ORDINANCE NO. O606

AN ORDINANCE OF THE CITY OF VICTOR, IDAHO, AMENDING TITLE 7, OF THE VICTOR MUNICIPAL CODE BY ADDING A NEW CHAPTER 5 ENTITLED DEVELOPMENT IMPACT FEES; PROVIDING FOR: A SHORT TITLE, AUTHORITY, APPLICABILITY, AND PURPOSE; DEFINITIONS; THE ESTABLISHMENT OF SERVICE AREAS, THE IMPOSITION OF IMPACT FEES, AND EXEMPTIONS; THE METHOD OF THE COLLECTION OF IMPACT FEES AND ENFORCEMENT THEREOF; ESTABLISHING A PROCESS FOR IMPACT FEE CERTIFICATION; ESTABLISHING A PROCESS FOR INDIVIDUAL ASSESSMENT; DEVELOPER CREDITS AND REIMBURSEMENTS; THE METHODOLOGY FOR CALCULATION OF IMPACT FEES; THE ESTABLISHMENT OF A PROCESS FOR EXTRAORDINARY IMPACTS; A PROCESS FOR FEE PAYER REFUNDS; ESTABLISHMENT OF IMPACT FEE CAPITAL PROJECTS FUNDS AND FUND ACCOUNTS; THE USE AND EXPENDITURE OF IMPACT FEES; THE ESTABLISHMENT FOR APPEALS, PROTEST AND MEDIATION; THE PERIODIC REVIEWS OF THE CAPITAL IMPROVEMENTS PLANS; THE FILING OF AN ANNUAL REPORT; THE CREATION OF A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE; MISCELLANEOUS PROVISIONS; CONSTRUCTION OF ORDINANCE INTENT.

Section 1: Title 7 of the Victor City Code is amended to add a new Chapter 5 to read as follows:

TITLE 7
DEVELOPMENT
IMPACT FEES

CHAPTER 5 –DEVELOPMENT IMPACT FEES

7-5-1: SHORT TITLE, APPLICABILITY, EXEMPTIONS, AND PURPOSE:

A. Short title: This chapter shall be known and may be cited as the *City Development Impact Fee Ordinance*.

B. Findings: The City Council finds that:

1. The City of Victor, the City is experiencing considerable growth and Development.

2. The new growth and Development occurring within the City of Victor will place ever-increasing demands on the City to provide, improve and expand existing public facilities to serve that new growth and Development, and the tax revenues generated from that new growth and Development often does not generate sufficient funds to provide the necessary improvements and expansion of the public facilities to protect the public health, safety, and welfare. Those users that create the increased demand should bear their proportionate share of the cost of public facilities needed to serve the new growth and Development.

3. Chapter 82, title 67 of the Idaho Code (the Idaho Development Impact Fee Act) authorizes the City to adopt a development impact fee system to offset, recoup, or reimburse the portion of the costs of needed improvements to the City capital facilities caused by new Development in the City.

4. The creation of an equitable development impact fee system would promote the purposes set forth in the Idaho Development Impact Fee Act, in that it would:

a Ensure that adequate public facilities are available to serve new growth and Development:

b 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;

c 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

d Prevent duplicate and ad hoc Development Requirements (as defined below.

5. In order to implement an equitable development impact fee system, the City retained TischlerBiseGalena to prepare an impact fee study for these types of facilities. The resulting document is titled "Capital Improvement Plan and Development Impact Fee Study", dated October 13, 2022. The document is incorporated herein as "the impact fee study".

6. The development impact fee study sets forth reasonable methodologies and analyses for determining the impacts of various types of new Development on the City's infrastructure and public facilities and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such facilities created by new Development.

7. In accordance with Idaho Code, the development impact fee study was based on actual system improvement costs or reasonable estimates of such costs. In addition, the development impact fee study uses a fee calculation methodology that is net of credits for the present value of revenues that will be generated by new growth and Development based on historical funding patterns and that are anticipated to be available to pay for system improvements, including taxes, assessments, user fees, and intergovernmental transfers.

8. The development impact fees described in this chapter are based on the development impact fee study, and do not exceed the costs of system improvements for city capital facilities to serve new Development that will pay the development impact fees.

9. This chapter creates a system under which development impact fees shall not be used to correct existing deficiencies for any capital facilities, or to replace or rehabilitate existing improvements, or to pay for routine operation or maintenance of those facilities.

10. This chapter creates a system under which there shall be no double payment of impact fees, in accordance with section 67-8204(19), Idaho Code.

11. This chapter is consistent with all applicable provisions of chapter 82, title 67, Idaho Code, concerning development impact fee ordinances.

C. Authority and applicability: This chapter is enacted pursuant to the City's general police power, the authority granted to the City pursuant to chapters 65 and 82, title 67, Idaho Code, and other applicable laws of the State of Idaho. This chapter shall apply to all areas of the City.

D. Purpose: The intent of this chapter is to ensure that new residential and nonresidential Development bears a proportionate share of the cost of System Improvements; to ensure that such proportionate share does not exceed the cost of such System Improvements required to accommodate new Development; and to ensure that funds collected from new Development are actually used for System Improvements in accordance with the Act.

7-5-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended and words and terms appearing in the singular number includes the plural and the plural the singular:

ACCOUNT shall mean the interest-bearing account within the Impact Fee Capital Projects Fund as established in this chapter.

APPROPRIATE shall mean to legally obligate by contract or otherwise commit to the expenditure of funds by appropriation or other official act of the City Council.

BUILDING PERMIT shall mean the permit required for foundations, new construction, and additions pursuant to Chapter 7, Title 1, Section 7-1-2 of the Victor City Code.

CAPITAL IMPROVEMENTS shall mean improvements with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of the City's public

facilities

CAPITAL IMPROVEMENTS ELEMENT shall mean a component of the Capital Improvements Plan adopted by the City pursuant to Chapters 65 and 82 of Title 67, Idaho Code, as they may be amended, which component meets the requirements of the capital improvements plan required by the Act.

CAPITAL IMPROVEMENTS PLAN shall mean the Impact Fee Study and Capital Improvements Plan recommended by the Development Impact Fee Advisory Committee and adopted by the City that identifies the Capital Facilities for which the City's Impact Fees may be used as a funding source.

CITY shall mean the City of Victor, Idaho.

CITY COUNCIL shall mean the City Council of the City of Victor.

DEVELOPER shall mean any person or legal entity undertaking Development and/or the subdivision of property pursuant to Idaho Code §§ 50-1301 through 50-1334, as may be amended.

DEVELOPMENT shall mean any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities and/or subdivision of property that would permit any change in the use, character or appearance of land.

DEVELOPMENT APPROVAL shall mean any written duly authorized document from the City which authorizes the commencement of a Development.

DEVELOPMENT REQUIREMENT shall mean a requirement attached to a Developmental approval or other City governmental action approving or authorizing a particular Development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land or money as a condition of approval.

DWELLING UNIT shall mean any structure, or portion thereof, providing living facilities for one family as herein defined, including provisions for living, sleeping, eating, cooking and sanitation.

EXTRAORDINARY COSTS shall mean those costs incurred as result of an Extraordinary Impact as defined below.

EXTRAORDINARY IMPACT shall mean an impact which is reasonably determined by the City to: (i) result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code § 67-8214(2) and §67-8207(2)(f), as it may be amended; or (ii) result in the need for system improvements which are not identified in the Capital Improvements Plan.

FEE PAYER shall mean the person who pays or is required to pay the City's Impact Fee. A fee payer may include a Developer.

IMPACT FEE shall mean a payment of money imposed as condition of Development Approval to pay for a proportionate share of the costs of System Improvements needed to serve the Development. The term does not include the following:

1. A charge or fee to pay the administrative plan review, or inspection cost associated with permits required for Development; Connection or hookup charges;

2. Availability charges for drainage, sewer, water or transportation charges for services provided directly to the Development; or

3. Amounts collected from a Developer in a transaction in which the City has incurred expenses in constructing Capital Improvements for the Development if the owner or Developer has agreed to be financially responsible for the construction or installation of those Capital Improvements, unless a written agreement is made, pursuant to Idaho Code § 67-8209(3) as it may be amended, for credit or reimbursement.

IMPACT FEE ADVISORY COMMITTEE shall mean the City's Development Impact Fee Advisory Committee ("Advisory Committee") formed and staffed by the City pursuant to Idaho Code § 67-8205 to prepare and recommend the Capital Improvements Plan and any amendments,

revisions or updates of the same.

IMPACT FEE CAPITAL PROJECTS FUND (the "Capital Projects Fund") shall mean and refer to the City's Development Impact Fee Capital Projects Fund established by action of the City Council pursuant to §7-5-11 of this chapter and Idaho Code § 67-8210(1).

IMPACT FEE STUDY shall mean the most current "Capital Improvements Plan and Impact Fee Study" adopted by the City and as may be amended, that includes the CIP updates, land use assumptions, methodology and impact fee calculations.

LAND USE ASSUMPTIONS shall mean a description of the Service Area (as defined below) and projections of land uses, densities, intensities and population in the Service Area over at least a ten (10) year period.

LEVEL OF SERVICE shall mean a measure of the relationship between service capacity and service demand for Public Facilities.

MANUFACTURED/MOBILE HOME shall mean a structure constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such structure, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban Development and complies with the standards established under 42 U.S.C. §§ 5401 et seq.

MODULAR BUILDING shall mean any building or building component other than a manufactured/mobile home, which is constructed according to the International Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

PRESENT VALUE shall mean the total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.
PROJECT shall mean a particular Development on an identified parcel of land.

PROJECT IMPROVEMENTS, in contrast to System Improvements, shall mean site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project.

PROPORTIONATE SHARE shall mean that portion of System Improvement Costs determined pursuant to Idaho Code § 67-8207 which reasonably relates to the service demands and needs of the Project.

PUBLIC FACILITIES shall mean land, buildings, and equipment which have a useful life of ten (10) years or more for the following infrastructure categories:

1. Water supply production, treatment, storage and distribution facilities;

2. Wastewater collection, treatment and disposal facilities;

3. Roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;

4. Stormwater collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

5. Parks, open space and recreation areas, and related capital improvements; and

6. Public safety facilities, including law enforcement, fire stations and apparatus, emergency medical and rescue, and street lighting facilities.

RECREATIONAL VEHICLE shall mean a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

SERVICE AREA shall mean land within the boundaries of the City as established pursuant Chapter 14, Title 31, Idaho Code, in which specific Public Facilities provide service to Development on the basis of sound planning or engineering principles or both as identified in the City's Capital Improvements Plan.

SERVICE UNIT shall mean a standardized measure of consumption, use, generation or discharge attributable to an individual unit of Development calculated in accordance with generally accepted engineering or planning standards for a particular category of Capital Improvements. As specifically used in this Ordinance, service units include all dwelling units as defined herein and on the square foot basis, nonresidential Development.

SYSTEM IMPROVEMENTS, in contrast to Project Improvements, shall mean Capital Improvements to Public Facilities which are designed to provide service to a Service Area.
SYSTEM IMPROVEMENT COSTS shall mean costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs, and also including, without limitation, the type of costs described in Idaho Code § 50-1702(h), as it may be amended, to provide additional Public Facilities needed to service new growth and Development. For clarification, System Improvement Costs do not include:

1. Construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan;

2. Improvements, repair, operation or maintenance of existing or new capital;

3. Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing Development in order to meet stricter safety, efficiency, environmental or regulatory standards;

4. Upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing Development;

5. Administrative and operating costs of the City unless such costs are attributable to Development of the Capital Improvements Plan, as provided in Idaho Code § 67-8208, as it may be amended; and

6. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the City to finance Capital Improvements identified in the Capital Improvements Plan.

7-5-3: ESTABLISHMENT OF SERVICE AREAS; IMPOSITION OF IMPACT FEE; FEE SCHEDULE; EXEMPTIONS:

A. Establishment of Service Areas. There is hereby established a Service Area which Service Area includes all land in the City of Victor.

B. Imposition of Impact Fees. Impact Fees for the City are hereby imposed on all new Development located within the City of Victor.

C. Fee Schedule. Impact Fees shall be calculated in accordance with the fee schedule set forth below, providing for standard fees based on the total number of Dwelling Units or square feet of nonresidential space in the Development, unless (a) the Fee Payer requests an individual assessment pursuant to section 7-5-6 of this chapter; or (b) the City finds the Development will have an Extraordinary Impact pursuant to section 7-5-9 of this chapter. The methodology for determining the costs per service unit provided for in the fee schedule is set forth in the City's Impact Fee Study as adopted by the City pursuant to Idaho Code § 67-8208, as it may be amended.

Impact Fee Schedule:

Development Type	Parks & Recreation	Transp. - Pathways	Transp. - Roadways	Total Impact Fee
Residential (per housing unit by square feet)				
Under 500	$518	$558	$1,065	**$2,141**
500 to 999	$1,083	$1,166	$1,822	**$4,071**
1,000 to 1,499	$1,417	$1,525	$2,267	**$5,209**
1,500 to 1,999	$1,647	$1,773	$2,582	**$6,002**
2,000 to 2,499	$1,832	$1,972	$2,824	**$6,628**
2,500 to 2,999	$1,981	$2,133	$3,024	**$7,138**
3,000 to 3,499	$2,108	$2,269	$3,192	**$7,569**
3,500 to 3,999	$2,218	$2,387	$3,340	**$7,945**
4,000 to 4,499	$2,310	$2,486	$3,467	**$8,263**
4,500 to 4,999	$2,396	$2,579	$3,584	**$8,559**
5,000 to 5,499	$2,477	$2,666	$3,688	**$8,831**
5,500 to 5,999	$2,546	$2,740	$3,782	**$9,068**
6,000 or More	$2,615	$2,815	$3,868	**$9,298**
Nonresidential (per 1,000 square feet)				
Retail	-	-	$5,499	**$5,499**
Office	-	-	$2,119	**$2,119**
Industrial	-	-	$952	**$952**
Institutional	-	-	$2,106	**$2,106**
Nonresidential (unique unit type)				
Lodging (per room)	$1,094	$1,178	$1,214	**$3,486**

D. Annual Inflation Adjustment. The Impact Fees shall be adjusted annually to reflect the effects of inflation on the costs for Public Facilities set forth in the Impact Fee Study. Prior to October of each year, the Impact Fee amounts shall be adjusted to account for inflationary increases in the costs of providing Public Facilities using the Construction Cost Index calculated by the Engineering New Record (ENR). For each such adjustment, Impact Fees shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

E. Procedures:

1. BUILDING PERMIT. Upon submittal of complete building permit plans or manufactured home installation permit for the Development to the City, the City shall calculate the Impact Fee for the Development within thirty (30) days of submittal unless:

   a. The Fee Payer had previously requested and been granted an individual assessment pursuant to this chapter; or

   b. The City has previously determined the Development may have an Extraordinary Impact pursuant to this chapter.

F. Exemptions. The provisions of this chapter shall not apply to the following:

1. Rebuilding the same amount of floor space of a structure which is destroyed by fire or other catastrophe, provided the structure is rebuilt and ready for occupancy within two (2) years of its destruction;

2. Remodeling or repairing a structure which does not increase the number of Service Units;

3. Replacing a residential unit, including a manufactured/mobile home, with another residential unit on the same lot; provided that, the number of Service Units does not increase;

4. Placing a temporary construction trailer or office on a lot;

5. Constructing an addition on a residential structure which does not increase the number of Service Units;

6. Adding uses that are typically accessory to residential uses, such as tennis court or a clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements; or

7. The installation of a modular building, manufactured/mobile home or recreational vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either: (a) a modular building, manufactured/mobile home or recreational vehicle was legally in place on the lot or space prior to the effective date of this chapter; or (b) an Impact Fee has been paid previously for the modular building, manufactured/mobile home or recreational vehicle on that same lot or space.

8. Developments determined by the City Council that provide affordable housing may be exempt from paying the Impact Fee if the Developer can demonstrate that: (a) the project will provide residential development housing units to eligible families based on HUD income and family size guidelines; and (b) the housing will remain affordable, as determined by the Teton County Joint Housing Authority for the Teton Region, for a period of not less than twenty (20) years.

   Applicants seeking this exemption shall make such a request by written application. Each application shall be evaluated pursuant to the Idaho Development Impact Fee Act, any amendments thereto, and other criteria established by the City, and be approved by the City Council. Affordability of the designated percentage of the Development shall be ensured through covenants or deed restrictions at the discretion of the City in consultation with the City Attorney. The exempt Development's proportionate share of system improvements shall be funded through a revenue source other than development impact fees.

G. Exemption Claim Process. A Fee Payer shall claim an exempt development activity upon application of a building permit or manufactured/mobile home installation permit, or if no building permit or manufactured/mobile home installation permit required, prior to the time construction commences. Any exemption not so claimed shall be deemed waived by the Fee Payer. Claims for exemption shall be determined by the City within fifteen (15) days of receipt of the claim for exemption.

7-5-4: COLLECTION OF IMPACT FEES; ENFORCEMENT:

A. Payment of Fees. The Impact Fee shall be paid to the City at the following times:

1. If a Building Permit or manufactured/mobile home installation permit is required, then before or at the time the permit is issued;

2. If no Building Permit or manufactured/mobile home installation permit is required, then at the time that construction commences; or

3. At such other time as the Fee Payer or Developer and the City have agreed upon in writing.

B. Enforcement. When any Impact Fee is due pursuant to this chapter, or pursuant to the terms of any written agreement between a Fee Payer and the City, and such Impact Fee has not been paid in a timely manner, the City may exercise any or all of the following powers as applicable to its authority, in any combination, to enforce the collection of the Impact Fee:

1. Withhold Building Permits, manufactured home installation permits, or other City Development Approval related to the Development for which the Impact Fee is due until all Impact Fees due have been paid, and issue stop work orders, and revoke or suspend a Building Permit;

2. Withhold utility services from the Development for which the Impact Fee is due until all Impact Fees due have been paid;

3. Add interest to the Impact Fee not paid in full at the legal rate provided for in Idaho Code § 28-22-104, as it may be amended, plus five percent (5%) beginning on the date at which the payment of the Impact Fee was due until paid in full;

4. Impose a penalty of five percent (5%) of the total Impact Fee (not merely the portion dishonored, late or not paid in full) per month beginning on the date at which the payment of the Impact Fee was due until paid in full; and

5. Impose a lien pursuant to the authority of Idaho Code § 67-8213(4) for failure to timely pay an Impact Fee following the procedures contained in Idaho Code Title 45, Chapter 5.

7-5-5: CERTIFICATION:

A. A Fee Payer may request a written certification of the impact fee schedule or individual assessment which shall establish the impact fee for that Development. Such certification shall establish the Impact Fee so long as there is no material change to the particular Development as identified in the individual assessment application, or the impact fee schedule. A certification may be applied for in the following manner:

1. Requests for certification shall be in writing and made to the City. Within thirty (30) days after receiving such request, the City shall issue a written certification of the amount of the Impact Fee due for the proposed Development. The certification shall include an explanation of the calculation of the Impact Fee including an explanation of factors considered under Idaho Code § 67-8207 and shall also specify the System Improvement(s) for which the Impact Fee is intended to be used. The City shall provide the certification to the Fee Payer.

7-5-6: INDIVIDUAL ASSESSMENT:

A. In lieu of calculating the amount of the Impact Fee using the impact fee schedules in section 7-5-3 of this chapter, an individual assessment of Impact Fees is permitted when the Fee Payer demonstrates by clear and convincing evidence that the established Impact Fee is inappropriate.

1. INDIVIDUAL ASSESSMENT PROCESS. A Fee Payer may file a written request for an individual assessment of the Development by the City with the City prior to the receipt of a building permit or other necessary approvals or entitlements from the City. A request for an individual assessment process shall involve consideration of studies, data, and any other relevant information submitted by the Fee Payer to adjust the amount of the Impact Fee. If a Fee Payer files a request for the use of an individual assessment, the Fee Payer shall be responsible for retaining a qualified professional to prepare the individual assessment that complies with the requirements of this chapter, at the Fee Payer's expense. The Fee Payer shall bear the burden of proving by clear and convincing evidence that the resulting individual assessment is a more accurate measure of its proportionate share of the cost of System Improvements, based on the City's adopted Level of Service, than the development impact fees that would otherwise be due pursuant to the fee schedule.

i. Each individual assessment request and supporting documentation submitted by the Fee Payer shall be based on the same level of service standards and unit costs for System Improvements used in the City's Capital Improvements Plan, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.

ii. Each individual assessment request delivered to the City may then be accepted, rejected, or accepted with modifications by the City as the basis for calculating the Impact Fee. The criteria for acceptance, rejection or acceptance with modifications shall be whether the individual assessment is a more accurate measure of demand for System Improvements element(s) created by the proposed Development, or the costs of those facilities, than the applicable fee shown in the fee schedule.

iii. The City shall issue a written decision within thirty (30) days following receipt of a completed request for individual assessment together with all supporting information from the Fee Payer, so as not to unreasonably delay the Developer's (Fee Payer's) subsequent applications to the City for Building Permits.

iv. The decision by the City on an application for an individual assessment shall include an explanation of the calculation of the Impact Fee, shall specify the System Improvement(s) for which the Impact Fee is intended to be used, and shall include an explanation of those factors identified in Idaho Code § 67-8207.

v. If an individual assessment is accepted or accepted with modifications by the City then the Impact Fee due under this chapter for such Development shall be calculated according to such individual assessment.

7-5-7: DEVELOPER CREDITS AND REIMBURSEMENT:

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

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

C. Valuation of Credit at Present Value:

1. LAND. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at the present value of: (a) one hundred percent (100%) of the most recent assessed value for such land as shown in the records of the city assessor; or (b) that fair market value established by a private appraiser acceptable to the City in an appraisal paid for by the Fee Payer.

2. IMPROVEMENTS. The City shall value credit for qualifying acquisition or construction of System Improvements at the present value of such improvements based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the City. The City shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the City as a more accurate measure of the value of the offered System Improvements to the City

D. When Credits Become Effective:

1. LAND. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City, at no cost to the City, and has been accepted by the City. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

2. IMPROVEMENTS. Approved credits for the acquisition or construction of System Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the City and the state of Idaho. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

E. Credit Request Process:

1. REQUEST. In order to obtain a credit against an Impact Fee otherwise due, a Fee Payer shall submit to the City a written offer of request to dedicate to the City specific parcels of qualifying land or a written offer to contribute or construct specific System Improvements to the Capital Facilities in accordance with all applicable State or City design and construction standards and shall specifically request a credit against the type of Impact Fee for which the land dedication or System Improvements is offered.

2. REVIEW. After receipt of the written offer of request for credit, the City shall review the request and determine whether the land or System Improvements offered for credit will reduce the costs of providing Capital Facilities by an amount at least equal to the value of the credit. If the City determines that the offered credit satisfies that criteria and will be acceptable to the City Council, then the credit shall be issued. The City shall complete its review and determination of an application within thirty (30) days after receipt of an application for credit.

3. CREDITS EXCEEDING FEE AMOUNTS DUE. If the credit due to a Fee Payer pursuant to subsection 7-5-7 (C) exceeds the Impact Fee that would otherwise be due from the Fee Payer pursuant to the chapter (whether calculated through the Impact Fee schedule in section 7-5-3 of this chapter or through an individual assessment), the Fee Payer may choose to receive such credit in the form of either: (a) a credit against future Impact Fee due for the same System Improvements; or (b) a reimbursement from Impact Fees paid by future Development that impacts the System Improvements contributed or dedicated by the Fee Payer. Unless otherwise stated in an agreement with the Fee Payer, the City shall be under no obligation to use any of the City funds – other than Impact Fees paid by other Development for the same System Improvements – to reimburse the Fee Payer for any credit in excess Impact Fees that are due.

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

5. The City's determination on the written offer of request for credit shall be provided to the Fee Payer.

7-5-8: METHODOLOGY FOR THE CALCULATION OF IMPACT FEES:

A. General Provisions.

1. ACCOUNTING PRINCIPLES. The calculation of the Impact Fee shall be in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or Developers within the Service Area other than the Fee Payer.

2. LEVELS OF SERVICE. The Impact Fee shall be calculated on the basis of levels of service for Public Facilities in the adopted Impact Fee Study that are applicable to existing Development as well as new growth and Development. The construction, improvement, expansion or enlargement of new or existing Public Facilities for which the Impact Fee is imposed must be attributable to the capacity demands generated by the new Development.

B. Methodology; Proportionate Methodology. The Impact Fee shall not exceed a proportionate share of the cost of the System Improvements determined in accordance with Idaho Code § 67-8207, as it may be amended. Impact Fees shall be based on actual System Improvements Costs or reasonable estimates of such costs. The amount of the Impact Fee shall be calculated using the methodology contained in the adopted Impact Fee Study.

C. Proportionate Share Determination.

1. The Impact Fee shall be based on a reasonable and fair formula or method under which the Impact Fee imposed does not exceed a proportionate share of the costs incurred or to be incurred by the City in the provision of System Improvements to serve the new Development. The proportionate share is the costs attributable to the

new Development after the City considers the following:

i. Any appropriate credit, offset or contribution of money, dedication of land or construction of System Improvements;

ii. 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;

iii. That portion of general tax or other revenues allocated by the City to System Improvements; and

iv. All other available sources of funding such System Improvements.

2. In determining the proportionate share of the cost of System Improvements to be paid by the Developer, the following factors shall be considered by the City and accounted for in the calculation of the Impact Fee:

i. The costs of existing System Improvements within the Service area;

ii. The means by which existing System Improvements have been financed;

iii. The extent to which the new Development will contribute to System Improvements Costs through taxation, assessments, or developer or landowner contributions or has previously contributed to System Improvements Costs through Developer or landowner contributions;

iv. The extent to which the new Development is required to contribute to the cost of existing System Improvements in the future;

v. The extent to which the new Development should be credited for providing System Improvements, without charge to other properties within the Service Area;

vi. Extraordinary costs, if any, incurred in serving the new Development;

vii. The time and price differential inherent in a fair comparison of fees paid at different times; and

viii. The availability of other sources of funding System Improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers and special taxation.

7-5-9: EXTRAORDINARY IMPACT:

A. The City may make an initial determination that Development may impose an Extraordinary Impact due to a review of a development application transmitted to the City pursuant to the City's zoning authority under the Local Land Use Planning Act, chapter 65, title 67, Idaho Code.

B. Process:

1. Within thirty (30) days after City's receipt of the development application, the City will notify the Fee Payer of the City's initial determination that the Development may impose an Extraordinary Impact pursuant to Idaho Code 67-8207(2)(f). Such notice shall include that a supplemental study, at the Fee Payer's expense will be required.

2. Within thirty (30) days following the designation of a Development with Extraordinary Impact, the City shall meet with the Fee Payer to discuss whether the Fee Payer wants to: (a) pay for the supplemental study necessary to determine the System Improvements Costs related to the proposed Development; (b) modify the proposal to avoid generating Extraordinary Impact; or (c) withdraw the application for certification, or Development approval.

3 If the Fee Payer agrees to pay for the supplemental study required to document the proposed Development's proportionate share of System Improvements Costs, then

the City and the Fee Payer shall jointly select an individual or organization acceptable to both to perform such study. The Fee Payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the Fee Payer agrees to a longer time.

4. Once the study has been completed, the Fee Payer may choose to: (a) pay the proportionate share of System Improvements Costs documented by the supplemental study; or (b) modify the proposed Development to reduce such costs; or (c) withdraw the application.

5. If the Fee Payer agrees to pay the System Improvements Costs documented in the supplemental study, that agreement shall be reduced to writing between the City and the Fee Payer prior to review and consideration of any application for any Development approval or Building Permit related to the proposed Development.

6. Notwithstanding any agreement by the Fee Payer to pay the proportionate share of System Improvements Costs documented by the supplemental study, nothing in this Ordinance shall obligate the City to approve Development that results in an Extraordinary Impact on the City.

7-5-10: FEE PAYER REFUNDS:

A. Duty to Refund:

1. An Impact Fee shall be refunded to a Fee Payer, or successor in interest, or a property owner in the following circumstances:

   i. Service is available but never provided;
   ii. A Building Permit, or permit for installation of a manufactured home, is denied or abandoned;
   iii. The Fee Payer pays an Impact Fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the City was entitled to receive;
   iv. The City has collected an Impact Fee and the City has failed to Appropriate or expend the collected fees pursuant to 7-5-11 below; or
   v. Failure of the City to commence construction or encumber the funds in the Capital Projects Fund.

2. Any Impact Fee paid shall be refunded if the City has failed to commence construction of System Improvements in accordance with this chapter, or to Appropriate funds for such construction, within eight (8) years after the date on which such fee was collected by the City. Any refund due shall be paid to the owner of record of the parcel for which the City's Impact Fee was paid. The City may hold Impact Fees for longer than eight (8) years but in no event longer than eleven (11) years from the date collected if the City identifies in writing: (a) a reasonable cause why the fees should be held longer than eight (8) years; and (b) an anticipated date by which the fees will be expended. If the City complies with the previous sentence, then any Impact Fees so identified shall be refunded to the Fee Payer if the City has failed to commence construction of System Improvements in accordance with the written notice, or to Appropriate Funds for such construction on or before the date identified in such writing.

3. After an Impact Fee has been paid pursuant to this chapter and after a certificate of occupancy has been issued by the City, no refund of any part of such fee shall be made if the project for which the fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

4. Each refund shall include a refund of interest at one-half the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was originally paid.

B. Process: The City shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the Fee Payer, successor in interest, or an owner of record of the property for which the fee was paid. When the right to a refund exists, the City shall send the refund within ninety (90) days after the City

determines that a refund is due.

7-5-11: ESTABLISHMENT OF CAPITAL PROJECTS FUND; FUND ACCOUNTS:

A. Capital Projects Funds Established. The City will maintain the Capital Projects Fund for the purpose of ensuring that all Impact Fees collected, pursuant to this chapter, are used to address impacts reasonably attributable to new Development for which the Impact Fees are paid. The Capital Projects Fund shall have its own interest-bearing Account. The interest earned on the Account pursuant to Idaho Code § 67-8210(1) shall not be governed by Idaho Code § 57-127, as it may be amended, but shall be considered funds of the Capital Projects Fund and shall be subject to the same restrictions on uses of funds as the Impact Fees on which the interest is generated.

B. Deposit of Impact Fees. All monies paid by a Fee Payer, pursuant to this chapter, shall be identified as Impact Fees and upon receipt by the City shall be promptly deposited in the Capital Projects Fund Account.

1. Monies in the Capital Projects Fund Account shall be spent in the order collected, on a first-in/first-out basis.

2. The City shall maintain and keep accurate financial records for the Account which records shall:

i. Show the source and disbursement of all revenues;

ii. Account for all monies received;

iii. Ensure that the disbursement of funds from the Account shall be used solely and exclusively for the provisions of projects specified in the Capital Improvements Plan; and

iv. Provide an annual accounting for the Impact Fee Capital Projects Fund Account showing the source and amount of all funds collected and the projects that were funded, which annual accounting shall be provided to the City as part of the annual audit process of this chapter.

7-5-12: APPEALS, PROTEST AND MEDIATION:

A. Appeals. Any Fee Payer that is or may be obligated to pay an Impact Fee, individual assessment or an Extraordinary Impact, or that claims a right to receive a refund, reimbursement, exemption or credit under this chapter, and who is dissatisfied with a decision made either by the City in applying this chapter, may appeal such decision. The Fee Payer shall have the burden on appeal of proving by clear and convincing evidence that the decision was in error.

B. Appeal Process.

1. Appeals of denials of an exemption from Impact Fees under section 7-5-3 of this chapter.

i. A Fee Payer shall file a written notice of the appeal with the City Clerk within thirty (30) days after the date of a denial of an exemption. Such notice of appeal shall include a statement describing why the Fee Payer believes that the appealed decision was in error, together with copies of any documents that the Fee Payer believes support the claim.

ii. The City Clerk shall schedule a hearing in front of the City Council within thirty (30) days of receiving the appeal. The Fee Payer or its representative shall have a right to be present and to present evidence in support of the appeal. The City personnel who made the decision under appeal or their representatives shall likewise have the right to be present and to present evidence in support of the decision.

iii. The City Council shall consider the decision denying the exemption and also consider any additional evidence that may be offered by the Fee Payer and City staff. The City Council may affirm, reverse, or modify in whole or in part the decision appealed from and issue a written decision within

thirty (30) days.

iv. A final decision of the City Council may be judicially reviewed pursuant to Idaho Code § 31-1506.

2. Appeals of impact fee schedule assessments, refunds, reimbursements, credits, individual assessments, or extraordinary impacts under this chapter.

i. The Fee Payer shall file a written notice of the appeal with the City within thirty (30) days after the date of the City's decision or the date on which the Fee Payer submitted payment of the Impact Fee under protest, whichever is later. Such written application shall include a statement describing why the Fee Payer believes that the appealed decision was in error, together with copies of any documents that the Fee Payer believes support the claim.

ii. The City Council shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The Fee Payer or its representative shall have a right to be present and to present evidence in support of the appeal. The City personnel who made the decision under appeal or their representatives shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the City Council in considering the appeal shall be whether: (a) the decision or interpretation made by the City or (b) the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intent of this chapter that new Development in the Service Area pay its proportionate share of the costs of system improvements to public facilities necessary to serve new Development and whether the chapter has been correctly applied. The City Council shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

C. Payment Under Protest. A Fee Payer may pay an Impact Fee under protest in order not to delay in the issuance of a Building Permit by the City. A Fee Payer making a payment under protest shall not be estopped from exercising the right to appeal provided herein, nor shall such Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

D. Mediation.

1. Any Fee Payer that has a disagreement with a decision made by the City regarding an Impact Fee determination that is or may be due for a proposed Development pursuant to this chapter, may enter into a voluntary agreement with the City as the case may be, to subject the disagreement to mediation by a qualified independent party acceptable to both parties to the mediation.

2. Mediation may take place at any time following the filing of a timely appeal, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to this section.

3. Participation in mediation does not preclude the Fee Payer from pursuing other remedies provided for in this section.

4. If mediation is requested, any related mediation costs shall be shared equally by the parties to the mediation, and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

5. In the event that mediation does not resolve the issues, the Fee Payer retains all rights of appeal as set forth in this section.

7-5-13: PERIODIC REVIEWS; ANNUAL BUDGET:

A. Review and Modification of the Impact Fee Study. Unless the City Council deems some other period is appropriate, the City shall, at least once every five (5) years, commencing from the date of the original adoption of the Impact Fee Study, review the Development potential and update the Capital Improvements Plan in accordance with the procedures set forth in Idaho Code § 67-8206, as it may be amended. Each update shall be prepared by the City in consultation with the Advisory Committee.

B. Annual budget. The City shall annually adopt a capital budget.

7-5-14: AUDIT: As part of its annual audit process, the City shall prepare an annual report: (a) describing the amount of all Impact Fees collected, appropriated or spent during the preceding year; and (b) describing the percentage of taxes and revenues from sources other than the Impact Fees collected, appropriated or spent for System Improvements during the preceding year.

7-5-15: ADVISORY COMMITTEE:

A. Establishment and Purpose. Pursuant to Idaho Code § 67-8205, there is hereby established Development Impact Fee Advisory Committee (Advisory Committee), whose purpose is to carry out the duties as set forth in Idaho Code § 67-8205(3), as it may be amended.

B. Membership. The Advisory Committee shall be composed of not fewer than five (5) members, all of whom must reside within the City. Two (2) or more members shall be active in the business of Development, building or real estate. Employees or officials acting in their official capacity for a governmental entity may not be appointed as members of the committee. All members must reside within the jurisdictional boundaries of the City.

C. Meetings. Meetings may be called by the Advisory Committee by giving reasonable notice of the time and place of the meeting in accordance with the Open Meetings Law, Idaho Code §§ 74-201 *et seq.*, as may be amended. The Advisory Committee shall adopt reasonable rules as are necessary to carry out the duties and responsibilities of the committee subject to the approval of the City, and elect such officers as deemed necessary.

7-5-16: MISCELLANEOUS PROVISIONS:

A. Nothing in this chapter shall prevent the City from requiring a Developer to construct reasonable Project Improvements, as are required by the fire codes and other rules that are adopted by the state fire marshal, in conjunction with a Development.

B. Nothing in this chapter shall be construed to prevent or prohibit private agreements between property owners or developers, the Idaho Transportation Department, and governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvements Costs incurred by a Developer including inter-project transfers of credits or providing for reimbursement for Project Improvements which are used or shared by more than one (1) Development project.

C. Nothing in this chapter shall obligate the City to approve Development that results in an Extraordinary Impact.

D. Nothing in this chapter shall obligate the City to approve any Development request which may reasonably be expected to reduce levels of service below the minimum acceptable levels established in this chapter.

E. Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the City in regulating the orderly Development of real property within its boundaries

F. Nothing in this chapter shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement District or general obligation bond issues.

G. The City shall develop a plan for alternative sources of revenue, which shall include but not necessarily be limited to plans generated during the annual budget process, lobbying efforts, tax increment financing, and implementation of user fees, administrative and regulatory fees and other forms of revenue.

H. Notwithstanding any other provision of this chapter, that portion of a Project for which a complete application for a Building Permit has been received by the City, prior to the effective date of this chapter, shall not be subject to the Impact Fee imposed by this chapter. If the resulting Building Permit is later revised or replaced after the effective date of the ordinance codified in this chapter, and the new Building Permit(s) reflects a development density, intensity, development size or number of Service Units more than ten percent

(10%) higher than that reflected in the original Building Permit, then the Impact Fee may be charged on the difference in density, intensity, development size or number of Service Units between the original and the revised or replacement Building Permit.

I. Any monies, including any accrued interest not assigned to specific System Improvements within such Capital Improvements Plan and not expended or refunded pursuant to this chapter shall be retained in the same account until the next fiscal year.

J. If the City discovers an error in the Capital Improvements Plan that results in assessment or payment of more than a proportionate share of System Improvement Costs on any proposed Development, the City shall: (a) adjust the Impact Fee to collect no more than a proportionate share; or (b) discontinue the collection of any Impact Fees until the error is corrected by ordinance.

K. If Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was paid. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was paid.

SECTION 2 Rules of Construction. All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed in order that the true intent and meaning of the Act and the City Council may be fully carried out.

SECTION 3. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 4. Codification Clause. The Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 5. Publication and Effective Date. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect not less than thirty (30) days following its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Victor, Idaho, this 22 day of February, 2023.

Will Frohlich, Mayor

ATTEST: Michelle Smith
Michelle Smith, City Clerk

NOTICE AND PUBLISHED
SUMMARY OF ORDINANCE O606 OF
THE CITY OF VICTOR, IDAHO

AN ORDINANCE OF THE CITY OF VICTOR, IDAHO, AMENDING TITLE 7, OF THE VICTOR MUNICIPAL CODE BY ADDING A NEW CHAPTER 5 ENTITLED DEVELOPMENT IMPACT FEES; PROVIDING FOR: A SHORT TITLE, AUTHORITY, APPLICABILITY, AND PURPOSE; DEFINITIONS; THE ESTABLISHMENT OF SERVICE AREAS, THE IMPOSITION OF IMPACT FEES, AND EXEMPTIONS; THE METHOD OF THE COLLECTION OF IMPACT FEES AND ENFORCEMENT THEREOF; ESTABLISHING A PROCESS FOR IMPACT FEE CERTIFICATION; ESTABLISHING A PROCESS FOR INDIVIDUAL ASSESSMENT; DEVELOPER CREDITS AND REIMBURSEMENTS; THE METHODOLOGY FOR CALCULATION OF IMPACT FEES; THE ESTABLISHMENT OF A PROCESS FOR EXTRAORDINARY IMPACTS; A PROCESS FOR FEE PAYER REFUNDS; ESTABLISHMENT OF IMPACT FEE CAPITAL PROJECTS FUNDS AND FUND ACCOUNTS; THE USE AND EXPENDITURE OF IMPACT FEES; THE ESTABLISHMENT FOR APPEALS, PROTEST AND MEDIATION; THE PERIODIC REVIEWS OF THE CAPITAL IMPROVEMENTS PLANS; THE FILING OF AN ANNUAL REPORT; THE CREATION OF A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE; MISCELLANEOUS PROVISIONS; CONSTRUCTION OF ORDINANCE INTENT.

Impact Fees shall be calculated in accordance with the fee schedule set forth below, providing for standard fees based on the total number of Dwelling Units or square feet of nonresidential space in the Development unless otherwise specified in the Ordinance. The methodology for determining the costs per service unit provided for in the fee schedule is set forth in the City's Impact Fee Study as adopted by the City pursuant to Idaho Code § 67-8208, as it may be amended.

Impact Fee Schedule:

Development Type	Parks & Recreation	Transp. - Pathways	Transp. - Roadways	Total Impact Fee
Residential (per housing unit by square feet)				
Under 500	$518	$558	$1,065	**$2,141**
500 to 999	$1,083	$1,166	$1,822	**$4,071**
1,000 to 1,499	$1,417	$1,525	$2,267	**$5,209**
1,500 to 1,999	$1,647	$1,773	$2,582	**$6,002**
2,000 to 2,499	$1,832	$1,972	$2,824	**$6,628**
2,500 to 2,999	$1,981	$2,133	$3,024	**$7,138**
3,000 to 3,499	$2,108	$2,269	$3,192	**$7,569**
3,500 to 3,999	$2,218	$2,387	$3,340	**$7,945**
4,000 to 4,499	$2,310	$2,486	$3,467	**$8,263**
4,500 to 4,999	$2,396	$2,579	$3,584	**$8,559**
5,000 to 5,499	$2,477	$2,666	$3,688	**$8,831**
5,500 to 5,999	$2,546	$2,740	$3,782	**$9,068**
6,000 or More	$2,615	$2,815	$3,868	**$9,298**
Nonresidential (per 1,000 square feet)				
Retail	-	-	$5,499	**$5,499**
Office	-	-	$2,119	**$2,119**
Industrial	-	-	$952	**$952**
Institutional	-	-	$2,106	**$2,106**
Nonresidential (unique unit type)				
Lodging (per room)	$1,094	$1,178	$1,214	**$3,486**

A copy of the full text of the Ordinance is available at City Hall, 138 N Main Street, Suite 201, Victor, Idaho. Examination or copies may be requested in writing or in person during regular business hours of the City Clerk, pursuant to Idaho Code§ 50-901A(4). The effective date of the Ordinance is the date of its passage, approval, and publication.

First Reading by Title Only on February 22, 2023. This Ordinance was adopted after first reading by title only by suspension of the Rule as allowed pursuant to Idaho Code § 50-902.

STATEMENT OF VICTOR CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY
OF ORDINANCE O606

The Undersigned, Herbert Heimerl, in his capacity as City Attorney of the City of Victor, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance **O606** of the City of Victor, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code§ 50-901A(3). DATED this 22nd day of February 2023.