

IN THE SENATE

SENATE BILL NO. 1114

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8205, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING A DEVELOPMENT IMPACT FEE ADVISORY COM-
3 MITTEE AND TO PROVIDE FOR A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE
4 FOR INTERGOVERNMENTAL AGREEMENTS BETWEEN GOVERNMENTAL ENTITIES AND
5 CERTAIN DISTRICTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
6 TIVE DATE.
7

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

9 SECTION 1. That Section 67-8205, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-8205. DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE. (1) Any govern-
12 mental entity that is considering or that has adopted a development impact
13 fee ordinance shall establish a development impact fee advisory committee as
14 provided in this section.

15 (2) (a) The development impact fee advisory committee shall be composed
16 of not fewer than five (5) members appointed by the governing authority
17 of the governmental entity or as the members' appointments are provided
18 for in an intergovernmental agreement.

19 (b) Two (2) or more members shall be active in the business of devel-
20 opment, building, or real estate. An existing planning or planning and
21 zoning commission may serve as the development impact fee advisory com-
22 mittee if the commission includes two (2) or more members who are active
23 in the business of development, building, or real estate; ~~otherwise,~~
24 ~~two (2) such.~~ Two (2) members who are not employees or officials of a
25 governmental entity shall also be appointed to the committee.

26 (c) New appointments and reappointments to a committee on and after
27 July 1, ~~2021~~ 2023, must also comply with the provisions of this para-
28 graph. All members must reside within the ~~jurisdictional~~ boundaries of
29 the ~~governmental entity~~ service area. ~~Two (2) or more members shall be~~
30 ~~active in the business of development, building, or real estate. Two~~
31 ~~(2) or more members shall not be in the business of development, build-~~
32 ~~ing, or real estate.~~ Employees or officials acting in their official
33 capacity for a governmental entity may not be appointed as members of
34 the committee. An existing planning or planning and zoning commission
35 may serve as the development impact fee advisory committee for the gov-
36 erning authority if the commission includes two (2) or more members who
37 are active in the business of development, building, or real estate and
38 two (2) or more members who are not in such business; otherwise, two (2)
39 such members who are not employees or officials of a governmental entity
40 shall be appointed to the committee until the membership requirements
41 of this subsection are met.

1 (3) Intergovernmental agreements between governmental entities and
2 districts identified in section 67-8204A, Idaho Code, shall provide for
3 the establishment of a development impact fee advisory committee, and the
4 nomination and membership of such committee shall be in compliance with the
5 provisions of this section.

6 ~~(3)~~ (4) The development impact fee advisory committee shall serve in an
7 advisory capacity and is established to:

8 (a) Assist the governmental entity in adopting land use assumptions;

9 (b) Review the capital improvements plan, and proposed amendments, and
10 file written comments;

11 (c) Monitor and evaluate implementation of the capital improvements
12 plan;

13 (d) File periodic reports, at least annually, with respect to the cap-
14 ital improvements plan and report to the governmental entity any per-
15 ceived inequities in implementing the plan or imposing the development
16 impact fees; and

17 (e) Advise the governmental entity of the need to update or revise land
18 use assumptions, the capital improvements plan, and development impact
19 fees.

20 ~~(4)~~ (5) The governmental entity shall make available to the advisory
21 committee, upon request, all financial and accounting information, profes-
22 sional reports in relation to other development and implementation of land
23 use assumptions, the capital improvements plan, and periodic updates of the
24 capital improvements plan.

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2023.