

ORDINANCE No. 2024-33

**CITY OF KUNA
Ada County, Idaho**

AN ORDINANCE, AMENDING SECTION 4 OF CHAPTER 1 OF TITLE 12 OF THE KUNA CITY CODE BY MAKING TECHNICAL CHANGES TO THE KUNA PARK IMPACT FEE SCHEDULE

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Kuna, Ada County, Idaho:

Section 1: AMENDING TITLE 12 KUNA CITY CODE

1.1 That Section 4 of Chapter 1 of Title 12 of the Kuna City Code be and the same is hereby amended to read as follows:

12-1-4: CALCULATION OF DEVELOPMENT IMPACT FEES:

A. General provisions.

1. Accounting principles. The calculation of a development 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 person paying the fee.
2. Levels of service. A development impact fee shall be calculated on the basis of levels of service for public facilities adopted in this chapter 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 a development impact fee is imposed must be attributable to the capacity demands generated by the new development.

B. Methodology; proportionate methodology. A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with IC § 67-8207, as amended. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs. The amount of the development impact fee shall be calculated using the methodology contained in the Development Impact Fee Study

C. Proportionate share determination.

1. All development impact fees shall be based on a reasonable and fair formula or method under which the development 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:
 - a. Any appropriate credit, offset or contribution of money, dedication of land or construction of system improvements;

- b. 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;
 - c. That portion of general tax or other revenues allocated by the jurisdiction to system improvements; and
 - d. 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 development impact fee:
- a. The costs of existing system improvements within the service area;
 - b. The means by which existing system improvements have been financed;
 - c. The extent to which the new development will contribute to the cost of system improvements through taxation, assessments, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;
 - d. The extent to which the new development is required to contribute to the cost of existing system improvements in the future
 - e. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area;
 - f. Extraordinary costs, if any, incurred in serving the new development;
 - g. The time and price differential inherent in a fair comparison of fees paid at different times; and
 - h. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers and special taxation.

D. *Developer's election.* A developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule in the Development Impact Fee Study as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in IC § 67-8214(3), as amended.

E. *Fee Schedules.* ~~Development impact fees shall be calculated using the schedule in the Development Impact Fee Study, unless: (a) the fee payer requests an individual assessment pursuant to the chapter; or (b) the city finds an extraordinary impact for a proposed development in writing to the fee payer, in which case section shall apply.~~

1. Development impact fees shall be calculated using the schedule in the Development Impact Fee Study, unless:
 - a. The fee payer requests an individual assessment pursuant to the chapter; or
 - b. The city finds an extraordinary impact for a proposed development in writing to the fee payer, in which case section shall apply.

2. *Park Impact Fees:*

Residential (dwelling units)	\$	2,604
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F. *Procedures.*

1. *Building permit.* Upon submittal of complete building permit plans, the city shall calculate the development impact fees in accordance with this chapter within thirty (30) days of submittal.
2. *Exemption.* An exemption must be claimed by the fee payer upon application for a building permit. Any exemption not so claimed shall be deemed waived by the fee payer. Applications for exemption shall be submitted to and determined by the city within ninety (90) days.

G. *Using an individual assessment.*

1. In lieu of calculating the amount of development impact fees by reference to the schedule in the Development Impact Fee Study, a fee payer may request that the amount of the required development impact fee be determined through an individual assessment for the proposed development. The individual assessment process shall permit consideration of studies, data, and any other relevant information submitted by the fee payer to adjust the amount of the fee. If a fee payer requests 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, at the fee payer's expense, bear the burden of proving by clear and convincing evidence that the resulting individual assessment complies with the requirements of this chapter. 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 city capital improvements, based on the city's adopted levels of service, than the development impact fees that would otherwise be due pursuant to the schedule set forth in the Development Impact Fee Study.
2. Each individual assessment shall be based on the same level of service standards and unit costs for system improvements used in the Development Impact Fee Study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.
3. An application for an individual assessment may be submitted at any time that the number of dwelling units in the proposed development and the types and amounts of development in each non-residential category identified in the schedule in the Development Impact Fee Study are known. The city shall issue a decision within thirty (30) days following receipt of a completed application for individual assessment and supporting information from the applicant, so as not to unreasonably delay subsequent applications for or issuance of building permits.
4. Each individual assessment shall be submitted to the Development Impact Fee Administrator, and may be accepted, rejected, or accepted with modifications by the Development Impact Fee Administrator as the basis for calculating development impact fees. The criteria for acceptance, rejection or acceptance with modifications shall be whether the individual assessment is more accurate measure of demand for the city capital improvements element(s) created by the proposed development, or the costs of those facilities, than the applicable fee shown in the schedule in the Development Impact Fee Study.
5. The decision by the Development Impact Fee Administrator on an application for an individual assessment shall include an explanation of the calculation of the

development impact fee, shall specify the system improvement(s) for which the development impact fee is intended to be used, and shall include an explanation of those factors identified in IC § 67-8207.

6. If an individual assessment is accepted or accepted with modifications by the Development Impact Fee Administrator then the development impact fees due under this chapter for such development shall be calculated according to such individual assessment.

Section 2: DIRECTING THE CITY CLERK

- 2.1 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide the same to the City’s codifier for inclusion and publication in the Kuna City Code.

Section 3: EFFECTIVE DATE

- 3.1 This Ordinance, as required by Idaho Code Section 67-8206 (6), shall be in full force and effect on the 30th day following its passage and approval; and shall be published in full or by summary as provided in Idaho Code sections 50-901 and 50-901A within one month of its passage and approval all according to law.

PASSED BY THE COUNCIL OF THE CITY OF KUNA, IDAHO, THIS 1st DAY OF Oct, 2024.

APPROVED BY THE MAYOR OF THE CITY OF KUNA, IDAHO, THIS 1st DAY OF Oct, 2024.

CITY OF KUNA



Joe Stear, Mayor

ATTEST:



Nathan Stanley, City Clerk

