons who are at least sixty two (62) years of age as of January 1 will pay a fee as set by resolution per head to license their nonvicious and spayed/neutered dog(s). Vicious dogs and dogs which have not been spayed or neutered are not eligible for a reduced license fee. All licenses issued will be valid from the date of issue and will expire on ~~December~~ March 31 of each year.
- C. Vicious Dog Fees: The city clerk, or a designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination, compliance with all requirements of this chapter, and upon payment as set by resolution per head for each vicious dog which is of any breed other than those that meet the definition of ~~p~~Pit ~~b~~Bull Dog, ~~Pres~~Presa ~~Canario,~~ Canary Island dDog, Cane Corso, Dogo Argentina, American Bulldog, ~~mountain dog, Russian wolfhound~~ or wolf hybrid. Owners presenting veterinary certification that the dog has been spayed or neutered will pay as set by resolution per head. All licenses issued will be valid from the date of issue and will expire on ~~December~~ March 31 of each year.
1. The owner of a vicious dog shall keep the current license for such vicious dog through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. A license tag will be issued to the owner at the time the license is issued.

D. Due Date: Such license fees shall be due and payable on ~~January~~ April 1 of each year, except as hereinafter provided.

E. Penalty And Exceptions: If any license fee is not paid on or before ~~January~~ April 31 of each year, the city clerk shall collect a penalty in addition to said license fee in the sum as set by resolution; provided, however, that any dog born subsequent to ~~January~~ April 31 of any year shall be licensed by the payment of the appropriate license fee, without penalty, within four (4) months after its birth, and thereafter the penalty shall be added as hereinbefore set forth, and any dog brought into the city subsequent to ~~January~~ April 31 of any year shall be licensed by the payment of the appropriate license fee, without penalty, within thirty (30) days after being brought into the city, and thereafter the penalty shall be added as hereinbefore set forth.

6.08.030: LICENSE TAGS:

A. Tag To Be Worn: Every owner shall be required to provide each dog, or vicious dog, ~~or pit-bull~~, a collar or harness to which the license tag must be securely affixed, and shall ensure that the collar and the tag are constantly worn. Show dogs, during showing, are exempted from wearing the collar and tag.

B. Lost Tag: A duplicate or replacement tag shall be issued by the city clerk upon payment as set by resolution for each tag so issued to replace the original tag which was lost or destroyed.

C. Unlawful To Remove: No person shall remove or cause to be removed the collar or tag from any licensed dog without consent of the owner, keeper or harborer thereof.

6.08.050: POLICE AUTHORITY:

A. Fresh Pursuit: In the enforcement of any provision of this chapter, any peace officer, police officer, ordinance officer or other public officer, is authorized to enter the premises of any person to take possession of licensed or unlicensed roaming, fierce, dangerous, or vicious dogs when in pursuit of any such dog at the time the dog goes onto private property.

B. Exhibit License: It shall be unlawful for any owner or person keeping or harboring a dog for which a license is required by this chapter to fail or refuse to exhibit the license or tag upon demand by a police officer, ordinance officer, or other designated city official.

C. Interference With Police: Any person who shall molest, interrupt, hinder or prevent the Chief of Police, or any peace officer, ordinance officer, or other public officer, in the discharge of his duty herein prescribed, shall be guilty of a misdemeanor.

~~D. Right Of Entry: In the enforcement of any provision of this chapter, any police officer, ordinance officer, or other public officer, is authorized to enter the premises of any person to take possession of any unlicensed or licensed, roaming, dangerous, or vicious dogs, whether or not in pursuit of any such dog, if the dog is in plain view of the officer from a public area.~~

6.08.060: OFFENSES AND NUISANCE CONDITIONS:

A. Running At Large Prohibited: It shall be unlawful for any "owner" as defined in section 6.08.010 of this chapter to permit the same to be, remain, or run at large, off or away from the premises of the owner, possessor, or keeper thereof, unless: 1) upon the private premises of another with the consent of the person in possession of such premises; or 2) such dog be under the direct and immediate care and control of a person and controlled by a leash not exceeding six feet (6') in length; or 3) such dog be confined in a motor vehicle.

B. Dogs Must Be Confined: A dog shall be confined upon the premises of the owner, possessor, or keeper, in such a way as to keep the dog out of all public rights of way.

~~C. Impounding At Large Dogs: Any dog found running at large may be immediately seized, captured or taken up and impounded and such dog may be so taken without the necessity of filing a complaint. Such dog shall be impounded and disposed of in accordance with provisions in this chapter. Any dog which is found at large that cannot be safely taken up and impounded, may be slain forthwith. Any action taken by a police officer, ordinance officer, or other designated city employee, in the performance of his duties, that requires the death, injury, or destruction of a dog found running at large, shall not be considered to be cruel or inhumane treatment of the animal.~~

C. No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined hereafter. Any animal is hereby declared to be committing a nuisance if it:

D-1. Disturbances: It shall be unlawful for any "owner", as defined in section 6.08.010 of this chapter, to keep any dog within the city limits which by loud, continuous, frequent, or habitual barking, howling, whining, or yelping, annoys or disturbs any neighborhood or person. When none of the residents who reside at the place where the offending dog is being kept are at home at the time a dog is making such noises which give rise to a complaint,

such absence shall create a rebuttable presumption that the dog's barking, howling, whining, or yelping was unlawful. Any dog, which has persistently created the noises referred to in this section, as demonstrated by two (2) or more convictions of the owner thereof for violating this section, is declared to be a public nuisance and may be impounded.

2. Bites another person or domestic animal.

3. Any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner, keeper or harbinger of such animal, is hereby declared to be a nuisance. Where the owner, keeper or harbinger of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

4. Any Vicious Dog, as defined in Section 6.08.010(A) (3), is hereby declared to be a public nuisance, which represents a threat to the health, safety and welfare of the public in all areas of the City, due to the inherent breed characteristics of exceptional aggression, athleticism, strength, viciousness, unpredictability and tenaciousness, such that dogs have the ability to rapidly and unpredictably inflict significant damage upon their victims.

~~E~~5. Sanitary Conditions: Every person who shall keep, maintain or harbor a dog shall maintain his premises, including, but not limited to, dog pens or runs, in a clean and sanitary condition so that they shall not be offensive, a harborage for vermin, or a health hazard.

~~G. Seizure Of Noncompliant Animal: Any peace officer, police officer, ordinance officer, or other public officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions in this chapter.~~

~~1. In the event that the owner of the animal refuses to surrender the animal to the officer, said officer may request a search warrant from a magistrate of the district court and to seize and impound the animal upon execution of the warrant.~~

~~2. Animals which cannot be safely seized may be immediately slain.~~

6.08.070: ~~HARBORING OF VIOCIUS DOGS:~~

~~A.~~ It shall be unlawful for any person to keep or harbor a ~~fierce~~ or vicious animal or dog without first complying

with the ~~terms of this chapter following:~~. ~~It shall be an affirmative defense to charges under this section if the actual or intended victim of any attack has made an unlawful entry into the dwelling of the owner.~~

- A. ~~B.~~ No "owner", as defined in section 6.08.010 of this chapter, of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.
- B. ~~C.~~ No "owner", as defined in section 6.08.010 of this chapter, shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled. When on leash, the leash shall consist of a short high tensile strength material with a maximum length of three feet (3') (0.9144 meters). A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club or United Kennel Club show.
- ~~C. It shall be unlawful to possess, harbor, and keep within the city limits a Presa Canario, Canary Island dog, Cane Corso, a Russian wolfhound, a mountain dog or a wolf hybrid.~~
- C. Obtain a City dog license as required in Section 6.08.030. Whenever any person applies for and is granted a license to maintain a vicious dog, the application is permission from the applicant for the Chief of Police, or his designee, to make whatever inquiry is deemed necessary, including, but not limited to, entry onto the applicant's property to ensure ongoing compliance with all provisions of this chapter. Any entry shall be limited to the purpose of compliance inspections of the licensed premises and the licensed animal, and will be made in the presence of the owner whenever practical.
- D. Register the dog with the City Police Department in accordance with this Chapter.
- E. All owners, keepers or harborers of vicious dogs must, within ten (10) days of the effective date hereof, provide to the police department two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- F. The owner of the vicious dog shall provide proof of rabies vaccination and shall pay the annual vicious dog license fee as stated in this chapter.
- G. The owner of the vicious dog shall keep current the license for such vicious dog through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by an immediate family member of the holder of such license. A vicious dog license tag will be issued to the owner at the time of issuance of the

license. Such license tag, along with the current rabies tag, shall be attached to the vicious dog by means of a secure collar or harness, and shall not be attached to any vicious dog other than the vicious dog for which the license was issued. If the vicious dog tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee as stated in this chapter. The owner must be at least twenty one (21) years of age as of the license issuance date.

- H. The owner shall present to the Chief of Police proof that the owner has procured liability insurance with an insurer authorized to write liability insurance in the State of Idaho providing coverage in each occurrence in the amount of at least one million dollars (\$1,000,000.00) covering any damage or injury that may be caused by a vicious dog during the twelve (12) month period covered by the vicious dog license. This policy shall include the city of Payette as an additional insured, with minimum limits of coverage of one million dollars (\$1,000,000.00), and shall have the effect of saving harmless and defending the city of Payette and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the vicious dog by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.
- I. The owner shall, at the owner's own expense, have the vicious dog spayed or neutered, and shall present to the Chief of Police documentary proof from a licensed veterinarian that this sterilization procedure has been performed.
- J. The owner shall bring the vicious dog to a duly licensed veterinarian and shall cause a microchip ID tag (such as the Avid Microchip) to be placed in the vicious dog. Certification of this procedure, along with the microchip ID number shall be provided to the Chief of Police. Vicious dogs that have previously had a microchip ID tag placed in them shall have that chip verified by a duly licensed veterinarian and provide the microchip ID number to the Chief of Police. Vicious dogs bearing identification tattoos are not exempt from the microchip provision. The Chief of Police shall maintain a file containing the microchip ID numbers and names of the vicious dogs and names and addresses of the owners. The owner shall

immediately notify the Chief of Police of any change of address.

- K. At all times when a vicious dog is at the property of the owner, the owner shall keep the vicious dog "confined", as that term is defined in section 6.08.010 of this chapter. At all times when a vicious dog is away from the property of the owner, the owner shall keep the vicious dog either securely leashed and muzzled or in a "secure temporary enclosure", as that term is defined in section 6.08.010 of this chapter.
- L. The owner shall not sell or otherwise transfer the vicious dog to any person except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the Chief of Police within five (5) days in the event that the vicious dog is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Payette animal shelter for destruction, or permanently remove the puppies from Payette and provide sufficient evidence of such removal, by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Payette a vicious dog puppy born after the date of publication of the ordinance codified herein that is more than eight (8) weeks old. Any vicious dog puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to subsection Ale of this section.
- M. The owner shall have posted, at each possible entrance to the owner's property where the vicious dog is kept, a conspicuous and clearly legible vicious dog sign. Such vicious dog sign must be at least eight inches by ten inches (8" x 10") in rectangular dimensions and shall contain only the words "VICIOUS DOG" in lettering not less than two inches (2") in height.
- N. Exceptions:
1. Any member of the City of Payette police department, ordinance officer, or other city official, may temporarily harbor and transport any vicious dog for purposes of enforcing the provisions of this chapter.
 2. Any humane society operating an animal shelter which is registered and licensed by the city may temporarily hold any vicious dog that it has received or otherwise recovered, but only for so long as it takes to contact the city of Payette police department or ordinance officer and either turn the vicious dog over to these employees or receive permission to destroy or have

destroyed the vicious dog pursuant to the provisions of Section 6.08.108 of this Chapter.

3. A person may temporarily transport into and hold in the city a vicious dog only for the purpose of showing such vicious dog in a place of public exhibition, contest or show sponsored by the American Kennel Club or United Kennel Club. However, prior to any showing, the sponsor of the exhibition, contest, or show must receive written permission from the Chief of Police, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent vicious dogs from escaping or injuring the public. The person who transports and holds a vicious dog for showing shall, at all times when the vicious dog is being transported within the city to and from the place of exhibition, contest, or show, keep the vicious dog confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter.
4. Except as provided in subsection (J) of this section, the owner of a vicious dog may temporarily transport through the city a vicious dog only if such owner has obtained a valid transport permit from the Chief of Police. Upon request, the Chief of Police shall issue such permits only upon a showing by the owner that the vicious dog is being transported either from a point outside the city or to a destination outside the city. At all times when the vicious dog is being transported within the city, it must be kept confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter. In all cases, before issuing a transport permit, the Chief of Police must find that the transport would not constitute an unnecessary or undue danger to the public health, welfare or safety, and shall not issue the permit if he cannot so find. All transport permits issued shall only be valid for the time, date and vicious dog specified on the permit, and shall not be construed to permit any activity otherwise prohibited.
5. The owner of any vicious dog as defined in Section 6.08.010 (A) (3) of this Chapter, which had been licensed pursuant to this Chapter on or before the date of publication of the ordinance codified herein shall be allowed to keep such vicious dog within the city upon compliance with the licensing and insurance requirements set forth herein, but only if the owner applies for and receives an annual vicious dog license on or before June 15, 2006. As a condition of issuance of a vicious dog license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that

the owner is in compliance with all of the regulations in this section.

6. An owner of any vicious dog as defined in Section 6.08.010 (A) (3) of this Chapter used as a service animal within the City of Payette shall apply for a vicious dog service animal license from the city clerk's office. Vicious Dog service animal licenses shall be subject to approval by the Chief of Police or his designee and to all provisions of this exception. The owner of a qualifying vicious dog who has applied for and received a vicious dog service animal license in accord with the terms of this section and who maintains the vicious dog service animal at all times in compliance with subsection (A) (1) (e) (1-8) of this section may keep a vicious dog service animal within the city upon compliance with the following provisions of the vicious dog service animal license requirements:

- a. The owner of the vicious dog service animal shall maintain uninterrupted license currency. The pit bull service animal license is not transferable or renewable except by the licensee or by a member of the immediate family of the licensee. A vicious dog service animal license tag shall be issued to the owner at the time the license is issued. The license tag shall be attached to the vicious dog service animal by means of a collar or harness which must be worn by the animal at all times. The license tag shall remain clearly visible and shall not be attached to any dog other than the vicious dog service animal for which the license was issued
- b. At all times when a vicious dog service animal is away from the property of the owner, the owner shall keep the vicious dog service animal muzzled and either in a secure temporary enclosure or securely leashed with a leash no longer than four feet in length held by someone eighteen years of age or older who is capable of effectively controlling the dog. Extension-style leashes may not be used. Leashes may not be attached to inanimate objects. In the event the handler, because of a disability, is not able to use a leash equal to or less than four feet in length, or in the event the use of a muzzle or a leash no longer than four feet in length would interfere with the service animal's safe, effective performance of work or tasks, the service animal must remain under the handler's

complete control at all times when away from the owner's property, the manner of control to be fully described to the code enforcement and animal control officer at the time of licensing. This regulation and the means for controlling the vicious dog may be modified for service animals by the Chief of Police or designee as determined necessary and reasonable. Any such modification of the means of control set forth herein shall be memorialized in the licensing documentation upon issuance of said license.

- c. The owner shall immediately notify the animal control division in the event that the vicious dog is loose, stolen, at large, unconfined, has mauled, bitten, attacked, threatened, or in any way menaced another animal or human, or has died.
- d. No person applying for a vicious dog service animal license shall be granted a breeder's permit for such vicious dog service animal.
- e. Failure to comply with any of these conditions shall result in a revocation of the license, impoundment and disposition pursuant to the following:
 - i. Impoundment. The ordinance officer or designee is authorized to immediately impound any vicious dog service animal found within the city limits which does not qualify for the exception stated within this section, subject to all of the procedures and processes set forth in 6.08.070(N)(6). If the dog is found not to be a pit bull as a result of DNA testing, evidence obtained at the owner's option and sole expense, or if the dog is determined to be a service animal, the dog shall be released to the owner, subject to full compliance with every requirement of this chapter. Notwithstanding a finding that the dog is not a vicious dog or a finding that the dog is a service animal, a dog may be impounded and the owner/handler may be held responsible for violations of this section or any other applicable state or local law.

6.08.090: KEEPING GUARD DOGS:

It shall be unlawful for any person to place or maintain guard dogs, as defined in section 6.08.010 of this Chapter, in any area for the protection of persons or property unless the following provisions are met:

- A. The dogs shall be confined to an enclosed area adequate to ensure they will not escape; or
- B. They shall be under the absolute control of a handler at all times when not securely enclosed; and
- C. In either subsection A or B of this section, the owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty four (24) hours a day; and
- D. Prior to the placing of a guard dog on any property, the person or persons responsible for the placing shall inform the police chief, ordinance officer, the fire department and any utilities who have personnel that come upon premises or any business that is invited to come or send employees upon the premises, in writing, of their intention to post said dog or dogs, the number of dogs to be posted, the location where said dog or dogs will be posted, the approximate length of time said dog or dogs will be guarding the area, the daily hours said dog or dogs will be guarding the area, the breed, sex, age and rabies tag number of said dog or dogs. Such notice must be renewed every six (6) months.

6.08.1075: IMPOUNDMENT PROCEDURES:

When a dog is impounded the owner shall pay a fee as set by resolution for each twenty four (24) hour period, or portion thereof that the dog is impounded.

- A. Impounding: Any dog found running at large contrary to the provisions of this chapter may be apprehended by any designated city employee and shall be impounded; provided, however, that if any dog so found at large cannot be safely taken up and impounded, such dog may be slain forthwith. Such dog shall be impounded and disposed of in accordance with

provisions in this chapter. Any action taken by a police officer, ordinance officer, or other designated city employee, in the performance of his duties, that requires the death, injury, or destruction of dangerous or vicious dog found running at large, shall not be considered to be cruel or inhumane treatment of the animal.

- B. Period Of Confinement; Records: Any dog which bites any person and causes a break in the skin of that person, regardless if the bite is provoked or unprovoked, or is suspected of having rabies, shall be seized and impounded for a period of ten (10) days as required by Idaho state law. The Chief of Police and health department shall be so notified and the animal disposed of only under their direction. A complete registry shall be kept of every dog so impounded, entering the breed, color and sex of such dog, whether licensed, and time and place of taking. If licensed, the name and address of the owner and the number of the license tag shall be entered.
- C. Impoundment Fees: For the first occurrence of impounding a dog running at large, the owner thereof shall pay to the city a fee as set by resolution for the taking up of such animal; for the second occurrence of impounding a dog running at large, the owner thereof shall pay to the city a fee as set by resolution for the taking up of such animal. For the third or any subsequent occurrence of impounding a dog running at large, the owner thereof shall pay the city a fee as set by resolution for the taking up of such animal for each such occurrence. Said impoundment fees shall be paid to the city clerk's office. Prior to the release of any dog impounded for running at large, the owner shall provide proof that he has possession of a current city of Payette license tag for said dog.
- D. Care Of Impounded Animals: Any animal impounded under the provisions of this chapter shall be provided with proper care, food, and water while so confined.

~~E. Daily Fee: All dogs impounded and held for more than three (3) days as required by state law, or this chapter, will require the owner to pay a fee as set by resolution per day for each twenty four (24) hour period, or portion thereof, that the dog is impounded.~~

Section 2: New Sections 6.08.072 Impounding Vicious Dogs, and Section 6.08.107 Appeals, are hereby added to Chapter 6.08 of Title 6 of the Payette City code as follows:

6.08.072 IMPOUNDING VICIOUS DOGS:

A. Whenever a vicious dog as defined in Section 6.08.010 (A) (3) of this Chapter is found within the City of Payette, the

owner shall be notified in writing of the prohibitions contained in this chapter and of the procedure required to redeem the animal. Such notice shall be served upon the owner or, if the owner is not present, upon any person of suitable age and discretion residing at owner's residence. Whenever a vicious dog is found within the City of Payette, the animal may be impounded pursuant to Chapter 6.08.107.

B. If the vicious dog is not immediately impounded pursuant to Chapter 6.08.107, the owner must permanently remove the vicious dog from the city of Payette within forty-eight hours of issuance of the notice required by this section. Failure to remove a vicious dog within forty-eight hours of such notice shall result in the immediate impoundment of the animal. Whenever any vicious dog is found within the city of Payette and the owner has previously had the notice required by this section, the dog shall immediately be taken up and impounded by such officer charged with the enforcement of this chapter. Vicious dogs impounded under this subsection may be redeemed or adopted pursuant to the provisions of 6.08.107 through 6.08.109.

C. Notwithstanding the provisions of 6.08.070(N), any vicious dog found running at large in the city of Payette which is not in the possession or control of its owner or owner's agent shall be immediately impounded by a Payette animal control officer or Payette police officer if the dog is: (A) not validly registered under section 6.08.070, (B) if the owner does not secure and maintain the liability insurance coverage required under section 6.08.070 of this chapter, (3) the dog is not maintained in the proper enclosure, or the dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. Such animal shall be redeemed, adopted or destroyed pursuant to the provisions of Section 6.08.108 of the Payette Municipal Code.

6.08.107 APPEALS:

Any order or decision of the Ordinance Officer regarding an animal under this Chapter, including a declaration or finding that a dog is a vicious or nuisance dog due to its actions or its breed, as set forth in this Chapter, may be appealed by the owner, keeper or harbinger to the Chief of Police within ten days after receipt of written notice thereof. Upon appeal, the Chief of Police shall provide to the dog's owner, keeper or harbinger the opportunity to appear before him and present evidence, if any, relative to the appeal. The owner, keeper or harbinger of the dog shall be notified in writing of the Chief's decision regarding the appeal. A decision by the Chief

upon appeal may be appealed within fifteen days after the date of the Chief's decision to the City Council.

Section 3: Sections 6.08.080, 6.08.100, 6.08.101, 6.08.102, 6.08.105 and 6.08.106 of Chapter 6.08 of title 6 of the Payette City code are hereby repealed.

~~**6.08.080: GUARD DOGS EXCEPTED:**~~

~~Dogs maintained as guard dogs, as defined in section 6.08.010 of this chapter and in compliance with this chapter shall not be included under this section. No person shall keep as a guard dog any pit bull, Presa Canario, Canary Island Dog, Cane Corso, mountain dog, Russian wolfhound or wolf hybrid or any dog which is bred, trained, owned, possessed, or kept for the purpose of dog fighting.~~

~~**6.08.100: INSURANCE:**~~

~~All owners of vicious dogs as defined in section 6.08.010 of this chapter shall, within ten (10) days of the effective date hereof, provide proof to the Payette city clerk of public liability insurance in a single incident amount of no less than one million dollars (\$1,000,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. This policy shall include the city of Payette as an additional named insured, with minimum limits of coverage of one million dollars (\$1,000,000.00), and shall have the effect of saving harmless and defending the city of Payette and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the vicious dog by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.~~

~~**6.08.101: IDENTIFICATION PHOTOGRAPHS:**~~

~~All owners, keepers or harborers of vicious dogs must, within ten (10) days of the effective date hereof, provide to the police department two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.~~

~~**6.08.102: PIT BULLS PROHIBITED:**~~

~~A. Except as provided for in this chapter, it shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, buy or sell a pit bull within the city limits.~~

~~1. Exceptions:~~

~~a. Any member of the city of Payette police department, ordinance officer, or other city official, may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.~~

~~b. Any humane society operating an animal shelter which is registered and licensed by the city may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the city of Payette police department or ordinance officer and either turn the pit bull over to these employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of subsection B of this section.~~

~~c. A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by the American Kennel Club or United Kennel Club. However, prior to any showing, the sponsor of the exhibition, contest, or show must receive written permission from the Chief of Police, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter.~~

~~d. Except as provided in subsection A(c) of this section, the owner of a pit bull may temporarily transport through the city a pit bull only if such owner has obtained a valid transport permit from the Chief of Police. Upon request, the Chief of Police shall issue such permits only upon a showing by the owner that the pit bull is being transported either from a point outside the city or to a destination outside the city. At all times when the pit bull is being transported within the city, it must be kept confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter. In all cases, before issuing a transport permit, the Chief of Police must find that the transport would not constitute an unnecessary or undue danger to the public health, welfare or safety, and shall not issue the permit if he cannot so find. All transport permits issued shall only be valid for the time, date and pit bull specified on the permit, and shall not be construed to permit any activity otherwise prohibited.~~

~~e. The owner of any pit bull which had been licensed pursuant to this chapter on or before the date of publication of the ordinance codified herein shall be allowed to keep such pit bull within the city upon compliance with the licensing and~~

~~insurance requirements set forth herein, but only if the owner applies for and receives an annual pit bull license on or before June 15, 2006. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:~~

~~(1) The owner of the pit bull shall provide proof of rabies vaccination and shall pay the annual pit bull license fee as stated in this chapter.~~

~~(2) The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by an immediate family member of the holder of such license. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag, along with the current rabies tag, shall be attached to the pit bull by means of a secure collar or harness, and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee as stated in this chapter. The owner must be at least twenty one (21) years of age as of the license issuance date.~~

~~(3) The owner shall present to the Chief of Police proof that the owner has procured liability insurance in the amount of at least one million dollars (\$1,000,000.00) covering any damage or injury that may be caused by a pit bull during the twelve (12) month period covered by the pit bull license. This policy shall include the city of Payette as an additional insured, with minimum limits of coverage of one million dollars (\$1,000,000.00), and shall have the effect of saving harmless and defending the city of Payette and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the pit bull by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.~~

~~(4) The owner shall, at the owner's own expense, have the pit bull spayed or neutered, and shall present to the Chief of Police documentary proof from a licensed veterinarian that this sterilization procedure has been performed.~~

~~(5) The owner shall bring the pit bull to a duly licensed veterinarian and shall cause a microchip ID tag (such as the Avid Microchip) to be placed in the pit bull. Certification of this procedure, along with the microchip ID number shall be provided to the Chief of Police. Pit bulls that have previously had a microchip ID tag placed in them shall have that chip verified by a duly licensed veterinarian and provide the microchip ID number to the Chief of Police. Pit bulls bearing identification tattoos are not exempt from the microchip provision. The Chief of Police shall maintain a file containing the microchip ID numbers and names of the pit bulls and names and addresses of the owners. The owner shall notify the Chief of Police of any change of address.~~

~~(6) At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined", as that term is defined in section 6.08.010 of this chapter. At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull either securely leashed and muzzled or in a "secure temporary enclosure", as that term is defined in section 6.08.010 of this chapter.~~

~~(7) The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the Chief of Police within five (5) days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Payette animal shelter for destruction, or permanently remove the puppies from Payette and provide sufficient evidence of such removal, by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Payette a pit bull puppy born after the date of publication of the ordinance codified herein that is more than eight (8) weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to subsection A1e of this section.~~

~~(8) The owner shall have posted, at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten inches (8" x 10") in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches (2") in height.~~

- ~~B. Notwithstanding the provisions of this chapter, the Chief of Police is authorized to immediately impound, or cause to be impounded, any pit bull found in the city of Payette which does not fall within the exceptions listed in subsection A1 of this section, and may house or dispose of such pit bull in such manner as the Chief of Police may deem appropriate, except as the procedures below otherwise require.~~
- ~~C. When the Chief of Police has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the Chief of Police for a hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Chief of Police will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where the Chief of Police receives no written request from the owner for a hearing within seven (7) days of impoundment, the pit bull shall be destroyed.~~
- ~~D. The hearing, if any, will be held before the Chief of Police or a hearing officer designated by the Chief of Police. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The petitioner shall bear the risk of nonpersuasion. The Chief of Police or hearing officer shall make a final determination whether the dog is a "pit bull" as defined in section 6.08.010 of this chapter. Such final determination shall be considered a final order of the Chief of Police subject only to judicial review.~~
- ~~E. If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence deemed sufficient by the Chief of Police that the pit bull is to be permanently taken out of Payette and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures in this section shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite as defined in this chapter. In those instances, the dog shall be handled and the procedures governed by this chapter.~~
- ~~F. The official standards of the American Kennel Club and United Kennel Club for the breeds referred to in this chapter are on file in the office of the clerk of the city of Payette.~~

~~6.08.105: IMPOUNDING:~~

~~When a dog is impounded and held for more than three (3) days, the owner shall pay a fee as set by resolution for each twenty four (24) hour period, or portion thereof that the dog is impounded.~~

~~6.08.106: RESTRICTIONS:~~

~~No vicious dogs, as defined in this chapter, are to be held for, or engage in, fighting or breeding. No sales or distribution of the offspring of any vicious dog is permitted. Vicious dogs are to remain on the licensed premises except as required for veterinary care, participation in a sanctioned American Kennel Club or United Kennel Club show, surrender, or to comply with the order of a police officer, ordinance officer, or Chief of Police.~~

Section 4. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 5. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 6. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 7. This ordinance may be published in summary form as allowed by the statutes of the State of Idaho.

Section 8. Any violation of any portion of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

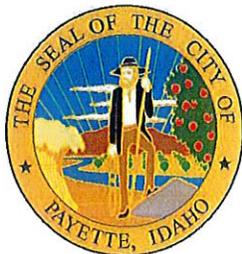
PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this ____ day of _____, 2015.

CITY OF PAYETTE, IDAHO

by _____
JEFFREY T. WILLIAMS, Mayor

ATTEST:

City Clerk



CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Honorable Mayor & Members of the Payette City Council
From: Mary Cordova, City Coordinator *MJC*
Date: 12/18/2015
Re: Development Impact Fee Review

BACKGROUND & JUSTIFICATION:

Chapter 17.80 of the Payette Municipal Code concerns Development Impact Fees, which are collected from developers with the purpose of providing public facilities and system improvements. The ordinance allows for the review and modification of capital improvement plans, and the associated fees to support those improvements, as the City deems necessary. It is the responsibility of the Development Impact Fee Advisory Committee (DIFAC), to review any changes to the ordinance, review the capital improvements plan, monitor and evaluate implementation of the capital improvement plan, and to advise the Mayor and Council of the need to update or revise land use assumptions, capital improvements plan and development impact fees.

At their meeting of November 19, 2015, the DIFAC reviewed the current Capital Improvement Plan and currently assessed impact fees and determined the Plan needs to be updated during the next year. The City has been collecting Impact Fees since March of 2012. Those fees can only be spent on the projects included in the Capital Improvement Plans contained in the Impact Fee Report. However, in order for the City to actually spend any money on a project, the project has to be included in the City budget. The Committee understood this process and scheduled a future Committee meeting primarily to provide input to City staff regarding the inclusion of impact fee eligible projects in the City's budget, after the plan is updated.

The DIFAC discussed that development rates have slowed significantly from the rate anticipated in the Impact Fee Report. The slower rate has meant that fee collections have been slower to come in than planned. However, that generally means that the need for the improvements is being delayed. In the case of Police and Fire, the improvements on the Capital Improvement Plans are large expenses and may have been delayed outside the ten-year spending window. Staff has been keeping a close eye on this situation. The growth rates anticipated in the Impact Fee Report come from the City's Comprehensive Plan, and the City has budgeted to update its Comprehensive Plan this fiscal year.

The DIFAC recommends that in an effort to stimulate development and growth, the Council consider placing a temporary suspension on the collection of impact fees for a period of one year. During the suspension, the DIFAC requests to have the Capital Improvement Plan updated, and will make recommendation on new fees based on the revised plan.

FISCAL IMPACT:

The City currently collects impact fees as follows:

EXHIBIT "A" IMPACT FEE SCHEDULE	
Police Fees	
Residential (per dwelling unit)	\$457.00
Nonresidential (per square foot)	\$0.28
Fire Fees	
Residential (per dwelling unit)	\$363.00
Nonresidential (per square foot)	\$0.22
Total City Impact Fees	
Residential	\$820.00
Nonresidential (per square foot)	\$0.50

In FY15, impact fees for Police = \$8,598.80, and Fire = \$7,087.88

RECOMMENDATION:

That the Council temporarily suspend collection of Impact Fees through Ordinance 1401, provide for updating the Capital Improvement Plan, and evaluate the fees upon completion of the updated Plan. The request for a temporary suspension of fees is found to be: 1. Reasonable and appropriate for furthering the health, safety and general welfare of Payette. 2. Notice and Hearing procedures have been provided according to Payette Municipal Code. 3. The request has been reviewed in accordance with the Payette Municipal Code, Chapter 17.80 Administration of Impact Fees.

ORDINANCE 1401
AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, TEMPORARILY SUSPENDING
COLLECTION OF DEVELOPMENT IMPACT FEES; SETTING AN EFFECTIVE DATE;
ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1. That Section 17.80, Payette Municipal Code, shall be of no force or effect for a period of one year beginning on January 1, 2016.

Section 2. Collection of development impact fees pursuant to this chapter shall be, and is hereby suspended as of January 1, 2016. During the period of suspension a study shall be conducted of the city's capital improvement plan and impact fee ordinance. Suspension shall extend to all building permit applications received prior to January 1, 2016 in which impact fees have not yet been collected.

Section 3. All collected Impact Fees shall remain their respective trust accounts established pursuant to Section 17.80 of Payette Municipal Code.

Section 4. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Payette City Council or the validity of any such action to be taken upon matters pending before the Payette City Council on the effective date of this Ordinance. Unless a new ordinance is adopted prior to January 1, 2017, on January 1, 2017, all impact fees shall again be due and collected in accordance with section 17.80 of the Payette Municipal Code.

Section 5. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 6. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the
City of Payette, Idaho this 21st day of December, 2015.

CITY OF PAYETTE, IDAHO

BY _____
Jeffrey T. Williams, Mayor

ATTEST:

City Clerk



CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Payette City Council
From: Bobbie Black, Deputy City Clerk 
Date: 12/31/2015
Re: Planning & Zoning Commission

BACKGROUND & JUSTIFICATION: Peggy Childers appointment on the Planning & Zoning Commission expired 12-31-2015. She has submitted an application to continue serving on the Commission.

FISCAL IMPACT: None

RECOMMENDATION: Recommend that City Council approves the re-appointment from the Mayor of Peggy Childers the Planning & Zoning Commission to expire 12-31-2021.



RECEIVED

DEC 29 2015

CITY OF PAYETTE

City of Payette Appointment Boards/Commissions Application

Name: Jeggy A Childers
(First) (Middle) (Last)

Street: 1808 7th Ave N, Payette, ID 83661
(Street) (City) (Zip)

Are you a City Resident? yes Home Phone: 208-642-5018

Occupation: Realtor / Property Manager Work Phone: 208-759-1966

Employment: Self
(Name of Employer)

(Street) (City) (Zip)

Please list your qualifications for effective Board membership (Include all City Boards you serve on and any relevant experience/expertise in the area you wish to serve):

On Payette City P&Z

Reason for seeking appointment (Areas of interest, goals, etc.):

To continue service

Are there any reasons you may have a conflict of interest if you were appointed to a Board of Commission which you listed? no If yes, please explain.

References (Non-family, these may be personal or professional):

Jeff Williams Payette Mayor
(Name) (Address) (Phone)

Bob Panike Tricore broker/realtor
(Name) (Address) (Phone)

Signature: Jeggy Childers Date: 12/28/15



CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Payette City Council
From: Bobbie Black, Deputy City Clerk 
Date: 12/31/2015
Re: Planning & Zoning Commission

BACKGROUND & JUSTIFICATION: Jim Franklin's appointment on the Planning & Zoning Commission expired 12-31-2015. He has submitted an application to continue serving on the Commission.

FISCAL IMPACT: None

RECOMMENDATION: Recommend that City Council approves the re-appointment from the Mayor of Jim Franklin to another term on the Planning & Zoning Commission to expire 12-31-2021. Mr. Franklin's original appointment made was made in 1999 and due to State Code 67-6504 states that a Planning & Zoning commissioner shall serve more than two full consecutive terms without the specific concurrence by two-thirds of the governing board.



**City of Payette
Appointment Boards/Commissions Application**

Name: James Ray Franklin
(First) (Middle) (Last)

Street: 10301 Payette Hts Rd, Payette, ID, 83661
(Street) (City) (Zip)

Are you a City Resident? Impact Area Home Phone: 208-861-2911

Occupation: Sales Manager Work Phone: 208-642-9344

Employment: Teton Machine Company
(Name of Employer)

1844 N E 10th Ave, Payette, ID, 83661
(Street) (City) (Zip)

Please list your qualifications for effective Board membership (Include all City Boards you serve on and any relevant experience/expertise in the area you wish to serve):
16 years Payette fire experience, life long residence in Payette,

Reason for seeking appointment (Areas of interest, goals, etc.):
Service to community - I would be glad to step aside if a need for fresh blood is determined

Are there any reasons you may have a conflict of interest if you were appointed to a Board of Commission which you listed? No If yes, please explain.

References (Non-family, these may be personal or professional):
Mark Halder 369-1194
(Name) (Address) (Phone)

Greg Frates 585-2835
(Name) (Address) (Phone)

Signature: [Signature] Date: 12/18/15