PAYETTE CITY COUNCIL
WORK SESSION AGENDA
November 21, 2016
6:00 PM
HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING

COUNCILORS
Lee Nelson,
Council President
Craig Jensen
Ray Wickersham
Alan Massey
Nancy Dale
Kathy Dodson

CALL TO ORDER

ROLL CALL ATTENDANCE

AGENDA ITEMS

DEPARTMENT REPORTS
a. Street Department
b. Park Department
c. Water Department
d. Sewer Department
e. Pool Department
f. Strategic Plan 2016

FUTURE MEETING TOPICS

ADJOURNMENT

PAYETTE CITY COUNCIL
REGULAR MEETING AGENDA
November 21, 2016
7:00PM

I. CALL TO ORDER

II. ROLL CALL ATTENDANCE

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC HEARING

A. Reviewing and considering proposed amendments to the Police and Fire Capital Improvements Plan and proposed Ordinance amendments to the corresponding Impact Fee Schedule and to the Comprehensive Plan, per Idaho Code 67-8206, the proposed amendments to the Capital Improvements Plan; and the proposed land use assumptions, fee calculations, and proportionate share determinations are available upon request.

B. The institution of new municipal fees for the Payette City Pool regarding Life Guard certification fees and locker rental fees per Idaho Code 63-1311A. Information about the proposed rates and changes may be obtained from City Hall during regular business hours.

C. A proposed ordinance amending Title 13, to add a new Chapter 13.03, Source Water

Protection and amending Title 17, Zoning, by adding a new Chapter 17.85, Protection of Public Water System Sources.

V. CITIZEN COMMENTS

This time is reserved for the public to address their elected officials regarding concerns or comments they would like to provide to the City Council regarding subjects not on the agenda. At times, the City Council may seek comments/opinions regarding specific City matters during this allotted time. This is not the time slot to give formal testimony on a public hearing matter, or comment on a pending application or proposal.

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C. Ordinance #1419 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTIONS 5.04.040, 5.04.045, 5.04.110 OF CHAPTER 5 IN TITLE 5, AND SECTIONS 5.08.020, 5.08.050, 5.08.180, 5.08.190 IN CHAPTER 8 OF TITLE 5, WHICH AMENDMENTS PROVIDE FOR THE ISSUANCE OR DENIAL OF BEER, WINE, LIQUOR AND CATERING PERMITS BY THE CITY CLERK OR A DESIGNEE RATHER THAN THE CITY COUNCIL; REPEALING THE REQUIREMENT OF A VERBATIM RECORD WHEN THE COUNCIL IS CONSIDERING AN APPLICATION FOR A LICENSE, TRANSFER, RENEWAL OR REVOCATION; ADDING THE FIRE CHIEF AS A SIGNOR TO AN APPROVAL OR DENIAL OF A LICENSE, TRANSFER, RENEWAL OR REVOCATION; EXTENDING THE TIME PERIOD FOR A CATERING PERMIT FROM THREE TO FIVE DAYS; ALLOWING FOR A PARTY PERMIT FOR TWO DAYS; ADDING NEW SUB-SECTIONS 5.04.115 AND 5.08.200 IN TITLE 5, ALLOWING FOR AN APPEAL OF ACTION; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY – 2nd Reading..... 38

D. Ordinance #1417 – Source Water Protection Ordinance – AN ORDINANCE OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, AMENDING TITLE 13, WATER, SEWERS AND PUBLIC SERVICES, BY ADDING A NEW CHAPTER 13.03 ENTITLED "SOURCE WATER PROTECTION", DEFINING TERMS, AUTHORIZING ESTABLISHMENT OF SOURCE WATER OVERLAY DESIGNATIONS, DEFINING SUCH DESIGNATIONS, PROVIDING FOR THE ADOPTION OF A MAP DEPICTING SUCH DESIGNATED LOCATIONS,

REQUIRING A PERMIT APPLICANT TO DEMONSTRATE COMPLIANCE, PROVIDING PENALTIES, PROVIDING ADMINISTRATIVE PROCEDURES RELATING TO PERMIT APPROVALS, REQUIRING A WRITTEN RECORD OF PERMIT ACTIVITY, AUTHORIZING APPEALS TO THE CITY COUNCIL, ESTABLISHING THE STATUS OF EXISTING NONCONFORMING USES; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING A REPEALER CLAUSE; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION IN SUMMARY FORM; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW - 1st Reading..... 43

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XIV. CITIZEN'S COMMENTS

(Limited to 5 minutes per person, at the discretion of the Mayor)

XIV. ADJOURNMENT

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the City Council for the purpose of receiving input from the public on the following requests:

A. Reviewing and considering proposed amendments to the Police and Fire Capital Improvements Plan and proposed Ordinance amendments to the corresponding Impact Fee Schedule and to the Comprehensive Plan, per Idaho Code 67-8206, the proposed amendments to the Capital Improvements Plan; and the proposed land use assumptions, fee calculations, and proportionate share determinations are available upon request.

B. The institution of new municipal fees for the Payette City Pool regarding Life Guard certification fees and locker rental fees per Idaho Code 63-1311A. Information about the proposed rates and changes may be obtained from City Hall during regular business hours.

C. A proposed ordinance amending Title 13, to add a new Chapter 13.03, Source Water Protection and amending Title 17, Zoning, by adding a new Chapter 17.85, Protection of Public Water System Sources.

The Public Hearing on the above requests will be held November 21, 2016 at 7:00 PM, or shortly thereafter, in the Payette 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.

MINUTES
PAYETTE CITY COUNCIL
Work Session & Regular Meeting
November 7th, 2016

6:00 PM – Work Session

A work session of the Payette City Council was called to order at 6:00 PM by Mayor Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present:	Mayor Williams, Alan Massey, Lee Nelson, Nancy Dale, Craig Jensen, Ray Wickersham and Kathy Dodson (via phone)
Members Absent:	None
Staff Present:	Mary Cordova; Doug Argo, City Engineer; John Plaza, Police Captain; Steve Castenada, Fire Chief and Bobbie Black, Deputy City Clerk

AGENDA ITEMS
None

DEPARTMENT REPORTS

a. Police Department – September 2016: Plaza stated a couple weeks ago the PD was involved in a pursuit which ended with an officer involved shooting by another department. ISP is conducting the investigation. Dale asked if we knew who is knocking over downtown flower pots; she suggested they should be put away during winter months. Plaza stated one officer will graduate from POST November 18th and another one will be attending the academy in January. Mayor stated meeting at armory did not take place, still working on that.
b. Fire Department – September 2016: Castenada stated the department received three laptop computers to be placed in duty rigs that have the mapping systems on them. Two are the City's and one is the Rural's. He received a grant through Homeland Security for five new pagers. Dale asked about City property that caught on fire along Highway 52 and what could be done about that.
c. Administration Department
    1. Treasurer Report – September 2016: This report is year-end pre-audit. Jensen would like to review in detail. Work Session scheduled for November 16th at 5:00 pm; questions to staff by this Thursday, 5:00 pm.
    2. Sign Permit Fee: Jensen stated he is looking at ways to help businesses. The City would still inspect, but not charge the fee. Our building inspector is paid on commission, so there is a cost to the City. If putting a sign over public right of way, we have to make sure that it is attached and placed securely. Jensen wondered if signs flat on building, maybe not charge fee on those. Kathy Patrick stated when they had a fire at the Senior Citizen Center, they put up the exact same sign, and she was still charged the fee and doesn't believe anyone came down to check. Liz Amason stated Ontario charges depending on the size of the sign. The Council would like to review the sign ordinance and possibly make exceptions to paying the fee.
    3. Cargo Containers: Jensen stated our code says 90 days for construction. He doesn't know of very many projects that can be completed in 90 days and six months would be more realistic. Wickersham stated he doesn't agree with placing in front yards. Council discussed the code should be clearer as to when and how long cargo containers can be placed on property. This will go before Planning & Zoning.
    4. Alcohol License & Catering Permits: Dodson is not in favor of the appeal of action, Council would have to hold a special meeting if they appealed. Black stated this was to stream-line the process for business owners. Kathy Patrick stated all your paperwork is already done before getting to City.

5. Restaurant License Renewals – non-alcohol: Jensen stated we have been charging a restaurant that does not serve alcohol an annual fee. Other cities do the inspections, but do not charge the restaurant owner and Jensen would like to see us drop the fee. The consensus of the Council was for this fee to be eliminated.
6. Payette Housing Report – Mayor Williams – no report heard due to time constraints.

d. Strategic Plan 2016 – Massey stated he has been talking to local business and would like to present information at a work session.
Dodson stated she did meet with the high school principal and he felt most of the comments from the survey were hurtful. He would possibly like to have a swim team in the future. Dodson gave an update on school programs, and said the principal is interested in the youth council becoming active again.
Jensen stated having a checklist for customers would be helpful.

FUTURE MEETING TOPICS

ADJOURNMENT
Mayor Williams adjourned the work session meeting at 6:59 PM.

7:00 PM – Regular Meeting

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

ROLL CALL

Members Present:	Mayor Williams, Alan Massey, Lee Nelson, Nancy Dale, Craig Jensen, Ray Wickersham and Kathy Dodson (via phone)
Members Absent:	None
Staff Present:	Mary Cordova; Doug Argo, City Engineer; John Plaza, Police Captain; and Bobbie Black, Deputy City Clerk

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Councilor Jensen.

CITIZENS COMMENTS
None

APPROVAL OF MINUTES
A. 10-17-2016 Work Session & Regular Council Meeting

A motion was made by Dale and seconded by Jensen to approve the minutes of 10-17-2016 Work Session & Regular Council Meeting with a grammar correction on page 36..

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Jensen and seconded by Nelson to approve the City Bills & Payroll in the amount of $235,346.22.

At the roll call:
Ayes: Jensen, Dale, Nelson, Dodson, Wickersham and Massey

The motion CARRIED.

SPECIAL ORDERS
None

COMMUNICATIONS
A. 2016 Snake River EDA Report Card
B. Payette Senior Center – Letter of Support

PLANNING & ZONING
None

AGENDA ITEMS

A. Findings of Facts – Teton Machine

A motion was made by Massey and seconded by Dale to approve Findings of Facts for Teton Machine, upon attorney approval.

The motion passed by unanimous voice approval.

B. Historical Member Appointment – Cleo Thompson

A motion was made by Dale and seconded by Massey to approve Cleo Thompson on the Historical Commission with term to expire 07-31-2018.

The motion passed by unanimous voice approval.

C. Treasure Valley Transit – Terri Lindenberg, Executive Director, addressed Council. She wanted to provide additional information to Council regarding route cuts. This was originally formed in 2007 by a regional group. Bringing people to the pool has been a successful. Public transit will never be self-sustaining; it requires matching grant funds. She has tried to make sure that everyone is funding equally. They have brought in $15,000 annually through MFCU by advertising on buses. She pointed on the spreadsheet the actual cost of service and funding from the Cities and County. Talked about the Medicaid funding that is not covered in Idaho. If lost funding from all three contributors then there would be no service. They did look at a fare increase, that often reduces their rider usage. Rider make up as follows: 39% are disabled and 24% are senior, 12% are youth. There were 1,545 riders for the month of September. She stated they have meant with Woodgrain, and working with them to get more riders, with looking at work schedules for employees. Ms. Lindenberg showed what portion of the bus route they would be eliminating. The route reduction will cut eight minutes off the route. Dale asked if numbers have been going down, Ms. Lindenberg stated the Ontario side had dropped a lot with the change. The impact was not as significant on the Idaho side as was on the Oregon side. Dale asked if have reached out to Wal-Mart, she stated they have approached them. They have also approached Winco, but they don't historically do advertising.

D. Agenda Request USPS – Tracy Brownfield: Nelson stated he received an e-mail from Ms. Brownfield and he asked her to address the entire Council. Mayor stated we could communicate with the public regarding debris during clean up times. Jensen stated he was told that he was to keep his leaves on the edge of his property and not in the street.

E. Ordinance #1419 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTIONS 5.04.040, 5.04.045, 5.04.110 OF CHAPTER

5 IN TITLE 5, AND SECTIONS 5.08.020, 5.08.050, 5.08.180, 5.08.190 IN CHAPTER 8 OF TITLE 5, WHICH AMENDMENTS PROVIDE FOR THE ISSUANCE OR DENIAL OF BEER, WINE, LIQUOR AND CATERING PERMITS BY THE CITY CLERK OR A DESIGNEE RATHER THAN THE CITY COUNCIL; REPEALING THE REQUIREMENT OF A VERBATIM RECORD WHEN THE COUNCIL IS CONSIDERING AN APPLICATION FOR A LICENSE, TRANSFER, RENEWAL OR REVOCATION; ADDING THE FIRE CHIEF AS A SIGNOR TO AN APPROVAL OR DENIAL OF A LICENSE, TRANSFER, RENEWAL OR REVOCATION; EXTENDING THE TIME PERIOD FOR A CATERING PERMIT FROM THREE TO FIVE DAYS; ALLOWING FOR A PARTY PERMIT FOR TWO DAYS; ADDING NEW SUB-SECTIONS 5.04.115 AND 5.08.200 IN TITLE 5, ALLOWING FOR AN APPEAL OF ACTION; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY.– 1st Reading

A motion was made by Jensen and seconded by Wickersham to read Ordinance #1419 by title only.

The motion passed by unanimous voice approval.

Osborn read Ordinance #1419 by title only.

Dodson stated we have talked about background checks and not having the police department do them. She continued that the ordinance is cumbersome and needs some work before moving forward. Massey agreed with Dodson and would like to take time to review this before passing on 1st reading. Nelson stated he personally likes that our local police provides us information; he reads this as a way to speed the process up. Cordova informed the Council that the changes proposed under the catered events section simply brings us into compliance from changes made by the legislature which went into effect in July. Plaza stated Chief Clark wanted to keep the part about investigation in ordinance.

A motion was made by Massey and seconded by Jensen to pass Ordinance #1419 on to 2nd reading.

The motion passed by unanimous voice approval.

F. Resolution #2016-15 – Records Destruction & Surplus Property

A motion was made by Wickersham and seconded by Dale to approve Resolution #2016-15 for records destruction & surplus property as presented.

The motion passed by unanimous voice approval.

G. Iowa Avenue Project – Change Order #1

Cordova stated we talked about the irrigation line at last Council meeting and a few additional items the engineer added are included with Change Order #1. Argo stated it also increases contract schedule due to the lack of response by utility companies and weather.

A motion was made by Jensen and seconded by Nelson to accept Change Order #1 from Warrington Construction for Iowa Avenue Road Improvements in the amount of $10,244.50.

At the roll call:
Ayes: Dale, Massey, Nelson, Dodson, Wickersham and Jensen.
Nays: None

The motion CARRIED.

H. Façade Grant Application – All About Sports Embroidery
Daniel Fite addressed the Council. They recently moved their business from Ontario to Payette. They would like to do some painting, new sign and install perforated vinyl film on window. They will also replace broken window in the front. He is a history buff and would like to have it back the way it use to be. Nelson asked on behalf of the Historical Commission, a request that the sign that says Payette Telephone Company be restored, Mr. Fite stated that could be possible.

A motion was made by Massey and seconded by Dale to approve the Façade Grant application for All About Sports Embroidery in the amount of $2,609.84

At the roll call:
Ayes: Dale, Massey, Nelson, Dodson, Wickersham and Jensen.
Nays: None

The motion CARRIED.

BOARD & COMMISSION REPORTS

A. Forestry Commission – October 27th
B. Historical Commission – November 7th: Nelson stated with budgeted money the Commission is looking at sending someone to convention in the future.

MAYOR'S COMMENT

Don't forget to vote tomorrow. HJR5 bill in his opinion is to keep the checks and balances of the executive branch. If vote no takes away their ability for this.

CITIZEN'S COMMENTS

Dale stated with flower pots being damaged, she is asking Council if agreed that pots be removed during the winter months and stored. It was determined this will be left to the discretion of Street Superintendent.
Liz Amason addressed the Council. First on transit, wanted to know where the Council stood on this item and her opinion is we should do it. Second, Payette Community Alliance is holding a red carpet event at Refined Style on November 18th, from 4-6 and invited Council to attend. Reminded Council that November 26 is small business Saturday.

ADJOURNMENT

A motion was made by Jensen seconded by Massey to adjourn the regular meeting at 8:20 PM

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

Signed this _____ day of November, 2016.

_____
Jeffrey T. Williams, Mayor

DRAFT

ATTEST:

_____

Bobbie Black
Deputy City Clerk

DRAFT

CITY OF PAYETTE
NOVEMBER 21, 2016

CITY OF PAYETTE - Admin	11/10/2016	$118,558.03
ALLIED BUSINESS - Library	11/9/2016	92.57
ALLIED BUSINESS SOLUTIONS - Police	11/21/2016	247.91
AMERICAN CHILLER SERVICE - Pool	11/21/2016	255.00
AMERICAN STAFFING- Street & Park	11/21/2016	2960.54
ANALYTICAL LABORATORIES - Water & WWTP	11/21/2016	1764.04
BDS - Water & WWTP	11/21/2016	1661.39
BRADY INDUSTRIES - Library	11/21/2016	187.13
BUILT RITE CONSTRUCTION - Water	11/21/2016	6002.75
BURKE ELECTRIC - WWTP	11/21/2016	1156.00
CABLE ONE - Admin, Pool, Police & Library	11/7/2016	297.72
CENGAGE LEARING - Library	11/21/2016	21.75
CENTURYLINK - All Dept.	11/7/2016	780.53
CENTURYLINK - Admin, Police & Fire	11/9/2016	342.61
CLAY PEAK LANDFILL - WWTP	11/21/2016	186.25
COLUMBIA BANK - All Dept.	11/7/2016	2034.37
DART'S TRUE VALUE - Library	11/21/2016	7.99
DCS TECHNOLOGIES - Admin	11/21/2016	129.20
DEMCO - Library	11/21/2016	109.06
DIG LINE - Street. Water & WWTP	11/21/2016	66.90
DUSTBUSTERS - Street	11/21/2016	2648.60
ECS ENVIRONMENTAL - WWTP	11/21/2016	1794.44
FERGUSON - Water	11/21/2016	1388.10
FLEET SERVICES - All Dept.	11/21/2016	3365.50
FRANK'S EXTINGUISHER SERVICE - All Dept.	11/21/2016	1008.01
FRUITLAND ELECTRIC - Admin	11/21/2016	101.97
GALL - Police	11/21/2016	494.00
GARDEN VALLEY DISTRICT LIBRARY - Library	11/21/2016	150.00
HALEY, ERIN - Library	11/21/2016	64.80
HARDIN SANITATION - All Dept.	11/7/2016	884.04
HD SUPPLY - Water	11/21/2016	2770.14
HOLLADAY ENGINEERING - Street, Water & WWTP	11/21/2016	2409.92
INDEPENDENT ENTERPRISE - Admin	11/21/2016	53.58
INTERMOUNTAIN GAS - All Dept.	11/7/2016	3053.60
KENWORTH SALES - Street	11/21/2016	14.62
LIBRARY STORE - Library	11/21/2016	139.80
MICROMARKETING - Library	11/21/2016	143.73
NAPA AUTO - All Dept.	11/21/2016	1249.95
ONTARIO AUTO RANCH - Police	11/21/2016	69.08
ONTARIO TOOL - Park	11/21/2016	47.50
OREGON CORRECTIONS - Pool	11/21/2016	58.00
OSBORN, BERT L. - Admin	11/21/2016	2700.00
OXARC - WWTP	11/21/2016	1902.70
PAETEC - All Dept.	11/7/2016	32.23
PAYETTE COLLISION CENTER - Admin	11/7/2016	500.00
PAYETTE COUNTY PARAMEDICS - Police	11/21/2016	100.00
PAYETTE COUNTY TAX COLLECTOR - All Dept.	11/21/2016	790.56

CITY OF PAYETTE
NOVEMBER 21, 2016

PAYETTE PRINTING - Fire	11/21/2016	66.13
RHINEHART JANITORIAL - Admin & Library	11/7/2016	1450.00
STAPLES - Police	11/21/2016	107.96
TRANSPORTATION SYSTEMS - WWTP	11/21/2016	56.64
UNITED PARCEL SERVICE - Police	11/21/2016	55.31
VALLEY PAVING - Street	11/21/2016	403.20
VERIZON - All Dept.	11/21/2016	690.82
WHITE CLOUD COMMUNCATIONS - Fire	11/21/2016	314.70
WIENHOFF DRUG - Admin, Fire & Pool	11/21/2016	125.00
WILSON TIRE - WWTP	11/21/2016	285.28
		$168,351.65

Can You Please Still Run the Payette bus

Please! Can the Payette bus still go to Walmart!

Please can you still have the same place!

I Pay .50 because I get ISS and I'm Handicap, Every time I have .50 I save up to take the bus for my job (I Volunteer the Payette Health Care)

I can't walk to where is my house is at to where is my work is at because I have abuse and I have a bad Health! I can't drive a car because my Handicap!

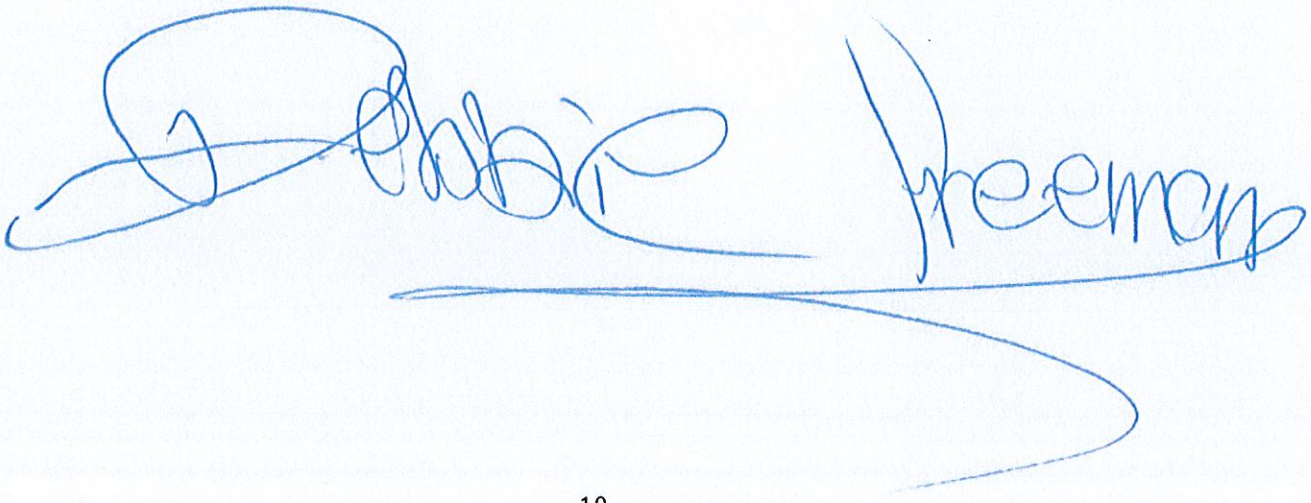
Same time I take the bus they drop me off my Dr Appointment in Fruitland Idaho. Same time I take the bus go to ~~walk~~ Walmart mart to do my sporting

If you do take the bus way for me "who will take me my Dr Appointment or my work or go to my Walmart.

See you don't realize I don't have anybody who take me go to my Dr appointment, You don't realize I don't have anybody who take me go to work. You don't realize I don't have anybody who takes me go to Walmart!

I am so so so so so so very Payette do have a bus for me and anybody who need it

Debbie Freeman 208-741-1519



10/27/16

To Whom it may Concern,

I Am a Rider on the Treasure Valley Transit Service. I ~~I'm~~ disabled I Need the Service TO Continue in Payette to Ontario Because it is too hard for me to walk around. I have had a STROKE & Recently 2 T.I.A'S that makes it hard for me to get around. There are many in Payette, Fruitland, that depend on this Service, it is invaluable to us. It give me independence & Freedom, isn't that what we are about.

Thank You,

Colleen McCoy

Colleen McCoy
1080 6th Ave. S. Unit #2
Payette, Idaho
83661

DRAFT REPORT

September 1, 2016

City of Payette, Idaho
Impact Fee Study and
Capital Improvement Plans

Prepared for

City of Payette

Prepared By

Galena Consulting
Anne Wescott
1925 North Montclair Drive
Boise, ID 83702

Section I.
Introduction

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

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

Background and Objectives

The City of Payette, Idaho (City) hired Galena Consulting to calculate impact fees for the City's Police and Fire Departments.

This document presents impact fees based on the City's demographic data and infrastructure costs before credit adjustment; calculates the City's monetary participation; examines the likely cash flow produced by the recommended fee amount; and outlines specific fee implementation recommendations. Credits can be granted on a case-by-case basis; these credits are assessed when each individual building permit is pulled.

Definition of Impact Fees

Impact fees are one-time assessments established by local governments to assist with the provision of Capital Improvements necessitated by new growth and development. Impact fees are governed by principles established in Title 67, Chapter 82, Idaho Code, known as the Idaho Development Impact Fee Act (Impact Fee Act) which specifically gives cities, towns and counties the authority to levy impact fees. The Idaho Code defines an impact fee as "... a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development."[1]

Purpose of impact fees. The Impact Fee Act includes the legislative finding that "... an equitable program for planning and financing public facilities needed to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the state of Idaho."[2]

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

- Impact fees shall not be used for any purpose other than to defray system improvement costs incurred to provide additional public facilities to serve new growth;[4]

- Impact fees must be expended within 8 years from the date they are collected. Fees may be held in certain circumstances beyond the 8-year time limit if the governmental entity can provide reasonable cause;[5]

- Impact fees must not exceed the proportionate share of the cost of capital improvements needed to serve new growth and development;[6]

- Impact fees must be maintained in one or more interest-bearing accounts within the capital projects fund.[7]

---

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

[2] *See* Section 67-8202, Idaho Code.

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

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

[5] *See* Section 67-8210(4), Idaho Code.

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

[7] *See* Section 67-8210(1), Idaho Code.

In addition, the Impact Fee Act requires the following:

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

How should fees be calculated? State law requires the City to implement the Capital Improvement Plan methodology to calculate impact fees. The City can implement fees of any amount not to exceed the fees as calculated by the CIP approach. This methodology requires the City to describe its service areas, forecast the land uses, densities and population that are expected to occur in those service areas over the 10-year CIP time horizon, and identify the capital improvements that will be needed to serve the forecasted growth at the planned levels of service, assuming the planned

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[8] *See* Section 67-8205, Idaho Code.

[9] *See* Section 67-8206(2), Idaho Code.

[10] *See* Section 67-8208, Idaho Code.

[11] *See* Section 67-8207, Idaho Code.

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

[13] *See* Section 67-8208, Idaho Code.

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

levels of service do not exceed the current levels of service.[15] This list and cost of capital improvements constitutes the capital improvement element to be adopted as part of the City's individual Comprehensive Plan.[16] Only those items identified as growth-related on the CIP are eligible to be funded by impact fees.

The City intending to adopt an impact fee must first prepare a capital improvements plan.[17] To ensure that impact fees are adopted and spent for capital improvements in support of the community's needs and planning goals, the Impact Fee Act establishes a link between the authority to charge impact fees and certain planning requirements of Idaho's Local Land Use Planning Act (LLUPA). The local government must have adopted a comprehensive plan per LLUPA procedures, and that comprehensive plan must be updated to include a current capital improvement element.[18] This study considers the planned capital improvements for the ten-year period from 2016 the end of 2025 that will need to be adopted as an element the City's Comprehensive Plan.

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

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

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

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

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

17 *See* Section 67-8208, Idaho Code.

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

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

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

- Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees and debt service payments;

- That portion of general tax and other revenues allocated by the City to growth-related system improvements; and

- All other available sources of funding such system improvements.[20]

Through data analysis and interviews with the City and Galena Consulting identified the share of each capital improvement needed to serve growth. The total projected capital improvements needed to serve growth are then allocated to residential and nonresidential development with the resulting amounts divided by the appropriate growth projections from 2016 to 2025. This is consistent with the Impact Fee Act.[21] Among the advantages of the CIP approach is its establishment of a spending plan to give developers and new residents more certainty about the use of the particular impact fee revenues.

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

- Allocation of costs is made using a service unit which is "a standard measure of consumption, use, generation or discharge attributable to an individual unit[22] of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvement."[23] The service units chosen by the study team for every fee calculation in this study are linked directly to residential dwelling units and nonresidential development square feet.[24]

- A second consideration involves refinement of cost allocations to different land uses. According to Idaho Code, the CIP must include a "conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural and industrial."[25] In this analysis, the study team has chosen to use the highest level of detail supportable by available data and, as a result, in this study, every impact fee is allocated between aggregated residential (i.e., all forms of residential housing) and nonresidential development (all nonresidential uses including retail, office, agricultural and industrial).

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20 *See* Section 67-8207, Idaho Code.

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

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

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

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

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

Current Assets and Capital Improvement Plans

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

The types of costs eligible for inclusion in this calculation include any land purchases, construction of new facilities and expansion of existing facilities to serve growth over the next 10 years at planned and/or adopted service levels.[27] Equipment and vehicles with a useful life of 10 years or more are also impact fee eligible under the Impact Fee Act.[28] The total cost of improvements over the 10 years is referred to as the "CIP Value" throughout this report. The cost of this impact fee study is also impact fee eligible for all impact fee categories. Each fee category was charged its pro-rated percentage of the cost of the impact fee study.

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

Fee Calculation

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

1. **Who is currently served by the City?** This includes the number of residents as well as residential and nonresidential land uses.

2. **What is the current level of service provided by the City?** Since an important purpose of impact fees is to help the City *achieve* its planned level of service[29], it is necessary to know the levels of service it is currently providing to the community.

3. **What current assets allow the City to provide this level of service?** This provides a current inventory of assets used by the City, such as facilities, land and equipment. In addition, each asset's replacement value was calculated and summed to determine the total value of the Police and Fire Departments' current assets.

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[26] *See* Section 67-8208(1)(h).

[27] This assumes the planned levels of service do not exceed the current levels of service.

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

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

4. **What is the current investment per residential and nonresidential land use?** In other words, how much of each service provider's current assets' total value is needed to serve current residential households and nonresidential square feet?

5. **What future growth is expected in the City?** How many new residential households and nonresidential square footage will the City serve over the CIP period?

6. **What new infrastructure is required to serve future growth?** For example, how many new engines will be needed by the City of Payette Fire Department within the next ten years to achieve the planned level of service of the City?[30]

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

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

"GRUM" Analysis

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

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

- **Growth.** The "G" in GRUM stands for growth. To determine if a project is solely related to growth, we ask "Is this project designed to maintain the current level of service as growth occurs?" and "Would the City still need this capital project if it weren't growing at all?" "G" projects are only necessary to maintain the City's current level of service as growth occurs. It is thus appropriate to include 100 percent of their cost in the impact fee calculations.

- **Repair & Replacement.** The "R" in GRUM stands for repair and replacement. We ask, "Is this project related only to fixing existing infrastructure?" and "Would the City still need it if it weren't growing at all?" "R" projects have nothing to do with growth. It is thus not appropriate to include any of their cost in the impact fee calculations.

[30] This assumes the planned level of service does not exceed the current level of service.

- **Upgrade.** The "U" in GRUM stands for upgrade. We ask, "Would this project improve the City's current level of service?" and "Would the City still do it even if it weren't growing at all?" "U" projects have nothing to do with growth. It is thus not appropriate to include any of their cost in the impact fee calculations.

- **Mixed.** The "M" in GRUM stands for mixed. It is reserved for capital projects that have some combination of G, R and U. "M" projects by their very definition are partially necessitated by growth, but also include an element of repair, replacement and/or upgrade. In this instance, a cost amount between 0 and 100 percent should be included in the fee calculations. Although the need for these projects is triggered by new development, they will also benefit existing residents.

Projects that are 100 percent growth-related were determined by our study to be necessitated solely by growth. Alternatively, some projects can be determined to be "mixed," with some aspects of growth and others aspects of repair and replacement. In these situations, only a portion of the total cost of each project is included in the final impact fee calculation.

It should be understood that growth is expected to pay only the portion of the cost of capital improvements that are growth-related. The City will need to plan to fund the pro rata share of these partially growth-related capital improvements with revenue sources other than impact fees within the time frame that impact fees must be spent. These values will be calculated and discussed in Section V of this report.

Exhibits found in Sections III and IV of this report detail all capital improvements planned for purchase over the next ten years by the City on behalf of the Police and Fire Departments.

Section II.
Land Uses

As noted in Section I, it is necessary to allocate capital improvement plan (CIP) costs to both residential and nonresidential development when calculating impact fees. The study team performed this allocation based on the number of projected new households and nonresidential square footage projected to be added from 2015 through 2025 for the City. These projections were based on current growth estimates from COMPASS as well as recommendations from City Staff.

Demographic and land-use projections are some of the most variable and potentially debatable components of an impact fee study, and in all likelihood the projections used in our study will not prove to be 100 percent correct. The purpose of the Advisory Committee's annual review is to account for these inconsistencies. As each CIP is tied to the City's land use growth, the CIP and resulting fees can be revised based on actual growth as it occurs.

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

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

	2015	2025	Net Increase	Percent Increase
Population	7,435	8,012	577	8%

Source: COMPASS; 2010 United States Census, 2014 American Community Survey

Payette currently has approximately 7,435 persons residing within the existing City limits. Over the next ten years, we expect the City to grow by approximately 577, or at an annual growth rate of 0.8 percent.

The following Exhibit II-2 presents the current and future number of residential units and nonresidential square feet for the City. We expect the City to have 2,862 residential households and almost 435,000 nonresidential square feet by 2025 based on existing growth rates.

Exhibit II-2.
Current and Future Land Uses, Payette, Idaho

	2016	2025	Net Growth	Net Increase in Square Feet [2]	Percent of Total Growth
Population	7,435	8,012	577		
Residential (in units) [1]	2,655	2,862	206	339,931	92%
Nonresidential (in square feet)	403,633	434,948	31,315	31,315	8%
Total				371,246	100%

Note: (1) Based on an estimated 2.8 persons per household per Census data

(2) Based on an estimated 1,650 square feet per residential unit

Source: City of Payette Impact Fee Study 2011, revised based on conversations with City staff and data from COMPASS and the 2014 American Community Survey

As shown above, Payette is expected to grow by approximately 206 residential units and 31,315 nonresidential square feet over the next ten years. When converted to total square foot growth of 371,246, ninety-two percent of this growth is attributable to residential land uses, while the remaining eight percent is attributable to nonresidential growth. These growth projections will be used in the following sections to calculate the appropriate impact fees for the City.

Section III.
Police Department

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

1. **Who is currently served by the City of Payette Police Department?**

As shown in Exhibit II-2, the Police Department currently serves 2,655 residential units and approximately 403,633 square feet of nonresidential land use found within Payette.

2. **What is the current level of service provided by the Police Department?**

The Payette Police Department currently provides a level of service of 0.53 sworn officers per 1,000 Payette residents. As the City grows, additional infrastructure and equipment will be needed to achieve the Department's planned level of service. Based on conversations with City Staff, our current understanding is that the planned level of service is equal to the current level of service (i.e., 0.53 sworn officers per 1,000 residents).

3. **What current assets allow the Payette Police Department to provide this level of service?**

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

Exhibit III-1.
Current Assets – Payette Police Department

Type of Capital Infrastructure	Square Feet/Acres	Replacement Value
Facilities		
Police Department (located in City Hall)	4,745 sf	$1,067,625
Police Department training range	2.52 ac	$108,360
Vehicles		
17 police vehicles		$578,000
Equipment		
Weaponry		$33,495
Hand-held & in-vehicle radios		$12,000
Digital Cameras		$4,500
ATN night vision & thermal eye infrared		$7,500
Radar equipment & trailer		$24,000
Ordnance Vehicle		$24,000
Body Worn Cameras (14)		$14,000
10/8 in car video systems (14)		$14,000
Total Infrastructure		$1,835,480
Plus Cost of Fee-Related Research		
Impact Fee Study		$6,000
Plus Impact Fee Fund Balance		$23,275
Grand Total		$1,864,755

As shown above, the Police Department currently owns approximately $1.9 million of eligible current assets. These assets are used to provide the Department's current level of service.

4. **What is the current investment per residential unit and nonresidential square foot for the Payette Police Department?**

The City has already invested $643 per residential unit and $0.39 per nonresidential square foot in order to provide the current level of service. This figure is derived by allocating the value of the Police Department's current assets between the current number of residential units and nonresidential square feet.

We will compare our final impact fee calculations with these figures to determine if the two results will be similar; this represents a "check" to see if future residents will be paying for infrastructure at a level commensurate with what existing residents have invested in infrastructure.

5. **What future growth is expected in Payette?**

As shown in Exhibit II-2, the City of Payette is expected to grow by approximately 206 residential units and 31,315 nonresidential square feet over the next ten years.

6. What new infrastructure is required to serve future growth?

The following Exhibit III-2 displays the capital improvements needed to support growth by the Payette Police Department over the next ten years.

Exhibit III-2.
Payette Police Department CIP 2016-2025

Type of Capital Infrastructure	Square Footage	CIP Value	Growth Portion	Amount to Include in Fees	Amount from Other Sources
Facilities					
Evidence Processing/Interview Expansion	1000	$ 100,000	50%	$ 50,000	$ 50,000
Additional Office Space	156	$ 15,600	33%	$ 5,148	$ 10,452
Impound Yard	16,000	$ 5,000	8%	$ 388	$ 4,612
Total Infrastructure		$ 120,600		$ 55,536	
Plus Impact Fee Study		$ 6,000	100%	$ 6,000	$ -
Minus Fund Balance		$ 23,275	100%	$ 23,275	
TOTAL GROWTH RELATED CIP		$ 103,325		$ 38,261	$ 65,064

Source: City of Payette Police Department

As shown above, in order to support new growth, the Payette Police Department would need approximately $103,325 in capital improvements over the next ten years, approximately $38,261 of which is impact fee eligible. These impact-fee eligible projects include the growth portions of additional space for evidence processing, interviewing, impound facilities and office space. Approximately 50% of the evidence processing and interviewing space is needed to accommodate the demand created by anticipated growth, while the remaining 50% is related to a current deficiency in space. 33% of the additional office space is growth-related to accommodate additional officers that will be needed at some point in the future to continue the current level of service of 0.53 officers per 1,000 population. 8% of the impound lot is attributable to additional vehicles associated with new growth and is tied to the overall growth rate in population.

The remaining $65,064 in the CIP is the price for the Police Department for the non-growth portion of three facilities. These portions are not eligible for inclusion in the impact fee calculations. The Police Department will therefore have to use other sources of revenue including all of those listed in Idaho Code 67-8207(I)(iv)(2)(h).

7. What impact fee is required to pay for the new capital improvements?

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

Exhibit III-3.
Payette Police Department Fee Calculation

Impact Fee Calculation		
Amount to Include in Fee Calculation		$38,261
Distribution of Future Land Use Growth		
Residential		92%
Nonresidential		8%
Future Assets by Land Use		
Residential	$	35,034
Nonresidential	$	3,227
Future Land Use Growth		
Residential		206
Nonresidential		31,315
Impact Fee per Unit		
Residential	$	170
Nonresidential	$	0.10

As shown above, we have calculated impact fees for the Payette Police Department at $170 per residential unit and $0.10 per nonresidential square foot. Fees not to exceed these amounts are recommended for the Department. The Department cannot assess fees greater than the amounts shown above. The Department may assess fees lower than these amounts, but would then experience a decline in service levels unless the Department used other revenues to make up the difference.

These fees represent a decrease per residential unit of $287 compared to the current Police impact fee, and a decrease per non-residential square foot of $0.18 per square foot.

Section IV.
Fire Department

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

1. **Who is currently served by the Payette Fire Department?**

As shown in Exhibit II-2, the Fire Department currently serves 2,655 residential units and approximately 403,633 square feet of nonresidential land use found within Payette.

2. **What is the current level of service provided by the Payette Fire Department?**

Payette's Fire Department provides a level of service of responding within 2 minutes during the day, and 2-3 minutes for nighttime medical calls/5 minutes for nighttime fire response. As the City grows, additional infrastructure and equipment will be needed to achieve the Department's planned level of service. Based on conversations with Departments staff, it is our understanding that the planned level of service is equal to the current level of service.

3. **What current assets allow the Payette Fire Department to provide this level of service?**

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

Exhibit IV-1.
Current Assets – Payette Fire Department

Type of Capital Infrastructure	Square Feet	Replacement Value
Facilities		
Fire Station #1	16,000	$2,400,000
Vehicles/Apparatus		
2006 Pierce Saber		$600,000
1986 Pierce Arrow		$600,000
3 Staff Vehicles - Chevrolet Pick-ups/Ford Expedition		$100,000
Equipment		
18 SCBA units		$111,000
15 radios		$75,000
Total Infrastructure		$3,886,000
Plus Cost of Fee-Related Research		
Impact Fee Study		$6,000
Plus Impact Fee Fund Balance		$17,593
Grand Total		$3,903,593

As shown above, the Payette Fire Department currently owns approximately $4 million of eligible current assets. These assets are used to provide the Department's current level of service.

4. **What is the current investment per residential unit and nonresidential square foot?**

The Payette Fire Department has already invested $1,346 per residential unit and $0.82 per nonresidential square foot. This figure is derived by allocating the value of the Fire Department's current assets between the current number of residential units and nonresidential square feet.

We will compare our final impact fee calculations with these figures to determine if the two results will be similar; this represents a "check" to see if future City residents will be paying for infrastructure at a level commensurate with what existing City residents have invested in infrastructure.

5. **What future growth is expected in the Payette Fire Department?**

As shown in Exhibit II-2, the City of Payette is expected to grow by approximately 206 residential units and 31,315 nonresidential square feet over the next ten years.

6. **What new infrastructure is required to serve future growth?**

The following Exhibit IV-2 displays the capital improvements planned for purchase by the Payette Fire Department over the next ten years.

Exhibit IV-2.
Payette Fire Department CIP 2016-2025

Type of Capital Infrastructure		CIP Value	Growth Portion		Amount to Include in Fees		Amount from Other Sources
Vehicles							
1 Ladder Truck	$	850,000	0%	$	-	$	850,000
1 Replacement Engine - needed to maintain ISO rating	$	600,000	0%	$	-	$	600,000
2 Brush Rigs	$	170,000	50%	$	85,000	$	85,000
				$	-		
	$	1,620,000		$	85,000		
Plus Impact Fee Study	$	6,000	100%	$	6,000	$	-
Minus Impact Fee Fund Balance		17,593		$	17,593	$	-
TOTAL GROWTH RELATED CIP	$	1,608,407		$	73,407	$	1,535,000

As shown above, the Payette Fire Department plans to purchase approximately $1.6 million in capital improvements over the next ten years, $73,407 of which is impact fee eligible. This corresponds to the cost of one of two brush trucks deemed necessary to protect the wildland interface with the City offset by existing fund balance.

The remaining approximately $1.5 million includes the replacement of an existing engine, the purchase of a new ladder truck, and the purchase of the second of two new brush trucks. These purchases are not eligible for inclusion in the impact fee calculations. The Department will therefore have to use other sources of revenue including all of those listed in Idaho Code 67-8207(iv)(2)(h).

7. **What impact fee is required to pay for the new capital improvements?**

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

Exhibit IV-3.
Payette Fire Department Fee Calculation

Impact Fee Calculation		
Amount to Include in Fee Calculation		$73,407
Distribution of Future Land Use Growth		
Residential		92%
Nonresidential		8%
Future Assets by Land Use		
Residential	$	67,215
Nonresidential	$	6,192
Future Land Use Growth		
Residential		206
Nonresidential		31,315
Impact Fee per Unit		
Residential	$	326
Nonresidential	$	0.20

As shown above, we have calculated impact fees for the Payette Fire Department at $326 per residential unit and $0.20 per nonresidential square foot. Fees not to exceed these amounts are recommended for the Department. The Department cannot assess fees greater than the amounts shown above. The Department may assess fees lower than these amounts, but would then experience a decline in service levels unless the Department used other revenues to make up the difference.

These fees represent a decrease per residential unit of $37 compared to the current fire impact fee, and a decrease per non-residential square foot of $0.02 per square foot.

Section V.
Summary

The following Exhibit V-1 summarizes the calculated Impact Fees for the City of Payette.

Exhibit V-1.
City of Payette Impact Fee Summary

	Calculated Impact Fee	Current Fees	% Change	$ Change
Police Fees				
Residential	$ 170	$ 457	-63%	$ (287)
Nonresidential	$ 0.10	$ 0.28	-63%	$ (0.18)
Fire Fees				
Residential	$ 326	$ 363	-10%	$ (37)
Nonresidential	$ 0.20	$ 0.22	-10%	$ (0.02)
TOTAL IMPACT FEE				
Residential	$ 496	$ 820	-39%	$ (324)
Nonresidential	$ 0.30	$ 0.50	-40%	$ (0.20)

A comparison of the proposed fees to similar fees in Nampa, Caldwell, Ada County, Boise, Meridian, and Eagle is provided in Exhibit V-2:

Exhibit V-2.
Impact Fee Comparisons

FOR DISCUSSION PURPOSES ONLY

	Payette Current	Payette Proposed	Nampa Current	City of Caldwell	City of Boise/ACHD Current	City of Meridian/ ACHD	City of Eagle	City of Ontario
Police								
per Residential Unit	$ 457	$ 170	$ -	$ 97	$ 237	$ 136	$ -	$ -
per Non-Residential sf	$ 0.28	$ 0.10	$ -	$ 0.02	$ 0.20	$ 0.07	$ -	$ -
Fire								
per Residential Unit	$ 363	$ 326	$ 185	$ 517	$ 606	$ 551	$ -	$ -
per Non-Residential sf	$ 0.22	$ 0.20	$ 0.12	$ 0.10	$ 0.36	$ 0.29	$ -	$ -
Parks								
per residential unit	$ -	$ -	$ 1,242	$ 805	$ 1,390	$ 1,081	$ 1,333	$ -
Streets								
per single-family residential unit	$ -	$ -	$ 379	exacted	$ 3,071	$ 3,071	$ 3,071	$ 1,288
per multi-family residential unit	$ -	$ -	$ 235	exacted	$ 1,904	$ 1,904	$ 1,904	$ 360 to $ 905
per retail sf	$ -	$ -	$ 3.57	exacted	$ 6.37	$ 6.37	$ 6.37	$ 1.30 to $ 5.18
per office sf	$ -	$ -	$ 0.48	exacted	$ 1.27	$ 1.27	$ 1.27	$ 0.54 to $ 2.53
per industrial sf	$ -	$ -	$ 0.09	exacted	$ 0.43	$ 0.43	$ 0.43	$ 0.55
					averages	averages	averages	averages
								fees depend on 3 areas
TOTAL								
per single-family residential unit	$ 820	$ 496	$ 1,805	$ 1,419	$ 5,304	$ 4,839	$ 4,404	$ 1,288
per multi-family residential unit	$ 820	$ 496	$ 1,661	$ 1,419	$ 4,137	$ 3,672	$ 3,237	$ 360 to $ 905
per retail sf	$ 0.50	$ 0.30	$ 3.69	$ 0.12	$ 6.94	$ 6.73	$ 6.37	$ 1.30 to $ 5.18
per office sf	$ 0.50	$ 0.30	$ 0.60	$ 0.12	$ 1.83	$ 1.63	$ 1.27	$ 0.54 to $ 2.53
per industrial sf	$ 0.50	$ 0.30	$ 0.21	$ 0.12	$ 0.99	$ 0.79	$ 0.43	$ 0.55
				Caldwell fees hard to compare due to exactions				

City Participation

Because not all the capital improvements listed in the CIPs are 100 percent growth-related, the City would assume the responsibility of paying for those portions of the capital improvements that are not attributable to new growth. These payments would come from other sources of revenue including all of those listed in Idaho Code 67-8207(iv)(2)(h).

To arrive at this participation amount, the expected impact fee revenue and any shared facility amount need to be subtracted from the total CIP value. Exhibit V-3 divides the City's participation amount into two categories: the portion of purely non-growth-related improvements, and the portion of growth-related improvements that are attributable to repair, replacement, or upgrade, but are not impact fee eligible.

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

Exhibit V-3.
City of Payette Participation Summary, 2016-2025

	Required	Discretionary	Total
Police	$ 65,064	$ -	$ 65,064
Fire	$ 85,000	$ 1,450,000	$ 1,535,000
TOTAL	$ 150,064	$ 1,450,000	$ 1,600,064

The total amount the City would be *required* to contribute over 10 years, should the City adopt fees at the calculated amount, will be approximately $150,064. The City could also choose to fund the discretionary infrastructure (ladder truck and engine) of $1.45 million for additional capital improvements over the 10-year period. While City has the option to fund these capital improvements over the 10-year period, these payments are not required.

Implementation Recommendations

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

Capital Improvements Plan. Should the Advisory Committee recommend this study to City Council and should City Council adopt the study, the City should revise its existing Capital Improvement Plans using the information in this study. A revised capital improvement plan would then be presented to the City for adoption as an element of the Comprehensive Plan pursuant to the procedures of the Local Land Use Planning Act.

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

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

Impact fee service area. Some municipalities have fee differentials for various city zones under the assumption that some areas utilize more or less current and future capital improvements. The study team, however, does not recommend the City assess different fees by dividing the areas into zones. The capital improvements identified in this report inherently serve a system-wide function.

Specialized assessments. If permit applicants are concerned they would be paying more than their fair share of future infrastructure purchases, the applicant can request an individualized assessment to ensure they will only be paying their proportional share. The applicant would be required to prepare and pay for all costs related to such an assessment.

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

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

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

Credit/reimbursement. If a developer constructs or contributes all or part of a growth-related project that would otherwise be financed with impact fees, that developer must receive a credit against the fees owed for this category or, at the developer's choice, be reimbursed from impact fees collected in the future.[37] This prevents "double dipping" by the City.

The presumption would be that builders/developers owe the entirety of the impact fee amount until they make the City aware of the construction or contribution. If credit or reimbursement is due, the governmental entity must enter into an agreement with the fee payer that specifies the amount of the credit or the amount, time and form of reimbursement.[38]

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

Spending policy. The City should establish and adhere to a policy governing their expenditure of monies from the Impact Fee Fund. The Fund should be prohibited from paying for any operational expenses and the repair and replacement or upgrade of existing infrastructure not necessitated by growth. In cases when *growth-related capital improvements are constructed,* impact fees are an allowable revenue source as long as only new growth is served. In cases when new capital improvements are expected *to partially replace existing capacity and to partially serve new growth,* cost sharing between the General Fund or other sources of revenue listed in Idaho Code 67-8207(I)(iv), (2)(h) and Impact Fee Fund should be allowed on a pro rata basis.

[37] *See* Section 67-8209(3), Idaho Code.

[38] *See* Section 67-8209(4), Idaho Code.

RESOLUTION NO. 2016-17

COMPREHENSIVE PLAN AMENDMENT TO SECTION 8 - PUBLIC SERVICES, FACILITIES AND UTILITES BY ADDING A CAPITAL IMPROVEMENTS SECTION

WHEREAS, the Payette City Council ("Council") has adopted development impact fees pursuant to the authority granted in Idaho Code § 67-8201 *et seq.* to fund expenditures by the Payette Police Department and the Payette Fire Department, on capital improvements needed to serve new growth and development and maintain current levels of service; and

WHEREAS, Idaho Code §§ 67-8206 and 67-8208 require the adoption of a capital improvements plan prior to, or concurrently with, the adoption of an ordinance imposing development impact fees; and

WHEREAS, the City is required to undertake comprehensive planning pursuant to Title 67, Chapter 65, Idaho Code, and is therefore required to prepare and adopt such capital improvements plan according to the requirements contained in Idaho Code § 67-6509, and is required to included such capital improvements plan as an element of the comprehensive plan; and

WHEREAS, the Council has established a development impact fee advisory committee as required under Idaho Code § 67-8205, and has afforded this committee the opportunity to review and comment on the proposed capital improvements plans; and

WHEREAS, the City has received an updated capital improvements plan from the development impact fee advisory committee based on a report prepared by Galena Consulting entitled "City of Payette, Idaho Impact Fee Study and Capital Improvement Plans dated September 1, 2016; and

WHEREAS, the Payette Planning and Zoning Commission conducted a public hearing on October 27, 2016 on this matter following duly-noticed and conducted public hearing procedures by said body, and, after deliberations, voted to recommend approval; and

WHEREAS, the City conducted a public hearing on November 21, 2016 on this matter following duly-noticed and conducted public hearing procedures by said body; and

WHEREAS, the Council has reviewed and considered all materials, communications, public testimony and exhibits or current record on said revised, amended, and updated Comprehensive Plan; and

WHEREAS, the Council hereby finds that it is necessary and in the public interest to amend the PUBLIC SERVICES, FACILITIES AND UTILITES chapter of the Comprehensive Plan in furtherance of long range planning for capital improvements of public facilities within the City of Payette over the next ten (10) years.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Payette City Council that the Comprehensive Plan be, and is hereby amended as follows:

1. The text of the **PUBLIC SERVICES, FACILITIES AND UTILITES** chapter of the Comprehensive Plan shall be amended to include the paragraph entitled "Development Impact Fees Program" as set forth in the attached Exhibit "A" to this Resolution.

2. The Impact Fee Study and Impact Fee Update shall be fully incorporated into the Comprehensive Plan by reference therein as if set forth in full.

BE IT FURTHER RESOLVED by the Council that Comprehensive Plan Amendment 2016-17 be, and is hereby adopted and included in the official Comprehensive Plan of Payette, Idaho.

PASSED by the City Council this 21st day of November, 2016.

_____

Jeffrey T. Williams, Mayor

Attest:

_____

City Clerk

EXHIBIT 'A'

The following to be added to the Payette Comprehensive Plan, Chapter 8, Public Services, Facilities and Utilities:

Development Impact Fee Program

The Development Impact Fee Program of the City of Payette was structured and is administered in accordance with the laws of the State of Idaho, which stipulate that impact fees can be collected in order to help new development pay its way. The fees collected are designed to cover the cost of development so that the costs of infrastructure improvements related to growth are not borne out by existing property taxpayers. The impact fees collected can only be used to pay the incremental costs directly attributable to new development as defined in a Capital Improvement Plan (CIP). Impact fees cannot be used for operations and maintenance or to support existing infrastructure.

Currently there are two areas within the City of Payette that can receive impact fees. These are:
a. Police Department
b. Fire Department

Payette's Impact Fee Advisory Board represents varying segments of the community with additional representation from City staff and City Council members who participate as non-voting members.

The latest Capital Improvement Plan (CIP) was adopted by the City Council in November, 2005.

ORDINANCE 1419

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTIONS 5.04.040, 5.04.045, 5.04.110 OF CHAPTER 5 IN TITLE 5, AND SECTIONS 5.08.020, 5.08.050, 5.08.180, 5.08.190 IN CHAPTER 8 OF TITLE 5, WHICH AMENDMENTS PROVIDE FOR THE ISSUANCE OR DENIAL OF BEER, WINE, LIQUOR AND CATERING PERMITS BY THE CITY CLERK OR A DESIGNEE RATHER THAN THE CITY COUNCIL; REPEALING THE REQUIREMENT OF A VERBATIM RECORD WHEN THE COUNCIL IS CONSIDERING AN APPLICATION FOR A LICENSE, TRANSFER, RENEWAL OR REVOCATION; ADDING THE FIRE CHIEF AS A SIGNOR TO AN APPROVAL OR DENIAL OF A LICENSE, TRANSFER, RENEWAL OR REVOCATION; EXTENDING THE TIME PERIOD FOR A CATERING PERMIT FROM THREE TO FIVE DAYS; ALLOWING FOR A PARTY PERMIT FOR TWO DAYS; ADDING NEW SUB-SECTIONS 5.04.115 AND 5.08.200 IN TITLE 5, ALLOWING FOR AN APPEAL OF ACTION; 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. Sections 5.04.040, 5.04.045, 5.04.110 of Title 5, Chapter 5.04,

5.08.020, 5.08.050, 5.08.180 of Title 5, Chapter 5.08 of the Payette Municipal Code is hereby amended to read as follows:

5.04.040: LICENSE; FEE; PERIOD:

All licenses which are issued shall be granted by the ~~mayor and council~~ city clerk or designee for a period of one year beginning January 1 and ending December 31. A full year's license fee shall be collected for the entire year or any portion thereof. The ~~city council~~ city clerk or designee shall grant or deny the application within thirty (30) days of the time it is filed with the city clerk. Whenever the ~~mayor and city council~~ city clerk or designee denies an application, they shall specify in writing:

A. The statutes, ordinances and standards used in evaluating the application;

B. The reason for the denial; and

C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

~~In all cases where the city council is considering applications for licenses, transfers, revocations or renewals thereof, a transcribable verbatim record of the proceeding shall be made. If the applicant for a license, transfer or renewal is denied, or there is a revocation, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The city council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law. (Ord. 951, 1984: prior code § 5-4-4)~~

5.04.045: LICENSE; INVESTIGATION OF APPLICANTS:

No license shall be granted or transferred until there has been an investigation by the police department of all applicants hereunder. ~~After investigation the application will be forwarded to the city council with a recommendation from the chief of police~~. If the chief of police recommended that an application be denied, he/she shall state in writing:

A. The statutes or ordinances and standards used in evaluating the application;

B. The reason for the denial; and

C. The action, if any that the applicant could take to obtain the license, transfer or renewal thereof. (Ord. 951, 1984)

5.04.110: LICENSE; TRANSFER PROCEDURE:

If the ~~council~~ city clerk or designee determines that all of the conditions required of a licensee under the provisions of this chapter have been met by the proposed transferee of said license, then the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which the license has been issued, and the ~~council~~ city clerk or designee shall note its approval thereof upon such license. Such transferee shall accompany each application for transfer with, and shall pay a fee set by resolution. Nothing in this action shall be construed to permit the transfer of a license to premises other than the premises originally designated in the license. (Ord. 1371, 2012)

5.04.115: APPEAL OF ACTION:

Any person whose license is revoked, suspended or denied may file an appeal to the city council within five (5) days of the adverse action. The city council may uphold the action, reverse the action, modify the action or remand the action for further investigation.

5.08.020: LICENSE; ~~COUNCIL'S~~ AUTHORITY TO ISSUE:

The ~~council, at any regular or special meeting,~~ city clerk or designee may issue licenses to qualified applicants, as provided in this chapter, whereby the licensee shall be authorized and permitted in the city to sell liquor by the drink at retail. Upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink in the city, but only in accordance with the provisions of this chapter and chapter 9 of title 23 of the Idaho Code, as each may be amended from time to time. (Prior code § 5-5-2)

5.08.050: LICENSE; APPLICATION; INVESTIGATION; ~~COUNCIL ACTION~~:

Upon receipt of an application for a license under this chapter, accompanied by the necessary license fee, the ~~council~~ city clerk or designee may make such investigation of all matters pertaining thereto as it deems proper. If the ~~council~~ city clerk or designee determines that the contents of the application are true, that such applicant is qualified to receive a license, that his premises are suitable for the carrying on of the intended business, and that the requirements of this chapter have been met and complied with, a license shall be issued; otherwise, the application shall be denied and the license fee returned. (Prior code § 5-5-5)

5.08.180: LICENSE; TRANSFER PROCEDURE:

Application to transfer any license issued pursuant to this chapter shall be made in writing to the city clerk or designee. Upon receipt of such an application, the city clerk or designee shall make the same investigation and determination with respect to the transferee as are required by sections 5.08.040 and 5.08.050 of this chapter. ~~Within four (4) days after the receipt of said application, the city clerk shall report his findings together with the original application to the mayor and council.~~ If the ~~council~~ city clerk or designee determines that all of the conditions required of a licensee under the provisions of this chapter have been met by the proposed transferee, then the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which the license has been issued, and the ~~council~~ city clerk or designee shall note its approval thereof upon such license. Such transferee shall accompany each application for transfer with, and shall pay a fee as set by resolution. Nothing in this action shall be construed to permit the transfer of a license to premises other than the premises originally designated in the license. (Ord. 1371, 2012)

5.08.190: CATERED EVENTS:

A. Any person who holds a beer, wine or liquor license may apply to the city for a permit to cater special events outside their licensed establishment. The catering permit is designed for special occasions; applicants will not be allowed to request catering permits on a continuous basis such as social gatherings week after week at one establishment.

B. All persons who serve and sell liquor by the drink, beer and wine, or beer, or wine, at a party, convention or similar event to take place within the city, shall obtain an alcohol beverage catering permit issued pursuant to this chapter. An alcohol beverage catering permit shall be limited to authorization to sell liquor, beer or wine, or any combination thereof, for a period not to exceed ~~three (3)~~ five (5) consecutive days and a party is limited to two (2) days consecutive days. Further, the permit shall be limited to authorization to sell liquor, beer or wine, or any combination thereof, based upon the type of license which the applicant possesses. Applications for such permit shall be made to the city, on such form as prescribed by the city, which shall contain at a minimum, but not be limited to, the following information:

1. The name and address of the applicant and the number of his/her state liquor, beer or wine license;

2. The dates and hours during which the permit is to be effective, not to exceed ~~three (3)~~ five (5) consecutive days or two (2) consecutive days for a party;

3. The names of the organizations, groups, or persons sponsoring the event; and the name of the applicant's designee who will be present at the event;

4. The address at which the liquor, beer or wine is to be served, and if a public building, the rooms in which the liquor, beer or wine is to be served. If the location or premises upon which the liquor, beer or wine is to be served is not owned by the applicant, a certified copy of the lease or consent to occupy the premises and a showing of proof that the owner consents to the service and sale of alcoholic beverages on such premises must be included with the application.

C. The application shall be verified by the applicant and filed with the city clerk not less than three (3) working days prior to the catering date(s) requested. Failure to complete the required portions of the application may result in a denial of the application.

D. The application shall be accompanied by a filing fee as set by resolution for each day the permit is to be in effect and such fee shall be paid to the city and shall not be refunded in any event.

E. Any alcohol catering permit issued by the city, shall be valid only under the conditions and terms approved by the city and be valid only within the city limits.

F. A catering permit issued pursuant to this chapter is nontransferable.

G. The applicant or the applicant's designee is required to carry, display, or post the original catering permit issued and one or both must be personally present at the approved catering premises at all times during the life of the catering permit.

H. The right shall be, and at all times shall remain vested in the chief of police and/or the fire chief or their designee to suspend, revoke or cancel any permit issued to any person pursuant to subsection A of this section at any time, without notice, if the chief of police and/or the fire chief or their designee has cause to believe that:

1. The licensee has violated or failed to comply with any law, ordinance or regulation relating to beer, wine or liquor; or

2. The catered event presents a threat to the health or welfare of the citizens of the city. The decision of the chief of police and fire chief or their designee to suspend, revoke or cancel a permit may be appealed to the city council by the permit holder.

3. The chief of police and/or fire chief or their designee may, upon good cause shown, require different conditions, terms, or a reduction in the number of requested dates or times for a catering permit as determined reasonable to carry out the policies of the city, which include protection of the health, safety and welfare of the public, or to prevent an unlawful disturbance or nuisance. Such conditions may include execution of an indemnification agreement; posting of appropriate signs; and hiring at the applicant's expense of additional bonded security personnel. (Ord. 1389, 2014)

5.08.200: APPEAL OF ACTION:

Any person whose license is revoked, suspended or denied may file an appeal to the city council within five (5) days of the adverse action. The city council may uphold the action, reverse the action, modify the action or remand the action for further investigation.

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.

Section 6. Any violation of this ordinance shall be a misdemeanor.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this _____ day of _____, 2016.

CITY OF PAYETTE, IDAHO

BY_____
Jeffrey T. Williams, Mayor

ATTEST:

_____
City Clerk

Ordinance No.1417
Source Water Protection Ordinance

AN ORDINANCE OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, AMENDING TITLE 13, WATER, SEWERS AND PUBLIC SERVICES, BY ADDING A NEW CHAPTER 13.03 ENTITLED "SOURCE WATER PROTECTION", DEFINING TERMS, AUTHORIZING ESTABLISHMENT OF SOURCE WATER OVERLAY DESIGNATIONS, DEFINING SUCH DESIGNATIONS, PROVIDING FOR THE ADOPTION OF A MAP DEPICTING SUCH DESIGNATED LOCATIONS, REQUIRING A PERMIT APPLICANT TO DEMONSTRATE COMPLIANCE, PROVIDING PENALTIES, PROVIDING ADMINISTRATIVE PROCEDURES RELATING TO PERMIT APPROVALS, REQUIRING A WRITTEN RECORD OF PERMIT ACTIVITY, AUTHORIZING APPEALS TO THE CITY COUNCIL, ESTABLISHING THE STATUS OF EXISTING NONCONFORMING USES; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING A REPEALER CLAUSE; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION IN SUMMARY FORM; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Whereas, avoidance of the costs and disruption caused by pollution of the community drinking water supply is the most cost-effective means by which to protect the public interest; and,

Whereas, the provision of clean, safe drinking water is one of the most vital assets available to any community; and,

Whereas, the presence of hazardous materials and the conduct of certain land-related practices can make the source of community drinking water supply (source water) vulnerable to irreparable harm; and,

Whereas, certain natural hydrogeologic conditions can increase the vulnerability of the community source water to contamination; and,

Whereas, it is universally recognized that the costs of remediation of source water pollution in both economic and social terms are the most expensive means by which to meet the community's needs for clean water; and,

Whereas, certain forms of source water pollution cannot be readily remediated irrespective of cost or need; and,

Whereas, treatment of the drinking water supply after it has been collected from the source to meet drinking water quality standards can be costly; and,

Whereas, suitable alternatives of drinking water may be costly or not available if the water supply becomes contaminated; and,

Whereas, Article XII, section 2 of the Constitution of the State of Idaho authorizes Idaho's counties and cities to "make and enforce, within its limits, all such local police, sanitary, and other regulations as are not in conflict with its charter or with the general laws,"; and,

Whereas, Idaho Code 67-65, "Local Land Use Planning," authorizes land-use regulations to implement comprehensive plan policies intended to protect natural resources and maintain the economic health of each community; and,

Whereas, the planning and zoning process should be complementary to health and safety requirements that protect the health of individuals and sustain economic well-being within each local jurisdiction; and,

Whereas, the City of Payette has adopted Title 17, Zoning, of the Payette Municipal Code.

Now, therefore, be it ordained by the Mayor and Council of the City of Payette as follows:

Section 1. Title 13 of the Payette Municipal Code is hereby amended by adding a new chapter 13.03 as follows:

Chapter 13.03
SOURCE WATER PROTECTION

13.03.010 PURPOSE

A. The purposes of this ordinance include

1. Protecting the health, safety, and general welfare of the public.

2. Fostering economic well-being derived from the availability of clean water.

3. Minimizing public costs related to remediation, treatment, or replacement of the community water supply.

4. Avoiding private costs and economic dislocation as a result of pollution of the public water supply.

5. Providing effective and efficient means for processing administrative permits to implement this ordinance.

13.03.020 DEFINITIONS

Certain defined words and phrases shall have the particular meaning set forth in this section when used within the text of this ordinance or as particularly defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" adopted by the Idaho Board of Environmental Quality and Idaho Legislature. All other words and phrases contained in this ordinance shall be construed in light of their typical meaning applied in the context of the purpose and intent set forth above and elsewhere herein.

A. **Agricultural Runoff Waste Water.** Water diverted for irrigation, but not applied to crops, or runoff of irrigation water from cropland as a result of irrigation.

B. **Aquifer Remediation-Related Wells.** Wells used to prevent, control, or remediate aquifer pollution, including, but not limited to, wells at Superfund sites.

C. **Community Public Water System.** A public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

D. **Facility.** Any land use, business, or undertaking that is established, constructed, or modified to serve a particular purpose for which potential issues may affect possible degradation of source water.

E. **Hazardous Waste Disposal Facility.** A hazardous waste treatment, storage, or disposal facility that receives hazardous material as described in the Code of Federal Regulations 40 CFR 260.1.

F. **Hazardous Waste or Material.** Any waste or material that because of its quantity, concentration, physical, chemical, or infectious characteristics may

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated,

stored, transported, disposed of, or otherwise managed; or,

3. Any material or substance designated as a hazardous or toxic substance defined by 40 CFR 261.3, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Idaho Department of Environmental Quality (DEQ) or any successor agency.

G. **Idaho Department of Environmental Quality Public Water System Records.** Geographic information system data concerning the location and environmental characteristics of water sources for PWSs maintained on computer systems by DEQ or by those subject to DEQ oversight.

H. **Injection Well.** Any excavation or artificial opening into the ground used for or intended to be used for injection of waters into the ground inclusive of all facilities so defined within the rules of the Idaho Department of Water Resources.

I. **Nontransient Noncommunity Public Water System.** A PWS that does not meet the definition of a community PWS and that serves at least 25 of the same persons over 6 months per year. Examples of nontransient noncommunity systems include schools, offices, and businesses.

J. **Public Water System.** An integrated source and distribution system defined in Idaho code or regulation serving piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals at least 60 days out of the year, or as such definition may subsequently be modified by state law or regulation. A PWS can be either *a community PWS, a nontransient noncommunity PWS,* or *a transient noncommunity PWS.*

K. **Sanitary Landfill.** A solid waste disposal operation as defined by Idaho code or regulation.

L. **Source Water.** Any aquifer, surface water body, or watercourse from which water is taken either periodically or continuously by a PWS for drinking or food-processing purposes.

M. **Special Drainage Wells.** Injection wells used for disposing of water from sources other than direct precipitation. Examples of this well type include landslide control drainage wells, potable water tank overflow drainage wells,

swimming pool drainage wells, and lake level control drainage wells.

N. **Storm Water Runoff.** Water discharged into the environment as a result of rain, melting snow, or other precipitation.

O. **Time of Travel Areas.** Time of travel (TOT) is land area plotted based on the time required for a particle of water to move from a specific point in the aquifer to a well or spring that serves as a source for a PWS. TOT areas are those calculated or approved by DEQ professionals and maintained in DEQ's public records.

P. **Transient Noncommunity Public Water Systems.** A PWS that does not regularly serve at least 25 of the same persons over 6 months per year (e.g., tavern, restaurant with less than 25 regular employees, motel, church, campground, state or federal park, a recreational vehicle park, or highway rest area).

Q. **Wellhead.** The upper terminus of a well, including adapters, ports, seals, valves, and other attachments.

13.03.030 SOURCE WATER PROTECTION OVERLAY DESIGNATIONS.

A. To protect source water from exposure to hazardous materials or practices that expose a well or spring that supplies water to a PWS, the Source Water Protection Overlay (SWPO) designation established pursuant to this ordinance shall implement certain measures of protection for water sources appropriate to the risk posed by particular conductor activities. A SWPO designation shall be identified and configured to protect a well, spring, or surface water source from vulnerability to pollutants within a calculated 10-year Time of Travel (TOT) area determined by studies and mapping provided by DEQ. Original data concerning such studies can be obtained from DEQ.

B. Source Water Protection Overlay (SWPO) designations shall be depicted on a map of the City of Payette that is designated as the official SWPO designation map. Each spring, well, or surface water intake that serves as a source for a PWS shall be located on the SWPO map. The official SWPO map of like date with the initial effective date of this ordinance is hereby adopted as a component of this ordinance and as a complement to the zoning ordinance of the City of Payette. Each subsequently identified PWS well, spring, or surface water intake shall hereby be automatically added to the SWPO map with the well, spring, or surface water intake location identified by its Global Positioning System coordinates, or by the same means that other wells, springs, or

surface water intakes are located within DEQ records concerning PWS wells, springs, or surface water intakes as soon as DEQ studies concerning such PWS are complete. Even if a PWS well, spring, or surface water intake is not depicted on the SWPO map, it shall nonetheless be subject to the protection and limitations afforded by this ordinance. No amendment of this ordinance or map shall be necessary to apply the requirements of this ordinance to any PWS source. Corrective amendments to the SWPO map can be made by administrative staff of the City of Payette upon a determination of factual propriety.

13.03.040 WELL PROTECTION TIERS - AUTHORIZATION, ESTABLISHMENT, AND LIMITATIONS

Establishment of Wellhead or Spring-Related Vulnerability Tiers. Surrounding each PWS well or spring shall be 4 functional tiers that correlate with the vulnerability of a PWS well or spring to contamination. Each tier shall be subject to the functional use and activity limitations prescribed by the City of Payette zoning ordinance.

1. Wellsite Tier

The land that immediately surrounds the wellhead and having a radius of not less than 50 feet from the well, or as otherwise depicted in DEQ's PWS records, shall be known and designated as the Wellsite Tier. Irrespective of the local land-use zone applied within the Wellsite Tier, uses permitted therein shall be limited to necessary public water supply wellhead equipment, which may include pump houses, wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage, and approved landscaping. No uses otherwise permitted by the underlying land-use zone shall be permitted in the Wellsite Tier unless approved by DEQ. The area encompassed by the Wellsite Tier shall include, at a minimum, the land referenced above.

2. Inner Vulnerability Tier

The PWS Inner Vulnerability Tier constitutes those lands located outside the Wellsite Tier, extending outward to the inside boundary of the Intermediate Vulnerability Tier. The inside boundary of the Intermediate Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 0 to 3-year TOT area for community and nontransient noncommunity PWSs, or a 1,000-foot radius for transient noncommunity PWSs as determined by site-specific DEQ evaluation. In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning

ordinance, the land uses, physical installations, or conditions established by Chapter 17.90 the City of Payette zoning ordinance shall be prohibited within the Inner Vulnerability Tier as determined within the applicable DEQ records for each PWS.

3. Intermediate Vulnerability Tier

The PWS Intermediate Vulnerability Tier constitutes those lands located outside the Inner Vulnerability Tier, extending outward to the inside boundary of the Outer Vulnerability Tier. The inside boundary of the Outer Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 3 to 6-year TOT area as determined by site-specific DEQ evaluation. In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by Chapter 17.90 of the City of Payette zoning ordinance shall be prohibited within the Intermediate Vulnerability Tier as determined within the applicable DEQ records for each PWS.

4. Outer Vulnerability Tier

The Outer Vulnerability Tier constitutes those lands located outside the Intermediate Vulnerability Tier extending outward to the outside boundary of the Outer Vulnerability Tier. The outside boundary of the Outer Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 6 to 10-year TOT area as determined by site-specific DEQ evaluation.

In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by 17.90 of the City of Payette zoning ordinance shall be prohibited within the Outer Vulnerability Tier as determined within the applicable DEQ records for each PWS.

Tier unless site design practices have been employed to prevent discharge of contaminants into the PWS surface water intake by gravity or by means of pressure.

13.03.050 DEMONSTRATION OF COMPLIANCE REQUIRED

Any request for a building or zoning permit to the City of Payette that falls within a designated Vulnerability Tier requires the applicant to demonstrate compliance with the provisions of this ordinance.

13.03.060 ADMINISTRATIVE REQUIREMENTS

A. All permit requests shall be in writing. The obligation to demonstrate compliance with the requirements of this ordinance shall lie with the permit applicant. Whenever any permit request calls for proof of compliance, the administrator of this ordinance shall maintain written records of the compliance process from the point of initial application to its conclusion. All licenses which are issued shall be granted by the city clerk or designee. The city clerk or designee shall grant or deny the permit within thirty (30) days of the time it is filed with the city clerk. Whenever the city clerk or designee denies a permit, they shall specify in writing:

1. The statutes, ordinances and standards used in evaluating the application;
2. The reason for the denial; and
3. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

B. Whenever an administrative authorization is required to demonstrate compliance with standards established by this ordinance or whenever an administrative authorization decision is appealed to the City Council of the City of Payette, written notice of the hearing shall be given to the entity(ies) operating the public water supply(ies) within the regulatory distance called for pursuant to this ordinance. Any administrative determination shall comply with any procedural requirements established by the City of Payette zoning ordinance and this ordinance. Said determination shall be in writing and shall state the basis in fact and law for the approval or denial of a permit. An applicant is authorized to request reconsideration of any permit decision by the administrator, provided that an affected PWS shall be notified of any such request and shall be allowed to participate in any such proceedings. The permit applicant and affected PWS shall be promptly notified of the final decision.

C. Any permit decision made by the administrator may be appealed by the permit applicant or the PWS to the City Council of the City of Payette. Any such appeal must be filed within 28 days of the mailing date of the final decision by the administrator and shall state the legal basis therefor. The appellant, *any* opposing party, and the administrator shall be entitled to be heard by the City Council. Any decision on appeal made by City Council of the City of Payette shall be in writing and shall state the facts and legal standards relied upon.

13.03.070 PENALTY FOR VIOLATION

Failure to demonstrate compliance with applicable provisions of this ordinance, failure to demonstrate compliance with the City of Payette zoning ordinance, or express noncompliance with this ordinance shall constitute a violation of this ordinance subject to a misdemeanor criminal fine of up to $1,000 per day of violation, 6 months of incarceration per day of violation, or both such fine and incarceration for each day that a violation continues.

13.03.080 STATUS OF LAWFUL EXISTING FACILITIES

Any lawful use existing at the time of the adoption of this ordinance and characterized as a prohibited or restricted use herein, shall be recognized as a lawful nonconforming facility. Any such nonconforming facility may not be expanded or modified except as otherwise provided in the zoning ordinance and in accordance with provisions of this ordinance. Mitigation or preventive measures may be required as a precondition for allowing modification or expansion of nonconforming facilities located within any designated tier.

SECTION 2. SEVERABILITY
The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS
All provisions of the current City of Payette code or ordinances of the City of Payette that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

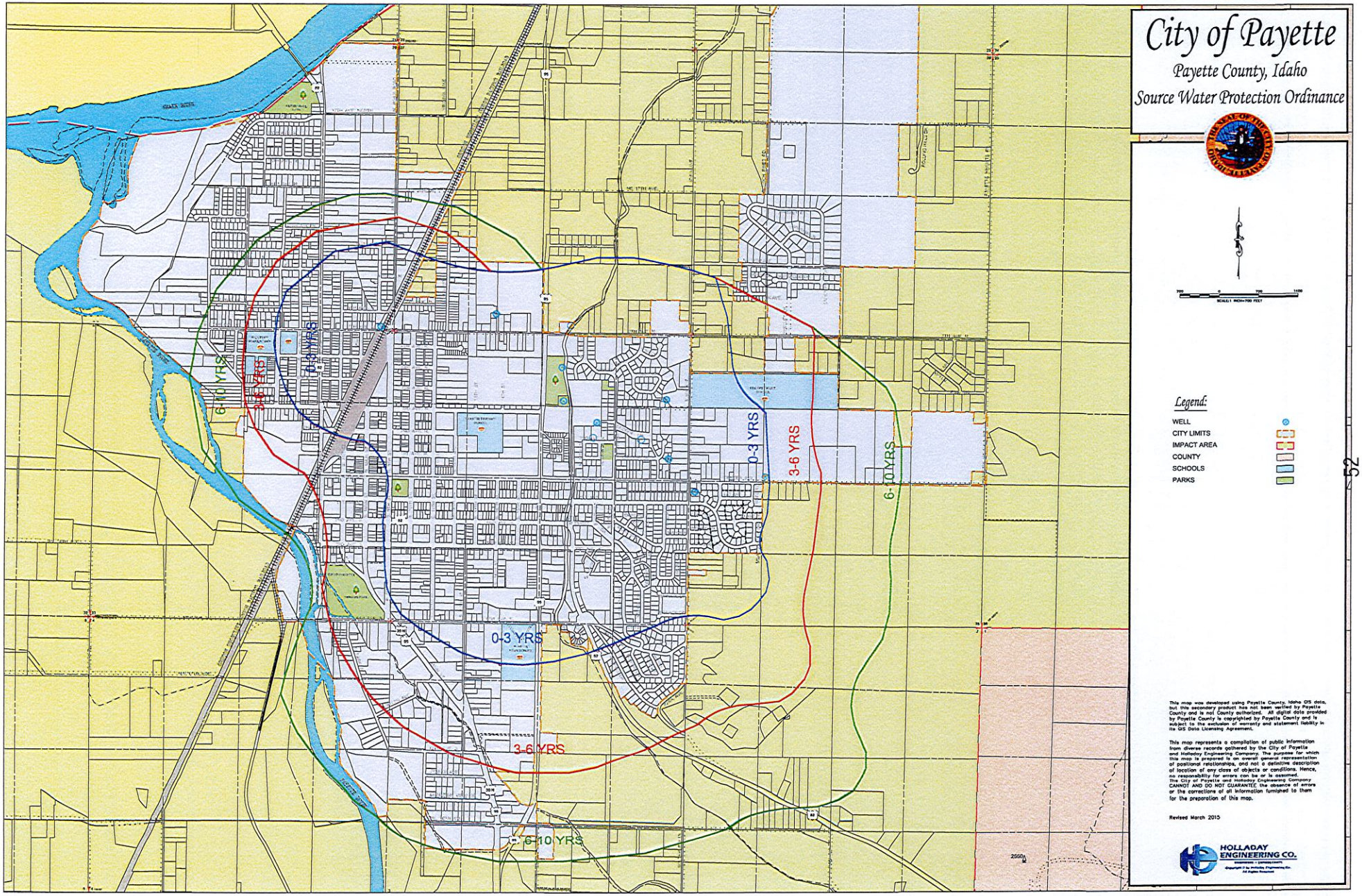
Section 4. This Ordinance may be published in summary form allowed by Idaho Code.

SECTION 5. This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the City Council as an ordinance of the City of Payette on the day of _____, 2016.

Signed by the Mayor on the _____ day of , 2016.

Attest: _____
City Clerk


City of Payette
Payette County, Idaho
Source Water Protection Ordinance
Legend:
WELL
CITY LIMITS
IMPACT AREA
COUNTY
SCHOOLS
PARKS
0-3 YRS
3-6 YRS
6-10 YRS
0-3 YRS
3-6 YRS
6-10 YRS
0-3 YRS
3-6 YRS
6-10 YRS
SCALE: 1 INCH=700 FEET
This map was developed using Payette County, Idaho GIS data, but this secondary product has not been verified by Payette County and is not County authorized. All digital data provided by Payette County is copyrighted by Payette County and is subject to the exclusion of warranty and statement liability in its GIS Data Licensing Agreement.
This map represents a compilation of public information from diverse records gathered by the City of Payette and Holladay Engineering Company. The purpose for which this map is prepared is an overall general representation of positional relationships, and not a definitive description of location of any class of objects or conditions. Hence, no responsibility for errors can be or is assumed. The City of Payette and Holladay Engineering Company CANNOT AND DO NOT GUARANTEE the absence of errors or the correctness of all information furnished to them for the preparation of this map.
Revised March 2015
HOLLADAY ENGINEERING CO.

ORDINANCE 1418

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE TITLE 17 ZONING, BY ADDING A NEW CHAPTER 17.85 PROTECTION OF PUBLIC WATER SYSTEM SOURCES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 1. Title 17 of the Payette Municipal Code is hereby amended by adding a new chapter 17.85 as follows:

Chapter 17.85
PROTECTION OF PUBLIC WATER SYSTEM SOURCES

17.85.010 PURPOSE

The purposes of this ordinance include:

A. Protecting the health, safety, and general welfare of the public.
B. Fostering economic well-being derived from the availability of clean water.
C. Minimizing public costs related to remediation, treatment, or replacement of the community water supply.
D. Avoiding private costs and economic dislocation as a result of pollution of the public water supply.
E. Providing effective and efficient means for processing administrative permits to implement this ordinance.

17.85.020 Protection of Public Water System Sources

Irrespective of the zoning designation applied to any land or land use governed by this ordinance, such zoning designation shall be subject to the limitations established by this section pursuant to the complementary ordinance of the City of Payette, which is intended to protect source water that supplies public water systems (PWS) within the City of Payette. By reference to the provisions and accompanying Source Water Protection overlay map that comprise Ordinance No.1417, the following requirements and limitations apply within any land-use zone:

A. As respects the Inner Vulnerability Tier designated by Ordinance No.1415, the following uses are hereby prohibited:

1. Sanitary landfill.
2. Confined Animal Feeding Operation (CAFO) as defined by code or rule.
3. Hazardous Waste Storage or Disposal Facility as defined herein.
4. Injection wells (shallow and deep) except for closed systems, certified as such by a licensed professional engineer.
5. Existing sewer lines less than 100 feet from a PWS wellhead-serves as constraint on new well placement.
6. New sanitary sewer system components and sewer lines closer than 150 feet from a PWS wellhead.
7. Existing septic tanks or drain fields less than 100 feet from a PWS wellhead serves as constraint on new well placement.
8. Any newly installed septic tanks or drain fields less than 200 feet away from a PWS wellhead.
9. Junk or salvage yards as defined by this zoning ordinance.
10. Automobile or truck body/repair shops, gas stations, maintenance or fueling areas.
11. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
12. Oil and gas wells or drilling sites.
13. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

B. As respects the Intermediate Vulnerability Tier designated by Ordinance No.1417, the following uses are hereby prohibited:

1. Sanitary landfill.
2. CAFO as defined by code or rule.
3. Hazardous Waste Storage or Disposal Facility as defined herein.
4. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
5. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow

injection wells shall use best management practice (BMP) options, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties.* The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and septic tank and drainfield systems permitted and constructed according to law.

6. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.
7. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
8. Oil and gas wells or drilling sites.

C. As respects the Outer Vulnerability Tier designated by Ordinance No.1417 the following uses are hereby prohibited:

1. Sanitary landfill.
2. Hazardous Waste Storage or Disposal Facility as defined herein.
3. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
4. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow injection wells shall use BMPs, such as those included in the most current version of DEQ's Catalog of Stormwater Best Management Practices for Idaho Cities and Counties. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and septic tank and drain [field systems permitted and constructed according to law.
5. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water. Any such applicant denied a permit may seek

an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS.

6. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
7. Oil and gas wells or drilling sites.

D. Any such application denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be heard before the City Council of the City of Payette.

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 _____, 2016.

CITY OF PAYETTE, IDAHO

BY_____

Jeffrey T. Williams, Mayor

ATTEST:

_____

City Clerk

RESOLUTION 2016-16

A RESOLUTION OF THE
PAYETTE CITY COUNCIL
AMENDING FEES

WHEREAS, the City of Payette, Idaho ("City") is a municipal corporation operating under the laws of the State of Idaho and is authorized to fix rates and charges to offset the costs of administration, operations and maintenance of various programs; and

WHEREAS, pursuant to Title 50, of the Idaho Code the City is authorized to take actions incidental to the management and operation of all City operations; and

WHEREAS, the City has the authority to establish or change fees when conditions warrant; and

WHEREAS, the City has determined that some fees should be changed to reflect the present cost of providing services; and

NOW, THEREFORE, Be It Resolved by the Mayor and City Council of the City of Payette, Idaho that the following fee schedule, which reflects the fees to be charged by the City of Payette, is hereby adopted and set out as follows.

ADMINISTRATIVE FEES

Beer License (off premises)	$50.00	Annually
Beer License (on premises)	$200.00	Annually
Wine License (off premises)	$50.00	Annually
Wine License (on premises)	$100.00	Annually
Liquor/Wine (on premises)	$562.50	Annually
Liquor/Wine (Golf Course)	$225.00	Annually
Liquor License Transfer	$ 75.00	
Beer and/or Wine License Transfer	$ 10.00	
Catering Permit	$20.00	Per day
Door to Door Solicitation	$50.00	Quarterly
Eating Establishment	$50.00	Annually
Business License	$25.00	One Time
Mobile Food Vendor	$50.00	Quarterly
Gaming Devices	$8.00	Per device
Pool Table	$8.00	Per table
Card Table	$10.00	Per year per table
Billiard Table	$ 6.00	Per year per table
Bowling Alley	$10.00	Per year
Each additional alley	$ 5.00	Per year

Shuffleboard	$ 8.00	Per year
Taxi Cab License	$10.00	Per vehicle
Each addition vehicle owned and operated by same party	$ 5.00	Per vehicle

Pawn Shop License	$100.00	Annually
Dance Hall License	$100.00	Annually
Used Car Dealer License	$100.00	One-Time
Used Car Dealer Renewal (if not in compliance)	$100.00	One-Time
Used Car Dealer License Transfer	$ 25.00	
Mobile Home Park License	$100.00	
Mobile Home Park Renewal	$ 10.00	Annually
Tree Care Business License	$25.00	Annually
Bench Advertising	$100.00	Annually
Encroachment Permit	$ 50.00	
Tie down Fees @ airport	$ 10.00	Per month per plane
Non-sufficient funds fee	$ 20.00	Per occurrence

(Returned check or electronic transaction)
(After 2 returned account holder checks or ACH returns, no account holder checks will be taken on the account for 1 year)

Administrative Fee for a lien	$100.00	
Auctioned Impounded Vehicles-Notice of Sale	$10.00	Per vehicle
Salvage Parts Permit	$25.00	Annually
Building Permit (When Not obtained)	Double the original price of permit (Ord. #1375)	
Parking Violation 1st Violation	$5.00	
2nd Violation	$10.00	
3rd Violation +	$15.00 <90 days	
Private Investigator License	$50.00	Annually
Private Patrolman	$50.00	Annually
Temporary Parking/ Camping License	$ 1.00 <30 days	
Civil Subpoena Service Fee	$20.00	
Marriage ceremony performed by Mayor	$ 5.00	
Notary Fee	$ 2.00	per signature
Copies	$.10	Per page (black & white)
	$.50	Per page (color)
Fax	$3.00	
Maps		At cost from supplier
Background Check	$30.00	Per person (ISP - $20.00 – Admin $10.00)

Adult Entertainment Business (annually)

1. Class A license: Three hundred dollars ($300.00)
2. Class B license: One hundred twenty five dollars ($125.00)
3. Class C license: Two hundred dollars ($200.00)
4. Class D license: Fifty dollars ($50.00) per adult arcade machine
5. Class E license: Three hundred dollars ($300.00) plus applicable fees for class A content and fees for each arcade machine under class D

Dog Licensing Fees

Dog License		$ 20.00	Annually
	Unsexed	$10.00	Annually
	Sr. Citizen Owner	$ 6.00	Annually if unsexed
Vicious Dog		$100.00	Annually
	Unsexed	$ 75.00	Annually
Late Fee (after **May** 1st)		$ 10.00	
Kennel License		$ 75.00	
Boarding Fee		$ 10.00	Per Day
Impound Fee		$ 30.00	1st occurrence
		$ 50.00	2nd occurrence
		$ 75.00	3rd occurrence
Replacement Tag		$ 5.00	

Planning & Zoning Fees

Conditional Use Permit Application	$100.00	
Variance Application	$200.00	
Annexation Application	$250.00	
Well Development	$500.00	per lot
Rezone Application	$300.00	
Decision Appeal	$100.00	
Comprehensive Plan Amendments	$300.00	
Short Plat Application	$250.00	
Lot Line Adjustment Application	$100.00	
Preliminary Plat Application	$200.00	+ $20.00 per lot
Final Plat Application	$200.00	+ $20.00 per lot
Miscellaneous Zoning Application	$ 50.00	
Impact Fees		
Police Fees:		
Residential	$457.00	per dwelling unit
Nonresidential	$ 0.28	per sq. foot
Fire Fees:		
Residential	$363.00	per dwelling unit
Nonresidential	$ 0.22	per sq. foot
Building Permit- Prefabricated Building or Structure	$150.00	
Sign Permit	$ 50.00	
Engineering Review Deposit	$1,000.00	

Fire Department Fees

Fire Inspection	$25.00	Per occurrence (no fee for first inspection)
Daycare Inspection	$25.00	Per occurrence

Fireworks Sale Permit		$25.00	Annually
Fireworks Show Permit		$25.00	Per show

Park & Pool Fees

Special Events Permit		$200.00	($100.00 refundable)
Bandshell Rental		$ 25.00	Per day
Power usage		$ 10.00	Per day
Park Permit		$ -0-	Per 50 people
Swimming Lessons		$ 30.00	Per person
		$ 27.50	each additional child in family
Life Guard Certification (employed at City of Payette)		$ 40.00	
Life Guard Certification (not employed at City of Payette)		$200.00	
Non-refundable		$ 27.50	each add'l family member
Semi Private Lessons (5 students or less per class)		$60.00	Ten 30 minute classes
Non-refundable			
Private Lessons		$10.00	30 minutes per lesson
Non-refundable			
Pool General Admission		$ 3.00	Per person
Pool Passes			
	Individual	$ 50.00	1 month resident
		$100.00	3 month resident
		$ 80.00	1 month non-resident
		$160.00	3 month non-resident
	Senior (62+)	10%	Discount on individual pass
	Family - Resident	$100.00	1 month +
	5 household members	$ 15.00	Per person over 5 count
		$200.00	3 month +
		$ 30.00	Per person over 5 count
	Family – Non-resident	$130.00	1 month +
	5 household members	$ 15.00	Per person over 5 count
		$260.00	3 month +
		$ 30.00	Per person over 5 count
	Annual Corporate Pass	$800.00	12 month +
	Up to 5 Employees	$120.00	Per employee over 5 count
		Passes are sold for visits on days pool is open	
Pool Rentals		$100.00	Per hour UP to 35 swimmers
			Addtn'l $25 for each increment of 10
Large Locker – Monthly		$20.00	Per Month
Small Locker		$ 3.00	Per Day ($2.00 back upon return of key)

School Groups	Payette School District	$2.25	Per person
	Other School Districts	$2.75	Per person
Shower @ the pool		$3.00	Per shower
Punch Cards:	General Admission multiplied by # of days – 20 days maximum		

All pool fees are non-refundable

Library Fees

Non-Resident Library Card	$60.00	Annually, OR
Non-Resident Library Card	$20.00	Per every 3 months
Fines	$ .25	Per library business day
Meeting Room Reservation	$ 60.00	**($50.00 refundable)**

Public Works Fees

WATER FEES			
Base Rate	¾ - inch	$6.67	Per dwelling unit 10-01-15
	1-inch	$11.98	10-01-15
	2-inch	$46.63	10-01-15
	3-inch	$106.58	10-01-15
	4-inch	$186.51	10-01-15
	6-inch	$426.29	10-01-15
Usage Fee		$ .238	Per 100 gallons water 10-01-15
Rural Water (outside City limits)	¾ - inch	$13.34	10-01-2015
Usage Fee (outside City limits)		$ .476	Per 100 gallons water 10-01-15
Tap Fees	¾ inch	$1,500	
	1-inch	$1,800	
	2-inch	$3,000	
	4-inch	At city cost	
	6-inch	At city cost	
Permit Fee		$750.00	Per unit
Meter Placement		$125.00	Per meter
Utility Account Late Fee		$ 5.00	
Utility Account Deposit		$125.00	Per living unit
		$300.00	Restaurant
		$125.00	Per non-residential unit
Utility Account Deposit – Trailer Courts		$125.00	Per space
Involuntarily shut off fee		$30.00	
Turn on fee after involuntary shut off		$30.00	
Voluntary shut-off		One free per calendar year/ $30 after first free one	
Voluntary turn-on		One free per calendar year/ $30 after first free one	
Commercial Purchase Water		$ .01	Per gallon
SEWER FEES			
Base Rate		$ 16.87	Per dwelling unit 10-01-15
		$ .268	Per 100 gallons water 10-01-15

Rural Sewer (outside City limits)			$ 33.74	10-01-2015
Usage Fee (outside City limits)			$ .536	Per 100 gallons water 10-01-15
Sewer Permit			$ 750.00	Per dwelling unit
Fire Protection Fee			$ 5.25	per household/month
Reconstruction/ Replacement Fund			$ 2.55	deducted from base rate of sewer charge/user
Sewer Only Users Base Rate			$ 29.13	per month 10-01-15
Portable Toilet Waste			$ 5.00	+ $1.00/100 gallons
INDUSTRIAL CHARGES- Loading Sewer System				
Biochemical Oxygen Demand (BOD):				
0-3000 pounds			$ 0.19	per pound
3001 pounds +			$ 0.38	per pound
Total Suspended Solids (TSS):				
0-1500 pounds			$ 0.13	per pound
1501 pounds +			$ 0.26	per pound
Flow:				
0-500,000 gallons			$ 0.61	per 1000 gallons
500,001 gallons +			$ 1.22	per 1000 gallons
Settleable solids:				
Higher than 7 mg/l			$100.00	
REFUSE FEES				
Residential:				
Service			$ 11.24	per month
Can			$ 2.35	per month
Commercial:				
Temporary Container Service				
Can-size:	4 cubic yards	Delivery Charge	$15.00	
		On Call Service	$ 23.00	per dump
		Rent	$ 13.00	per month
	6 cubic yards	Delivery Charge	$15.00	
		On Call Service	$ 32.00	per dump
		Rent	$ 17.00	per month
	2 cubic yards		$ 42.48	once/week
			$ 67.93	twice/week
			$ 97.34	three/week
	3 cubic yards		$53.18	once/week
			$ 88.62	twice/week

		$112.84	three/week
	4 cubic yards	$ 68.75	once/week
		$131.54	twice/week
		$177.96	three/week
	6 cubic yards	$ 96.15	once/week
		$164.18	twice/week
		$221.94	three/week
	8 cubic yards	$121.12	once/week
		$179.34	twice/week
		$259.18	three/week
	300 Gallon Tub	$ 35.75	once/week
		$ 55.14	twice/week
	20 cubic yard compactor	$178.00	per dump
Monthly Rent on Containers			
	2 cubic yards	$10.00	per month
	3 cubic yards	$ 11.00	per month
	4 cubic yards	$ 13.00	per month
	6 cubic yards	$ 17.00	per month
	8 cubic yards	$ 19.00	per month
	300 gallon tub	$ 7.50	per month
Recycling Container		$ 28.50	per month
Appliance Disposal			
	Non-freon unit	$ 22.00	per unit
	Freon unit	$ 44.00	per unit
Commercial Can			
1-4	32-Gallon Cans	$ 16.50	each per month
	95-Gallon Cart	$ 14.50	per month
Commercial Roll-Off Drop Boxes			Per Dump
Container:			
	20 cubic yards	$ 2.85	Daily Rent
		$135.00	Per Dump
	30 cubic yards	$ 3.15	Daily Rent
		$142.00	Per Dump
	35 cubic yards	$ 3.40	Daily Rent
		$147.00	Per Dump

40 cubic yards	$ 3.50	Daily Rent
	$155.00	Per Dump

City staff is directed to take all administrative actions necessary to implement the forgoing fee schedule.

Any resolution or any fee inconsistent with the provisions of this resolution is hereby repealed or superseded to the extent of such inconsistency.

This fee schedule shall be effective beginning November 21st, 2016 and shall remain in force until revised by subsequent resolution of the Payette City Council.

DATED this 21st day of November, 2016.

_____
Jeffrey T. Williams, Mayor

ATTEST:

_____
Mary Cordova, City Clerk

James Mundell
511 N 7th St.
Payette Id 83661
208-741-8062

RECEIVED
NOV 10 2016
BY:.....

November 10, 2016

City of Payette,

In Response to your request for Removal of tree:

I am formally requesting Additional time for removal of tree. This is a huge expense to a homeowner and quotes for removal of tree this size easily exceed two months Income and to expect one to be able to do this within such a short notice is unreasonable. Also as I am effective 11-5-2016 unemployed I would like to inquire if there are any programs in place to help a homeowner with this expense. Upon contacting my homeowners Insurance company they have informed me that the only way they can pay for removal of this tree is if there has been a claim filed due to damages caused by the tree. I contacted Idaho Power as the tree is next to power lines to see if they could help, they came out and took a look at the tree and said it is no danger to their power lines so they are not willing to have the tree removed. Therefore I find myself currently unable to do anything about this due to financial restraints. I would request that if there are no other programs to help with this that the city of Payette allow me until April 15, 2017 to make arrangements for removal of this tree. Thank you for your consideration.

Sincerely,

James Mundell

Bobbie Black
Deputy City Clerk

CITY OF PAYETTE
700 Center Avenue
Payette, Idaho 83661
208-642-6026

RECEIVED
NOV 1
BY:
BY:

OFFICE OF THE CITY CLERK

October 24, 2016

James & Brenda Mundell
511 N. 7th Street
Payette, ID 83661

Re: Nuisance tree at 511 N. 7th Street CERTIFIED 70122920000076322559

County records indicate that you are the owner of the property located at 511 N. 7th Street. That property has one tree on it which is located within the City right of way. Payette City Code (PCC) requires land owners who plant, grow or allow trees in the City right of way to care for those trees and insure that they do not become a public nuisance. The PCC authorized the Payette City Tree Commission to make a recommendation to the City Forester on which trees are hazardous and because of their condition pose a threat to public safety. The code also allows the City to require the removal of hazardous trees.

Upon inspection of the tree located at 511 N. 7th Street, the City Forester has determined that the tree is dying, and poses danger to the public and it needs to be removed.

The City of Payette hereby request that this tree be removed within 30 days from the date of this notice. If you are unable to remove the tree within 30 days, notify us in writing. An extension of time to remove the tree may only be granted upon approval of the Payette City Council. If an extension of time has not been approved, the City will have the tree removed and assess your property for the cost of removal. In accordance with Chapter 12.18 of the PCC, the City will then place a lien on your property for the cost of removal plus a $100 administration fee.

Please remember that a tree being removed from within the public right of way shall be removed under the supervision of a certified arborist.

Please feel free to contact the City of Payette, or visit the City of Payette website (www.cityofpayette.com) to review any additional requirements of City Code for removal of trees. We appreciate your prompt attention to this matter.

Bobbi Black

Bobbie Black
Deputy City Clerk

CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Honorable Mayor & Members of the Payette City Council

From: Bobbie Black, Deputy City Clerk

Date: 11/7/2016

Re: Building Permits & Business License

	BUILDING PERMITS		BUSINESS LICENSE	
	2015	2016	2015	2016
January	5	1	5	3
February	5	2	4	1
March	1	10	6	3
April	7	9	1	2
May	2	7	0	5
June	0	2	3	1
July	5	9	3	7
August	10	8	3	1
September	6	6	0	1
October	6	5	4	6
November	6		2	
December	3		2	
TOTAL	56	59	33	30

October: Valley Auto Sales
Cuddle Bug Junction
Missy's Plush Puppy Corral
Amanda Spurlign Home Occupation
All About Sport Embroidery
Vapor LLC