



**Lewiston Development Impact Fee Advisory Committee
REGULAR MEETING AGENDA
September 17, 2024 - 10:00 AM
Public Works Department – First Floor Conference Room – 215 D Street
Lewiston, Idaho 83501**

Seating will be available on a first-come, first-served basis.

I. CALL TO ORDER

II. CITIZEN COMMENTS

This is an opportunity for citizens to address the Commission on agenda items or other items they wish to bring to the attention of the Commission or Staff. In consideration of others wishing to speak, please limit your remarks to three minutes.

III. CONSENT AGENDA

All items on the Consent Agenda are considered routine by the Commission and will be enacted by one motion. There will be no separate discussion on these issues unless a Commissioner so requests, in which case the item will be removed from the Consent Agenda and considered under "Items Moved from the Consent Agenda".

- A. DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE MINUTES 6/4/24: - Action Item**

IV. ACTIVE AGENDA

- A. REVIEW AND FINALIZE RECOMMENDATION FOR LEWISTON IMPACT FEE RATE STUDY DRAFTED BY ARDURRA: - Action Item**

- B. REVIEW AND FINALIZE RECOMMENDATION ON LEWISTON TRAFFIC FEE ORDINANCE FOR FINAL LEGAL REVIEW AND EVENTUAL COUNCIL APPROVAL: - Action Item**

V. ITEMS MOVED FROM THE CONSENT AGENDA - Action Item

VI. UNFINISHED & NEW BUSINESS

- A. SET DATE FOR NEXT REGULAR MEETING (ANNUAL): - Action Item**

VII. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact Nikki Province, ADA Coordinator, at least forty-eight (48) hours in advance of the meeting at 208-746-3671 x 6211.

June 4, 2024

The Development Impact Fee Advisory Committee of Lewiston, Idaho met at in the Public Works Conference Room at 215 D Street. Chair Norton called the meeting to order at 10:01am.

I. CALL TO ORDER

Committee members present: Carlton, Greco, Frei, Lynch and Norton

Committee members absent: None

Council liaison present: Liedkie

Staff members present: Severance, Tolman, Plaskon, VanderPas, Rightmeir & Antonich

II. CITIZEN COMMENTS

No Citizen Comments.

III. CONSENT AGENDA

A. DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE MINUTES 4/9/24

Chair Norton asked for a motion to approve the consent agenda. Member Frei made the motion with a second from Member Carlton. The committee voted 5-0 to approve the consent agenda.

IV. ACTIVE AGENDA

A. CONTINUED DISCUSSION LED BY ARDURRA TO REFINE DEVELOPMENT IMPACT FEE PROCESS: Action Item

Mr. Bill White introduced himself. Mr. White has 30 years' experience in traffic analysis, the last four working with Ardurra. Ms. Jones is on another assignment.

Mr. White address questions that arose from last months meeting, including Interlocal Agreements and the pros and cons of them, are waivers for where funds are applied allowable (YES), and are shared projects that include more than one district allowed (YES.) *For complete responses to questions a memo was provided and is available upon request.*

There was a lot of discussion about whether or not districts were necessary, consensus was that developers would prefer to have their payments applied to projects with in their districts. Pros and cons were discussed with emphasis placed on the importance of careful accounting to keep track of which dollars may be applied where. The City has eight (8) years to spend the TIF funds or they will need to be returned to the developer with interest. Managing the funds is essential.

It would be very rare for TIF funds to finance a complete project but they increase opportunities to leverage fund for grant matches. Is it also important to consider that some districts on their own, might not generate enough money for even match.

The projects that apply for TIF funds must be collectors or above, and the projects need to be on the Capital Improvement Plan as well as the Transportation Improvement Plan. A few project can be lined out by district or the entire CIP can be split into districts to be chose from. The shared streets will need to be identified; Thain Rd, 21st St, Bryden Ave, 16th St, etc.

Councilor Liedkie spoke about Code needing to not be subjective. Easy to understand and explain.

TIF rate examples were provided by Ardurra. The range was between \$1,700 per trip to a high of \$3,750 for Cities in the surrounding area. One rate was being discussed as preferable, even with separate districts.

Credits are able to be assessed for advancing frontage, mitigating improvements, advancing multimodal facilities, developing PUD's, actions that reduce commute trips. What those credits are and how they are assessed need to be defined. An example of the City of Spokane's reduction/credits Code was provided:

- **City of Spokane Section 17D.075.070 Fee Reductions and Credits:**
 1. *A feepayer can request a credit for the total value of dedicated land or public facilities provided by the feepayer if the land and public facilities are identified as system improvements or in cases where the director, in the director's discretion, determines that such dedication of land or public facilities would serve the goals and objectives of the capital facilities plan.*
 2. *For each request for a credit, under subsection (B) above, if appropriate, the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director. The appraiser must be a Washington State certified appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised.*

A challenge provision is required for those who want to challenge the fee.

Member Carlton made a motion that the funds be split 75% to the district assigned a development and 25% for the shared areas, with the option of developers waiving their funds for the City to use on shared projects only. With the fee to be \$1,500 per trip with an accelerator of \$100 per year for the next 10 years, plus inflation. Vice Chair Greco seconded the motion. After some discussion the vote was called and the motion was approved 5-0.

Ardurra will use this motion to draft a policy document to provide to DIFAC during the July meeting. A study report summarizing methodology will also be presented and provided.

VII. ITEMS REMOVED FROM CONSENT AGENDA

None.

VI. UNFINISHED AND NEW BUSINESS

None.

VII. ADJOURNMENT

Chair Norton asked for a motion to adjourn. Member Lynch made the motion with a second from Member Carlton. The committee voted to Adjourn 5-0, at 12:09pm .

RESPECTFULLY SUBMITTED,

Jill Tolman,
Recording Secretary

Stillman Norton, Chairperson
Development Impact Fee Advisory Committee

Approved this XX day of XX, 2024

APPENDIX A:

IMPACT FEE RATE STUDY

I. INTRODUCTION

This traffic impact fee (TIF) rate study was developed to support creation of Lewiston Municipal Code (LMC) Chapter 37 “Zoning” Article V, introducing Traffic Impact Fees (TIF) to the City. The study was developed in coordination with City engineers and the project Development Impact Fee Advisory Committee (DIFAC) assembled specifically for this project.

A TIF is a mechanism used to support funding for roadway and intersection improvement projects. By support, note that the TIF itself is rarely used to funding projects directly; rather, they are most effective and processes most efficient when used as match moneys on State or Federal grants or capital obligations (i.e. earmarks). Note that TIF's must be paid back (with interest) if not expended / obligated within 10-years. Although match is a key purpose to best stretch dollars, the eligible elements of design, right-of-way, and permitting can be performed so payback thresholds do not become an issue.

SERVICE AREAS

Per Chapter 67, Section 82 of Idaho State statutes, improvements must benefit new development to be addressed with the TIF. Lewiston is large enough that projects developed within one area of the City may not benefit development in another. To that end, two overriding decisions were made for the TIF by City Engineers and the DIFAC:

- 1) Four service districts would be developed for the TIF; separate areas where a relationship between an improvement and surrounding development can be easily validated.
- 2) Despite this, there were improvements the City and DIFAC believed would benefit all districts, regardless of location, such as improvements to Thain Road and Bryden Avenue. A share of the TIF collected for each service district would go to these projects.

Attached **Figure 1** shows the service district map developed for this project in coordination with the stakeholder team (engineers & DIFAC). Each district is bounded by transportation facilities and/or geographic features that present commute distinctions; meaning the use/share an internal road network is not frequented routinely by others. Thus, these travelers, as associated development, would benefit uniquely from the projects within each zone.

Again, the improvements that would benefit all development are those that establish a boundary between districts or/or simply corridors of Citywide significance. These are major projects that have

substantial mobility significance for the City. With implication being shared costs, these corridors were bulleted below:

- 21st Street and Thain Road, aligned in the Downtown District (green on map) and between the Bryden and Orchards Districts (brown & blue on map). This route is used to travel between commercial/service, employment, and residential areas of the City.
- Bryden Avenue aligned within the Bryden District (brown on map). This provides access to commercial/service, employment, and residential areas; also this leads to one of two bridge crossings of the Snake River into Clarkson and Washington State.
- Main Street aligned within the Downtown District (Green on map). This route access the City central business district with commercial/service and employment; also this leads to one of two bridge crossings of the Snake River into Clarkson and Washington State.
- Snake River Avenue. Traverses the boundary of the Downtown (green on map) and Bryden Avenue (brown on map) districts. This is an important corridor for mobility between commercial/service, employment, and residential areas of the City; also provides access to both crossings of the Snake River into Clarkson and Washington State.

II. TIF IMPROVEMENT LIST

Per Chapter 67, Section 82 of Idaho State statutes, improvements must enhance transportation capacities that benefit new development to be addressed with the TIF. The TIF cannot address existing network deficiencies or pedestrian/bicycle needs, unless these are the part of a complete street project that provides new vehicle capacity as the primary function. Transit improvements are eligible for TIF funding, but no projects were identified for this first round of the Lewiston's impact fee program.

The TIF list was developed based on improvement projects identified with the City of Lewiston's Transportation Capital Improvement Plan (TCAP); many of which are confirmed by the Lewis and Clark Valley Metropolitan Planning Organization's (LCVMPO), FY2025 - FY 2029 Transportation Improvement Program. Projects were confirmed for the TIF in coordination with City staff and DIFAC in July 2024. The TIF improvements list includes intersection capacity and roadway widening projects. This includes changes to intersection geometry, intersection control, construction of additional (turn) lanes, and the roadway improvements associated with an upgrade in Federal Functional Classification.

The TIF project list is summarized by in **Table 1** (next page). Shown is the project with identification of project limits, a reference number to Lewiston's CTIP, a brief description of work, and then the anticipated project budget. The project budget does reflect design, materials, construction, right-of-way, environmental, and construction management; all allowable expenditures for a TIF.

Appendix A, LMC Ordinance No X

City of Lewiston Impact Fee Rate Study and Technical Support

Table 1. TIF Project List				
Project #	Project	Project Limits	Description	Cost
Port District				
2020-114	20th St N / SH-128	3rd Ave to 6th Ave	Widen lanes & on-street parking, frontage improvements.	\$2,948,000
Port District Total:				\$2,948,000
Downtown District				
2020-103	Southway Ave	Snake River to 8th	Widen from 2 to 4 lanes	\$5,081,000
2020-102	Lapwai	Main St to City Limits	Widen from 2 to 4 lanes	\$11,312,000
2020-141	16th Ave	18th to 21st	Widen to 3 lanes	\$4,465,000
2020-127	16th Ave / 14th Ave	Intersection	Roundabout	\$319,000
2020-125	8th St / 7th Ave	Intersection	Signalization	\$970,000
2020-017	Main St	23rd to Lapwai	Road Diet: 3 lane section	\$2,231,000
2020-097	18th / Main	Intersection	Roundabout	\$4,310,000
2020-095	21st / 16th	Intersection	Add turn lanes	\$285,000
Downtown District Total:				\$28,973,000
Bryden District				
2020-109	7th Ave	Grelle to Bryden	Upgrade to Collector	\$3,656,000
2020-105	Bryden Canyon & Snake River Ramps	Intersection	Arterial signal with advanced warning signage	\$1,315,000
2020-115	Southport Ave	6th to Southport Extension	Widen with center lane	\$7,924,000
2020-106	Southway Bridge / Snake River	Intersection	Signalization	\$1,293,000
2020-110	Grelle Extension	8th St C to 7th St E	New roadway	\$2,006,000
2020-117	6th & Southport Ave	Intersection	Turn Lanes on 6th	\$570,000
2020-116	7th / Burrell	Intersection	Turn Lanes & restriping	\$577,000
Bryden District Total:				\$17,341,000
Orchard District				
2020-118	Warner Ave	13th to 16th	Widen to 3 lanes with a center lane	\$9,362,000
2020-120	Burrell Ave	12th to 18th	Reconstruct to City standard w/frontage improvement	\$7,644,000
2020-147	18th & Ripon	Pioneer Dr to Barr Rd	Upgrade to collector, traffic calming	\$6,171,000
2020-119	10th St	Stewart to Warner	Widen to 3 lanes from Stewart to Park	\$755,000
2020-126	Nez Perce & Juniper	Intersection	Signalization	\$1,293,000
2020-107	Warner Extension	16th to Lindsay Creek	New Collector	\$3,873,000
2020-108	Bryden Extension	13th to Lindsey Creek	Upgrade to Collector	\$3,049,000
2020-144	Thain / Warner	Intersection	Reduce to 3/4 movement	\$6,000
Orchard District Total:				\$32,153,000
Shared Projects				
2020-096	Main St & D St	Interstate Bridge to Jefferson	Road reconstruct w/ADA ramps & sidewalk; Signal at 1st Ave/D St; Roundabout at US-12/1st Ave/ Main St	\$12,887,000
2020-100	Snake River Ave	Main St to 11th Ave	Construct center lane	\$3,934,000
2020-098	Snake River Ave	11th Ave to Southway	Construct center lane	\$3,589,000
2020-122	Bryden Ave	4th St to 7th St	Widen to 5 lanes, reconstruct intersection w/actuated signal at 6 th and signal timing	\$15,096,000
2020-123	Bryden Ave	7th St to Thain	Widen to 5 lanes, reconstruct intersection w/actuated signal at 8 th and signal timing	\$7,382,000
2020-104	Snake River	Southway to Southway Bridge	Widen to 4 lanes	\$2,410,000
2023-001	Thain / Warner / 10th	Intersection	Reconstruct intersection due to proximity	\$10,564,000
Shared Total:				\$55,862,000
Total All Projects				\$137,277,000

There is no rank implied through the order of projects shown with Table 1. Project funding is often opportunistic. A State or Federal grant or obligation may arise that has implication for particular projects, ranking can dictate this project gets neglected if focus is on the ranking of projects. Thus, the City and DIFAC directed that the projects be considered equal, assuring that the pursuit of funding be based on opportunity and not the dictates of some arbitrary ranking.

If a funding opportunity arises that may fund multiple opportunities, the direction from the DIFAC is that City staff select the project to pursue. Periodic DIFAC meetings would be consulted to resolve any uncertainty or conflict between projects of equal opportunity, according to City staff.

III. LAND USE ASSUMPTIONS

U.S. Census data sourced from the American Community Survey was used to estimate residential and employment growth potentials in Lewiston. Historical trends were established for residential and employment types. Five-year growth trends were then extrapolated to provide a threshold for this land use analysis. A summary of the approach used for forecasting residential and industry uses is described in further detail as follows:

1. **Residential.** The 10-year growth trend for housing was established from U.S. Census.
2. Total households were projected from year 2022 to year 2029 (5-years) using the average annual growth rates established from Census.
3. Population forecasts from Census was identified and used to adjust housing potentials, as similar housing forecasts were not available from this resources.
4. Residential unit types were proportioned from totals forecast for year 2029, as based on guidance found with Census data. Forecasts were developed for single family detached, single family attached, 2-unit multifamily, high density multifamily, and mobile home.
5. The residential land uses from U.S. Census correlate well with those of the trip generation methodology discussed subsequently.
6. Trip generation is forecast per housing unit, an key distinction for subsequent discussion.
1. **Employment.** Historical growth trends from U.S. Census were found in terms of average annual growth rates and average percentage growth against the total population.
2. Employment forecasts were forecast for 5-years from both trends and were then averaged to establish employee projections for year 2029.
3. As with housing, Census provides distinction of industry types for employment data. This guidance was used to distinguish employment types for use in trip generation.
4. However, one difference is Census land uses did not match specifically with trip generation methodology; so, planning judgement was used in proportioning employment between industrial, commercial, office, institutional, and medical/health employment types.
5. Trip generation methodology is most frequently forecast based on an independent variable of facility area.

6. The Fiscal Impact Analysis Model by Fishkind & Associates provides standard square footage per employee for several land use types.
7. This document was resources to convert employment to building area forecasts for year 2029, so trips could be estimated via trip methods discussed subsequently.

A summary of the resulting residential and commercial/business land use forecasts is provided with **Table 2**. Also shown is the number of units for residential land uses and building area for the commercial/business land use types. Lastly, is the land use code that corresponds to the Trip Generation Manual (ITE, 11th Edition, 2018), which is the resource for the trip forecasting methodology discussed next section.

Unit	Unit Type	Total Growth	ITE Land Use Code
Single Family, Detached	Dwelling Unit	563	210
Single Family, Attached (Duplex)	Dwelling Unit	102	215
2 Unit Multifamily	Dwelling Unit	316	215
High Density Multifamily	Dwelling Unit	190	221
Mobile Home	Dwelling Unit	136	240
Industrial	Sq Ft	90,000	110
Commercial	Sq Ft	80,000	821
Office	Sq Ft	170,000	710
Institutional	Sq Ft	15,000	520
Medical / Health	Sq Ft	21,000	630

The next step included forecasting of land uses between the four Service Districts, accomplished for residential and commercial/service uses as described:

Residential Uses. City staff provided Traffic Impact Studies for all known developments in Lewiston, as submitted with land use applications over recent years. These traffic studies primarily detail residential growth throughout the City. Growth was compared, study data was available for housing types corresponding with the table above. Residential units were then proportioned between Districts based on the density of housing forecasts shown with these studies for each area.

Employment. Traffic impact studies did not detail commercial growth, as they did with residential housing. Only one study identified 25,000 square feet of commercial accounted for within the Orchard District. As such, ArcGIS Pro was also used to identify the total land area (sites) available for industrial, commercial, office, institutional, and medical/health growth within

each service district. These areas were compared, and the building areas shown with Table 2 were distributed proportionately between Districts, less the specific use noted prior.

The distributions above resulted in the housing and commercial/service trip forecasts for year 2029, described next section.

IV. TRIP GENERATION

Land use trip generation was forecast based on the Trip Generation Manual. This is a standard industry resources used for estimating future development trips, an accepted approach by officials with the City of Lewiston. The Manual provides rates and equations that forecast trips based on the number of residential housing units, and based on building area, for various land uses types; in this case, corresponding with the land uses and codes identified above.

ITE rates and equations were compared with the land uses discussed and distributed from Table 2 to generate the trips forecasts for each service district, as shown with Table 3. Provided are trip generation forecasts for the typical weekday, and AM and PM peak hours of the weekday.

District	Weekday	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Port	3,091	184	39	223	97	208	306
Downtown	4,762	283	63	346	149	320	471
Bryden	11,233	394	538	934	536	474	1,010
Orchard	15,488	401	697	1,101	816	656	1,472
Total Trips	34,574	1,262	1,337	2,604	1,598	1,658	3,259

As shown, the land uses presented with this study generate nearly 34,600 trips during the typical weekday. About 2,600 of these trips are generated during the AM peak hour, known as the morning commute/rush hour, with about 3,300 of these trips generated during the PM peak hour, known as the evening commute/rush hour.

Through coordination with City Engineers and DIFAC, the base fee rate for this project (discussed next section) was based on the PM peak hour. This is the time of highest impact/congestion within the City and is of relevance when it comes to discussion on travel demand, capacity needs, and the roadway and intersection improvements needed to address these needs.

V. BASE FEE RATE AND LAND USE SCHEDULE

Per State Statutes, land use development is responsible for “proportionately” mitigating the impact of new traffic growth upon City streets. To that end, the base fee for every District was determined to affirm proportionality, per Idaho Law. With that said, City Engineers and the DIFAC selected a fee rate that ultimately is well below the proportionate impacts of future development; they did not want to

unduly burden these projects. The following information was provided to show what the fee could be, then what was ultimately selected, so there was no perception of disproportionality with the TIF.

For this discussion, the base fee rate was taken as the comparison of total project costs shown via Table 1 with the total PM peak hour trip generation shown with Table 2. A proportion of 50% City versus 50% development was assumed for this discussion, with the calculation as follows:

- TIF Rate = Construction Cost * % Development Participation / Development PM Trips
\$21,061 per PM Peak Hour Trip = \$137,277,000 * 50% / 3,259

As shown, a base fee rate of over \$21,000 per PM peak hour trip would be assessed assuming an equal share of responsibility between the City and development for capacity improvements. This base TIF rate is notably substantial, and par with what one might expect for substantial metropolitan areas such as Boise, Portland, or Seattle; not for a community the size of Lewiston. Even if the method was portioned between districts, 50% by the trips and costs of each area, and factoring back in shared projects, the base fees ranged between \$3,000 and \$13,000 per PM peak hour trips.

Upon these original findings, the City and DIFAC requested that the rates of comparably sized cities be explored. The need was to find a practical rate consistent with the expectations of development in other communities. The results ranged typically between \$1,000 to \$4,000 per PM peak hour trip. With this information, City engineers and the DIFAC decided an initial, base fee rate of \$1,500 per PM peak hour trip for the City of Lewiston. This would be the TIF charge for every District, to start, with costs split with 75% going to the respective District and 25% to shared improvements.

The base TIF rate for the Lewiston is \$1,500 per PM peak hour, initially with \$1,125 per PM peak hour going to the respective Service District and \$375 per PM peak hour going to projects of shared City significance.

With that said, City officials and the DIFAC also understood that the capital infrastructure needs of the City is substantial. There is a need to adjust this base fee rate so TIF improvements can be advanced at a pace commiserate with development (projects in place with or near the timing with development). To that end, the base fee rate would be adjusted by \$250 per year through 2029 to a maximum rate of \$2,500. In addition, given the inflation and the historical increase of material and labor costs over time, ranging between 2 and 3% per year in construction, an inflation factor of 2.8% annual would be applied to account for material costs. Thus, the equation for adjustment would be:

- Base TIF Rate Year Y = (\$1,500 per PM trip + \$250 (x) per PM Trip) * 1.028^x
(Where x is number of years from base year 2024.)

Using this equation, the following base fee rates were calculated per year through 2029, as shown with Table 4. Also shown is a cost growth factor that can be used to adjust the land use rates which are discussed with the following section.

Threshold Year	Base Fee Rate	Growth Factor
Year 2025	\$1,500	--
Year 2026	\$1,850	1.23
Year 2027	\$2,175	1.45
Year 2028	\$2,525	1.68
Year 2029	\$2,870	1.91

As shown, the fees initiate with \$1,500 in year 2025 then range up to \$2,870 by year 2029. Despite this increase, this is well within the cost proportionality discussed prior. This is also within the cost comparison ranges highlighted for similar communities.

LAND USE SCHEDULE

A typical and convenient administration of TIFs is through a schedule of fees assigned per land use unit, such as cost per residential unit, commercial building area, or school/university student. The schedule is most defensible when using rates provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual, as this approach is consistent and based on a nationally recognized methodology.

Table 5 provides a summary of the land use schedule associated with a base fee rate of \$1,500 per PM peak hour trip. Shown is the land use code, the associated TIF per unit identified. Note a 15% pass-by rate was applied to commercial and service land uses to account for existing traffic, as specified in the ITE Trip Generation Handbook.

Categories & Land Use	TIF Fee	
	TIF Cost	Per Unit
Residential		Dwelling Unit
- Single Family		Dwelling Unit
- Multifamily	\$1,410	Dwelling Unit
- Mobile Home Park	\$765	Dwelling Unit
- Senior Housing	\$870	Dwelling unit
	\$450	
Commercial, Industrial		
- Light Industrial	\$975	1,000 SF
- Industrial Park	\$510	1,000 SF
- Manufacturing	\$1,110	1,000 SF
- Warehousing/Storage	\$270	1,000 SF
- Data Center	\$135	1,000 SF

Commercial, Retail & Service		
- Shopping Center	\$3,366	1,000 SF
- Discount/Box Store	\$6,051	1,000 SF
- Supermarket	\$8,592	1,000 SF
- Pharmacy/Drugstore	\$7,841	1,000 SF
- Home Improvement Store	\$1,992	1,000 SF
- Fast-Food Restaurant	\$24,773	1,000 SF
- Fast-Casual Restaurant	\$16,001	1,000 SF
- Sit-Down Restaurant	\$6,552	1,000 SF
- Marijuana Dispensary	\$23,996	1,000 SF
- Drive Thru Bank	\$20,485	1,000 SF
- Automobile Sales	\$6,541	1,000 SF
- Auto Part Sales	\$4,190	1,000 SF
- Tire Store	\$4,050	1,000 SF
- Furniture Store	\$367	1,000 SF
Professional		
- General Office	\$2,160	1,000 SF
- Medical/Dental Office	\$5,895	1,000 SF
- Business/Office Park	\$1,830	1,000 SF
Institutional		
- Clinic/Hospital	\$1,492	Employee
- Animal/Vet Clinic	\$2,158	Employee
- High School	\$210	Student
- Middle School	\$225	Student
- Elementary School	\$240	Student
- College/University	\$225	Student
- Day Care	\$6,540	Employee
- Church	\$150	1,000 SF
- Library	\$8,730	Employee
Recreational		
- Hotel	\$885	Room
- Park	\$165	Acre
- Camping/RV	\$405	Site
- Golf Course	\$4,365	Hole
- Bowling Alley	\$1,950	Lane
- Athletic Fields	\$24,645	Field
- Health Club	\$5,175	1,000 SF
- Recreational Center	\$3,750	1,000 SF
- Movie Theater	\$120	Screen
Commercial fees adjusted to reflect pass-by rate		

For purpose of illustration, a 200-home single-family development is proposed within the City. Using the schedule presented with **Table 5**, a total TIF of $(\$1,410 * 200 \text{ homes})$ \$282,000 would be assessed to the development (typically assessed over time, and in development phases). Using the factors from **Table 4**, this would be an assessment of \$538,600 by year 2029 $(\$282,000 * 1.91)$.

Note in extraordinary cases, a development may have a substantial impact upon City streets outside of the PM peak hour, which traditionally occurs from 4 to 6 PM, Tuesday through Thursday. As such, these impacts would be vetted through the City Traffic Impact Study process and an alternate TIF application may be agreed upon between the developer, owner, or applicant and the City Public Works Director or

Engineer to address impacts on TIF capacity projects. Examples of this could include, but would not necessarily be limited to, an industrial or manufacturing development with off-shift timeframes, or some form of entertainment venue such as sporting or concert events.

ADMINISTRATIVE CREDITS

LMC 37-251 allows credits (a.k.a. discounts) to be applied toward TIF's for certain capacity improvements or advancing land use objectives. These improvements result in trip reductions such as extending multimodal facilities, promote transit and active transportation objectives, or Transit Oriented Developments (TODs) that supports work-live mixed-use activities, thereby reducing vehicle trips that impact highway and arterial networks. Credits are subject to the discretion of the City Public Works Director; administrative credits can be applied at the request of the applicant/developer with provision of the following:

- Projects with construction of a capacity-based, complete street project;
- Provision of transit facilities; or
- Development of a land use project that reduces single occupancy vehicle use.

Capital improvement credits will be allowed only with provision of construction costs receipts from a licensed contractor, validating the credit. In no event shall the credit exceed the amount of the impact fees that would have been due for the proposed development activity.

VI. SUMMARY

This TIF rate study was developed to introduce TIFs to the City of Lewiston, intended to help fund roadway and intersection improvements. In collaboration with City staff and the DIFAC, the study established four service districts where TIFs would apply, ensuring that improvements within each district directly benefit new developments in that area. Major corridors, such as Thain Road and Bryden Avenue, were identified as benefiting all districts, with shared costs allocated accordingly. The TIF project list includes significant roadway and intersection capacity improvements, aligning with the City's Transportation Capital Improvement Plan. A base fee rate of \$1,500 per PM peak hour trip was set, with gradual annual increases planned through 2029, ensuring that the rates remain fair and proportional to the community's growth and infrastructure needs. The study also outlines a schedule of fees per land use unit, using industry-standard trip generation rates, and allows for administrative credits to encourage improvements that reduce traffic impacts through multimodal or transit-oriented projects.

**CITY OF LEWISTON, IDAHO
ORDINANCE NO. X-__**

**AN ORDINANCE OF THE CITY OF LEWISTON, IDAHO AMENDING TITLE 37 TO
ADD A NEW SECTION ARTICLE V ENTITLED "TRAFFIC IMPACT FEES" AND
PROVIDING FOR OTHER MATTERS RELATING THERE TO**

WHEREAS, Idaho State Code Chapter 67, Section 82 provides cities the authority to impose impact fees as a part of a program to finance public facilities to serve new growth and development;

WHEREAS, impact fees shall: only be imposed for system improvements in the capital facilities plan that are reasonably related to the new development; (b) not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and (c) be used for system improvements that will reasonably benefit the new development.

WHEREAS, the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds; and

WHEREAS, to establish for general provisions relating to the assessment of impact fees for transportation system development, the following new chapter is adopted by the City Council.

NOW, THEREFORE, the City Council of the City of Lewiston does ordain as follows.

Section 1. New Chapter. A new Chapter 37 Article V entitled "Traffic Impact Fees" is hereby added to the Municipal Code as set forth herein.

CHAPTER 37 Article V Traffic Impact Fees

37-237. Applicability

37-238. Findings; General Provisions

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37-254. - Extraordinary Impacts.

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37-256. Effect of Impact Fee on Zoning and Subdivision Regulations.

37-257. Other Powers and Rights Not Affected.

Section 2. New Section. A new Section 37-237 entitled "Applicability" is hereby added to read as follows:

37-237. Applicability

This chapter shall apply to all new development located within any traffic impact fee service areas for the City, as described by the most current Transportation Improvement Plan and Traffic Impact Fee Study adopted by the City.

Section 3. New Section. A new Section 37-238 entitled "Findings; General Provisions" is hereby added to read as follows:

37-238. Findings; General Provisions

The City Council finds that, unless otherwise exempt, all new development creates an impact and therefore an increased demand for the transportation system. As such, those users who create the additional demand should bear the cost of improvements when new growth or development adversely impacts the transportation system with further demand.

- A. That new growth and development, including but not limited to new residential, commercial, retail, office, industrial and institutional development, in the City of Lewiston will create additional demand and need for public transportation facilities (public streets and public roadways) in the City of Lewiston.
- B. That new growth and development should pay a proportionate share of the cost of new public transportation facilities needed to serve the new growth and development.
- C. The City has conducted extensive studies documenting the procedures for measuring the impact of new growth and development on public facilities, has prepared the rate study, has reviewed the rate study, and hereby incorporates these studies into this title by reference. Cased on the foregoing, the City has prepared a formula and method of calculating traffic impact fees to serve new development that provides a balance between impact fees and other sources of public funds. The data and method of calculating contained in the rate study is consistent with the data collected as part of the development of the comprehensive plan, the traffic impact analysis completed for projects since the creation of that data and the studies and data collection accumulated by the Lewiston Regional Transportation Council and other jurisdictions.
- D. This chapter shall not be construed to subject any development to double payment of the same impact fees.
- E. An impact fee shall not be invalid because the intended improvement for which the fee was paid results in an incidental benefit to owners or developers within a service area other than the fee payer.
- F. After payment of impact fees or the execution of an agreement for payment of impact fees, the City may not assess additional impact fees or increase fees to be paid unless the number of service units increases or the scope of the development changes.

- G. In the event of an increase in the number of service units or the schedule of the development changes, the additional impact fees assessed are limited to the amount attributable to the additional service units or change in scope of the development.

Section 4. New Section. A new Section 37-239 entitled "Rules of Construction" is hereby added to read as follows:

37-239. Rules Of Construction

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this chapter, but not defined herein, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

Section 5. New Section. A new Section 37-240 entitled "Definitions" is hereby added to read as follows:

37-240. Definitions

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given herein:

APPLICANT: Person or entity applying for a building permit or other approval that is otherwise subject to the provisions of this chapter.

ASSESSMENT: The traffic impact fee calculated for a particular project that is charged to the fee payer or developer.

BUILDING PERMIT: An official document or certificate issued by the City of Lewiston Community Development Department, authorizing the construction or siting of any building. For purposes of this chapter, the term "building permit" shall also include tie down permits for structures or buildings, such as a mobile home, that do not require a building permit in order to be occupied.

CAPITAL IMPROVEMENTS: Any of the following facilities, including existing facilities, facility expansions or new facilities, that have a useful life of ten (10) years or more, by new construction or other action, that are owned and operated by or on behalf of the City and described in the currently adopted Transportation Improvements Plan.

CITY: The City of Lewiston Idaho

CITY COUNCIL: The duly constituted Governing Body of the City.

COMPREHENSIVE PLAN: The City of Lewiston Comprehensive Plan as updated and amended from time to time pursuant to Idaho Code title 67, chapter 65, and title 11 of this Code.

COUNTY: The County of Nez Perce County, Idaho.

DEDICATION: The conveyance of property for governmental use, through donation of the property by the owner and acceptance by the City or other applicable governmental agency pursuant to this chapter or other law.

DEVELOPER: Any person, corporation, organization or other legal entity undertaking development, including a party that undertakes the subdivision of property pursuant to Idaho Code sections 50-1301 through 50-1334.

DEVELOPMENT: Any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities.

DEVELOPMENT APPROVAL: Any written authorization from the City or another governmental entity party, which authorizes the commencement of a development.

DEVELOPMENT REQUIREMENT: A requirement attached to a development approval or other governmental action that approves or authorizes a particular development project, including, but not limited to, a rezone, which requirement compels the payment, dedication or contribution of goods, services, land or money as a condition of approval.

EXTRAORDINARY COSTS: Those costs incurred as a result of an extraordinary impact attributable to new development.

EXTRAORDINARY IMPACT: An impact which is reasonably determined by the City to: a) result in the need for transportation system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project; or b) result in the need for system improvements which are not identified in the CIP.

FEE PAYER: A person or legal entity that pays or is required to pay a development impact fee. Taxing districts are expressly included within this definition of "fee payer", unless the taxing district enters into a written agreement with the City of Lewiston that provides otherwise.

IMPACT: The effect of development on the transportation service network in a given area produced by the additional population attracted by development for purposes of this chapter.

IMPACT FEE ADMINISTRATOR: The person designated to administer this chapter on behalf of the City.

IMPACT FEE STUDY: The most current "Traffic 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: The primary category of use for any principal or accessory building, structure or use located on a development site for purposes of this chapter.

LAND USE ASSUMPTIONS: A description of the service area and projections of land uses, densities, intensities and population in the service area over at least a twenty (20) year period.

LEVEL OF SERVICE (LOS): A standardized measure of the relationship between service capacity and service demand provided by a public facility or system of public facilities. The LOS contained in the impact fee study is expressly adopted and incorporated into this chapter.

PRESENT VALUE: The total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.

PROJECT: A particular development on an identified parcel of land.

PROJECT IMPROVEMENTS: Site specific improvements and facilities that are planned, designed or built to provide service for a specific development and that are necessary for the use and convenience of the occupants or users of the development.

PROPORTIONATE SHARE: The portion of the costs to provide system improvements which is reasonably and fairly related to the service demands and needs of new development.

SERVICE AREAS: A defined geographic area identified by the City in the Comprehensive Plan, the CIP, or by an intergovernmental agreement between the City and another governmental entity, for which development potential may create the need for capital improvements to be funded by impact fees.

SERVICE UNIT: A standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements. The following service units are used for the analysis and calculation of impact fees under this chapter:

A. Traffic: Traffic equivalent dwelling units, which each represent the variable used to assess expected trip generation of a development, as more fully described in the impact fee study.

SYSTEM IMPROVEMENT COSTS: Costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs in order to provide additional public facilities needed to serve new growth and development.

SYSTEM IMPROVEMENTS: Capital improvements to the transportation system designed to provide service within the specific service area.

TRAFFIC IMPACT FEE: Funds paid by a developer or applicant to offset adverse impacts on public transportation facilities and systems based on demand of a proposed development or change in the number of service units. These funds are provided to the City as a funding pool for system improvements as adopted in the Transportation Improvement Plan.

TRANSPORTATION IMPROVEMENTS PLAN (TIP): A plan adopted and amended pursuant to the provisions of the Idaho Development Impact Fee Act, which identifies transportation improvements for which impact fees may be used as a funding source.

UNIT(S) OF DEVELOPMENT: A quantifiable increment of development activity dimensioned in terms of equivalent dwelling units or other appropriate measurements identified by traffic the impact fee study.

Section 6. New Section. A new Section 37-241 entitled "Adoption of Traffic Impact Fee Study" is hereby added to read as follows:

37-241. Adoption of Traffic Impact Fee Study.

Addendum A entitled the "Traffic Impact Fee Study" prepared by Ardurra, dated August 2024, along with all footnotes, exhibits, appendices, addenda, and other attachments referenced, all of which are by this reference incorporated herein as if set forth fully, herein, is hereby adopted as the technical foundation upon which City of Lewiston traffic impact fees are to be based. A description of acceptable levels of service for system Improvements are described in the reports.

Section 7. New Section. A new Section 37-242 entitled "Traffic impact Fee Service Areas" is hereby added to read as follows:

37-242. Traffic Impact Fee Service Areas

To properly manage and assess a reasonable traffic impact fee, the City of Lewiston may be divided into one or more service areas based upon the number of persons residing in the service area, the existing street improvements, the forecasted future complete street improvements, and other matters that relate to establishing a reasonable and necessary traffic impact fee. Service areas shall be determined by the City Council and adopted through ordinance to be included in this chapter.

For the purpose of traffic impact fee distribution, the following methods will be used:

- A. 75% of a traffic fee collected, as determined by calculation methods determined in Section 37-248 and the Traffic Impact Fee Study adopted herein, will be collected only for system improvements found within the project's service area boundary.
- B. 25% of a traffic fee collected, as determined by calculation methods determined in Section 37-248 and the Traffic Impact Fee Study adopted herein, will be collected for system improvements prioritized for implication of the City. These funds can be disbursed for improvements prioritized outside of the project's determined service area.
 - a. The system improvements specified for City-wide collection of impact fees (25%) must be in accordance with the Transportation Improvement Plan and cannot be allocated for improvements outside of transportation facilities or improvements.

Section 8. New Section. A new Section 37-243 entitled "Role of Development Impact Fee Advisory Committee" is hereby added to read as follows:

37-243. Role of Development Impact Fee Advisory Committee

The committee has the following powers and duties, as set forth in Idaho Code section 67-8205:

- A. Assist the city in adopting land use assumptions.
- B. Review the Transportation Improvements Plan, and proposed amendments, and file written comments.
- C. Monitor and evaluate implementation of the Transportation Improvement Plan.

- D. File periodic reports, at least annually, with respect to the Transportation Improvement Plan and report to the city any perceived inequities in implementing the plan or imposing the development impact fees.
- E. Advise the city of the need to update or revise land use assumptions, the Transportation Improvement Plan, and development impact fees.

Section 9. New Section. A new Section 37-244 entitled "Land Use Assumptions" is hereby added to read as follows:

37-244. Land Use Assumptions

Land use assumptions used in developing a TIP shall be based on the most recently adopted assumptions by the appropriate land use planning agency or agencies.

- A. Update: Land use assumptions for the City shall be updated at least every five (5) years commencing from the date of the adoption of the TIP(s). Impact fees shall be recalculated in accordance with Idaho Code section 67-8206.
- B. Assumptions: Amendment to the land use assumptions shall incorporate projections of changes in land uses, densities, intensities and population for each service area for a period not less than twenty (20) years.

Section 10. New Section. A new Section 37-245 entitled "Capital/Systems Improvements" is hereby added to read as follows:

37-245. Capital/System Improvements.

The capital/system improvements to be financed by the impact fees are those as listed in the Traffic Impact Fee Study as defined by Idaho Code Title 67, Chapter 82; incorporated herein by reference along with all footnotes, exhibits, appendices, and other attachments referenced therein including, but not limited to, the City of Lewiston Transportation Improvement Plan, attached to the ordinance codified herein as part of addendum A as adopted in Section 37-241 of this chapter.

Part of the role of the Development Impact Fee Advisory Committee and the City in relation to impact fees is to determine which system improvements are eligible for the use of traffic impact fees. The City is responsible for deciding which system improvements these funds are disbursed to.

Section 11. New Section. A new Section 37-246 entitled "Determination of Service Units" is hereby added to read as follows:

37-246. Determination Of Service Units

The number of service units for transportation purposes shall be determined by dwelling units for residential uses and square footage for all other uses, as is applicable to the ITE Trip Generation Handbook defined in addendum A or the Traffic Impact Fee Study as adopted in Section 37-241.

Section 12. New Section. A new Section 37-247 entitled "General Methodology for Calculation" is hereby added to read as follows:

37-247. General Methodology for Calculation.

- A. Calculation Methodology. The amount of the impact fee will be calculated using the methodology contained in the report labeled Traffic Impact Fee Study as adopted in Section **37-241** of this chapter.
- B. Proportionate Share Not Exceeded. A traffic impact fee must not exceed a proportionate share of the cost of system improvements determined in accordance with Idaho Code section 67-8207. Traffic impact fees must be based on actual system improvement costs or reasonable estimates of such costs.
- C. Fee Schedule. A developer must pay a development's proportionate share of system improvement costs by payment of traffic impact fees according to the fee schedule as full and complete payment of the development's proportionate share of system improvement costs, except as provided in Subsection 37-251C. The schedule of traffic impact fees for various land uses per unit of development is set forth in the report and implemented in the fee schedule adopted by the City Council.
 - 1. As defined in Idaho Code section 67- 8205, a Development Impact Advisory Committee will be established in the occurrence of an ordinance to amend this code and update the fee schedule.
 - 2. Modification of the impact fee schedule will include an increase in \$250 annually as well as annual inflation for the first five (5) years of adoption, whereas following the fifth year and so on, annual cost increases must only be based on annual inflation costs.
- D. Proportionate Share Determination. All traffic impact fees will be based upon the formula or method set forth in the Traffic Impact Fee Study as adopted in Section **37-241** of this chapter and the fee resolution enacted by the City Council to implement provisions. The proportionate share of the costs attributable to new development are based upon the plans and formulas made applicable through Traffic Impact Fee Study as adopted in Section **37-241** of this chapter in a manner consistent with requirements of Title 67, Chapter 82, Idaho Code.

Section 13. New Section. A new Section 37-248 entitled "Calculation of Impact Fee" is hereby added to read as follows:

37-248. Calculation of Impact Fee.

- A. Time Limits. The City will calculate the amount of the impact fee due for each building permit, and manufactured/mobile home installation permit, or change in use, by the procedure set forth in the report within thirty (30) days of submittal of complete permit plans for residential development and within sixty (60) days of submittal of complete permit plans for all other development, including mixed uses.
- B. Validity. The calculation of a traffic impact fee must comply with generally accepted accounting principles. A traffic impact fee will not be deemed invalid because payment of the fee may result in an incidental benefit to persons other than the person paying the fee.
- C. Capacity Demands. A traffic impact fee must be calculated in accordance with the methods established by the Traffic Impact Fee Study adopted in Section **37-241** of this

chapter and in the amounts established by the then current fee schedule adopted by the City Council.

- D. Mix of Uses. If the development for which a building permit, or manufactured/mobile home installation permit, is sought contains a mix of uses, the impact fee will be calculated for each type of development or use.
- E. Certification. Prior to making an application for a building permit, or manufactured/mobile home installation permit, a prospective applicant may request in writing a written certification of the traffic fee so long as there is no material change to the development proposal in the individual assessment application, or the impact fee schedule. The certification will include an explanation of facilities considered under Idaho Code section 67-8207. The certification will specify the system improvement(s) for which the impact fee is intended to be used for the pool of service area improvements and separately for city-wide improvements.
- F. Individual Assessment. Individual assessment of impact fees is permitted in situations where the fee payer can demonstrate by clear and convincing evidence that the established impact fee is inappropriate for the development contemplated.
 - 1. Application. Individual assessments of traffic impact fees may be made by application to the director, prior to receiving building permits, site development permits, manufactured/mobile home installation permits, or other necessary approvals from the City. The director will evaluate such individual assessments under the guidelines provided for in subsection F.4 of this section. If the guidelines are met and the individual assessment would conform to the standards and principles established by the traffic impact fee statute, the individual assessment may be approved by the director and forwarded to the City Council for their information.
 - 2. Late Application. Late application for individual assessment may be submitted within thirty (30) days after the receipt of a building permit only if the fee payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a building permit and that the undue hardship would result if said application is not considered.
 - 3. Decision. The director must render a written decision regarding any request for individual assessment within thirty (30) days of the date a complete application is submitted. The decision of the director will establish the impact fee for the development in question for a period of one year from the date the decision becomes final.
 - 4. Conditions for Individual Assessment Approval. The director will evaluate an application for individual assessment and may approve the application if the fee payer has shown by clear and convincing evidence that the established impact fee is inappropriate and that the following facts and conditions exist:
 - a. Exceptional or extraordinary circumstances or conditions apply to the development that do not apply generally to other properties in the vicinity of the development.
 - b. An individual assessment is necessary for the reasonable and acceptable development of the property.

- c. The approval of the individual assessment will not be materially detrimental to the public welfare or injurious to property in the vicinity in which the development is located.
- d. The approval of the individual assessment will not adversely affect implementation of the Transportation Improvements Plan of the City.
- 5. Appeals. Determination of individual assessment may be appealed to the City administrator by the filing of a written appeal with the planning department within thirty (30) days of the date of mailing, faxing, or personal delivery of written notice of the decision of the director. Final determination regarding individual assessments will be made by the City administrator.

Section 14. New Section. A new Section 37-249 entitled "Collection of Impact Fee" is hereby added to read as follows:

37-249. Collection of Impact Fee.

- A. The traffic impact fee shall be paid and collected at the time of issuance of a building permit, a site development permit, or a manufactured/mobile home installation or placement permit, or at such time as there is a change of use to a different use which requires a larger impact fee (under such circumstance, the difference in the impact fees will be collected). The traffic impact fee will be based on the fee resolution in effect at the time a complete building permit application, or other relevant permit application, is submitted.
- B. No building permit or other equivalent City approval shall be issued for development as herein defined unless the impact fee is paid pursuant to this chapter.
- C. A manufactured/mobile home unit may not initially locate on a manufactured/mobile home site unless the impact fee has been paid pursuant to this chapter or has been paid on a previous manufactured/mobile home unit on the same site.
- D. When it is determined pursuant to the procedures set forth in this chapter that a development will have extraordinary impacts, an additional impact fee shall be paid, or bonded for, prior to commencement of construction.
- E. In the event payment of an impact fee is dishonored, the City shall have all lawful remedies including, but not limited to, the withholding of utility services, the imposition of liens pursuant to Idaho Code Title 45, Chapter 5, the withholding of other City approvals required for the development of other properties owned by the fee payer, and the issuance of "stop work" orders, and the revocation or suspension of the building or development permit.

Section 15. New Section. A new Section 37-250 entitled "Administration of Impact Fee" is hereby added to read as follows:

37-250. Administration of Impact Fee.

- A. Transfer of Funds to Treasurer. Upon receipt of impact fees, the treasurer is responsible for placement of such funds into separate accounts as hereinafter specified. All such funds must be deposited in interest bearing accounts, within the capital improvement fund, in a bank authorized to receive deposits of City funds.

Interest earned by each account will be credited to that account and be used solely for the purposes specified for funds of such account.

- B. Establishment and Maintenance of Accounts. The treasurer must establish separate accounts and maintain records for each such account. Traffic impact fees may only be spent for the category of system improvements for which the fees were collected and either within or for the benefit of the service area in which the development is located for 75% of the fees collected and 25% for shared improvements. All accounting and expenditure of traffic impact revenues must comply with the then current requirements of Chapter 82, Title 67, Idaho Code.
- C. Assessment of Additional Impact Fees. After payment of the traffic impact fees or execution of an agreement for payment of traffic impact fees, additional traffic impact fees or increases in fees may not be assessed unless the number of service units increases or the scope of schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.
- D. Review and Modification. Unless the City Council deems some lesser time period is appropriate, the City will at least once every five (5) years commencing from the date of the original adoption of the Transportation Improvement Plan, review the development potential of the City and update the Transportation Improvement Plan in accordance with the procedures set forth in Idaho Code section 67-8206. The City may make any updates deemed necessary as a result of:
 - 1) development occurring in the prior year; 2) capital improvements actually constructed; 3) changing facility needs; 4) inflation; 5) revised cost estimates for capital improvements; 6) changes in the availability of other funding pools; and 7) such other factors as may be relevant.
- E. Idaho Code Requirements Applicable. All requirements of Idaho Code section 67-8210 or its successor, regarding earmarking and expenditure of collected traffic impact fees, apply to impact fees collected by the City.

Section 16. New Section. A new Section 37-251 entitled "Credits, Reimbursement, and Waivers" is hereby added to read as follows:

37-251. Credits, Reimbursement and Waivers.

- A. In the calculation of traffic impact fees for a particular development, a credit or reimbursement will be given for the present value of any construction of system improvements or contribution or dedication of land or money required by the City from a developer for system improvements of the category for which the traffic impact fee is being collected, including such system improvements paid for pursuant to a local improvement district. Such credit or reimbursement will not be given for project improvements.
- B. In the calculation of traffic impact fees for a particular project, credit will be given for the present value of all tax and user fee revenue generated by the developer, within the service area where the impact fee is being assessed and used by the City for system improvements of the category for which the traffic impact fee is being collected. If the

amount of credit exceeds the proportionate share for the project, the developer will receive a credit on future impact fees for the amount in excess of the proportionate share. The credit may be applied by the developer as an offset against future impact fees only in the service area where the credit was generated.

- C. If a developer is required to construct, fund or contribute system improvements in excess of the project's proportionate share of system improvement costs, the developer will receive a credit on future impact fees or be reimbursed at the developer's choice for such excess construction, funding or contribution from traffic impact fees paid by future development which impacts the system improvements constructed, funded or contributed by the developer(s) or fee payer.
- D. For projects with construction of a capacity-based, complete street project; provision of transit facilities; or development of a land use project that reduces single occupancy vehicle use, is eligible to result in allowance for credit in lieu of partial impact fee cost calculation, as verified through traffic study documentation. This 'in lieu' credit shall be determined as such:
 - 1. The cost calculation of an 'in lieu' credit will be determined as the difference in generated trips between the project with and without the capacity-based, complete street project; provision of transit facilities; or development of a land use project that reduces single occupancy vehicle use.
 - 2. Standard methodology for calculating trips associated with travel demand management strategies are provided in addendum A or the Traffic Impact Fee Study as adopted in Section 37-241.
 - 3. 'In lieu' credit shall not exempt a developer from accruing a traffic impact fee for the capacity demand associated with the addition of trips on the transportation system and shall only account for a partial credit of the total impact fee in regard to the calculated reduction in trips from a capacity-based project.
- E. If a credit or reimbursement is due to the developer pursuant to this section, the City will enter into a written agreement with the fee payer, negotiated in good faith, prior to the construction, funding or contribution. The agreement will provide for the amount of credit or the amount, time, and form of reimbursement.
- F. No credits will be given for the construction of local on-site facilities, structures, improvements, or other project improvements required by zoning, subdivision, or other City regulations unless the improvement is identified in the Transportation Improvement Plan or there is a finding that the proposed improvements meet the same need as improvements identified in the Transportation Improvement Plan.
- G. Any person requesting such credit or reimbursement must submit his/her request in writing explaining the legal and factual basis for the request and present documentation of costs or payments for facilities to the director for use in determining the amount of credit or reimbursement to be given. Requests for credit or reimbursement must be submitted to the director prior to issuance of a building permit, site development permit, or manufactured/mobile home installation permit. The determination will be made no more than forty five (45) days after complete

documentation is submitted to the director. Any appeal from such a determination by the director must be pursuant to Section 37-253 of this chapter.

Section 17. New Section. A new Section 37-252 entitled "Refunds" is hereby added to read as follows:

37-252. Refunds.

- A. The current owner of record of property on which an impact fee has been paid may request a refund of such fee if:
 - 1. The project, for which a building permit has been issued within one year, has been lawfully and permanently altered resulting in a decrease in the amount of the impact fee due;
 - 2. The City, after collecting the fee when service is not available, has failed to appropriate and expend the collected traffic impact fees pursuant to Idaho Code section 67-8210(4);
 - 3. The fee payer pays a fee under protest and a subsequent review of the fee paid of the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the City was entitled to receive; or
 - 4. A building permit or permit for installation of a manufactured/mobile home is denied or abandoned prior to placement.
- B. The request for refund must be in writing explaining the legal and factual basis for the request and submitted to the director. The owner must provide such documentation as the director may require to prove such satisfaction, reconveyance, or releases from contract sellers, mortgagees, lienholders, and/or others having an interest in the real property for which an impact fee has been paid.
- C. A request for refund must be filed within the time allowed by law.
- D. Within ninety (90) days of the date of receipt of a request for refund, the director must provide the owner, in writing, with a decision on the refund request including the reasons for the decision. If a right to a refund exists, the City is required to send a refund to the owner of record within ninety (90) days after it is determined that a refund is due. A refund will include a refund of interest at the rate required by Idaho Code section 67-8211.
- E. Owner may appeal the determination of the director to the City administrator pursuant to the provisions in section 37-253 of this chapter.

Section 18. New Section. A new Section 37-253 entitled "Appeals" is hereby added to read as follows:

37-253. Appeals.

- A. A developer or fee payer may appeal the written determination of the applicability and amount of the development impact fee, or refund, or any discretionary action or inaction by or on behalf of the City to the director.
- B. The developer or fee payer must file a notice of appeal with the director within thirty (30) days following the written determination, discretionary action or inaction giving rise to the appeal. When filing an appeal, the fee payer must submit a letter providing a full explanation of the request, the reason for the appeal, as well as all supporting documentation.

- C. The decision of the director is final unless appealed to the City administrator within ten (10) days after the date the written decision of the director is issued. Such appeal is based on the record before the director and on such other written argument which appellant has filed with the appeal and the staff response to such argument. Oral argument by appellant and City staff may not exceed fifteen (15) minutes, respectively, with additional time for appellant rebuttal, but no additional written evidence may be submitted to the City administrator.

Section 19. New Section. A new Section 37-254 entitled "Extraordinary Impacts" is hereby added to read as follows:

37-254. - Extraordinary Impacts.

In determining the proportionate share of the cost of system improvements to be paid by the developer, the director or his or her designee shall consider whether any extraordinary costs will be incurred in serving the development based upon an "extraordinary impact" as defined in Chapter 82, Title 67 Idaho Code. This determination shall be made prior to issuance of any permit for development and shall be paid prior to any such issuance except as may be provided pursuant to an agreement between the parties as authorized by Idaho Code section 67-8214 or its successor.

If the director or his or her designee determines that the development will result in an extraordinary impact, it shall advise the fee payer in writing what the extraordinary impact is, the reason(s) for the extraordinary impact determination, and the estimated costs to be incurred as a result of the extraordinary impact.

The fee payer may appeal the determination of an extraordinary impact or the amount of the extraordinary costs incurred in writing by filing a notice of appeal to the City administrator with the director. When filing an appeal, the fee payer shall submit a letter providing the reason for the appeal along with supporting documentation. The City administrator shall consider the appeal and make a final determination within sixty (60) days of receipt of the written appeal.

Section 20. New Section. A new Section 37-255 entitled "Bonding" is hereby added to read as follows:

37-255. Bonding.

Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other City revenues as may be appropriated by the City Council.

Section 21. New Section. A new Section 37-256 entitled "Effect of Impact Fee on Zoning and Subdivision Regulations" is hereby added to read as follows:

37-256. Effect of Impact Fee on Zoning and Subdivision Regulations.

This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Section 22. New Section. A new Section 37-257 entitled "Other Powers and Rights Not Affected" is hereby added to read as follows:

37-257. Other Powers and Rights Not Affected.

- A. Nothing in this chapter prevents the City from requiring a developer to construct reasonable project improvements in conjunction with a development project.
- B. Nothing in this chapter prevents or prohibits private agreements between property owners or developers, the Idaho Transportation Department, the City, and other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvements or improvement costs incurred by a developer. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement will include a provision for the allocation of impact fees collected from the developer for the improvement of the public facility by the Idaho Transportation Department.
- C. Nothing in this chapter obligates the City to approve development which results in an extraordinary impact.
- D. Nothing in this chapter obligates the City to approve any development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in the traffic impact fee ordinance.
- E. Nothing in this chapter creates any additional right to develop real property or diminish the power of the City in regulating the orderly development of real property within its boundaries.
- F. Nothing in this chapter limits 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 districts or general obligation bond issues.
- G. Nothing herein restricts or diminishes the power of the City to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a developer or owner, or to impose reasonable conditions thereon, including the recovery of project or system improvement costs required as a result of such voluntary annexation.