

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 246

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8212, IDAHO CODE,
TO CLARIFY THE APPEALS PROCESS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-8212, Idaho Code, be, and the same is hereby
amended to read as follows:

67-8212. APPEALS. (1) A governmental entity ~~which~~ that adopts a devel-
opment impact fee ordinance shall provide for administrative appeals by the
developer or fee payer from any discretionary action or inaction by or on be-
half of the governmental entity.

(2) A fee payer may pay a development impact fee under protest in order
to obtain a development approval or building permit. A fee payer making such
payment shall not be estopped from exercising the right of appeal provided in
this chapter, nor shall such fee payer be estopped from receiving a refund of
any amount deemed to have been illegally collected.

(3) A governmental entity ~~which~~ that adopts a development impact fee
ordinance shall provide for mediation by a qualified independent party, upon
voluntary agreement by the fee payer and the governmental entity, to address
a disagreement related to the impact fee for proposed development. The ordi-
nance shall provide that mediation may take place at any time during the ap-
peals process and participation in mediation does not preclude the fee payer
from pursuing other remedies provided for in this section. The ordinance
shall provide that mediation costs will be shared equally by the fee payer
and the governmental entity.

(4) In any judicial action or appeal challenging an impact fee, the gov-
ernmental entity has the burden of proving by a preponderance of the evidence
that the ordinance or amount of the fee meets the requirements of this chap-
ter.