



AGENDA
PAYETTE CITY COUNCIL
July 5, 2011
WORK SESSION & REGULAR MEETING
HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING

GEORGIA HANIGAN MARK HELEKER
LEE NELSON IVAN MUSSELL
KATHY DODSON LES COCHRAN

5:30 PM – Work Session

- A. Proposed Used Car Sales & Used Car Lots
- B. Employee Handbook Revision

6:00 PM – Public Hearing

- A. An application by Josh Jackson for a Conditional Use Permit to build a 30' x 50' garage to store vehicles at 1005 Center Avenue, GORRIE ADDITION, LOTS 1 & 2, BLOCK 16. The property is zoned B-Residential.
- B. To receive testimony from interested persons regarding an update to the Capital Improvement Plan/Impact Fees for police, fire, parks and streets. Regarding the possible adoption of the Capital Improvement Plan Update as an amendment to the Payette Comprehensive Plan per IC 67-6509.

7:00 PM – Regular Meeting

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ORDINANCE _____

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.38 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY:

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

Section 1. The Payette Municipal Code is amended by the addition of a new Chapter 5.38, entitled "USED CAR SALES AND USED CAR LOTS," which chapter shall read as follows:

Chapter 5.38

USED CAR SALES AND USED CAR LOTS

Sections:

- 5.38.010 Definitions
- 5.38.020 Established Used Car Lots
- 5.38.030 License Requirements and Procedures for Obtaining License
- 5.38.040 Regulations
- 5.38.050 Revocation
- 5.38.060 Penalty

5.38.010 Definitions

1. "Used car," as used in this chapter, means any used, pre-owned or second-hand motor vehicle to which a certificate of title or license plates have been issued and which motor vehicle has been registered for use on the highways by a purchaser, consumer or by a dealer, and includes any used or second-hand vehicle, defined as any vehicle required to be titled, trailer coaches or trailers weighing over 1,000 pounds.
2. "Used car dealer" means a person who brokers, deals or engages in the purchase, sale, lease or exchange of five (5) or more used cars within a 12-month period.
3. "Used car business" means the purchase, sale, lease or exchange by any person, firm or corporation of five (5) or more used cars within a 12-month period.
4. "Used car lot" means any place where used cars are displayed and offered for purchase, sale, lease or exchange in the open by a used car dealer or used car business.
5. "Established used car lot" means any land in the City of Payette maintained or used for conducting a used car business which business was in existence at the time this

chapter was created.

5.38.020: Established Used Car Lots

Any established used car lot must have:

A. A permanent structure containing not less than one hundred twenty (120) square feet of interior floor space to be used as business or sales office. Any new structure to be built shall conform to the Payette Municipal Code and the International Building Code, 2009 edition. Any existing structure shall substantially conform to standards established in the Payette Municipal Code, in regard to matters connected with public health and safety. The City Building Inspector shall cause an inspection to be made to determine such compliance.

B. Improved grounds complying with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of used cars:

1. Parking space for inventory shall be not less than ten (10) feet by twenty (20) feet for each used car.

2. Improved ground shall contain a gravel base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete that conforms to Idaho Department of Transportation Standards of Specifications.

3. The finished grade of such improved grounds shall be not less than twelve (12) inches or more than thirty six (36) inches above the grade of the street adjoining said premises.

4. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress.

C. Must be in compliance with all standards of the Payette Municipal Code, including but not limited to, section 17.72.020.

5.38.030: License Requirements and Procedure for Obtaining License

No person, firm, corporation or other entity shall operate as a used car dealer or engage in a used car business within the City of Payette without a City Used Car Sales License as herein provided. A separate City Used Car Sales License shall be required for each established used car lot.

The City Clerk is hereby authorized to issue a City Used Car Sales License upon submission by the applicant of a written application on forms to be provided by the City Clerk and upon compliance by the applicant with the following requirements:

A. The application shall be accompanied by written detailed plans showing the layout of land to be used, the portion thereof to be improved as required herein, method proposed for improvement, drainage, driveways for ingress and egress, and buildings to be built or existing buildings to be used in the operation of the established used car lot.

The application shall also be accompanied by evidence that he/she has obtained all applicable zoning, use, or site plan approvals/permits required to be obtained prior to operating a used car lot or business in the proposed location in the City. The granting of a City Used Car Sales License is contingent on obtaining all applicable zoning, use, or site plan approvals/permits. The City Clerk shall submit all such plans to the City Engineer for his/her approval prior to granting of the City Used Car Sales License.

B. Applicant must furnish evidence that he/she possesses a valid State of Idaho Used Vehicle Dealer's License.

C. Payment of an annual City Used Car Sales License fee in the amount of \$100.

All City Used Car Sales Licenses issued under this ordinance shall be for a period of one year expiring on December 31 of each year. The City Clerk is hereby authorized to issue a renewal City Used Car Sales License upon expiration of the initial license upon written application on forms to be provided by the City Clerk accompanied by a renewal City Used Car Sales License fee in the amount of \$100 and a determination by the City Clerk that the applicant is complying with all of the provisions of this ordinance.

No City Used Car Sales License issued under this ordinance may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the City Clerk and the payment of a transfer fee in the amount of \$25. Provided however, the transferee shall be required to furnish any and all information as may be contained in an initial application for a City Used Car Sales License. Prior to transferring any City Used Car Sales License, the City Clerk shall determine that the established used car lot for which the City Used Car Sales License has been issued is complying with all of the provisions of this ordinance.

5.38.040: Regulations

Each licensee under this ordinance shall comply with the following regulations:

1. Keep the premises in a neat and clean condition. Dealer shall not allow any used motor vehicles that are part of its inventory to encroach upon the streets, alleys, sidewalks or other publicly maintained areas of the City.
2. Not allow any loud or boisterous noises to emanate from its place of business, either by persons congregating there or by the playing of recording instruments, radios and/or television sets or other sound-reproducing equipment.
3. At all times keep each motor vehicle used in connection with its said business or maintained as part of the inventory thereof insured with public liability and property damage insurance in an amount not less than \$10,000 per person and \$20,000 per accident, personal injury or death liability insurance and \$5,000 property damage insurance.

5.38.050: Revocation

Any City Used Car Sales License issued under this ordinance shall be automatically revoked upon termination, suspension, revocation or failure to renew the licensee's State of Idaho Used Vehicle Dealer's License or upon proof by competent legal evidence that the licensee made a false statement in any application for City Used Car Sales License filed upon this ordinance. Any such City Used Car Sales License may be revoked by the City Council in their discretion upon proof of conviction of the licensee for a violation of this ordinance.

5.38.060: Penalty

Any violation of this Ordinance shall be a misdemeanor punishable by fine, imprisonment or both, up to but not exceeding the maximum penalties set forth in Idaho Code § 50-302, as amended.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

Section 3. 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 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. 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 _____ day of _____, 2011.

CITY OF PAYETTE, IDAHO

by _____
JEFF WILLIAMS, Mayor

ATTEST:

Mary Cordova, City Clerk

Q. City Elections. Employees are prohibited from actively participating in candidates campaign for election. For example: distributing literature; soliciting funds; circulating any type of election or ballot petition; soliciting support for or against candidates from the public or other employees; using city facilities, equipment, e-mail, supplies, and resources to influence the outcome of an election. This is just an example of expressed limitations. Contact the City Clerk's office if you have additional questions.

Option 1.

City Elections. Engaging in political activities during work hours, while on duty in public service or acting as a representative of the City is prohibited.

Option 2

City Elections. Engaging in political activities is prohibited during work hours, while on duty in public service or acting as a representative of the City. For example: distributing literature; soliciting funds; circulating any type of petition; soliciting support for or against candidates from the public or other employees; using city resources to influence the outcome of an election. Employees asked or requested by a political candidate to participate in political activities which utilizes their knowledge of other City employees or facilities are encouraged to inform their supervisor or City Administrator.



NOTICE OF PUBLIC HEARING

The Payette City Council will be conducting a Public Hearing during a scheduled regular meeting to receive input concerning the following requests:

- A. An application by Josh Jackson for a Conditional Use Permit to build a 30' x 50' garage to store vehicles at 1005 Center Avenue, GORRIE ADDITION, LOTS 1 & 2, BLOCK 16. The property is zoned B-Residential.

The Public Hearing on the above requests will be held **July 5, 2011 at 6:00 PM**, or shortly thereafter, in the Payette City Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing items and will be given the opportunity to be heard in support of, or in opposition to the proposals. The Public is invited and encouraged to attend.

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.

Bobbie Black, Deputy City Clerk

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF PAYETTE, IDAHO

Notice is hereby given that on July 5, 2011 at 6:30 p.m., in the City Hall Council Chambers, 700 Center Avenue, Payette, Payette County, Idaho, public hearing will be held before the Payette City Council for the purpose of receiving testimony from interested persons regarding an update to the Capital Improvement Plan/Impact Fees for police, fire, parks and streets. The Commission will make a recommendation to the City Council regarding the possible adoption of the Capital Improvement Plan Update as an amendment to the Payette Comprehensive Plan per IC 67-6509.

The draft update to the Capital Improvement Plan is contained in a report entitled City of Payette, Idaho Impact Fee Study and Capital Improvement Plans dated May 4, 2011. The report includes the following: 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. The Plan also contains a list of projected capital improvements for each of the following: police, fire, parks and streets. For each category the Plan described the capital improvement, projected costs, the proportionate share attributable to new growth, and related information.

The complete text of the proposed Capital Improvement Plan is available for review at City Hall during normal business hours and is also available for review at the following web link: cityofpayette.com. All interested persons are invited to attend said public hearing or submit written comments prior to the hearing date, and to present evidence regarding the proposed Capital Improvement Plan if desired. Individuals, who require special assistance to accommodate physical, vision or hearing impairments, please contact City Hall or call (208) 642-6024.

Date: June 13, 2011

Bobbie Black, Deputy City Clerk

**PAYETTE CITY COUNCIL
WORK SESSION & REGULAR MEETING
June 20, 2011**

5:30 PM – Work Session

ROLL CALL

Members Present: Mayor Jeff Williams, Georgia Hanigan, Les Cochran, Lee Nelson, Mark Heleker, and Kathy Dodson

Members Absent: Ivan Mussel

Staff Present: Mary Cordova, City Coordinator; Jennifer Kelley, Human Resources; Mark Clark, Chief of Police; Jamie Couch, Street Supervisor; Becky Lynch, Utility Clerk

Councilor Hanigan asked the council to replace the gas and oil ordinance item with a discussion on replacing a stoplight on highway 95 and 52. The council agreed to have this take place for the meeting.

NEW BUSINESS

- A. Use of an Electronic Wireless Communications Device for Texting-** Chief Clark opened this discussion informing the council that he would like to adopt an ordinance to ban texting while driving in the City of Payette. The City police officers would have to go through some training to determine if the user of the electronic device was dialing a phone number rather than texting. A fine for being pulled over for this would be fifty dollars. The Council decided it would be best to get more of a public opinion on the matter before they sent this ordinance forth to be approved.
- B. Precious Metal & Gem Dealers Ordinance-** This has been brought before the Public Safety committee, Chief Clark said that our previous code had forced the dealer to hold the property for 30 days, the recommendation from the Public Safety committee is to move it to a 10 day period. Councilor Heleker thought it would be best to give the public a chance to respond to this ordinance before bringing it forth to be approved.
- C. Replacing a Stoplight on Highway 95 and 52-** Clerk Cordova opened this discussion informing the council of a great opportunity provided by the Idaho Transportation Department. When speaking with ITD they asked how much it would cost and Clerk Cordova informed them it would be about \$150,000 to \$200,000 and they came back with an offer. We can give you \$50,000 or we will pay for the whole thing if you take over business spur 95 from the Y to highway 52 as a permanent City street. Jamie Couch said they already do 90% of the maintenance on the road as it is, the only thing they don't do is paint the yellow line down the middle of the road. The road is in really good shape as it is right now. Jamie Couch went on to say that they are looking at \$400 to do the yellow line from 52 down per year. Councilor Heleker brought up a concern of traffic buildup through an intersection, was there any talk with ITD over that? Clerk Cordova said she did ask about those issues with ITD last year, but it wasn't a major concern. The council was all in agreement to move forward with this great deal.
- D. Employee Handbook Revision-** Jennifer Kelley opened this discussion informing the council of some revisions to the employee handbook that went before the Administration and Finance committee. One of the main changes to the handbook is PTO versus; sick leave, personal leave, and vacation time that we have now. Employees accrue a certain amount of sick time, vacation time, and three personal days, per year. There are three different leave times we keep track of, with PTO it is personal time off which is accrued every two weeks. No one will lose any time that is already accrued because this time will be dumped into the PTO slot, except for sick time which is still available to use. People can't call in and say they are sick and use their sick time, they would have to use a PTO day; if it is a surgery or something that requires a doctor's note then the employee can use their sick time hours that they have left. Once the sick time is gone, it doesn't accrue back. Another change brought up before the council was the discussion of the City Elections

portion of the handbook stating that employees are prohibited in actively participating in candidates' campaign for election. Councilor Heleker stated that he believes and supports that a City employee cannot solicit for a campaign while on City work hours, but the City employee should have every right to voice their support for somebody after work hours. Jennifer replied stating that as for herself working as a City employee, she is very cautious in supporting candidates for City campaigns. Clerk Cordova believes this would help protect the employees during those campaigns from undue pressure. The general consensus of the council was to have Jennifer revise this portion of City Elections in the employee hand book and bring it forth to the council at a later time. Mayor Williams brought up grievance from the employee hand book; he wants to know why they are getting rid of this. Jennifer stated that you can only grieve on EEO complaints such as, race, religion, gender, disabilities, etc. Since Idaho is a-right-to-work state, anyone can be let go for any reason. Taking the grievance portion out of the handbook was also the suggestion of the City attorney, Bert Osborn.

- E. Dollar HUD Home-** Mayor Williams opened this discussion informing the council that about 6-8 months ago they had discussed a house that came up for sale for a \$1 for municipalities and the City was not in the position to bid on it because we weren't registered for it. About 10 days ago another house had come up again and since the City of Payette is now registered, Clerk Cordova sent in a bid. This bid was accepted, and Clerk Cordova sent the documents this last Friday to BLB resources. Mayor Williams then stated minus one signature from HUD, we are the new owners of this property for only one dollar. HUD has two programs, one of which is to encourage home ownership, and we want to use this house to promote home ownership in the City. An idea to use the \$1 home is to have the friends of the Payette library buy the house from the City and they will then fix up the house and sell it in order to get the necessary funding for an amphitheater that they didn't receive with the library project budget. Another program HUD is promoting is called, "good neighbor next door", which is specifically for police officers, fireman, or teachers. These select people could buy a house and only pay half of the value for the home, but only if they stay in it for at least three years. If they don't stay in the home for three years, they will in turn pay the full value of the home. The council was excited for this new opportunity to be started.
- F. Water Line Extension- Highway 95-** Clerk Cordova opened this discussion informing the council that this went before the Urban Renewal Agency and other committees. They will need to be negotiating an MOU soon with the property owner, Noah Raye. Mayor Williams stated that it is really important to loop our water in that part of town, it is really important to our whole system and our quality of water. Clerk Cordova stated that when funding is available they will need to go through the motions and bring forth an MOU soon. The engineering is done but the specs are not finished yet.

MAYORS INFORMATIONAL POINTS TO THE COUNCIL

The next meeting will be held July 5th

Work Session adjourned at 6:49 PM

7:00 PM – Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:00 PM by Mayor Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Jeff Williams, Katherine Dodson, Georgia Hanigan, Lee Nelson, Les Cochran, Mark Heleker, and Ivan Mussell

Members Absent: None
Staff Present: Mary Cordova, City Coordinator; Jamie Couch, Street Supervisor; Jennifer Kelley, Human Resources; Mark Clark, Chief of Police; Bert Osborn, City Attorney; Becky Lynch, Utility Clerk

PLEDGE

Cleo Thompson led the pledge.

A motion was made by Hanigan and seconded by Mussel to amend the agenda to add item M under new business for the discussion on a stoplight at highway 52.

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

CITIZENS COMMENTS

None

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Hanigan to approve the regular meeting minutes of June 6th, 2011 as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Dodson and seconded by Mussell to approve the City Bills & Payroll in the amount of \$451,034.97

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Cochran, Heleker, Mussel

Nays:

The motion CARRIED.

SPECIAL ORDERS

Mayoral Proclamation- Steve Castenada has been a part of the Payette Fire Department since 1997 and served as interim fire chief for the past 9 months. The Mayor and City Council on behalf of all the residents of the City of Payette pay a token of appreciation for his services and now declare Friday, June 24th to be Steve Castenada Appreciation Day, and it happens to be Steve's birthday. Mayor Williams commended Steve for his duties. He was awarded with a Plaque by Mayor Williams

COMMUNICATIONS

- A. U.S. Census Bureau information- Population is 7433 for the City of Payette
- B. Arbor Day Grant Program
- C. Thank You from Mussell Family
- D. Thank You from Three Rivers Agency
- E. Lower Snake Retired Educators Association. - Mayor Williams was asked to do a presentation on behalf of the Retired Educators who keep track of all the hours that they donate back to the community. The retired educators asked for Mayor Williams, Tony Lasnick representing Fruitland, and Leon Jensen, City Clerk of New Plymouth. Mayor Williams wanted to commend the retired educators for all the work that they do.

PLANNING & ZONING

None Heard.

OLD BUSINESS

None Heard.

NEW BUSINESS

- A. Friends of the Portia Club request-Cleo Thompson 75 No IOWA- Cleo described all the great work which was done to the remodeled Portia Club. She would like to ask the council to consider somewhere down the road, when finances are available, to put diagonal parking in front of the Portia Club. She also thinks when that day comes to have the parking go all the way down that street, for it would benefit the City to have the additional parking. She also mentioned there is handicap parking located in the back of the Portia club which is half way finished. That would be another project in a year or two down the road if funding is available to finish that as well.

- B. Agreement for Painting & Sandblasting for WWTP Clarifier

A motion was made by Hanigan and seconded by Heleker to approve the painting and sandblasting clarifier agreement between National Coatings Inc. and the City of Payette.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Cochran, Heleker, Mussell

Nays:

The motion CARRIED

- C. Dissolvement of Agreement between Highway District #1 & Payette County- Maintain bridge #3861-003.91- near Kiwanis Park- This is the bridge on 6th Ave So which has now been annexed into the City of Payette. The highway district no longer needs to be a part of the agreement which was originally in place since 1986. According to Clerk Cordova, the sufficiency on the bridge is 60.1, once it gets down to a 50 rating we are eligible for funds to repair.

A motion was made by Heleker and seconded by Hanigan to approve the agreement to dissolve partnership between Highway District #1, the County, and the City of Payette in order to remove Highway District number 1.

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

- D. KEPHA pay request #9- Fire Station

A motion was made by Hanigan and seconded by Mussell to approve KEPHA pay request #9 for the Firestation in the amount of \$268,697.01

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Cochran, Heleker, Mussel

Nays:
The motion CARRIED

E. Special Events Permit-EFWC Employee Picnic- Richard Adams from Nyssa, Oregon is a board member from Employee Fitness and Wellness Committee who came to inform the Council what is taking place at the riverside of Kiwanis Park for Saturday, July 16th for the company picnic with SRCI. They will have bands given out to those who are a part of the company picnic to keep those who aren't a part of the company to stay off of the inflatable toys, etc. which will be present in the park.

A motion was made by Heleker and seconded by Cochran to approve the special event permit for the EFWC employee picnic on July 16th for the hours of 11AM to 5PM.

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

F. Mobile Food Vendor-Walt Longtin-Ice Cream/ Hot Dog Sales

A motion was made by Mussell and seconded by Dodson to approve the mobile food vendor permit for Walt Longtin on June 11th through September 11th.

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

G. Special Event Permit- Kids Club- Stephen Brotcke with the outreach planning committee with Whitestone Christian Fellowship came before the council and informed them that they wanted to do a few days of bible lessons, games, and activities for the Payette community children. Would like to hold that between the 25th and 29th of July from setup time beginning at 8AM going through 12PM.

A motion was made by Heleker and seconded by Hanigan to approve the special events permit for Whitestone Christian Fellowship for Kids Club in Kiwanis Park from July 25th – July 29th for 10am - 12pm

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

H. KEPHA pay request #3- Library Expansion

A motion was made by Mussell and seconded by Heleker to approve Pay Request #3 for Library expansion in the amount of \$37,394.85.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Cochran, Heleker, Mussell

Nays:

The motion CARRIED.

I. **KEPHA Contract Change Order #3- Library Expansion**

A motion was made by Heleker and seconded by Hanigan approve Contract change order #3 to KEPHA construction for the library expansion in the amount of \$7,975.00.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Cochran, Heleker, Mussell

Nays:

The motion CARRIED.

J. **Non Aerial Fireworks Permit- TNT Fireworks**

A motion was made by Heleker and seconded by Nelson to approve the non-aerial fireworks permit as submitted by TNT Fireworks.

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

K. **ORDINANCE #1346- AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 10.45 OF THE PAYETTE CITY CODE AND ADDING A NEW SECTION 10.45.010 PROHIBITING THE USE OF AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE FOR TEXTING WHILE OPERATING A MOTOR VEHICLE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER- 1st Reading**

A motion was made by Heleker and seconded by Nelson to introduce Ordinance 1346 by title only.

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

A motion was made by Heleker and seconded by Mussell that Ordinance 1344 is passed to a 2nd reading.

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

L. **ORDINANCE #1347- AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 5.37 TO THE PAYETTE CITY CODE WHICH SECTION REGULATES PRECIOUS METAL AND GEM DEALERS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.- 1st Reading**

A motion was made by Mussell and seconded by Heleker to introduce Ordinance 1347 by title only

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

A motion was made by Cochran and seconded by Heleker that Ordinance 1347 is passed to a 2nd reading.

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

M. Stoplight at highway 95 and 52-ITD

A motion was made by Heleker and seconded by Nelson to direct the City Clerk to proceed with negotiations with the Idaho Transportation Department to have them install a traffic signal either in the intersection of highway 95 & 52 or South 16th Street & 6th Ave South, in exchange for the City assuming maintenance and repairs of business highway 95 spur from the South of the Y to Highway 52.

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

DEPARTMENTAL REPORTS

None Heard.

MAYOR'S COMMENTS

Mayor Williams stated he had received an email before the meeting and stated that the Payette County Commissioners unanimously approved the re-zoning request for the Nuclear Power Plant.

CITIZEN'S COMMENTS

None Heard.

ADJOURNMENT

A motion was made by Heleker and seconded by Dodson to adjourn the regular meeting at 7:42 PM.

The motion CARRIED.

Signed this _____ day of _____, 2011.

Jeff Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

06/30/11
16:37:19

CITY OF PAYETTE
Claims by Vendor Report
For the Accounting Period: 6/11

Page: 1 of 4
Report ID: AP220

Vendor	Claim #	# of Lines	Date Accepted	Check	Amount
559 ACCO	CL 4712	1	06/30/11	5078	766.97
ADVANCED CONTROL SERVICE, LLC	CL 4713	2	06/30/11	5079	2,725.69
214 AVENET, LLC	CL 4714	1	06/30/11	5080	90.00
349 BOISE VAULT & PRECAST	CL 4715	1	06/30/11	5081	2,160.00
329 BRADY INDUSTRIES, INC.	CL 4716	2	06/30/11	5082	462.86
685 DART'S TRUE VALUE	CL 4717	21	06/30/11	5083	982.16
6130 DCS TECHNOLOGIES	CL 4710	6	06/28/11	5077	3,400.00
	CL 4718	2	06/30/11	5084	150.00
443 ENVIRONMENTAL EXPRESS	CL 4719	1	06/30/11	5085	191.56
920 GALL'S INC.	CL 4721	4	06/30/11	5086	329.15
1070 HANIGAN CHEVROLET	CL 4722	1	06/30/11	5087	520.72
1090 HARDIN SANITATION, INC.	CL 4708	2	06/20/11	5076	26,368.68
	CL 4723	6	06/30/11	5088	585.21
370 IDAHO POWER, PROCESSING CENTER	CL 4724	4	06/30/11	5089	5,119.53
1410 INDEPENDENT ENTERPRISE	CL 4725	5	06/30/11	5090	331.74
562 MATERIALS TESTING	CL 4726	1	06/30/11	5091	481.00
1800 METROQUIP, INC.	CL 4727	3	06/30/11	5092	2,923.94
2050 OUTDOORSMAN	CL 4728	1	06/30/11	5093	335.00
231 PAYETTE COUNTY PARAMEDICS	CL 4729	1	06/30/11	5094	6.00
119 PAYETTE HIGH SCHOOL	CL 4731	1	06/30/11	5095	250.00
2190 PAYETTE PRINTING	CL 4730	2	06/30/11	5096	283.35
2250 PAYETTE TIRE CENTER	CL 4732	2	06/30/11	5097	100.00
2310 PITNEY BOWES	CL 4733	1	06/30/11	5098	126.48
485 PNCWA	CL 4734	1	06/30/11	5099	395.00
6065 SMITH, KAYANN	CL 4735	1	06/30/11	5100	15.00
2540 STAPLES CREDIT PLAN	CL 4736	2	06/30/11	5101	111.94
2690 TERRITORIAL SUPPLIES	CL 4737	1	06/30/11	5102	5,625.00
6078 TOTH, GARRY	CL 4738	1	06/30/11	5103	15.00
629 TREASURE VALLEY PLUMBING	CL 4739	1	06/30/11	5104	195.00
205 UNITED PIPE & SUPPLY	CL 4740	1	06/30/11	5105	1,638.18
6143 VAL'S FLORAL	CL 4741	1	06/30/11	5106	37.00
6170 WATER GEAR	CL 4742	1	06/30/11	5107	113.93
1826 WHITE CLOUD COMMUNICATIONS	CL 4743	2	06/30/11	5108	622.26
CITY OF PAYETTE - PAYROLL	ET				106,369.45
CITY OF PAYETTE - FIRE PAYROLL	ET				11,796.46
Total:					175,624.26

The City of

Payette

has been designated an

IDAHO HERITAGE CITY

in recognition of its efforts to preserve and interpret the
cultural heritage of the community for current and future generations

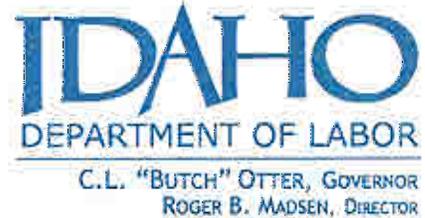

Janet C. Timmore, Executive Director




Ken Harward, Executive Director



RECEIVED
JUN 21 2011
CITY OF PAYETTE



6/17/2011

Dear Mayor Jeff T Williams:

Many Treasure Valley residents need assistance in getting a job and meeting their family obligations. The Idaho Department of Labor provides needed information and access to a wide variety of resources. **RACE for Success - A Resource and Career Expo** is a large community job and resource fair that provides one stop information on employment and volunteer opportunities, educational options and many of the community resources available to support individuals and families.

This community effort began two years ago when Idaho Center General Manager Craig Baltzer, contacted the department to host a free community resource fair. This was Idaho Center's way of giving back to the community. Last year's event was held in September. The event featured 150 exhibitors and drew over 2,200 people.

Once again, Mr. Baltzer has graciously offered the use of the Idaho Center at no cost. The goal this year is to attract 150 exhibitors and over 3,000 attendees. This year's event has been strategically planned to include local retail businesses, existing and expanding businesses and entrepreneurs. We hope that this strategy and aggressive recruiting effort by Idaho Department of Labor will result in job offers for a number of area residents.

The Idaho Center in Nampa is donating the use of their facility for this event. The event was originally scheduled for September 9th. However, a scheduling conflict has taken place and we have rescheduled the event to **Wednesday, September 7th from 9:00 a.m. to 4:00 p.m.**

We apologize for any inconvenience this change may cause, and we sincerely hope that you will be able to attend the kickoff ceremony at **9:00 a.m.** Please confirm by contacting Robert Vetter, Idaho Department of Labor Employment Service Supervisor at 364-7781 ext. 3193 or e-mail at Robert.Vetter@labor.idaho.gov.

We look forward to hearing from you soon and to your participation in this worthwhile event.

Sincerely,

Joe Gotiandia, Acting Manager
Idaho Department of Labor, Canyon County
364-7781 Ext. 3141

Robert Vetter, Supervisor
Idaho Department of Labor, Canyon County
364-7781 Ext. 3193

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
June 2, 2011**

5:47 PM – City Council and Planning & Zoning Meeting with Anne Wescott

ROLL CALL

Members Present: Brent King, Larry Hogg, Jim Franklin, Tom Ladley, Mark Heleker, Mayor Jeff Williams
Staff Present: Tiffany Howell, Assistant Deputy Clerk/Treasurer; Jennifer Kelley, HR

Ms. Wescott briefed the Council and Commission on what impact fees are and why we need them. Her slideshow is attached.

6:30 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Brent King, Larry Hogg, Jim Franklin, Tom Ladley

Members Absent: Gary Youngberg, Randy Choate, Kevin Hanigan

Staff Present: Tiffany Howell, Assistant Deputy Clerk/Treasurer; Jennifer Kelley, HR

APPROVAL OF MINUTES

A motion was made by Ladley and seconded by Hogg to approve the regular meeting minutes of 04/28/2011 as written.

After a unanimous voice vote by the Commission, the motion CARRIED.

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

A. Notice is hereby given that on June 2, 2011 at 6:00 p.m., in the City Hall Council Chambers, 700 Center Avenue, Payette, Payette County, Idaho, public hearing will be held before the Payette Planning & Zoning Commission for the purpose of receiving testimony from interested persons regarding an update to the Capital Improvement Plan/Impact Fees for police, fire, parks and streets. The Commission will make a recommendation to the City Council regarding the possible adoption of the Capital Improvement Plan Update as an amendment to the Payette Comprehensive Plan per IC 67-6509.

The draft update to the Capital Improvement Plan is contained in a report entitled City of Payette, Idaho Impact Fee Study and Capital Improvement Plans dated May 4, 2011. The report includes the following: 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. The Plan also contains a list of projected capital improvements for each of the following: police, fire, parks and streets. For

each category the Plan described the capital improvement, projected costs, the proportionate share attributable to new growth, and related information.

No public comment heard.

B. An application by Ariel Sanchez for a Conditional Use Permit to build a 1200 square foot 39'7" x 30'1" shop/storage at 327 ½ 7th Avenue North, RIVER SIDE PLAT, TAX 12, BLOCK 84. The property is zoned A- Residential.

No public comment heard.

C. An application by Josh Jackson for a Conditional Use Permit to build a 30' x 50' garage to store vehicles at 1005 Center Avenue, GORRIE ADDITION, LOTS 1 & 2, BLOCK 16. The property is zoned B-Residential.

Jim Bivens – First Baptist Church

Mr. Bivens stated that he has some concerns that could come up in the future. Is it a storage or is it going to be a working garage. The reason for the concern is our church is right across the street and on Sundays it was be very noisy if he's working on his vehicles. Where will he be parking these cars if he cleans the garage out, will they be on the street? That would be an issue for the church due to the parking restraints. Also, what type of equipment will he be using? Will it be making loud noises? The only other issue is a 30x50 garage is not a normal size garage in that area, but having said that if it is properly built it would probably fit in.

Josh Jackson – 1005 Center Avenue –

Mr. Jackson stated that they lived in Fruitland recently and had an issue with the vehicles being in the yard and the appearance of our property, so they required us to put up a fence. The types of vehicles are non-registered vehicles and it will not be a business. Three of the 4 doors will be facing the alley, and 2 of the doors will be facing the street, so it shouldn't affect parking. I am trying to keep it from looking like a junk yard with cars parked in my yard. I am having an engineer design the garage, and it will have the same color siding as the house does. I want to have a nice place to work on the cars and it will be fully sheeted and have insulation, so there shouldn't be a noise issue. There were never any issues with the neighbor where we lived in Fruitland.

Commissioner Franklin asked if we included that it is only for residential use and that it is not a business would that be an issue. Mr. Jackson stated no, I have 10 vehicles at the moment and am looking at maybe getting some lifts in the shop in order to have more room in there. I know it seems like a very oversized garage, but in order to work in there I need all that room. Commissioner King asked Mr. Jackson if he meets all the setback requirements. Mr. Jackson stated absolutely he does, and that he has been in several times speaking with the building inspector on the issue. I have been in contact with many builders and have picked out a local contractor Brad Heater. Commissioner Ladley asked if Mr. Jackson works on his vehicles on Sundays. Mr. Jackson state no, not normally, but it can happen. Commissioner Ladley asked if Mr. Jackson would be open for restrictions on when Mr. Jackson would start working or decibel level. Mr. Jackson stated no, not with decibel level, but turning a wrench does not make much noise, and I'm not putting in a huge compressor so it wouldn't make much noise, and all of my vehicles are muffled. Commissioner Hanigan stated that the Commission normally puts a stipulation on the permit that if there are any complaints the permit can be re-visited, do you have any problems with that. Mr. Jackson stated no, not at all. Commissioner

Hogg asked where Mr. Jackson is currently storing all the vehicles. Mr. Jackson stated that he has some at his in-laws and some at a friend until the garage is completed, but all the street legal vehicles are at the home. Mr. Jackson stated that he is looking into converting a small portion of his front yard to park vehicles to get them off the street. Commissioner King asked Mr. Jackson if there is already a shop on the property. Mr. Jackson stated not anymore, he took it down. He talked with the building inspector, but because the building was not very sturdy they decided to just take it down and build a new one.

Dianne Salois – 1018 1st Avenue South

Ms. Salois stated that the only entrance she has to the back part of her property is through the alley, and it would be going right past his business. When they moved the little old garage out no consideration was given to the neighbors and the alley was blocked. I want to know if the alley is going to be left open. If he is going to pull his cars into his garage from the alley there is not much room and if he has his doors open that would make less room. Ms. Salois stated that she would like the Commission to review this closely and take into consideration that many of us have to park in the back and there is not much room in the back. Also, during the construction process will the alley be blocked? Commissioner Hogg asked Ms. Salois how big the garage was before. Ms. Salois stated that it was small; you might be able to park a model A in it, but that would be it. Commissioner King asked Ms. Salois if there is access to her property on the other end of the alley. Ms. Salois stated yes, but the way they have to swing into park their cars it is easier and closer to come in on Mr. Jackson's side, and frankly I pay taxes on both so I should be able to use both. Commissioner Hogg asked Ms. Salois if both ends of the alley were blocked when they were taking down the old garage. Ms. Salois stated no, just the one end was blocked. Commissioner Hogg asked Ms. Salois how long the alley was blocked. Ms. Salois stated she was not sure she did not stand out there and watch them; she had a few days off and didn't leave her home.

Jeb Allred – 1011 Center Avenue –

Mr. Allred stated that he and his wife oppose this, due to some noise and safety issues. In the future if they left the house and someone else came in they might use the shop in a different manner and I really don't want to look at this metal building over my fence. I feel this is a residential neighborhood and this big of a structure belongs somewhere else. A double car garage would fit, but not this big of a building. Commissioner Hogg asked Mr. Allred if there is anything that the applicant could do to amend his application to be ok with it. Mr. Allred stated that if it was half the size that would be more normal for that neighborhood. Commissioner Hogg asked Mr. Allred if the size is his main concern. Mr. Allred stated that his main concern is noise, and it is going to change the whole dynamics of the neighborhood and I don't want to look over my fence and see this big building.

Larry Keeton – 1024 Center Avenue -

Mr. Keeton stated that noise is a concern and this is nice quiet neighborhood. Commissioner Franklin asked if the building is too large. Mr. Keeton stated yes, I think it is.

Christine McPike – 1019 Center Avenue –

Ms. McPike stated that this B-Residential zone and that is for homes. I am afraid with the size of the garage that this could turn into a business. The daycare is not for residential use.

Josh Jackson – 1005 Center Avenue-

Mr. Jackson stated that it is not a place of business. The noise level will be isolated and I can make the same noise in a smaller garage as well as a big one. Esthetically I don't have anything to say about that, it is a big building, but it will be well taken care of and blend in with the house. I would think people would want my cars in a garage and not in my yard like my neighbor does. The alley was blocked for about 4 hours while they got the garage loaded onto the truck. I will talk with the contractor and let him know that the alley needs to be open at all times, and I will take down my fence so they can drive on my yard if need be to rectify the situation. Commissioner King asked if these vehicles were ones that he races. Mr. Jackson stated some are yes. I have had numerous Camaros, Nova's etcetera that I disrepair, fix up, drive around for a while and then sell it and get something else. I like fixing up old cars. One of the two cars is one that is raced out at Meridian Speedway, which is you cannot register. I would like them to have them in the garage, one of my cars is worth over \$100,000 and I would like it to stay nice. When I purchased this property it had an 18x13 wide structure that was not stable, I made sure there was the option of building a structure to put my cars. My garage doors are overhead doors, so they will not swing into the alley and block and portion of the alley.

D. An application by Tiffany Jackson for a Conditional Use Permit to have a group childcare at 1005 Center Avenue, GORRIE ADDITION, LOTS 1 & 2, BLOCK 16. The property is zoned B-Residential.

Tiffany Jackson – 1005 Center Avenue –

Mrs. Jackson stated that she wants to open a group daycare which is 7 to 12 children. I have talked with the gentlemen and they will be coming over to do the fire inspection. It's got the smoke detectors, egress windows, kitchenette, and bathroom. Commissioner Franklin asked if the Commission limits the number of children is that ok. Mrs. Jackson stated yes. Commission Franklin asked what the hours of operation are. Mrs. Jackson stated it will be Monday-Friday 6:00AM to 6:00PM. Commissioner Franklin asked if they put those restrictions of hours on the permit would that be ok. Mrs. Jackson stated yes, that would be fine. Commissioner Hogg asked Mrs. Jackson if she is planning on having an area in the back for the children to play. Mrs. Jackson stated yes, and it is already set up and there was already a daycare in the home. There is a 3 foot fence around the back of the house and then set into the back of the yard is a 6 foot tall fence.

Chris Christopher – 1010 1st Avenue North –

Ms. Christopher stated they had a daycare center their before and it was noisy. What she is talking about as far as a fence was a kennel and it's not very big and the kids won't have very much room to play. The area is cement. Mr. Jackson just mentioned he will be selling some of his cars and that is a business. Commissioner Franklin stated that everyone is allowed to sell their vehicles if they want. Ms. Christopher stated that we have had kids in their before and it is noisier than hell. I am retired and I like it being quiet in my backyard. Ms. Christopher stated that if he takes some of our alley then it will be hard to get in and out in the winter time. I should not have to shut my windows in the summer time because of the noise, I have renters next door and I have been to court 20 million times with their dogs barking. I want my neighborhood to stay clean and I want the trash out my neighborhood and I think this might bring some of that back. Commissioner King asked Ms. Christopher about the kennel. Ms. Christopher stated they put a kennel up and that is where she wants to have the kids play there. Commissioner Hogg asked Ms. Christopher how long she has lived in the neighborhood. Ms. Christopher stated she has lived there for 21 years. Commissioner Hogg asked Ms. Christopher how long there has been a daycare in her neighborhood. Ms. Christopher stated 2 years. Commissioner Hogg asked Ms. Christopher how long it has been since the daycare has been gone. Ms. Christopher

stated it has been less than a year; she got evicted because she didn't pay her house payment. She had her daughter their so they were allowed to have more kids and they were loud in the pool outside.

Pam Allred – 1011 Center Avenue –

Mrs. Allred stated that her main concern is safety. Ms. Christopher is right, that is where they used to keep their dogs locked up in the kennel. Mrs. Allred stated that the shop and the daycare are too much. My big concern is traffic the coming and going of kids to the park, library. We have children up and down Center all year long. I would be so worried because people don't drive 25 mph past there. We have put thousands and thousands of dollars to restore it and we bought it because of our neighbors, they are retired and good people and they don't deserve the loud noise and so on. Commissioner Hogg asked if Mrs. Allred would be ok with one or the other. Mrs. Allred stated she bought in a residential neighborhood and wants to keep it that way, it's residential and we have grandchildren and I don't need any more traffic.

Tiffany Jackson – 1005 Center Avenue –

Mrs. Jackson stated most all daycares are residential. In that area she is talking about it is not concrete it will be moved and expanded out the whole yard with new grass. With a daycare you are not allowed to have swimming pools, so that will not be a problem. With a group daycare licensed by the State you cannot have more than 12 kids. With the kids being noisy and kids being around there are always kids the classrooms walked by last week and that is why I picked that area because it is safe for that area. Commissioner Hogg asked how big the fenced in play area would be. Mr. Jackson stated that once the shop is there it will be a 30x70 area of play. Commissioner Hogg asked where the area was. Mrs. Jackson stated it would be the entire back yard that the kids would be able to play in.

E. An application by The City of Payette for a Conditional Use Permit to install a 40' Communication Tower with a 20' antenna. Requesting permit for no more than 21' over peak of roof. In Recorder's Plat of Sec. 34, TWP, 9N. R.5W, B.M. as per plat in Book 2, Page 5, Plat Records of Payette County, Idaho Block 3, Less Tax 1 & Tax 5. The property is zoned C-Commercial.

Steve Castenada –

Mr. Castenada stated that it will be on the northeast corner of the building. It will be a 40 foot tower. The antenna will be 18 foot so that is why we located it to the northeast corner of the building.

OLD BUSINESS

A. Design review guidelines –

A motion was made by Hogg and seconded by King to move this item to the next agenda.

After a unanimous voice vote by the Commission, the motion CARRIED.

B. Proposed Used Cars & Used Car Lot Ordinance -

A motion was made by King and seconded by Hogg to move this item to the next agenda.

After a unanimous voice vote by the Commission, the motion CARRIED.

NEW BUSINESS

A. Impact Fee Recommendation -

Commissioner Hogg stated that he thinks this is a good thing to have in place. He thinks the folks that help cause the growth help pay for it. Commissioner King agrees.

A motion was made by King and seconded by Hogg to send a favorable recommendation to City Council to update the capital improvement plan, adopt the impact fee structure and also add the inflationary index terminology.

At the roll call:
Ayes: Hogg, King
Nays: Ladley
The motion CARRIED.

B. Conditional Use Permit – Ariel Sanchez – 327 ½ 7th Avenue North -

A motion was made by Hogg and seconded by Ladley to approve the conditional use permit submitted by Ariel Sanchez to approve a 1200 square foot shop at 327 ½ 7th Avenue North contingent upon compliance with all other city ordinances, and that it will be revisited upon complaints.

After a unanimous voice vote by the Commission, the motion CARRIED.

C. Conditional Use Permit – Josh Jackson – 1005 Center Avenue –

A motion was made by Hogg and seconded by King to deny the application for Josh Jackson at 1005 Center Avenue.

After a unanimous voice vote by the Commission, the motion CARRIED.

D. Conditional Use Permit – Tiffany Jackson – 1005 Center Avenue –

A motion was made by Ladley and seconded by King to approve the conditional use permit submitted by Tiffany Jackson to have a group childcare at 1005 Center Avenue contingent that all state, city & county regulations are met, that the max number of children not exceed 12, the hours of operation be Monday through Friday 6:00AM to 6:00PM and that the permit be revisited upon any complaints.

At the roll call:
Ayes: King, Ladley
Nays:Hogg
The motion CARRIED.

E. Conditional Use Permit – City of Payette–

A motion was made by King and seconded by Hogg to approve the Conditional Use Permit to install a 40' Communication Tower with a 20' antenna.

After a unanimous voice vote by the Commission, the motion CARRIED.

ADJOURNMENT

A motion was made by Franklin and seconded byLadleyto adjourn to at 7:32 PM.

The motion CARRIED.

ORDINANCE NO. 1346

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 10.45 OF THE PAYETTE CITY CODE AND ADDING A NEW SECTION 10.45.010 PROHIBITING THE USE OF AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE FOR TEXTING WHILE OPERATING A MOTOR VEHICLE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER.

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

SECTION 1: That a new Section designated as section 10.45.010 of Chapter 10.45 of Title 10 is hereby added and which section shall read as follows:

10.45.010 USE OF WIRELESS COMMUNICATIONS DEVICES

(A) No person shall operate a motor vehicle while using an electronic wireless communications device to write, send, or read a text based communication.

(B) As used in this section "write, send, or read a text based communication" means using an electronic wireless communications device to manually communicate with any person using a text based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail.

(C) For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.

(D) A violation of this section is an infraction punishable by a fine of fifty dollars (\$50.00).

(E) This section shall not apply to an emergency services professional using an electronic wireless communications device while operating an authorized emergency vehicle in the course and scope of his or her duties.

Section 2. This Ordinance may be published in summary form as permitted by Idaho Code.

Section 3. 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 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. 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 this ____ day of June, 2011.

CITY OF PAYETTE, IDAHO

By: _____
Jeffrey T. Williams, Mayor

ATTEST: _____
Mary Cordova, City Clerk

ORDINANCE 1347

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 5.37 TO THE PAYETTE CITY CODE WHICH SECTION REGULATES PRECIOUS METAL AND GEM DEALERS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 1. A new Chapter 5.37 is added to Title 5 of the Payette City Code, which section shall read as follows:

5.37 PRECIOUS METAL AND GEM DEALERS

5.37.010: DEFINITIONS:

5.37.020: LICENSE; REQUIRED:

5.37.030: APPLICATION:

5.37.040: INVESTIGATION:

5.37.050: DENIAL OR REVOCATION OF LICENSE:

5.37.060: REGULATIONS:

5.37.070: INVESTIGATION OF APPLICANT:

5.37.080: ADEQUATE IDENTIFICATION:

5.37.090: TRANSACTION DESCRIPTION RECORD:

5.37.010: DEFINITIONS:

a. "Jewelry" means any tangible article of personal property ordinarily wearable on the person consisting in whole or in part of gold, silver, platinum, aluminum, lead, brass, copper, pewter, alexandrite, diamonds, emeralds, garnets, opals, rubies, pearls, jade, and such other metals, minerals or gems customarily regarded as precious or semiprecious.

b. "Member of the general public" means individuals, partnerships, corporations or other associations.

c. "Precious metal and gem dealer" means any person, corporation, partnership or association which engages in any transaction of buying, selling or receiving secondhand jewelry, sterling silverware or gold or silver coins or bullion to or from the public within the City of Payette.

"Precious metal and gem dealer" does not include a business which smelts, refines, assays or manufactures precious metals, gems or valuable articles and has no retail operation open to the public.

d. "Secondhand" means previously owned by a member of the general public immediately prior to the transaction at hand. It does not mean previously owned by a wholesaler, retailer or by a secondhand dealer licensed.

5.37.020: LICENSE REQUIRED:

a. No person, corporation, partnership or association shall engage in the business of dealing in, selling and exchanging secondhand jewelry, sterling silverware or gold and silver coins or bullion without having first obtained a license as provided in this section.

b. The requirements of this section do not apply to the following:

1. Transactions at occasional garage or yard sales, estate sales, coin, gem, or antique or stamp shows, conventions or auctions.

2. Transactions involving the purchase of grindings, filing, slag, sweeps, scraps or dust from an industrial manufacturer, dental laboratory, dentist or agent thereof.

3. Operations between dealers licensed under this section.

4. Transactions at financial institutions licensed or regulated by the state of Idaho or U.S. government.

5.37.030: APPLICATION:

Application for a precious metal and gem dealer's license shall be made to the city clerk on forms furnished by the city clerk, and shall contain the following:

- A. Name, place and date of birth and street residence of the applicant.
- B. The trade name, address of the business and name and address of the owner of the premises.
- C. A statement as to whether within the preceding 10 years the applicant has been convicted of any crime, petty misdemeanor or municipal ordinance violation relating to theft, damage or trespass property or operation of a business, the nature and date of the offense and the penalty assessed.
- D. Whether the applicant is a natural person, corporation or partnership.
 - 1. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors.
 - 2. If the applicant is a partnership, the names and addresses of all partners.
- E. The name of the manager or proprietor of the business.
- F. Such other reasonable and pertinent information as the city clerk may from time to time require.

5.37.040: INVESTIGATION:

The city clerk shall refer the application to the chief of police, who shall make a criminal history background investigation of the applicant. Upon completion, the chief of police, or his representative, shall forward the results of the investigation to the city clerk. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the city clerk shall, upon payment of the prescribed fee, and approval of the city council, issue the license to the applicant. The city clerk shall deny the applicant the license if the applicant has:

- A. Committed any act consisting of fraud or misrepresentation;
- B. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license;
- C. Within the previous ten (10) years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler, solicitor or street vendor and including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
- D. Been charged with a misdemeanor or felony of the type defined in subsection C of this section and disposition of that charge is still pending;
- E. Ever been charged of any crime involving sexual abuse against a child;
- F. Been refused a license under the provisions of this chapter; provided, however, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; and
- G. Made any false or misleading statements in the application.

5.37.050: DENIAL OR REVOCATION OF LICENSE:

The city shall have the authority to deny, revoke or temporarily suspend any license requested or issued in accordance with this chapter for any of the following reasons:

- A. Fraud, misrepresentation or false statements contained in the application;
- B. Fraud or misrepresentation or false statement made in the course of conducting the business or trade;
- C. Any violation of this chapter;
- D. Conviction of any crime or misdemeanor involving moral turpitude;

E. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public

F. No precious metal and gem dealer's license shall be granted to an individual, partnership or a corporate applicant, unless the individual applicant, each of the partners, or the corporate agent has been a resident of Idaho continuously for at least 90 days prior to the date of the application.

5.37.060: REGULATIONS:

A. Altered or Obliterated Serial Number: No licensee shall receive any item or property with an altered or obliterated serial number, or from which a serial number has been removed.

B. Identification: No precious metal and gem dealer shall purchase or exchange any property without first securing adequate identification from the seller as stipulated in 5.37.080.

C. Recordkeeping: Every licensed precious metal and gem dealer shall keep a transaction description record as stipulated in 5.37.090 for any property purchased or exchanged. A record of all transactions shall be delivered to the chief of police or the chief's designee at least one time each week and at other times when requested by the Chief or the Chief's designee.

D. Transaction Record Reporting: Every dealer shall report each transaction description record as required in 5.37.090.

E. Every item purchased or exchanged by a licensed precious metal and gem dealer shall be open for inspection by the chief of police, or the chief's designee, at any reasonable time.

F. Holding Period: Every property exchanged or purchased by a precious metal and gem dealer, except gold coins or bullion, or silver coins or bullion, shall be kept on the dealer's premises separate and apart from any other property, unchanged and unaltered from the form it was received for 10 days after a report is submitted to chief of police or the chief's designee.

G. Additional Holding Period: The chief of police may, at the chief's sole discretion, cause any property exchanged or purchased, which the police chief has reason to believe was not exchanged or purchased by the lawful owner, to be held for an additional holding period deemed reasonable by the chief of police after the elapse of the initial 10-day holding period for identification by the lawful owner.

H. Minors: No precious metal and gem dealer shall have any business dealings as a precious metal and gem dealer with any person under 18 years of age, unless that person is with the parent or guardian, or the dealer obtains or has on file a written consent signed in the dealer's presence by the parent or guardian granting permission for that person to transact business with the dealer.

I. Stolen Goods: Every precious metal and gem dealer shall report to the police any item presented to the precious metal and gem dealer during the course of business the precious metal and gem dealer has reason to believe was stolen, either by the person presenting the item or another party.

5.37.070: PENALTY:

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

5.37.080: ADEQUATE IDENTIFICATION:

A. Adequate identification obtained by precious metal and gem dealers shall be limited to one of the following current and unexpired forms of identification:-

1. A State of Idaho identification card.
2. A valid Idaho motor vehicle operator's license.
3. A valid motor vehicle operator's license, containing a picture, issued by another state.
4. A military identification card.
5. A valid passport.
6. An alien registration card.

B. No person pawning, pledging, exchanging, consigning, leaving for deposit or selling any property with any licensee shall give a false or fictitious name, present false or altered identification documents, give a false date of birth or give a false address of residence or telephone number to the licensee gathering

information for the transaction description record.

5.37.090: TRANSACTION DESCRIPTION RECORD:

1. Transaction description records shall be kept either as computer files or in a written document approved by the chief of police, or the chief's designee. Written transaction description record documents shall be legible and in ink, and no entry made shall be erased, obliterated or defaced. Licensed precious metal and gem dealers may keep transaction description records as sequentially numbered invoices. Blank or voided invoices kept by precious metal and gem dealers as transaction description records shall be kept in sequence. Computerized files, written documents and invoices of transaction description records shall be open to inspection by the chief of police, or the chief's designee, at any reasonable time. Computerized files, written documents and invoices of transaction description records shall be maintained and retained for one year.

2. Transaction description records shall include:

- a. The date and time of the transaction.
- b. A complete description in English of the item or property pawned, pledged, consigned, exchanged or purchased including when applicable, but not limited to, any trademark, identification number, serial number, model number, brand name, any engraved number, word or initial, a description of any settings, a description by weight and design of the property, other identification marks and inscriptions of a personal nature, whether the property is a male or female item or property.
- c. The amount of money loaned or paid.
- d. The name, address and date of birth of the person pawning, pledging, exchanging, consigning or selling the item or property.
- e. Identification number from and a photocopy of the identification obtained as stipulated in 5.37.080.
- f. A signed, written declaration of ownership from the person pawning, pledging, exchanging, consigning or selling the item or property, separate and apart from any computerized records maintained and on a form approved by the chief of police, or the chief's designee, stating whether the person owns the item(s) or property, how long the person has owned the item or property, whether the person or another found the item or property, and if found, the details of its finding.

3. Photographs.

- a. Each transaction description shall include a color photograph or color video recording of:
 1. Each customer pawning, pledging, consigning, exchanging or selling an item or property.
 2. Every item or property pawned, pledged, consigned, exchanged or sold without a unique serial or identification number permanently engraved or affixed.
- b. Photographs shall be at least 2 inches square.

The major portion of the photograph or the video recording of persons shall include an identifiable facial image. Property photographed or video recorded shall be accurately depicted. The licensee shall inform the person that he or she is being photographed or video recorded by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee shall keep the photograph or video recording for 3 months.

4. The person pawning, pledging, consigning, exchanging or selling the item or property shall electronically sign the computerized record, or sign an alternate form approved by the chief of police, or the chief's designee, if computerized records are maintained, or sign the written document transaction descriptions record or the invoice.

5. Transaction records shall include any other reasonable information the chief of police may from time to time require.

Section 2. This Ordinance may be published in summary form as permitted by Idaho Code.

Section 3. 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 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

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 _____ day of _____, 2011.

CITY OF PAYETTE, IDAHO

BY _____
Jeffrey T. Williams, Mayor

ATTEST:

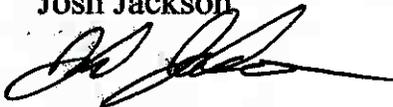
Mary Cordova, City Clerk

RECEIVED
JUN 13 2011
CITY OF PAYETTE

To whom it may concern,

I recently applied for a conditional use permit to build a garage in the backyard of address 1005 Center Ave, Payette Id 83661. The planning and zoning board denied my permit on the basis that my neighbor and a few of his friends apposed it on the grounds that he didn't want to see it out his back window. He was under the impression that he could make it so I couldn't have a garage at all. City code permits me to build a 1200 square foot garage if it is attached to the house. I applied for a 1500 square foot detached garage, The reason I need the extra 10 feet of width is because I don't just park cars in there but work on them as well. I need to be able to get a jack all the way around each vehicle even if it's a truck or a trailer. With the 30x50 dimensions I would be able to have 3 vehicles in there and still have room to work. I have had a number of 2 car garages that while big enough to squeeze 2 small cars in and be able to open the doors part way, I couldn't have any more than 1 car in there if I wanted to do any work to it and couldn't get my truck in there at all because it isn't deep enough. A standard 2 car garage is about 24x24 Under city code the 1200 square feet would equal out to a 30x40. I would be able to park my truck in there and 1 other car that I would have room to work on. With just the extra 10 feet of width I would be able to have my truck and 2 other vehicle inside with room to work. Thank you for your time, I would be happy to answer any questions you might have.

Josh Jackson



208-695-9006



City of Payette

**Conditional Use
Permit Application**

OFFICE USE ONLY

Date Received 4-27-11

Fees Paid (Y) / N

Fees:

Application..... \$50.00

Applicant

Name Josh Jackson Address 1005 Center Ave

City Payette State ID Phone 208-695-9006

Owner Richard

Name ~~Josh~~ Jackson Address 1005 Center Ave

City Payette State ID Phone 208-695-9006

Property Covered by Permit

Address _____ Zone B-Residential

Legal Description (Lot, Block, Addition, Subdivision)

Lot 1 & 2 Block 16

Nature of Request (Briefly explain the proposed use)

I want to Build a ^{30x50} garage for my unregistered vehicles so they do not detract from the appeal of the neighborhood.

Existing use of property

Yard

Will this have an impact on schools?

NO

Conditional Use Permit

The following information will assist the Planning and Zoning Commission and/or City Council to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

NA

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

NA

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

NA

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

NA

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

NA

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

NA

7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?

Across street from firehydrant

8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?

NA

9. Where will solid waste generated be stored? Is access adequate for the City collection?

NA

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

NA

11. What type of equipment will be used in the conduct of the business?

NA

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance

NA

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

NA

14. Will the parking lot or other outdoor areas have lighting?

NA

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

NA

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

NA

17. What, if any, signage is anticipated in connection with the proposed usage?

NA

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.


Applicant's Signature

4-27-11
Date

THOMAS KIRSTEN L
1005 CENTER AVE
PAYETTE, ID 83661
LOTS 1 & 2, BLK 16
PAYETTE, GORRIE

Neighborhood Number
10020

Neighborhood Name
P-2

TAXING DISTRICT INFORMATION
Jurisdiction Name Payette
Area 001
District TAG 00
Census Tract 0

Transfer of Ownership		Consideration	Transfer Date	Deed Book/Page	Deed Type
Owner					
SCIALANCA VIRGINIA K	0	09/13/2005	WD 329134	WD	
KEIM, BRENT L & TERESA S	87500	05/07/2004	WD 318110	WD	
KLINGER, SHERIDAN D	76500	08/11/2000	289155		
JEFFERS	76000	12/01/1996			
T	57900	08/01/1994			

PLOT PLAN
\$ 300

Valuation Record

Assessment Year	2004	2005	2006	2007	2008	2009	2010
Reason for Change	Value Update	Value Update	Value Update	Value Update	5Y Reval	Value Update	Value Update
MARKET VALUE	L I T	9280 64780 74060	9280 68000 77280	9280 90410 99690	25120 104130 129250	23970 104130 128100	21570 99840 121410

Site Description
Topography Level
Public Utilities All
Street or Road paved
Neighborhood Improving
Zoning: Single family
Legal Acres: 0.0000

Land Size			
Rating, Soil ID - or - Actual Frontage	Acreege - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Land Type			
City Lot		± L -10%	



Physical Characteristics

Style: 13 Pre 1950 > 1400 SqFt
 Occupancy: Single family - Owner

Story Height: 1.0
 Finished Area: 2516
 Attic: None
 Basement: Full

ROOFING
 Material: Enamel steel
 Type: Gable
 Framing: Std for class
 Pitch: Not available

FLOORING
 Slab B
 Sub and joists 1.0
 Base Allowance B, 1.0

EXTERIOR COVER
 Hardboard B
 Wood siding 1.0

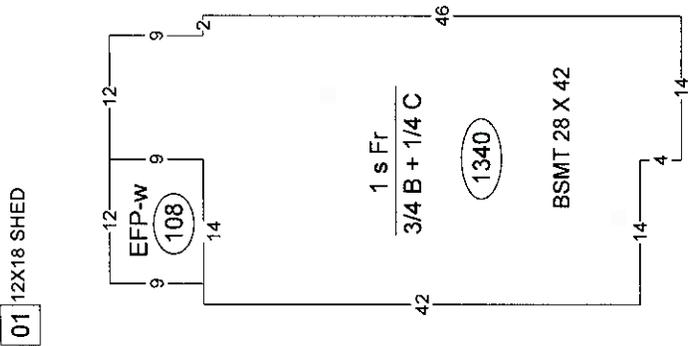
INTERIOR FINISH
 Drywall B, 1.0

ACCOMMODATION
 Finished Rooms 9
 Bedrooms 3
 Formal Dining Rooms 1

HEATING AND AIR CONDITIONING
 Primary Heat: Forced hot air-gas
 Lower Full Part
 /Bsmt 1 Upper Upper
 Air Cond 1176 1340 0 0

PLUMBING
 # TF
 3 Fixt. Baths 2 6
 Kit Sink 1 1
 Water Heat 1 1
 TOTAL 8

REMODELING AND MODERNIZATION
 Amount Date



Special Features

Description
 D : Built-in dishwasher,
 Garbage disposer
 01 : Concrete floor

Summary of Improvements

ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
D 01	DWELL SHED	0.00 8.00	1	Fair Avg	1921 1921	1921 1921	VG P	2516 216

OFFICE

4274 S0100A P127015018	4273 S0100A P127015018	4272 S0100A P127015018
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7/052

CP: 278093~

CP: 191772
CP: 176716

CITY PARK LIBRARY

10 ✓
4554
S0001
P147010000

S 10TH ST

4595 S0001A P147015018	4596 S002A P147015018	4597 S003A P147015018	4599 S005A P147015018	4600 S006A P147015018
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4595 ✓ S0001A P147015018	4596 ✓ S002A P147015018	4597 ✓ S003A P147015018	4599 ✓ S005A P147015018	4600 ✓ S006A P147015018
4604 ✓ S010A P147015018	4603 ✓ S009A P147015018	4602 ✓ S008A P147015018	4601 ✓ S007A P147015018	4600 ✓ S006A P147015018

S 11TH ST

4601 S001A P147015018	4602 S002A P147015018	4603 S003A P147015018	4604 S004A P147015018
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4605 S005A P147015018	4606 S006A P147015018	4607 S007A P147015018	4608 S008A P147015018
4614 S010A P147015018	4613 S009A P147015018	4607 S007A P147015018	4608 S008A P147015018

4555 S001A P147011000A	4556 S002A P147011000A	4557 S003A P147011000A	4558 S004A P147011000A	4559 S005A P147011000A	4560 S006A P147011000A
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4584	4585	4586	4587	4588
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4615	4616
------	------

32

Alley



Center Ave













City of Payette

Liquor, Beer, Wine, or Restaurant License Application

Department Use Only

Approved On _____

City Clerk _____

Fire Official Steve Caser

Police Official _____

Building Official _____

Non- Refundable Fees:

Application..... (See Box Below)

Background Check..... \$20.00

Chapter 5.04 – 5.15

Application is hereby made for:

Type of License	Amount	Total	Gaming Device	Quantity	Amount	Total
Liquor	\$562.50		Pool Tables	2	\$8.00	85
Beer on Premise	\$200.00	200.00	Video Games		\$8.00	
Wine on Premise	\$100.00	100.00	Card Tables		\$10.00	
Beer off Premise	\$50.00		Pinball/ Foosball Tables		\$8.00	
Wine Off Premise	\$50.00		TRANSFER			10-
Restaurant	\$10.00	10.00				
Total		310.00	Total			11510

PL 11-11

Name R & J Warden Enterprises, LLC

Address 445 N. 7th Street City Payette State Id Zip 83661

Name of Business Klops Pizza

Address of Business 120 N. Main Street, Payette, Id 83661

Mailing Address 120 N. Main Street, Payette, Id 83661

Applicant Russell & Julie Warden

Applicant Address 445 N. 7th Street, Payette, Id 83661

Work Phone (208) 642-1877 Home Phone (208) 642-4185

Birth Date 07/12/1965 Social Security No 519786625

If you are a food vendor, do you have a health permit?
 YES (If yes, please provide a current copy) NO (No business license will be issued without a copy of your health permit)

Will you be making any changes to the interior or exterior of the building?
 YES (If yes, please indicate the changes below) NO

Please indicate the changes that will be made _____

FIRE PREVENTION & SAFETY REPORT

Payette City Fire Department

642-6028

Date 5/31/11 Location 120 N MAIN Phone # 642-1877

Owner R B J ENTERPRISES DBA Kloy's

Occupant Kloy's

RECORD OF INSPECTION

Main Floor GOOD

2nd Floor N/A

3rd Floor N/A

Basement N/A

Occupancy Posted YES 300

Proper Number of Exits and Signs Posted YES

Proper Exit Swinging Doors YES

Proper Door Locks Installed YES

Are Exit Accesses Clear YES

Furnace Room GOOD

Storage Rooms GOOD

Fire Extinguishers GOOD

Kitchen Areas GOOD

Breakroom GOOD

Housekeeping General GOOD

Smoke Detectors N/A

Sprinkler Systems: Yes ___ No X

Alarm System N/A

Stairways N/A

Outside of Building GOOD

Trash Containers Proper Distance from Buildings: Yes X No ___

General Appearance of Electrical Panels and Cords GOOD

Emergency Lighting Required: Yes X No ___

Additional Remarks: _____

If the remarks made above indicate a fire or safety hazard, it is your responsibility to correct the deficiencies and notify this office for re-inspection. Thank you for your cooperation.

Inspected by Stu Co...

Property Owner/Manager: Russell...

ORDINANCE 1349
AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 17.80 TO THE PAYETTE CITY CODE WHICH SECTION REQUIRES DEVELOPMENT IMPACT FEES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

CHAPTER 17.80
DEVELOPMENT IMPACT FEES

Section 1. A new Chapter 80 is added to Title 17 of the Payette City Code, which section shall read as follows:

17.80.010: LEGISLATIVE FINDINGS:

The Payette City Council of Payette, Payette County, Idaho finds that:

- A. Based on the Payette Comprehensive Plan adopted by the Payette City Council pursuant to Chapter 65, Title 67, Idaho Code, including but not limited to the Capital Improvements Element of the Comprehensive Plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the Payette it is necessary that the Payette's Public Facilities for (1) Police, (2) Fire, (3) Parks, and (4) Streets be expanded and improved to accommodate new Development within the City of Payette. Throughout this Chapter, the System Improvements for these four (4) types of Public Facilities are sometimes collectively referred to as the "Payette Capital Facilities" and sometimes individually referred to as a "Payette Capital Improvements Element."
- B. The City of Payette has formed the Development Impact Fee Advisory Committee required by Idaho Code Section 67-8205, and that Committee has performed the duties required of it pursuant to such statute. The City intends that the Committee continue to exist and to perform those duties identified in Idaho Code Section 67-8205 that occur following the adoption of Development Impact Fees.
- C. New residential and nonresidential Development imposes and will impose increasing and excessive demands upon City Capital Facilities.
- D. The revenues generated from new residential and nonresidential Development often do not generate sufficient funds to provide the necessary improvements of these City Capital Facilities to accommodate new Development.
- E. New Development is expected to continue, and will place ever-increasing demands on the City to provide and expand City Capital Facilities to serve new Development.
- F. The City has planned for the improvement of the City Capital Facilities in the Capital Improvements Element of the Payette Comprehensive Plan.
- G. Chapter 82, Title 67 of the Idaho Code (the Idaho Development Impact Fee Act) authorizes the City to adopt a Development Impact Fee system to offset, recoup, or reimburse the portion of the costs of needed improvements to the City Capital Facilities caused by new Development in the City.
- H. The creation of an equitable Development Impact Fee System would promote the purposes set forth in the Idaho Development Impact Fee Act, in that it would: (1) ensure that adequate Public Facilities are available to serve new growth and Development; (2) promote orderly growth and Development by establishing uniform standards by which local governments may require that those who benefit from new growth and Development pay a Proportionate Share of the cost of new Public Facilities needed to serve new growth and Development; (3) ensure that those who

benefit from new growth and Development are required to pay no more than their Proportionate Share of the cost of Public Facilities needed to serve new growth and Development, and (4) prevent duplicate and ad hoc Development Requirements.

- I. The creation of an equitable Development Impact Fee system would enable the City to accommodate new Development, and would assist the City to implement the Capital Improvements Element of the Comprehensive Plan.
- J. In order to implement an equitable Development Impact Fee system for the City Capital Facilities, the City retained BBC Research & Consulting to prepare an impact fee study for these types of facilities. The resulting document is titled "City of Payette of, Idaho, Development Impact Fees Study & Capital Improvements Element Plans," dated May 4, 2011 (the "Development Impact Fee Study"), and that document is hereby incorporated by reference.
- K. The methodology used in preparing the Development Impact Fee Study, when applied through this Chapter, complies with all applicable provisions of Idaho Law, including those set forth in Idaho Statutes Sections 67-8204(2), 67-8204(16), 67-8204(23), 67-8207 and 67-8209. The incorporation of the Development Impact Fee Study by reference satisfies the requirement in Idaho Statutes Section 67-8204(16) for a detailed description of the methodology by which the Development Impact Fees were calculated, and the requirement in Idaho Code Section 67-8204 (24) for a description of acceptable Levels of Service for System Improvements.
- L. The Development Impact Fee Study contains the Capital Improvements Element of the City Comprehensive Plan, and such element has been prepared in conformance with the requirements of Chapters 65 and 82 of Title 67 of the Idaho Code.
- M. The Development Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of various types of new Development on the City Capital Facilities, and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such facilities created by new Development.
- N. In accordance with Idaho Code, the Development Impact Fee Study was based on actual System Improvement Costs or reasonable estimates of such costs. In addition, the Development Impact Fee Study uses a Fee calculation methodology that is net of credits for the Present Value of revenues that will be generated by new growth and Development based on historical funding patterns and that are anticipated to be available to pay for System Improvements, including taxes, assessments, user fees, and intergovernmental transfers.
- O. The Development Impact Fees described in this Chapter are based on the Development Impact Fee Study, and do not exceed the costs of System Improvements for City Capital Facilities to serve new Development that will pay the Development Impact Fees.
- P. The facilities for Police, Fire, Parks, and Streets included in the calculation of fees in the Development Impact Fee Study will benefit all new residential and nonresidential Development throughout the City, and it is therefore appropriate to treat all areas of the City as a single Service Area for purposes of calculating, collecting, and spending the Development Impact Fees collected from residential and nonresidential Development.
- Q. There is both a rational nexus and a rough proportionality between the Development impacts created by each type of Development covered by this Chapter and the Development Impact Fees that such Development will be required to pay.
- R. This Chapter creates a system by which Development Impact Fees paid by new Development will be used to finance, defray, or reimburse a portion of the costs incurred by the City to construct improvements for City Capital Facilities in ways that benefit the Development for which each Development Impact Fee was paid within a reasonable period of time after the Development Impact Fee is paid, and in conformance with Idaho Code Section 67-8210.

- S. This Chapter creates a system under which Development Impact Fees shall not be used to correct existing deficiencies for any capital facilities, or to replace or rehabilitate existing improvements, or to pay for routine operation or maintenance of those facilities.
- T. This Chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code Section 67-8204(19).
- U. This Chapter is consistent with all applicable provisions of Chapter 82, Title 67, Idaho Code, concerning Development Impact Fee Ordinances.

17.80.020: AUTHORITY AND APPLICABILITY:

- A. This Chapter is enacted pursuant to the City's general police power, the authority granted to the City pursuant to Chapter 65 and 82, Title 67, Idaho Code, and other applicable laws of the State of Idaho.
- B. This Chapter shall apply to all areas of the City.

17.80.030: INTENT:

- A. This Chapter is adopted to be consistent with, and to help implement, the Payette Comprehensive Plan, and particularly the Capital Improvements Element of that Plan.
- B. The intent of this Chapter is to ensure that new Development bears a Proportionate Share of the cost of improvements to City Capital Facilities; to ensure that such Proportionate Share does not exceed the cost of improvements to such facilities required to accommodate new Development; and to ensure that funds collected from new Development are actually used for improvements to City Capital Facilities that benefit such new Development.
- C. It is the further intent of this Chapter to be consistent with those principles for allocating a fair share of the cost of new capital facilities to new Development, and for adopting Development Impact Fee Ordinances, established by Chapter 82, Title 67 of the Idaho Code.
- D. It is not the intent of this Chapter to collect any money from any new Development in excess of the actual amount necessary to offset new demands for City Capital Facilities created by such new Development.
- E. It is not the intent of this Chapter that any monies collected from any Development Impact Fee deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee Account, or ever be used for a Development Impact Fee component different from that for which the Fee was paid, or ever be used to correct current deficiencies in the City Capital Facilities or ever be used to replace, rehabilitate, maintain, or operate any City facility.

17.80.040: DEFINITIONS:

For the purpose of this Chapter, the following terms shall have the following meanings, some of which are assigned by Idaho Code Section 67-8203, as indicated:

ACCOUNTS: The Police, the Fire, the Parks, and the Streets, established as part of the Development Impact Fee Trust Fund established in Section 17.80.070 of this Chapter.

AFFORDABLE HOUSING: Housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the City. Section 67-8203(1) Idaho Code.

APPROPRIATE: To legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity. Section 67-8203(2) Idaho Code.

BUILDING PERMIT: A Building Permit issued by the building official permitting the construction of a building or structure within the City.

CAPITAL IMPROVEMENT: An improvement with a useful life of ten (10) years or more, by new construction or other action that increases the service capacity of a public facility. Section 67-8203(3) Idaho Code.

CAPITAL IMPROVEMENTS ELEMENT: A component of the City Comprehensive Plan adopted pursuant to Chapter 65, Title 67, Idaho Code, which component meets the requirements of a Capital Improvements Plan pursuant to Chapter 65, Title 67 of the Idaho Code, Section 67-8203(4) Idaho Code.

CAPITAL IMPROVEMENTS PLAN: A plan adopted pursuant to this Chapter that identifies Capital Improvements for which Development Impact Fees may be used as a funding source. Section 67-8203(5) Idaho Code.

CITY: City of Payette, Idaho

CITY COUNCIL: The City Council of the City of Payette, Idaho.

DEVELOPER: Any Person or legal entity undertaking Development, including a party that undertakes the subdivision of property pursuant to Idaho Code Sections 50-1301 through 50-1334. Section 67-8203(6) Idaho Code.

DEVELOPMENT: Any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, that creates additional demand and need for Public Facilities or the subdivision of property that would permit any change in the use, character or appearance of land, except that "Development" shall not include activities that would otherwise be subject to the payment of the Development Impact Fee if such activities are undertaken by a taxing district as defined in Section 63-201, Idaho Code, in the course of carrying out the taxing district's public responsibilities, unless the adopted impact fee ordinance expressly includes taxing districts as being subject to Development Impact Fees. Section 67-8203(7) Idaho Code.

DEVELOPMENT APPROVAL: Any written authorization from a governmental entity that authorizes the commencement of a Development. Section 67-8203(8) Idaho Code.

DEVELOPMENT IMPACT FEE: The payment of money imposed as a condition of Development Approval to pay for a Proportionate Share of the cost of System Improvements needed to serve Development. Section 67-8203(9) Idaho Code. In the context of this Chapter, Development Impact Fee means one of the four (4) impact fees defined for the four (4) City Capital Facilities elements, and Development Impact Fees means all four (4) impact fees. The term does not include:

- A. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for Development;
- B. Connection or hookup charges;
- C. Availability charges for drainage, sewer, water or transportation for services provided directly to the Development; or
- D. Amounts collected from a Developer in a transaction in which the City or another governmental entity has incurred expenses in constructing Capital Improvements for the Development if the owner or Developer has agreed to be financially responsible for the construction or installation of the Capital Improvements, unless a written agreement is made pursuant to Idaho Code Section 67-8209(3) for credit or reimbursement.

DEVELOPMENT IMPACT FEE ADMINISTRATOR: That individual designated from time to time by the City Council of Payette, Idaho, to administer the Development Impact Fee system established by this Chapter.

DEVELOPMENT IMPACT FEE STUDY: The document entitled “City of Payette of Payette, Idaho Development Impact Fees Study & Capital Improvements Element Plans,” dated May 4, 2011, prepared by BBC Research & Consulting for the City of Payette that sets forth reasonable methodologies and analyses for determining the impacts of various types of Development on the Payette Capital Facilities and determines the cost of expansions to those facilities necessary to meet the demands created by new Development.

DEVELOPMENT IMPACT FEE TRUST FUND: The trust fund established by Section 17.80.070 of this Chapter that includes: a) a Police Capital Facilities Account, b) a Fire Capital Facilities Account, c) a Parks Capital Facilities Account, and d) a Street Capital Facilities Account. The Development Impact Fee Trust Fund is also sometimes called the Trust Fund.

DEVELOPMENT REQUIREMENT: A requirement attached to a developmental approval or other governmental action approving or authorizing a particular Development Project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval. Section 67-8203(10) Idaho Code.

EXTRAORDINARY COSTS: Those costs incurred as a result of an Extraordinary Impact. Section 67-8203 (11) Idaho Code.

EXTRAORDINARY IMPACT: An impact that is reasonably determined by the governmental entity to: a) result in the need for System Improvements, the cost of which will significantly exceed the sum of the Development Impact Fees to be generated from the Project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code Section 67-8214(2), or b) result in the need for System Improvements that are not identified in the Capital Improvements Plan. Section 67-8203(12) Idaho Code.

FEE PAYER: That Person who pays or is required to pay a Development Impact Fee. Section 67-8203 (13) Idaho Code. A Fee Payer may include a Developer.

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

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

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

LAND USE ASSUMPTIONS: A description of the Service Area and projections of land uses densities, intensities, and population in the Service Area over at least a twenty (20) year period. Section 67-8203 (16) Idaho Code.

LEVEL OF SERVICE (“LOS”): A measure of the relationship between service capacity and service demand for Public Facilities. Section 67-8203(17) Idaho Code.

MANUFACTURED HOME: A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, that, in the traveling mode, is eight (8’) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred

twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary Of Housing And Urban Development and complies with the standards established under 42 U.S.C. 5401, et seq. Section 67-8203(18) Idaho Code.

MODULAR BUILDING: Is defined in Section 39-4301, Idaho Code. Section 67-8203(19) Idaho Code.

PARK CAPITAL FACILITIES: Open space lands, as well as buildings, improvements to land, and related equipment meeting the definition of Capital Improvement, used for public parks, recreation, open space, and trail facilities included in the calculation of the Park Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

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

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

PRESENT VALUE: The total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money. Section 67-8203(20) Idaho Code.

PROJECT: A particular Development on an identified parcel of land. Section 67-8203(21) Idaho Code.

PROJECT IMPROVEMENTS: Site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project. Section 67-8203(22) Idaho Code.

PROPORTIONATE SHARE: That portion of the cost of System Improvements determined pursuant to Idaho Code Section 67-8207, that reasonably relates to the service demands and needs of the Project. Section 67-8203(23) Idaho Code.

PUBLIC FACILITIES: (a) water supply production, treatment, storage and distribution facilities; (b) wastewater collection, treatment and disposal facilities; (c) roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways; (d) storm water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements; (e) parks, open space and recreation areas, and related Capital Improvements; and (f) public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle. Section 67-8203(25) Idaho Code.

SERVICE AREA: Any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific Public Facilities provide service to Development within the area defined, on the basis of sound planning or engineering principles or both. Section 67-8203(26) Idaho Code.

SERVICE UNIT: A standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of Capital Improvements. Section 67-8203(27) Idaho Code.

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

SYSTEM IMPROVEMENTS: In contrast to Project Improvements, means Capital Improvements to Public Facilities that are designed to provide service to a Service Area including, without limitation, the type of improvements described in Idaho Code Section 50-1703. Section 67-8203(28) Idaho Code. For the purposes of this Chapter, the System Improvements are the Police Capital Facilities, Fire Capital Facilities, Parks Capital Facilities, and Street Capital Facilities.

SYSTEM IMPROVEMENT COSTS: Costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in Idaho Code Section 50-1702(h), to provide additional Public Facilities needed to serve new growth and Development. For clarification, System Improvement Costs do not include: (a) construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan; (b) repair, operation or maintenance of existing or new Capital Improvements; (c) upgrading, updating, expanding or replacing existing Capital Improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards; (d) upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing development; (e) administrative and operating costs of the governmental entity unless such costs are attributable to development of the Capital Improvement plan, as provided in Idaho Code Section 67-8208; or (f) principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance Capital Improvements identified in the Capital Improvements plan. Section 67-8203(29) Idaho Code.

STREETS, TRAFFIC SIGNALS AND BRIDGES CAPITAL FACILITIES: Lands, improvements to land, and equipment meeting the definition of "Capital Improvement," used for the system of traffic signals and for the widening of bridges on arterial and collector roads, included in the calculation of the Road Impact Fee in the Development Impact Fee Study, and consistent with the Capital Improvements Element, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

17.80.050: DEVELOPMENT IMPACT FEES IMPOSED:

A. Fee Obligation

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

B. Exemptions

The following types of Development shall be exempted from payment of the Development Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies

for the first Building Permit for the proposed Development that creates the obligation to pay the Development Impact Fees, and any claim for exemption not made at or before that time shall have been waived. The Development Impact Fee Administrator or a designee shall determine the validity of any claim for exemption pursuant to the criteria set forth below.

1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
2. Remodeling or repairing a structure that does not increase the number of Service Units;
3. Replacing a residential unit, including a Manufactured Home, with another residential unit on the same lot, provided that the number of Service Units does not increase;
4. Constructing an addition on a residential structure that does not increase the number of Service Units;
5. Placing a temporary construction trailer or office on a lot;
6. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements;
7. The installation of a Modular Building, Manufactured Home, or Recreational Vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either: (a) a Modular Building, Manufactured Home, or Recreational Vehicle was legally in place on the lot or space prior to the effective date of this Ordinance hereof, or (b) a Development Impact Fee has been paid previously for the installation of a Modular Building, Manufactured Home or Recreational Vehicle on that same lot or space.
8. Projects for which a Development Impact Fee for each type of public facility covered by this Chapter has previously been paid in an amount that equals or exceeds the Development Impact Fee that would be required by this Chapter;
9. Projects built by the federal government or the State government; and
10. Public schools.

C. Fee Table and Calculation of Amount of Development Impact Fees

Impact Fee Category	
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

Parks Fees	
Residential (per dwelling unit)	\$440.00
Nonresidential (per square foot)	N/A
Street Fees	
Residential (per dwelling unit)	\$1,689.00
Nonresidential (per square foot)	\$4.40
Total City Impact Fees	
Residential	\$2,949.00
Nonresidential	\$4.90

1. Using the Fee Table. Development Impact Fees shall be calculated using the Fee Table incorporated into this Ordinance by reference above, unless: (a) the Fee Payer requests an Individualized Assessment pursuant to subsection "2" below of this section or (b) the City designates the proposed development as a Development of Extraordinary Impact in writing to the Fee Payer, in which case the provisions of subsection "3" below of this section shall apply.
 - a. Any Person who commences any new Impact-Generating Land Development, except those exempted pursuant to this Chapter, or those preparing an Individual Assessment pursuant to this Chapter, shall pay all Development Impact Fees applicable to the proposed development, as determined by the fee table incorporated into this Ordinance by reference. Persons choosing to pay applicable Development Impact Fees pursuant to fee table shall be deemed to have made a full and complete payment of the Project's Proportionate Share of City Capital Facilities costs for System Improvements, except as noted in subsection "E" of this Chapter.
 - b. If the proposed development is of a type not listed in Exhibit A, then the City shall apply the Development Impact Fees applicable to the most nearly comparable type of land use listed in Exhibit A. The determination as to which type of development is most nearly comparable to the proposed development shall be made by referring to traffic generation rates for land uses published by Institute of Transportation Engineers, and by identifying that land use listed in Exhibit A whose traffic generation rates are most comparable to the proposed land use. If no traffic generation rate for the proposed land use appears in a publication of the Institute of Transportation Engineers, or if it not possible to determine which land use listed in Exhibit A has the most comparable traffic generation rates, then the most nearly comparable land use shall be determined by the Development Impact Fee Administrator based on comparison of other characteristics of the proposed land use (including employment or occupancy, the size of the facility, and the amount of parking to be provided) with the characteristics of those land uses listed in Exhibit A.
 - c. If the proposed Development includes a mix of those uses listed in Exhibit A, then the Development Impact Fees shall be determined by adding up the Development Impact Fees that would be payable for each use as if it were a freestanding use pursuant to Exhibit A.

- d. If the Fee Payer requests that the City calculate the amount of Development Impact Fees due pursuant to Exhibit A, the City shall notify the Fee Payer of such amount within thirty (30) days after receipt of that request.
2. Using an Individual Assessment
 - a. In lieu of calculating the amount(s) of Development Impact Fees by reference to Exhibit A, a Fee Payer may request that the amount of the required Development Impact Fee be determined through an Individual Assessment for the proposed development. The Individual Assessment process shall permit consideration of studies, data, and any other relevant information submitted by the Fee Payer to adjust the amount of the fee. If a Fee Payer requests the use of an Individual Assessment, the Fee Payer shall be responsible for retaining a qualified professional to prepare the Individual Assessment that complies with the requirements of this Chapter, at the Fee Payer's expense. The Fee Payer shall bear the burden of proving by clear and convincing evidence that the resulting Individual Assessment is a more accurate measure of its Proportionate Share of the cost of City Capital Improvements, based on the City's adopted Levels of Service, than the Development Impact Fees that would otherwise be due pursuant to the Fee Table.
 - b. Each Individual Assessment shall be based on the same Level of Service standards and unit costs for System Improvements used in the Development Impact Fee Study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.
 - c. An application for an Individual Assessment may be submitted at any time that the number of dwelling units in the proposed dwelling units and the types and amounts of development in each nonresidential category identified in Exhibit A is known. The City shall issue a decision within thirty (30) days following receipt of a completed application for Individual Assessment and supporting information from the applicant, so as not to unreasonably delay subsequent applications for or issuance of Building Permits.
 - d. Each Individual Assessment shall be submitted to the Development Impact Fee Administrator or a designee, and may be accepted, rejected, or accepted with modifications by the Development Impact Fee Administrator or a designee as the basis for calculating Development Impact Fees. The criteria for acceptance, rejection, or acceptance with modifications shall be whether the Individual Assessment is a more accurate measure of demand for the City Capital Improvements Element(s) created by the proposed Development, or the costs of those facilities, than the applicable fee shown in Exhibit A.
 - e. The decision by the Development Impact Fee Administrator or designee on an application for an Individual Assessment shall include an explanation of the calculation of the impact fee, shall specify the System Improvement(s) for which the impact fee is intended to be used, and shall include an explanation of those factors identified in Idaho Code Section 67-8207.
 - f. If an Individual Assessment is accepted or accepted with modifications by the Development Impact Fee Administrator or a designee then the Development Impact Fees due under this Chapter for such Development shall be calculated according to such Individual Assessment.
 3. Extraordinary Impacts
 - a. If the City determines that a proposed development generates Extraordinary Impacts that will result in Extraordinary Costs, the City will notify the Fee Payer of such determination within thirty (30) days after receipt of a request for a

Certification pursuant to subsection "D" or a request for a Building Permit or Development Approval, whichever occurs first. Such notice shall include a statement that the potential impacts of such development on System Improvements are not adequately addressed by the Development Impact Fee Study, and that a supplemental study at the Fee Payer's expense will be required.

- b. Circumstances that may lead to a determination of Extraordinary Impacts include, but are not limited to: (i) an indication that traffic generation from the proposed Development or activity will exceed those typical for a facility or activity of its type, (ii) an indication that employment generated by the Development or activity will exceed those typical for a facility or activity of its type, (iii) an indication the assumptions used in the Development Impact Fee Study underestimate the level of activity or impact on City Capital Facilities from the proposed Development or activity, or (iv) an indication that levels of calls for law enforcement, fire, or emergency services from developments or activities owned or operated by the Fee Payer or its agents exceed the assumptions used in the Development Impact Fee Study.
 - c. Within thirty (30) days following the designation of a Development with Extraordinary Impacts, the City shall meet with the Fee Payer to discuss whether the Fee Payer wants to: (i) pay for the supplemental study necessary to determine the System Improvement Costs related to the proposed Development, or (ii) modify the proposal to avoid generating Extraordinary Impacts, or (iii) withdraw the application for Certification, Building Permit, or Development Approval.
 - d. If the Fee Payer agrees to pay for the supplemental study required to document the proposed Development's Proportionate Share of System Improvement Costs, then the City and the Fee Payer shall jointly select an individual or organization acceptable to both to perform such study; the Fee Payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the Fee Payer agrees to a longer time.
 - e. Once the study has been completed, the Fee Payer may choose to: (i) pay the Proportionate Share of System Improvement Costs documented by the supplemental study, or (ii) modify the proposed development to reduce such costs, or (iii) withdraw the application. If the Fee Payer agrees to pay the System Improvement Costs documented in the supplemental study, that agreement shall be reduced to writing between the City and the Fee Payer prior to review and consideration of any application for any Development Approval or Building Permit related to the proposed Development.
 - f. Notwithstanding any agreement by the Fee Payer to pay the Proportionate Share of System Improvement Costs documented by the supplemental study, nothing in this Chapter shall obligate the City to approve development that results in an Extraordinary Impact.
4. In any fiscal year in which an impact fee update is not conducted by the City, impact fees will be adjusted to reflect inflationary costs using the "Engineering News-Records" construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on October 1 of the next fiscal year. The City shall provide notice to the public of any such adjustment sixty (60) days in advance of the effective date of such adjustment.

D. Certification

After the Development Impact Fees due for a proposed Development have been calculated pursuant to Exhibit A or the Individual Assessment, the Fee Payer may request the Development Impact Fee Administrator or a designee for a certification of the amount of Development Impact Fees due for that Development. Within thirty (30) days after receiving such request, the Development Impact Fee Administrator or a designee shall issue a written certification of the amount of Development Impact Fees due for the proposed Development. Such certification shall establish the Development Impact Fee so long as there is no material change to the particular Project as identified in the Individual Assessment Application, or the impact fee schedule set forth in Exhibit A. The Certification shall include an explanation of the calculation of the impact fee including an explanation of factors considered under Idaho Code Section 67-8207 and shall also specify the System Improvement(s) for which the Development Impact Fee is intended to be used.

E. Payment of Fees:

1. All Development Impact Fees due shall be paid to the City at the following times:
 - a. If a Building Permit or Manufactured Home installation permit is required, then at the time such permit is issued; or
 - b. If no Building Permit or Manufactured Home installation permit is required, then at the time that construction commences; or
 - c. At such other time as the applicant and the City have agreed to in writing, pursuant to applicable Idaho law.
2. All monies paid by a Fee Payer pursuant to Exhibit A shall be identified as Development Impact Fees and shall be promptly deposited in the appropriate Accounts described in section 17.80.070 (B).
3. A Fee Payer may pay a Development Impact Fee under protest in order to avoid delay in the issuance of a Building Permit or Development Approval. A Fee Payer making a payment under protest shall not be estopped from exercising the right of appeal provided in section 17.80.100 below, nor shall such Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

17.80.060: SERVICE AREAS:

The following Service Areas are established for each Development Impact Fee Element.

- A. The Park Impact Fee Service Area shall include the entire City, and Park Impact Fees may be expended for Park Capital Facilities located anywhere in the City.
- B. The Police Impact Fee Service Area shall include the entire City, and Police Impact Fees may be expended for Police Capital Facilities located anywhere in the City.
- C. The Fire Impact Fee Service Area shall include the entire City, and Fire Impact Fees may be expended for Fire Capital Facilities located anywhere in the City.
- D. The Streets, Traffic Signals and Bridges Service Area shall include the entire City, and Street, Traffic Signals and Bridges Impact Fees may be expended for Street Capital Facilities located anywhere in the City.

17.80.070: USE OF DEVELOPMENT IMPACT FEE FUNDS:

- A. Establishment of Trust Fund and Accounts

1. A Development Impact Fee Trust Fund (the "Trust Fund") is hereby established for the purpose of ensuring that the Development Impact Fees collected pursuant to this Chapter are used to address impacts reasonably attributable to new Development for which the Development Impact Fees are paid.
2. The Trust Fund shall be divided into four (4) Accounts: a Police Capital Facilities Account, a Fire Capital Facilities Account, a Parks Capital Facilities Account, and a Street Capital Facilities Account.
3. The Development Impact Fee Trust Fund shall be maintained in an interest bearing account. The interest earned on each Account shall not be governed by Idaho Code Section 57-127, but shall be considered funds of the Account and shall be subject to the same restrictions on uses of funds as the Development Impact Fees on which the interest is generated.
4. Monies in each Account shall be considered to be spent in the order collected, on a first-in/first-out basis.

B. Deposit and Management of the Trust Fund

1. All Development Impact Fees collected by the City pursuant to this Chapter shall be promptly deposited into the appropriate Account in the Trust Fund.
2. The City shall maintain accounting records for each Account.
3. As part of its annual audit process, the City shall prepare an annual report: (a) describing the amount of all Development Impact Fees collected, appropriated, or spent during the preceding year for each Capital Improvements Element and Service Area; and (b) describing the percentage of taxes and revenues from sources other than Development Impact Fees collected, appropriated or spent for System Improvements during the preceding year by Capital Improvements Element and Service Area.

C. Limitations on Expenditures of Fees in Accounts

1. **Police Impact Fee.** The monies collected from the Police Impact Fee shall be used only to plan for and acquire or construct Police Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Police Capital Facilities within the City or to reimburse the City for such costs.
2. **Fire Impact Fee.** The monies collected from the Fire Impact Fee shall be used only to plan for and acquire or construct Fire Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Fire Capital Facilities within the City or to reimburse the City for such costs.
3. **Parks Impact Fee.** The monies collected from the Parks Impact Fee shall be used only to plan for and acquire or construct Park Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Park Capital Facilities within the City or to reimburse the City for such costs.
4. **Street Impact Fee.** The monies collected from the Street Impact Fee shall be used only to plan for and acquire or construct Street Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Street Capital Facilities within the City or to reimburse the City for such costs.

5. Development Impact Fees shall not be used to pay for any purpose that does not involve System Improvements that create additional service available to serve new growth and development.

17.80.080: REFUNDS OF DEVELOPMENT IMPACT FEES PAID:

A. Duty to Refund

Development Impact Fees shall be refunded to the Fee Payer, or to a Successor in Interest, in the following circumstances:

1. Service is available but never provided;
 2. A Building Permit or permit for installation of a Manufactured Home is denied or abandoned;
 3. The Fee Payer pays a Development Impact Fee under protest and a subsequent review of the Fee paid or the completion of an Individual Assessment determines that the Fee paid exceeded the Proportionate Share to which the governmental entity was entitled to receive; or
 4. The City has collected a Development Impact Fee and has failed to Appropriately or expend the collected Fees pursuant to subsection "B" below.
- B. Failure to Encumber Trust Funds or Commence Construction:** Any Development Impact Fees paid shall be refunded if the City has failed to commence construction of System Improvements in accordance with this Chapter, or to appropriate funds for such construction, within eight (8) years after the date on which such Fee was paid. Any refund due shall be paid to the owner of record of the parcel for which the Development Impact Fees were paid. The City may hold Development Impact Fees for longer than eight (8) years if it identifies in writing: (i) a reasonable cause why the Fees should be held longer than eight (8) years; and (ii) an anticipated date by which the Fees will be expended, but in no event greater than eleven (11) years from the date they were collected. If the City complies with the previous sentence, then any Development Impact Fees identified in such writing shall be refunded to the Fee Payer if the City has failed to commence construction of System Improvements in accordance with this Chapter, or to appropriate funds for such construction on or before the date identified in such writing.
- C. No Refund Due:**
- Later Changes to Development.** After a Development Impact Fee has been paid pursuant to this Chapter no refund of any part of such Fee shall be made if the Project for which the Fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the Project or the number of units in the Project.
- D. Interest:**
- Each refund shall include a refund of interest at one-half (1/2) the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was originally paid.
- E. Timing:**
- The City shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the owner of record of the property for which the Fee was paid. When the right to a refund exists, the City shall send the refund to the owner of record within ninety (90) days after the City determines that a refund is due.
- F. Standing:**

Any Person entitled to a refund shall have standing to sue for a refund under the provisions of this Chapter if there has not been a timely payment of a refund pursuant to subsections "A" through "B" above.

17.80.090: CREDITS AGAINST DEVELOPMENT IMPACT FEES:

A. Credits to be Issued:

When a Developer or his or her predecessor in title or interest has constructed System Improvements of the same category as a City Capital Improvements Element, or contributed or dedicated land or money towards the completion of System Improvements of the same category as a City Capital Improvements Element, and the City has accepted such construction, contribution, or dedication, the City shall issue a credit against the Development Impact Fees otherwise due for the same City Capital Improvements Element in connection with the proposed Development, as set forth in this section. Credit shall be issued regardless of whether the contribution or dedication to System Improvements was required by the City as a condition of Development Approval or was offered by the Developer and accepted by the City in writing, and regardless of whether the contribution or dedication was contributed by the Developer or by a Local Improvement District controlled by the Developer.

B. Limitations:

Credits against Development Impact Fees shall not be given for: (i) Project Improvements, or (ii) any construction, contribution, or dedication not agreed to in writing by the City prior to commencement of the construction, contribution, or dedication. Credits issued for one City Capital Improvements Element may not be used to reduce Development Impact Fees due for a different Capital Improvements Element. No credits shall be issued for System Improvements contributed or dedicated prior to the effective date of this Ordinance.

C. Valuation of Credit at Present Value:

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

D. When Credits Become Effective:

1. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City at no cost to the City, and has been accepted by the City. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.
2. Approved credits for acquisition or construction of System Improvements shall generally become effective when: (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the City and the State of Idaho. Approved credits for the construction of

System Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted by the Development Impact Fee Administrator or a designee. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the City to construct the System Improvements for which the credit was given, whichever is higher. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

E. Application Procedures:

1. In order to obtain a credit against Development Impact Fees otherwise due, a Fee Payer shall submit a written offer to dedicate to the Development Impact Fee Administrator or a designee for specific parcels of qualifying land or a written offer to contribute or construct specific System Improvements to the City Capital Facilities in accordance with all applicable State or City design and construction standards, and shall specifically request a credit against the type of Development Impact Fees for which the land dedication or System improvement is offered. No request for a credit against Development Impact Fees shall be accepted unless a written offer to dedicate, contribute, or construct has previously been approved in writing by the City.
2. After receipt of the request for credit, the Development Impact Fee Administrator or a designee shall review the request and determine whether the land or System Improvements offered for credit will reduce the costs of providing City Capital Facilities by an amount at least equal to the value of the credit. If the Development Impact Fee Administrator or a designee determines that the offered credit satisfies that criteria, then the credit shall be issued. The City shall complete its review and determination of an application for credit within thirty (30) days after receipt of an application for credit.

F. Transferability of Credit:

A credit may only be transferred by the Fee Payer that has received the credit to a Successor in Interest pursuant to the terms of this Chapter. The credit may be used only to offset Development Impact Fees for the same City Capital Improvements Element for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits issued under this Chapter are being transferred, the dollar amount of the credit being transferred, and the City Capital Improvements Element for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the Development Impact Fee Administrator or a designee for documentation of the change in ownership before it shall become effective.

G. Accounting of Credits:

Each time a request to use approved credits is presented to the City the City shall reduce the amount of the Development Impact Fees for the type of Fee for which the credit is provided, and shall note in the City's records the amount of credit remaining, if any. Upon request of the Fee Payer or Successor in Interest to whom the credit was issued, the City shall issue a letter stating the amount of credit remaining.

H. Credits Exceeding Fee Amounts Due:

If the credit due to a Fee Payer pursuant to subsections "A" through "D" of this section exceeds the Development Impact Fee that would otherwise be due from the Fee Payer pursuant to section 17.80.050 of this Chapter (whether calculated through Exhibit A or through an Independent Assessment), the Fee Payer may choose to receive such credit in the form of either: (1) a credit against future Development Impact Fees due for the same Capital Improvements Element, or (2) a reimbursement from Development Impact Fees paid by future Development that impacts the System Improvements contributed or dedicated by the Fee

Payer. Unless otherwise stated in an agreement with the Fee Payer, the City shall be under no obligation to use any City funds, other than Development Impact Fees paid by other Development for the same City Capital Improvements Element – to reimburse the Fee Payer for any credit in excess of Development Impact Fees due.

I. Written Agreement Required:

If credit or reimbursement is due to the Fee Payer pursuant to this subsection, the City shall enter into a written agreement with the Fee Payer, negotiated in good faith, prior to the contribution, dedication, or funding of the System Improvements giving rise to the credit. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement, and shall have a term not exceeding ten (10) years.

17.80.100: APPEALS AND MEDIATION:

Disputes regarding decisions made in the application of this Chapter shall be resolved through Appeal to the City Council or through mediation, as set forth below.

A. Right to Appeal:

1. Any Fee Payer that is or may be obligated to pay a Development Impact Fee, or that claims a right to receive a refund, reimbursement, or credit under this Chapter, and who is dissatisfied with a decision made by the Development Impact Fee Administrator or a designee in applying this Chapter, shall first request that the Development Impact Fee Administrator reconsider the decision. A Fee Payer requesting reconsideration shall state in writing to the Development Impact Fee Administrator the reasons why the Fee Payer believes the decision to be in error. The Development Impact Fee Administrator shall issue a written decision confirming or modifying the decision within fifteen (15) days of receipt of a written request for reconsideration.
2. Any Fee Payer that is dissatisfied with the decision of the Development Impact Fee Administrator upon reconsideration pursuant to subsection "1" of this section, may appeal such decision to the City Council. The Fee Payer shall have the burden of proving by clear and convincing evidence that the decision was in error.
3. In order to pursue the appeal described in subsection "2" of this section, the Fee Payer shall file a written notice of the appeal with the Development Impact Fee Administrator or a designee within thirty (30) days after the date of the reconsideration, or the date on which the Fee Payer submitted a payment of Development Impact Fees under protest, whichever is later. Such written application shall include a statement describing why the Fee Payer believes that the decision was in error, together with copies of any documents that the Fee Payer believes support the claim.
4. The City Council shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The Fee Payer shall have a right to be present and to present evidence in support of the appeal. The Development Impact Fee Administrator or designee who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the City Council in considering the appeal shall be whether: (i) the decision or interpretation made by the Development Impact Fee Administrator after reconsideration, or (ii) the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intents of this Ordinance that new Development in the City pay its Proportionate Share of the costs of System Improvements to City Capital Facilities necessary to serve new Development. The City Council shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

B. Mediation:

1. Any Fee Payer that has a disagreement with the City regarding a Development Impact Fee that is or may be due for a proposed Development pursuant to this Chapter, may enter into a voluntary agreement with the City to subject the disagreement to mediation by a qualified independent party acceptable to both the Fee Payer and the City.
2. Mediation may take place at any time following the filing of a timely appeal pursuant to this section, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to subsection "A" of this section.
3. Participation in mediation does not preclude the Fee Payer from pursuing other remedies provided for in this subsection.
4. If mediation is requested, any related mediation costs shall be shared equally by the Fee Payer and the City, and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

17.80.110: ENFORCEMENT AND COLLECTION:

When any Development Impact Fee is due pursuant to the terms of this Chapter, or pursuant to the terms of any written agreement between a Fee Payer and the City authorized by this Chapter, and such Fee has not been paid in a timely manner, the City may exercise any or all of the following powers, in any combination, to enforce the collection of the Fee.

- A. The City may withhold Building Permits or other Development Approvals related to the Development for which the Fee is due until all Development Impact Fees due have been paid.
- B. The City may withhold utility services from the Development for which the Fee is due until all Development Impact Fees due have been paid.
- C. The City may add to the amount of the Fee interest at the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was due.
- D. The City may impose liens for failure to timely pay a Development Impact Fee following procedures contained in Chapter 5, Title 45, Idaho Code.

17.80.120: MISCELLANEOUS PROVISIONS:

- A. Nothing in this Chapter shall be construed to create any additional right to develop real property or diminish the power of the City in regulating the orderly Development of real property.
- B. Nothing in this Chapter shall obligate the City to approve any development request that may reasonably be expected to reduce Levels of Service below minimum acceptable levels established in the Development Impact Fee Study.
- C. Nothing in this Chapter shall restrict or diminish the power of the City: (1) to impose reasonable conditions on the annexation of any property to the City in accordance with Idaho Code, including conditions for recovery of Project or System Improvement Costs required as a result of such voluntary annexation, or (2) to negotiate and execute development agreements that may impose additional conditions on Development, including the recovery of Project or System Improvement Costs, either in connection with a proposed annexation or in connection with any other Development within the City.
- D. Notwithstanding any other provision of this Chapter, that portion of a Project for which a complete application for a Building Permit has been received by the City prior to the effective date of this Ordinance hereof shall not be subject to the Development Impact Fees imposed by this Chapter. If the resulting Building Permit is later revised or replaced after the effective date of this Chapter, and the new Building Permits reflects a Development density, intensity, or number of units more

than ten percent (10%) higher than that reflected in the original Building Permit, then Development Impact Fees may be charged on the difference in density, intensity, or number of units between the original and the revised or replacement Building Permit.

- E. Nothing in this Chapter shall restrict the City from requiring Fee Payer or an applicant for a Development Approval or Building Permit to construct reasonable Project Improvements required to serve the applicant's Project, provided that such request does not duplicate a System Improvement in a category for which costs were included in the Development Impact Fee Study.
- F. Any monies, including any accrued interest not assigned to specific System Improvements within such Capital Improvements program and not expended pursuant to section 17.80.070 of this Chapter or refunded pursuant to section 17.80.080 of this Chapter shall be retained in the same Account until the next fiscal year.
- G. If the City discovers an error in the Development Impact Fee Study that results in assessment or payment of more than a Proportionate Share of System Improvement Costs on any proposed development, the City shall: (1) adjust the Development Impact Fee to collect no more than a Proportionate Share or (2) discontinue the collection of any Development Impact Fees until the error is corrected by ordinance.
- H. If Development Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was paid. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was paid. In the case of an underpayment to the City, the City may withhold issuance of Building Permits or Development Approvals for the Project for which the Development Impact Fee was paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City may also repeal any Building Permits or Development Approvals or Building Permits issued in reliance on the previous payment of such Development Impact Fee and refund such Fee to the Fee Payer.
- I. The Development Impact Fee Advisory Committee established during the preparation of the Development Impact Fee Study shall continue in existence, and shall be composed of not fewer than five (5) members appointed by City Council. Two (2) or more members shall be active in the business of Development, building, or real estate. The Committee shall serve in an advisory capacity and has been established to: (1) assist the City in adopting Land Use Assumptions; (2) review the Capital Improvements Plan, and proposed amendments, and file written comments; (3) monitor and evaluate implementation of the Capital Improvements Plan; (4) file periodic reports, at least annually, with respect to the Capital Improvements Plan and report to the City any perceived inequities in implementing the plan or imposing the Development Impact Fees; and (5) advise the City of the need to update or revise Land Use Assumptions, the Capital Improvements Plan, and Development Impact Fees.
- J. The City Council shall consider the Development Impact Fee Advisory Committee's recommended revision(s) to this Chapter at least once every twelve (12) months. The Committee's recommendations and the City Council's actions are intended to ensure that the benefits to a fee paying Development are equitable, in that the fee charged to the Development shall not exceed a Proportionate Share of the costs of System Improvements, and the procedures for administering Development Impact Fees remain efficient.
- K. Nothing in this Chapter shall be construed to prevent or prohibit private agreements between Developers, the City, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvement Costs incurred by a Developer or Fee Payer, including inter-project transfers of credits, or providing for reimbursement for Project Improvements that are used or shared by more than one Development Project. If it can be shown that a proposed

Development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of Development Impact Fees collected from the Developer or Fee Payer for the improvement of the Public Facility by the Idaho Transportation Department.

- L. Violation of this Chapter shall be a misdemeanor and shall be subject to those remedies provided in City of Payette Code Section 1.12.010. Knowingly furnishing false information to any official of the City charged with the administration of this Chapter on any matter relating to the administration of this Chapter, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed Development, shall be a violation of this Chapter.
- M. The section titles used in this Chapter are for convenience only, and shall not affect the interpretation of any portion of the text of this Chapter.
- N. All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed in order that the true intent and meaning of the Idaho Development Impact Fee Act and the City Council may be fully carried out.
- O. If any portion of this Chapter is subsequently determined to be inconsistent with any requirement of the constitutions of laws of the United States or Idaho, such provision shall be severed from the remainder of this Chapter, and the remainder shall remain in full force and effect.
- P. Any other Chapter or provision thereof in conflict with this Chapter is hereby repealed.

Section 2. This Ordinance may be published in summary form as permitted by Idaho Code.

Section 3. 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 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

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 _____ day of _____, 2011.

CITY OF PAYETTE, IDAHO

BY _____
Jeffrey T. Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

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
Parks Fees	
Residential (per dwelling unit)	\$440.00
Nonresidential (per square foot)	N/A
Street Fees	
Residential (per dwelling unit)	\$1,689.00
Nonresidential (per square foot)	\$4.40
Total City Impact Fees	
Residential	\$2,949.00
Nonresidential	\$4.90

Form RD 1924-7
(Rev. 2-97)

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT AND
FARM SERVICE AGENCY

CONTRACT CHANGE ORDER

ORDER NO. Three (3)
DATE May 31, 2011
STATE Idaho
COUNTY Payette

CONTRACT FOR
New Addition for Payette Public Library

OWNER
City of Payette

To Atkins General Builders Inc. dba KEPHA Construction

(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
Additional excavation, engineered fill, and compaction at areas with unsatisfactory subsurface conditions (Bid Item "A")	\$ _____	\$ 7,975.00
TOTALS	\$ _____	7,975.00
NET CHANGE IN CONTRACT PRICE	\$ _____	7,975.00

JUSTIFICATION:

Areas with unsatisfactory soils and/or debris were over-excavated and replaced with engineered fill to obtain required soil compaction levels.

The amount of the Contract will be (Decreased) (Increased) By The Sum Of: _____

Seven Thousand Nine Hundred Seventy-Five Dollars and Zero Cents _____ Dollars (\$ 7,975.00).

The Contract Total Including this and previous Change Orders Will Be: _____

One Million Eighty-Five Thousand Nine Hundred Ninety-Four Dollars and Twenty-Two Cents _____ Dollars (\$ 1,085,994.22).

The Contract Period Provided for Completion Will Be (Increased) (Decreased) (Unchanged): Unchanged 0 Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____ (Owner) _____ (Date)

Recommended _____ (Owner's Architect/Engineer) _____ (Date)

Accepted _____ (Contractor) _____ (Date)

Approved by Agency _____ (Name and Title) _____ (Date)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Agriculture, Clearance Officer, STOP 7602, 1400 Independence Avenue, S.W., Washington, D.C. 20250-7602. Please DO NOT RETURN this form to this address. Forward to the local USDA office only. You are not required to respond to this collection of information unless it displays a currently valid OMB control number.