ORDINANCE NUMBER 1083

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.12, DEVELOPMENT IMPACT FEE BY RAISING THE FEE COLLECTED FOR FIRE, WASTEWATER AND THE SINGLE FAMILY DWELLING UNIT FEE FOR STREETS AND BY LOWERING THE FEE COLLECTED FOR PARKS, POLICE, STREETS, WATER, THE MULTI FAMILY DWELLING UNIT FEE FOR STREETS, AND THE NON-RESIDENTIAL FEE FOR STREETS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code § 67-8201 et seq. allows Idaho municipal corporations to enact ordinances allowing them to collect a development impact fee; and

WHEREAS, pursuant to Idaho Code § 67-8201 *et seq.*, the City of Ketchum enacted Ordinance No. 726 on August 3, 1998, now codified as Ketchum Municipal Code Title 15, Chapter 12 "Development Impact Fee", providing for the collection of such fees for development impacts on Ketchum's water and wastewater systems; and

WHEREAS, the City of Ketchum enacted Ordinance No. 955 on July 6, 2005, amending and expanding Ketchum Municipal Code Title 15, Chapter 12 "Development Impact Fee"; and

WHEREAS, the City of Ketchum enacted Ordinance 1030 on December 17, 2007, amending Ketchum Municipal Code Title 15, Chapter 12 "Development Impact Fee" by raising such fee collected for Streets and Traffic and Law Enforcement and by lowering such fee for Parks and Fire Protection; and

WHEREAS, on July 7, 2010, the Development Impact Fee Advisory Committee developed and approved certain changes to the Capital Improvements Plan as defined in Idaho Code § 67-8203 utilizing the land use assumptions most recently adopted by the Ketchum Planning and Zoning Commission; and

WHEREAS, after proper notice and public hearing, the City of Ketchum amended its Capital Improvements Plan in Resolution No. 10-018 adopted August 16, 2010; and

WHEREAS, the City of Ketchum will review Development Impact Fees again in two years; and

WHEREAS, Ketchum now desires to amend Ketchum Municipal Code Title 15, Chapter 12 "Development Impact Fee" by raising the fee collected for fire, wastewater, and the single family dwelling unit fee for streets; and by lowering the fee collected for parks, police, water, the multi-family dwelling unit fee for streets and the non-residential fee for streets.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho:

SECTION 1 - FINDINGS. That the Ketchum City Council hereby finds that an equitable program for planning and financing public facilities needed to serve new growth and development in the City of Ketchum is necessary in order to promote and accommodate orderly growth and development of the City of Ketchum and to protect the public health, safety and general welfare of the citizens of the City of Ketchum. It is the intent by enactment of this chapter to:

(1) Ensure that adequate public facilities are available to serve new growth and development;

(2) Promote orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development;

(3) Establish minimum standards for the adoption of development impact fee ordinances by governmental entities;

(4) Ensure that those who benefit from new growth and development are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development requirements; and

(5) Empower governmental entities which are authorized to adopt ordinances to impose development impact fees.

The Ketchum City Council hereby adopts that Impact Fees for City of Ketchum, Idaho (the "Study") dated February 13, 2011 with March 8, 2011 Addendum, by Henderson, Young and Company, a true and correct copy of which is attached hereto as "Exhibit A-1".

The Ketchum City Council hereby finds that the Study meets the requirements of Idaho Code § 67-8201 *et seq.* and demonstrates the need for the amendments contemplated in this Ordinance.

SECTION 2. CHANGES TO KMC 15.12.050 CAPITAL/SYSTEM IMPROVEMENT PROJECTS. That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.050 is hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

The capital/system improvement projects to be financed by the impact fees are those as listed in the capital improvement plan, ~~addenda A, B, and C~~ addendum A attached to the ordinance codified herein, and the reports, incorporated in this chapter by reference along with all footnotes, exhibits, appendices, and other attachments referenced in such ~~reports~~ report. Additional information including, without limitation, studies and memoranda used to prepare the capital improvements plan, ~~addenda A, B, and C~~ addendum A and the ~~reports~~ report shall be available to the public according to applicable law.

SECTION 3. CHANGES TO KMC 15.12.060 CALCULATION OF IMPACT FEE . That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.060 A is hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

A. The city shall calculate the amount of the impact fee due for each building permit by the procedure set forth in the reports, and the studies and memoranda used to prepare ~~addenda A, B,~~

~~and C~~ addendum A within thirty (30) days of submittal of complete permit plans for residential development or submission of an application for a water or sewer hookup and within sixty (60) days of submittal of complete permit plans for commercial development.

SECTION 4. CHANGES TO KMC 15.12.070 GENERAL METHODOLOGY FOR CALCULATION. That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.070 A and C are hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

A. The amount of the impact fee shall be calculated using the methodology contained in the ~~reports, addenda A, B, and C~~ report, addendum A and in the studies and memoranda used to prepare ~~addenda A, B, and C~~ addendum A.

C. A developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in Idaho Code section 67-8207. The schedule of development impact fees for various developers shall be as set forth in ~~addenda A, B, and C~~ addendum A.

SECTION 5. CHANGES TO KMC 15.12.130 ADDENDUM A, TABLE 1. That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.130, Addendum A is hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

15.12.130 Addendum A, ~~Addendum B, and Addendum C.~~
~~Addendum A.~~

Addendum A, entitled ~~the "Schedule of Development Impact Fees", addendum B entitled "Water Impact Fee Schedule" and addendum C entitled "Waste Water Impact Fee Schedule" are~~ "Impact Fees for City of Ketchum, Idaho", dated February 13, 2011 with March 8, 2011 Addendum, by Henderson, Young and Company is attached to ~~ordinances 955 and 1030~~ ordinance 1083 and incorporated herein by this reference as if set forth in full, along with all footnotes, exhibits, appendices, and other attachments referenced including, but not limited to, the city comprehensive plan. A description of acceptable levels of service for system improvements ~~are~~ is described in ~~these reports~~ this report. All studies, materials, data and memoranda used to establish the fees set forth in ~~addenda A, B, and C~~ addendum A shall be made available to the public pursuant to applicable law.

Table 1
Recommended Schedule of Development Impact Fees

~~Type of Development~~	~~Impact Fee for Residential Dwelling $/Unit~~	~~Impact Fee for Commercial/Industrial ($/5000 sq.ft.)~~	~~Impact Fee for Commercial/Industrial ($/10,000 sq.ft.)~~
~~Park Lands~~	~~$2172~~ ~~$1,800~~	~~No impact fee~~	~~No impact fee~~
~~Streets and Traffic~~	~~$945~~ ~~$4,293~~	~~$1,575~~ ~~$7,155~~	~~$3,151~~ ~~$14,310~~
~~Fire Protection~~	~~$1,710~~ ~~$356~~	~~$2,850~~ ~~$595~~	~~$5,700~~ ~~$1,190~~

~~Law Enforcement~~	~~$105~~	~~$285~~	~~$170~~	~~$475~~	~~$340~~	~~$950~~
~~Total~~	~~$4,932~~	~~$6,734~~	~~$4,595~~	~~$8,225~~	~~$9,191~~	~~$16,450~~

Type	Unit of Development	Proposed Impact Fee Rates*
Fire	single-family dwelling unit	$2,092
	multi-family dwelling unit	1,616
	square foot non-residential	0.454
Parks	single-family dwelling unit	1,047
	multi-family dwelling unit	809
	square foot non-residential	None
Police	single-family dwelling unit	104
	multi-family dwelling unit	80
	square foot non-residential	0.022
Streets	single-family dwelling unit	4,492
	multi-family dwelling unit	3,471
	square foot non-residential	0.968
Wastewater	single-family dwelling unit	3,205
	studio apt, condo, duplex	1,602
	1 bedrm apt, condo, duplex	2,403
	2 bedrm apt, condo, duplex	3,205
	3 bedrm apt, condo, duplex	4,006
	Hotel room	1,602
	1,000 sf bar or restaurant	8,011
	3,000 sf office, retail, light industrial	4,807
	6,000 sf warehouse	1,602
Water	1" service meter	3,015
	1.5" service meter	6,783
	2" service meter	12,059
	3" service meter	27,133
	4" service meter	48,236
	6" service meter	108,532
	8" service meter	192,945
	10" service meter	301,477

*From Table 33, pages 44-45 of Addendum A

Additionally, Addendum A is amended by deleting the Caplan & Associates Memorandum and adding to such Addendum A "Impact Fees for City of Ketchum, Idaho", dated February 13, 2011 with March 8, 2011 Addendum, by Henderson, Young and Company a true and correct copy of which is attached hereto as "Exhibit A-1" and incorporated herein by this reference as if restated in full.

Additionally, Addendum B is amended by deleting the "Water Impact Fee Schedule" and Addendum B is hereby repealed.

Additionally, Addendum C is amended by deleting the "Waste Water Impact Fee Schedule" and Addendum C is hereby repealed.

SECTION 6. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 8. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 9. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after 30 days after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 21st day of March, 2011.

CITY OF KETCHUM, IDAHO

Larry Helzel
Council President

ATTEST:

Sandra Cady, CMC
City Clerk/Treasurer

APPROVED AS TO FORM AND CONTENT:

Stephanie J. Bonney,
City Attorney

Publish: Idaho Mountain Express
March 30, 2011

CITY OF KETCHUM
BLAINE COUNTY, IDAHO
SEAL

EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1083
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.12, DEVELOPMENT IMPACT FEE BY RAISING THE FEE COLLECTED FOR FIRE, WASTEWATER AND THE SINGLE FAMILY DWELLING UNIT FEE FOR STREETS AND BY LOWERING THE FEE COLLECTED FOR PARKS, POLICE, STREETS, WATER, THE MULTI FAMILY DWELLING UNIT FEE FOR STREETS, AND THE NON-RESIDENTIAL FEE FOR STREETS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1083 of the City of Ketchum, Blaine County, Idaho, adopted on March 21, 2011, is as follows:

SECTION 1 - FINDINGS. The Ketchum City Council hereby finds that a development impact fee ordinance is necessary to protect the public health, safety and welfare of the residents of Ketchum, adopts that Impact Fees for City of Ketchum, Idaho (the "Study") dated February 13, 2011 with March 8, 2011 Addendum by Henderson, Young and Company and finds that the Study demonstrates the need for the amendments contemplated in this Ordinance.

SECTION 2. CHANGES TO KMC 15.12.050 CAPITAL/SYSTEM IMPROVEMENT PROJECTS. That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.050 is hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

The capital/system improvement projects to be financed by the impact fees are those as listed in the capital improvement plan, ~~addenda A, B, and C~~ addendum A attached to the ordinance codified herein, and the reports, incorporated in this chapter by reference along with all footnotes, exhibits, appendices, and other attachments referenced in such ~~reports~~ report. Additional information including, without limitation, studies and memoranda used to prepare the capital improvements plan, ~~addenda A, B, and C~~ addendum A and the ~~reports~~ report shall be available to the public according to applicable law.

SECTION 3. CHANGES TO KMC 15.12.060 CALCULATION OF IMPACT FEE . That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.060 A is hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

A. The city shall calculate the amount of the impact fee due for each building permit by the procedure set forth in the reports, and the studies and memoranda used to prepare ~~addenda A, B, and C~~ addendum A within thirty (30) days of submittal of complete permit plans for residential

development or submission of an application for a water or sewer hookup and within sixty (60) days of submittal of complete permit plans for commercial development.

SECTION 4. CHANGES TO KMC 15.12.070 GENERAL METHODOLOGY FOR CALCULATION. That Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.070 A, and C are hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

A. The amount of the impact fee shall be calculated using the methodology contained in the ~~reports, addenda A, B, and C~~ report, addendum A and in the studies and memoranda used to prepare ~~addenda A, B, and C~~ addendum A.

C. A developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in Idaho Code section 67-8207. The schedule of development impact fees for various developers shall be as set forth in ~~addenda A, B, and C~~ addendum A.

SECTION 5. CHANGES TO KMC 15.12.130 ADDENDUM A, TABLE 1. In this section, the Mayor and City Council of the City of Ketchum amends Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.130, Addendum A by adding thereto the words underlined and deleting the words with a strike through herein below, to wit:

15.12.130 Addendum A.~~, Addendum B, and Addendum C.~~
~~Addendum A.~~

Table 1
Recommended Schedule of Development Impact Fees

~~Type of Development~~	~~Impact Fee for Residential Dwelling $/Unit~~	~~Impact Fee for Commercial/Industrial ($/5000 sq.ft.)~~	~~Impact Fee for Commercial/Industrial ($/10,000 sq.ft.)~~
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~~Fire Protection~~	~~$1,710~~ ~~$356~~	~~$2,850~~ ~~$595~~	~~$5,700~~ ~~$1,190~~
~~Law Enforcement~~	~~$105~~ ~~$285~~	~~$170~~ ~~$475~~	~~$340~~ ~~$950~~
~~Total~~	~~$4,932~~ ~~$6,734~~	~~$4,595~~ ~~$8,225~~	~~$9,191~~ ~~$16,450~~

Type	Unit of Development	Proposed Impact Fee Rates*
Fire	single-family dwelling unit	$2,092
	multi-family dwelling unit	1,616
	square foot non-residential	0.454
Parks	single-family dwelling unit	1,047

Type	Unit of Development	Proposed Impact Fee Rates*
	multi-family dwelling unit	809
	square foot non-residential	None
Police	single-family dwelling unit	104
	multi-family dwelling unit	80
	square foot non-residential	0.022
Streets	single-family dwelling unit	4,492
	multi-family dwelling unit	3,471
	square foot non-residential	0.968
Wastewater	single-family dwelling unit	3,205
	studio apt, condo, duplex	1,602
	1 bedrm apt, condo, duplex	2,403
	2 bedrm apt, condo, duplex	3,205
	3 bedrm apt, condo, duplex	4,006
	Hotel room	1,602
	1,000 sf bar or restaurant	8,011
	3,000 sf office, retail, light industrial	4,807
	6,000 sf warehouse	1,602
Water	1" service meter	3,015
	1.5" service meter	6,783
	2" service meter	12,059
	3" service meter	27,133
	4" service meter	48,236
	6" service meter	108,532
	8" service meter	192,945
	10" service meter	301,477

*From Table 33, pages 44-45 of Addendum A.

And by reproducing in full and incorporating into the Ordinance that the Study dated February 13, 2011 with March 8, 2011 Addendum by Henderson, Young and Company, provides all economic and other data demonstrating the need for such amendments to Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code.

SECTION 6. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 8. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 9. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after 30 days after its passage, approval and publication.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO

Larry Helzel, Council President
Dated:

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk
Dated:

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1083 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 21st day of March 2011.

Stephanie J. Bonney,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: March 30, 2011