

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1873

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 20.10 OF THE FIFE MUNICIPAL CODE REGARDING IMPACT FEES

WHEREAS, impact fees are charges assessed by local governments against new development projects to recover the cost of providing certain public facilities required to serve the new development; and

WHEREAS, in Washington, impact fees are authorized for those jurisdictions planning under the Growth Management Act, by RCW 82.02.050-.110 for public streets and roads, publicly owned parks, open space, and recreation facilities, school facilities, and fire protection facilities (in jurisdictions not within a fire district); and

WHEREAS, under this authority, FMC Title 20 provides for the imposition of impact fees for streets, parks and schools; and

WHEREAS, FMC Chapter 20.10 currently provides different points in the development process for calculation, assessment, and collection of impact fees depending on the type of development and the type of permit; and

WHEREAS, the council deems it to be in the best interests of the city, its citizens and businesses, to have impact fees assessed and calculated at the time of building permit application, and collected prior to building permit issuance; now, therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 20.10.020 of the Fife Municipal Code is hereby amended to read as follows:

20.10.020 Definitions.

A. "Applicant" means the person, firm or corporation proposing a development in the city.

B. "Building permit" means the permit required for new construction and additions pursuant to FMC Title 15. The term "building permit," as used herein, shall not be deemed to include:

1. Permits required for the remodeling, rehabilitation or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the square footage space (for nonresidential construction) or number of dwelling units (for residential construction) resulting therefrom;

2. Permits required for temporary dwellings;

3. Permits required for the replacement of a mobile home on an approved mobile home park space within an approved mobile home park.

C. "Capital improvement plan" means the capital facilities plan element contained in the city of Fife comprehensive plan adopted by Ordinance No. 1236, and any subsequent legislative enactment that amends or otherwise updates said plan.

D. "City" means the city of Fife.

E. "Development" means any proposed land use, zoning or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, building permit, binding site plan or any other action permitted or regulated by the Fife Municipal Code that creates additional demand and need for public facilities.

F. "Director" means the community development director or his/her designee. .

G. "Feepayer" is the person, corporation, partnership, or other legal entity who applies for a building permit and is assessed an impact fee under this Title.

H. "Impact" means any additional demand and need for public facilities or services that is reasonably related to the proposed development.

I. "Impact fee" means a payment of money imposed upon development levied pursuant to this title as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

J. "Low income housing" means single-family or multifamily housing, the construction of which is either undertaken by a housing authority operating

pursuant to Chapter 35.82 RCW or financially assisted pursuant to a federal, state or local government low income housing program, or a not-for-profit charitable organization that follows the same or similar guidelines; provided, that the terms shall apply only to the number of units within a multifamily housing development as are required to be rented to low income tenants.

K. "Mitigation" or "mitigate" means an action which avoids any negative or adverse impact, or which ameliorates any such impact.

L. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital improvement plan shall be considered a project improvement.

M. "Public facilities" means the following capital facilities owned or operated by the city or other government entities: (1) public streets and roads; (2) publicly owned parks, open space, and recreation facilities; (3) school facilities.

N. "Service area" means a geographical area in which a defined set of public facilities provides services to developments within the area. Service areas may be separately described for each type of public facility.

O. "System improvements" means public facilities that are included in the capital improvement plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

Section 2. Section 20.10.060 of the Fife Municipal Code is hereby amended to read as follows:

20.10.060 Imposition of impact fee.

A. No building permit shall be issued for a development in a designated service area as herein defined unless the impact fee is calculated, imposed and collected pursuant to this chapter.

B. Impact fee shall be calculated and assessed at the time a building permit application is deemed complete, and collected prior to building permit issuance.

Section 3. Section 20.10.080 of the Fife Municipal Code is hereby amended to read as follows:

20.10.080 Calculation of impact fee.

A. Formulas for determining the amount of the impact fees assessed under this chapter will be adopted, from time to time, by ordinance of the city council. The city council shall hold a public hearing before adopting or amending impact fee formulas.

B. If the development for which approval is sought contains a mix of use, the impact fee must be separately calculated for each type of use.

C. Upon application by the developer supported by studies and data, the impact fee may be reduced or eliminated if it is shown that either:

1. The formulae adopted by the city council do not accurately reflect the impact; or
2. Due to unusual circumstances:
 - a. Facility improvements identified for the applicable service are not reasonably related to the proposed development; or
 - b. Such facility improvements will not reasonably benefit the proposed development.

The current fee schedule relating to this section of the Fife Municipal Code can be found at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

Section 4. Section 20.10.100 of the Fife Municipal Code is hereby amended to read as follows:

20.10.100 Impact fee credits.

A. The feepayer shall be entitled to a credit against the applicable impact fee for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the development to facilities for which such impact fee is imposed that are identified in the capital improvement plan and that are required by the city as a condition of approval for the immediate development proposal, if such dedication, improvement or construction is located within the same service area as the immediate development proposal.

B. The amount of the credit shall be determined at the time of building permit issuance. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the feepayer may apply such excess credit toward impact fees imposed on other developments within the same service area; provided, however, if the improvement is one for which a latecomer's agreement would be authorized, then the feepayer shall only be entitled to a latecomer's agreement.

Section 5. Section 20.10.110 of the Fife Municipal Code is hereby amended to read as follows:

20.10.110 Appeals.

The determination of the director as to the applicability and amount of an impact fee, credit against an impact fee, and/or discount against an impact fee shall be appealable as provided for in this section.

A. The determination of the director shall be appealable to the hearing examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the director within 10 days of the decision being appealed. Review by the hearing examiner shall be on a de novo basis.

B. The notice of appeal shall be made upon a form to be supplied by the director. A nonrefundable fee shall be paid at the time the notice of appeal is submitted. A hearing shall then be scheduled before the hearing examiner within 30 calendar days of the filing of the notice of appeal and appeal fee.

The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: www.cityoffife.org.

C. The decision of the hearing examiner shall be in writing and shall include findings of fact and conclusions to support the decision.

D. The decision of the hearing examiner shall be final unless, within 21 calendar days, a party of record files and serves upon the city and all affected parties a petition for review under the Land Use Petition Act with the Pierce County superior court.

Section 6. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 7. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 24th day of June, 2014.

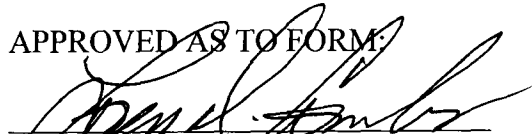
Passed by the City Council on the 8th day of July 2014.


David K. Zabell, City Manager

ATTEST:


Carol Eigen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: July 10, 2014
Effective Date: 7/15, 2014