

**ORDINANCE NUMBER 1030**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.12, DEVELOPMENT IMPACT FEE BY RAISING THE FEE COLLECTED FOR STREETS AND TRAFFIC AND LAW ENFORCEMENT AND BY LOWERING THE FEE COLLECTED FOR PARKS AND FIRE PROTECTION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, on May 29, 2007, the development impact fee advisory committee developed and approved certain changes to the Capital Improvements Plan as defined in Idaho Code § 67-8203 utilizing the land use assumptions most recently adopted by the Ketchum Planning and Zoning Commission; and

WHEREAS, after proper notice and public hearing, the City of Ketchum amended its Capital Improvements Plan in Resolution No. 07-136 adopted November 19, 2007; and

WHEREAS, Ketchum now desires to amend Ketchum Municipal Code Title 15, Chapter 12 "Development Impact Fee" by raising such fee collected for Streets and Traffic and Law Enforcement and by lowering such fee for Parks and Fire Protection.

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

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

- (1) Ensure that adequate public facilities are available to serve new growth and development;
- (2) Promote orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a

proportionate share of the cost of new public facilities needed to serve new growth and development;

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

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

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

The Ketchum City Council hereby adopts that certain Memorandum dated August 20, 2007 by Rich Caplan of Richard Caplan & Associates, a true and correct copy of which is attached hereto as “Exhibit A-1” (the “Caplan & Associates Memorandum”).

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

**SECTION 2. CHANGES TO KMC 15.12.130 ADDENDUM A, TABLE 1.** That Chapter 12 “Development Impact Fee” of Title 15 “Buildings and Construction” of the Ketchum Municipal Code, Subsection 15.12.130, Addendum A is hereby amended, altered and changed by adding thereto the words underlined and deleting the words with a strike through hereinbelow, to wit:

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

Table 1  
Recommended Schedule of Development Impact Fees

Type of Development	Impact Fee for Residential Dwelling \$/Unit		Impact Fee for Commercial/Industrial (\$/5000 sq.ft.)		Impact Fee for Commercial/Industrial (\$/10,000 sq.ft.)	
Park Lands	<del>\$2172</del>	<u>\$1,800</u>	No impact fee		No impact fee	
Streets and Traffic	<del>\$945</del>	<u>\$4,293</u>	<del>\$1,575</del>	<u>\$7,155</u>	<del>\$3,151</del>	<u>\$14,310</u>
Fire Protection	<del>\$1,710</del>	<u>\$356</u>	<del>\$2,850</del>	<u>\$595</u>	<del>\$5,700</del>	<u>\$1,190</u>
Law Enforcement	<del>\$105</del>	<u>\$285</u>	<del>\$170</del>	<u>\$475</u>	<del>\$340</del>	<u>\$950</u>
Total	<del>\$4,932</del>	<u>\$6,734</u>	<del>\$4,595</del>	<u>\$8,225</u>	<del>\$9,191</del>	<u>\$16,450</u>

Additionally, Addendum A is amended by adding to such Exhibit A the Caplan & Associates Memorandum a true and correct copy of which is attached hereto as “Exhibit A-1” and incorporated herein by this reference as is restated in full.

**SECTION 3. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

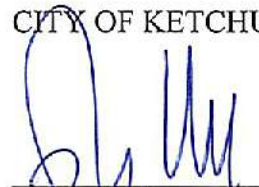
**SECTION 5. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 6. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

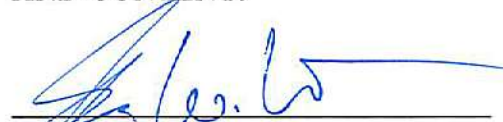
PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and APPROVED by the Mayor this 7 day of December 2007.

CITY OF KETCHUM, IDAHO

  
\_\_\_\_\_  
Randy Hall, Mayor

ATTEST:

APPROVED AS TO FORM  
AND CONTENT:

  
\_\_\_\_\_  
Sandra Cady, CMC  
City Clerk/Treasurer  
\_\_\_\_\_  
Benjamin W. Worst,  
City Attorney

Publish: Idaho Mountain Express  
January 16, 2008



EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1030  
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING KETCHUM MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.12, DEVELOPMENT IMPACT FEE BY RAISING THE FEE COLLECTED FOR STREETS AND TRAFFIC AND LAW ENFORCEMENT AND BY LOWERING THE FEE COLLECTED FOR PARKS AND FIRE PROTECTION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1030 of the City of Ketchum, Blaine County, Idaho, adopted on December 17, 2007, is as follows:

**SECTION 1 - FINDINGS.** The Ketchum City Council hereby finds that a development impact fee ordinance is necessary to protect the public health, safety and welfare of the residents of Ketchum, adopts that certain Memorandum dated August 20, 2007 by Rich Caplan of Richard Caplan & Associates and finds that such Memorandum demonstrates the need for the amendments contemplated in this Ordinance.

**SECTION 2. CHANGES TO KMC 15.12.130 ADDENDUM A, TABLE 1.** In this section, the Mayor and City Council of the city of Ketchum amends Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code, Subsection 15.12.130, Addendum A by adding thereto the words underlined and deleting the words with a strike through hereinbelow, to wit:

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

Table 1  
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Law Enforcement	<del>\$105</del>	<u>\$285</u>	<del>\$170</del>	<u>\$475</u>	<del>\$340</del>	<u>\$950</u>
Total	<del>\$4,932</del>	<u>\$6,734</u>	<del>\$4,595</del>	<u>\$8,225</u>	<del>\$9,191</del>	<u>\$16,450</u>

And by reproducing in full and incorporating into the Ordinance that certain Memorandum dated August 20, 2007 by Rich Caplan of Richard Caplan & Associates which provides all economic and other data demonstrating the need for such amendments to Chapter 12 "Development Impact Fee" of Title 15 "Buildings and Construction" of the Ketchum Municipal Code.

**SECTION 3. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

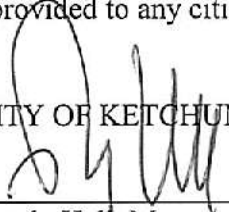
**SECTION 5. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 6. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

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

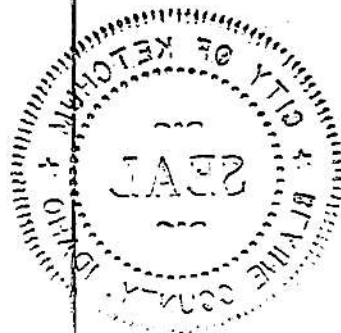
CITY OF KETCHUM, IDAHO

  
Randy Hall, Mayor

ATTEST:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk

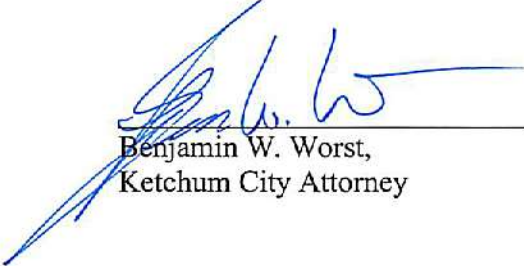




**STATEMENT OF LEGAL ADVISOR**

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1030 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 18<sup>th</sup> day of December, 2007.



Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express

Date: January 16, 2008