

THE CITY OF DRIGGS, IDAHO  
ORDINANCE # \_\_\_\_\_-23

Amendment to Title 8, Chapter 3: Development Impact Fees

AN ORDINANCE FOR THE CITY OF DRIGGS AMENDING TITLE 8, CHAPTER 3 (DEVELOPMENT IMPACT FEES), AMENDING THE IMPACT FEE CATEGORY NAMES; ADDING A FIRE & RESCUE IMPACT FEE CATEGORY; UPDATING AND ESTABLISHING DEVELOPMENT IMPACT FEES FOR TRANSPORTATION, PARK AND RECREATION, AND FIRE & RESCUE CAPITAL FACILITIES; ATTACHING AND INCORPORATING THE "CITY OF DRIGGS CAPITAL IMPROVEMENT PLAN AND DEVELOPMENT IMPACT FEE STUDY", DATED NOVEMBER 29, 2022, AS APPENDIX "A" HERETO; ATTACHING AND INCORPORATING THE "TETON COUNTY FIRE & RESCUE 2022 CAPITAL IMPROVEMENT PLAN AND DEVELOPMENT IMPACT FEE STUDY", DATED SEPTEMBER 27, 2022, AS APPENDIX "B"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

**THIS ORDINANCE OF THE CITY OF DRIGGS, IDAHO, IS HEREBY ENACTED AS FOLLOWS:**

**SECTION 1.** The following text shall replace Title 8, Chapter 3, Section 1.J in its entirety:

In order to implement an equitable development impact fee system for the city capital facilities, the city retained Tischler-Bise to prepare an impact fee study for these types of facilities. The resulting document is titled "City Of Driggs Capital Improvement Plan and Development Impact Fee Study", dated November 29, 2022. The Teton County Fire Protection District also retained Tischler-Bise to prepare an impact fee study for fire facilities. The resulting document, titled "Teton County Fire & Rescue 2022 Capital Improvement Plan and Development Impact Fee Study", dated September 27, 2022, was accepted by the City as part of an Intergovernmental Agreement for the City to collect Impact Fees on behalf of the District. Both documents are collectively incorporated herein as "the development impact fee study".

**SECTION 2.** The following text shall replace Title 8, Chapter 3, Section 1.P in its entirety:

The facilities for transportation, parks & recreation, and fire & rescue included in the calculation of fees in the development impact fee study will benefit all new residential and nonresidential development throughout the city, and it is therefore appropriate to treat all areas of the city as a single service area for purposes of calculating, collecting, and spending the development impact fees collected from residential and nonresidential development.

**SECTION 3.** The following text shall replace the entire definition entry for "Accounts" under Title 8, Chapter 3, Section 4:

*Accounts:* The transportation capital facilities account, the parks & recreation capital facilities account, and the fire & rescue capital facilities account established as part of the development impact fee trust fund established in section 8-3-7 of this chapter.

**SECTION 4.** The following text shall replace the third sentence in the definition entry for "Development impact fee" under Title 8, Chapter 3, Section 4:

In the context of this chapter, development impact fee means one of the three impact fees

defined for the three capital facilities elements, and development impact fees (in the plural) means all impact fees (or all of them that apply to the proposed development pursuant to this chapter).

**SECTION 5.** The following text shall replace the entire definition entry for “Development impact fee study” under Title 8, Chapter 3, Section 4:

*Development impact fee study:* The documents entitled "City Of Driggs Capital Improvement Plan and Development Impact Fee Study", dated November 29, 2022, and “Teton County Fire & Rescue 2022 Capital Improvement Plan and Development Impact Fee Study”, dated September 27, 2022, both prepared by Tischler-Bise, that set forth reasonable methodologies and analyses for determining the impacts of various types of development on the city and fire district capital facilities and determines the cost of expansions to those facilities necessary to meet the demands created by new development.

**SECTION 6.** The following text shall replace the entire definition entry for “Development impact fee trust fund” under Title 8, Chapter 3, Section 4:

*Development impact fee trust fund:* The trust fund established by subsection 8-3-7.A of this chapter that includes: a) a transportation capital facilities account, b) a parks & recreation capital facilities account, and c) a fire & rescue capital facilities account. The development impact fee trust fund is also sometimes called the trust fund.

**SECTION 7.** The following text shall be inserted as a new definition under Title 8, Chapter 3, Section 4:

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

**SECTION 8.** The title of the Definition entry for “Park capital facilities” under Title 8, Chapter 3, Section 4, shall be changed to “Park & recreation capital facilities”.

**SECTION 9.** The following text shall replace the entire definition entry for “Streets capital facilities” under Title 8, Chapter 3, Section 4:

*Transportation capital facilities:* Lands, improvements to land, and equipment meeting the definition of "capital improvement", used for the movement of vehicles and persons, traffic signals, and for the widening of bridges along arterial and collector roads, included in the calculation of the transportation impact fee in the development impact fee study, and consistent with the capital improvements element, and specifically including those related costs included in the definition of "system improvement costs", but not including

maintenance, operations, or improvements that do not expand capacity.

**SECTION 10.** The following text shall replace the last sentence of the definition entry for “System improvements” under Title 8, Chapter 3, Section 4:

*For the purposes of this chapter, the system improvements are the transportation capital facilities, the parks & recreation capital facilities, and the fire & rescue capital facilities.*

**SECTION 11.** The following figure shall replace the “Fee Table” figure under under Title 8, Chapter 3, Section 5.C:

| DEVELOPMENT TYPE  | PARK & RECREATION FEES | TRANSPORTATION FEES | FIRE & RESCUE FEES |
|---|------------------------|---------------------|--------------------|
| Residential Development (per housing unit by square feet) |                        |                     |                    |
| Under 500   | \$418                  | \$1,748             | \$422              |
| 500 to 999  | \$873                  | \$3,055             | \$894              |
| 1,000 to 1,499  | \$1,142                | \$3,821             | \$1,163            |
| 1,500 to 1,999  | \$1,327                | \$4,362             | \$1,361            |
| 2,000 to 2,499  | \$1,476                | \$4,781             | \$1,509            |
| 2,500 to 2,999  | \$1,597                | \$5,129             | \$1,631            |
| 3,000 to 3,499  | \$1,699                | \$5,415             | \$1,737            |
| 3,500 to 3,999  | \$1,787                | \$5,671             | \$1,829            |
| 4,000 to 4,499  | \$1,861                | \$5,887             | \$1,905            |
| 4,500 to 4,999  | \$1,931                | \$6,089             | \$1,976            |
| 5,000 to 5,499  | \$1,996                | \$6,269             | \$2,042            |
| 5,500 to 5,999  | \$2,051                | \$6,430             | \$2,098            |
| 6,000 or More   | \$2,107                | \$6,584             | \$2,154            |
| Nonresidential Development (per 1,000 square feet)        |                        |                     |                    |
| Retail  | \$0                    | \$8,423             | \$3,600            |
| Office  | \$0                    | \$3,247             | \$1,388            |
| Industrial  | \$0                    | \$1,462             | \$623              |
| Warehousing   | \$0                    | \$515               | \$623              |
| Institutional   | \$0                    | \$3,229             | \$1,379            |
| Lodging (per room)  | \$882                  | \$2,747             | \$1,024            |

**SECTION 12.** The following text shall replace the existing text under Title 8, Chapter 3, Section 6.:

The following service areas are established for each development impact fee element:

- A. The park & recreation impact fee service area shall include the entire city, and park & recreation impact fees may be expended for park & recreation capital facilities located anywhere in the city.
- B. The transportation impact fee service area shall include the entire city, and transportation impact fees may be expended for transportation capital facilities located anywhere in the city.
- C. The fire & rescue impact fee service area shall include the entire city, and fire & rescue impact fees may be expended for fire & impact capital facilities located anywhere in the

city.

**SECTION 13.** The following text shall replace the existing text under Title 8, Chapter 3, Section 7.A.2:

The trust fund shall be divided into three accounts: a transportation capital facilities account, a parks & recreation capital facilities account, and a fire & rescue capital facilities account.

**SECTION 14.** The following text shall replace the existing text under Title 8, Chapter 3, Sections 7.C.1-3:

1. Transportation impact fee. The monies collected from the transportation impact fee shall be used only to plan for and acquire or construct transportation capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of transportation capital facilities within the city, or to reimburse the city for such costs.

2. Parks & recreation impact fee. The monies collected from the parks & recreation impact fee shall be used only to plan for and acquire or construct parks & recreation capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of parks & recreation capital facilities within the city, or to reimburse the city for such costs.

3. Fire & rescue impact fee. The monies collected from the fire & rescue impact fee shall be used only to plan for and acquire or construct fire & rescue capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of fire & rescue capital facilities serving the city, or to reimburse the Teton County Fire Protection District for such costs.

4. Development impact fees. Development impact fees shall not be used to pay for any purpose that does not involve system improvements that create additional service available to serve new growth and development.

**SECTION 15.** All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**SECTION 16.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**PASSED BY THE COUNCIL OF THE CITY OF DRIGGS, IDAHO, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**APPROVED BY THE MAYOR OF THE CITY OF DRIGGS, IDAHO, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
August Christensen, Mayor

ATTEST: \_\_\_\_\_  
Kreslyn Schuehler, City Clerk