

ORDINANCE NO. 2055

AN ORDINANCE modifying Section 3.88.030 of the Camas Municipal Code by adding definitions to the City impact fee ordinance, adding a new section to Chapter 3.88 of the Camas Municipal Code requiring findings of adequacy for planned facilities, amending Section 3.88.120 of the Camas Municipal Code by revising the procedures for collection of impact fees, amending Section 3.88.130 of the Camas Municipal Code by revising the exemptions from impact fees, adding a new section to Chapter 3.88 of the Camas Municipal Code providing for an independent fee calculation of impact fees, adding a new subsection to Section 3.88.160 of the Camas Municipal Code relating to accounting procedures for impact fees, adding a new subsection to Section 3.88.170 of the Camas Municipal Code pertaining to the expenditure of impact fees, and adding a new section to Chapter 3.88 of the Camas Municipal Code providing for an annual review of impact fees.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Section 3.88.030 of the Camas Municipal Code is amended to provide as follows:

3.88.030 - Definitions. The following definitions shall apply for purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

- A. "Act" means the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, 1st Sp. Sess., as now in existence or as hereinafter amended.
- B. "Building permit" means the permit required for new construction and additions pursuant to Chapter 15.04 of the Camas Municipal Code. The term building permit, as used herein, shall not be deemed to include 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 applicable unit of measure for non-residential construction or number of dwelling units for residential construction.
- C. "Capital facilities plan" means the capital facilities plans adopted by the council as part of the capital facilities element of the comprehensive plan for Camas.
- D. "Capital facilities" means the facilities or improvements or acting city engineer for the city.
- E. "City engineer" means the officially appointed or acting city engineer for the city.
- F. "City" means the City of Camas.

- G. "CMC" refers to the Camas Municipal Code.
- H. "Council means the city council of the City of Camas.
- I. "County" means Clark County.
- J. "Department" means the city planning department.
- K. "Developer" means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.
- L. "Development activity" means any construction or expansion of a building or structure, or any change in use of a building; or the subdivision of land; or plat approval, PUD or PRD approval, boundary line adjustment, or any change in land use that creates additional demand and need for public schools, public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities.
- M. "Development approval" means any written authorization from the city which authorizes the commencement of a development activity, including, but not limited to, building permit, plat approval, PUD or PRD approval, binding site plan approval, boundary line adjustment, and a conditional use permit.
- N. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.
- O. "Fee payer" is a person, corporation, partnership, an incorporated association, or any other similar entity or municipal corporation commencing a development activity which creates the demand for planned facilities, and which requires development approval and/or the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.
- P. "Fire chief" means the officially appointed or acting chief of the fire department of the city, also referred to herein as a "department head".
- Q. "Fire impact fee" means the impact fee designated to pay for fire protection facilities.
- R. "Impact fee account" or "account" means the accounts established for the planned facilities for which impact fees are collected. The accounts shall be established pursuant to CMC 3.88.160A, and shall comply with the requirements of RCW 82.02.070.
- S. "Impact fee" means the payment of money imposed upon development 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 reasonable permit or application fees. The impact fee hereby imposed consists of a traffic fee component, a part impact fee component, an open space impact fee component, a fire facility impact fee component, and a school impact fee component.

- T. "Independent fee calculation" means the impact fee calculation, and/or economic documentation prepared by a fee payer, to support the assessment of an impact fee other than by the use of the schedules in Sections 3.88.060 to 3.88.100 of this chapter, or the calculations prepared by the planning director or city engineer where none of the impact fee categories or impact fee amounts in Sections 3.88.060 to 3.88.100 accurately describe or capture the impacts of the development activity on public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities.
- U. "Low-income housing" means a single-family or multifamily rental housing development, the construction of which is either undertaken by a housing authority operated pursuant to RCW Chapter 35.82, or financially assisted pursuant to a federal, state or local governmental low-income housing program; provided, however, that the term shall apply only to the number of units within such housing development as are required to be rented to low-income tenants.
- V. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
- W. "Park impact fee" means the impact fee designated to pay for publicly owned parks, open space and recreational facilities.
- X. "Parks director" means the officially appointed or acting director of the city parks and recreation department, also referred to herein as a "department head".
- Y. "Planned facilities" shall mean public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities included in the capital facilities element of the comprehensive plan for Camas.
- Z. "Planned residential development" (PRD) or "planned unit development" (PUD) shall be as defined in Section 18.92.020 of the CMC.

- AA. "Planning director" shall mean the officially appointed or acting director of the city planning department.
- BB. "Project improvements" mean 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 facilities plan approved by the city council shall be considered a project improvement.
- CC. "Public facilities" mean the following capital facilities owned or operated by government entities: public streets and roads; publicly owned parks, open space, and recreational facilities; school facilities; and fire protection facilities of the city of Camas.
- DD. "Service area" means a geographical area defined by the city of Camas in which a defined set of public facilities provide service to development within the area.
- EE. "Standard of service" means the quantity and quality of service which the city council has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum wait at stops, maximum fire department response times, minimum fire suppression capabilities, minimum park and open space required for a variety of types of parks and open space; minimum distance from residences to parks, and/or any other factors or standards the city council may deem appropriate.
- FF. "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.
- GG. "Temporary dwelling units" means a development that provides temporary housing for individual persons for one or more days.
- HH. "Traffic impact fee" means the impact fee designated to pay for public streets and roads.
- II. "Unit" means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the city, for not more than one family and including site-built buildings, mobile/manufactured homes and modular homes.
- JJ. "Voluntary agreement" means an agreement between a developer and the city as authorized by RCW 82.02.020.

Section II

There is hereby added to the Camas Municipal Code a new section to provide as follows:

Section 3.88.055 - Findings of Adequacy.

- A. Prior to approving proposed plats, planned residential or planned unit developments or binding site plans, or granting other development approvals, the council or administrative personnel, as appropriate, shall make written findings that appropriate provisions are made for planned facilities. Findings of adequacy shall be based on the city's standards of service.
- B. Compliance with this requirement shall be sufficient to satisfy the requirements of RCW 58.17.110, 58.17.060 and the Act. The findings shall be made at the time of preliminary plat, PRD, PUD, binding site plan or other development approval.
- C. The city shall not approve applications for preliminary plats, PRD, PUD, binding site plans or other development approvals, unless the city is able to make the findings of adequacy; provided, that if the fee payer opts to dedicate land, to provide improvements~~X~~ and/or construction consistent with the requirements of CMC 3.88.140 governing credits, where appropriate, the city may make such findings.
- D. If any party for any reason is able to exempt itself from the operation of this chapter, the city reserves the right to review its land use plan in conjunction with its capital facilities plans in order to ensure adequacy. In the event that the impact fees that might have been paid would have been an integral part of the financing to ensure adequacy, the city reserves the right to deny approval for the development on these grounds.

Section III

Section 3.88.120 of the Camas Municipal Code is amended to provide as follows:

3.88.120 - Collection of Fees.

- A. The city shall collect impact fees, based on the schedules in Section 3.88.060 to 3.88.100, from any applicant seeking a building permit from the city.
- B. Except as may be due to exemptions or credits provided pursuant to the applicable CMC, or pursuant to an independent fee calculation accepted by the planning director as outlined in Section 3.88.135, or impact fees imposed by the planning director pursuant to Section 3.88.135, the city shall not issue a building permit(s) unless and until the impact fees set forth in the schedules in this chapter have been paid.

Section IV

Section 3.88.130 of the Camas Municipal Code is revised to read as follows:

Section 3.88.130 - Exemptions.

- A. The following shall be exempted from the payment of all impact fees:

1. Replacement of a demolished or destroyed structure of the same size and use, and located on the same parcel or lot as that of the demolished or destroyed structure. Said replacement must occur within five (5) years of the date the structure was demolished or destroyed.

The owner of a demolished or destroyed structure shall be required to submit a copy of a demolition permit, utility bill or other acceptable documentation that proves the structure in question existed within the appropriate time frame. The owner will receive a unit for unit exemption for residential uses. Exemptions for commercial or industrial users will be based on the level of impact generated by the new use as it compares to the existing or previous use.

Conversion of a lesser impact land use to a greater impact land use will require the payment of the appropriate impact fees. The new fee will be based on the total impact generated by the new land use, minus the similar impact fee associated with the existing land use. Conversion of a greater land use to a lesser land use will not be entitled to reimbursement of impact fees.

2. Alterations, expansion, enlargement, remodeling, rehabilitation or conversion of an existing unit where no additional units are created and the use is not changed.

3. The construction of accessory structures that will not create significant impacts on planned facilities.

4. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs.

5. A structure moved from one location within the city to another location within the city. The vacated lot will not be exempted from paying all appropriate impact fees. In the event the structure is moved outside the city, the vacant lot will be eligible for impact fee exemptions if all applicable criteria can be satisfied.

6. Public school districts, provided however, this shall not relieve the public school district from constructing planned facilities associated with any particular project. This exemption does not apply to private schools, parochial or trade schools, colleges or universities.

- B. Except as otherwise provided pursuant to the terms of a voluntary agreement entered into between the city and a developer, the payment of fees, the dedication of land, or the construction of planned facilities by the developer pursuant to the terms of a voluntary agreement negotiated with the city with specific reference to the improvements identified in the capital facilities plans and in anticipation of the imposition of impact fees, and entered into between the city and a developer prior to the effective date of the ordinance codified in this chapter, shall be deemed to be complete mitigation for the impacts of the specific development on the planned facilities. The units in such development may be charged a reduced fee pursuant to an independent fee calculation under CMC 3.88.135. The developer shall provide the planning director documentation demonstrating compliance with the terms of the voluntary agreement.
- C. Except as otherwise provided pursuant to the terms of a plat condition or a SEPA mitigation condition, the payment of fees, the dedication of land, or the construction of planned facilities by the developer pursuant to the terms of a plat condition or a SEPA mitigation condition negotiated with the city with specific reference to the improvements identified in the capital facilities plan and in anticipation of the imposition of impact fees, and imposed prior to the effective date of the ordinance codified in this chapter, shall be deemed to be complete mitigation for the impacts of the specific development on the planned facilities. The units in such development may be charged a reduced fee pursuant to an independent fee calculation under CMC 3.88.135. The developer shall provide the planning director documentation demonstrating compliance with the terms of the voluntary agreement.
- D. The planning director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the planning director shall be in writing and shall be subject to the appeals procedures listed in Section 3.88.150 of the CMC.

Section V

There is hereby added to the Camas Municipal Code a new section to provide as follows:

Section 3.88.135 - Independent Fee Calculation.

- A. If the planning director believes in good faith that none of the impact fee categories or impact fee amounts set forth in the schedules in Sections 3.88.060 through 3.88.100 accurately calculate the impacts of a development activity on planned facilities, the planning director may conduct independent fee calculations. The planning director may impose alternative impact fees

on a specific development activity based on these calculations. The alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

- B. If a fee payer opts not to have the impact fees determined according to the schedules in Sections 3.88.060 through 3.88.100, then the fee payer shall prepare and submit to the planning director an independent fee calculation for the development activity for which final plat, PRD, PUD, binding site plan, or other development approval, or a building permit, is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The appropriate department heads shall review the independent fee calculation and provide an analysis to the planning director concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The planning director may adopt, reject, or adopt in part, the independent fee calculation based on the analysis prepared by appropriate department heads, and based on specific characteristics of the development activity, and/or principles of fairness. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.
- C. Any fee payer submitting an independent fee calculation will be required to pay the city of Camas a fee to cover the cost of reviewing the independent fee calculation. The fee shall be \$500.00, unless it is necessary for the city to enlist the services of an outside consultant to assist in the review of the independent fee calculation. In this instance, the fee payer will be required to pay any consultant charges over the base \$500.00 amount. Individual single family lots will be exempt from the review fee. The city shall require the fee payer to post a cash deposit of \$500.00 prior to initiating the review.
- D. While there is a presumption that the calculations set forth in the city's capital facilities plans are valid, the planning director shall consider the documentation submitted by the fee payer and the analysis prepared by the appropriate department heads, but is not required to accept such documentation or analysis which the planning director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. The planning director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development activity, and/or principles of fairness. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.
- E. Determinations made by the planning director pursuant to this section may be appealed to the planning commission.

Section VI

There is hereby added to Section 3.88.160 a new subsection to provide as follows:

3.88.160 - Accounting Procedures--Reports.

- C. B. Pursuant to and consistent with the requirements of RCW 82.02.060, the capital facilities plans have provided adjustments for future taxes to be paid by the developer, which are earmarked or proratable to the planned facilities which will serve the development activity. The impact fee schedules in Section 3.88.060 through 3.88.100 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund particular planned facilities.

Section VII

There is hereby added to Section 3.88.170 the following new subsections:

3.88.170 - Expenditure of Fees.

- B. Pursuant to this chapter:
1. Impact fees collected for public streets and roads, impact fees for publicly owned parks, open space and recreational facilities, and impact fees for fire protection facilities shall be used solely for those respective purposes, and only those that will reasonably benefit the development activity.
 2. Impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.
 3. Impact fees shall not be used for maintenance or operation.
- C. Impact fees may be spent for planned facilities, including but not limited to planning, land acquisition, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized.
- D. Impact fees may also be used to recoup city improvement costs previously incurred by the city to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CLARK }

I, Michael Gallagher, being first duly sworn, depose and say that I am the owner, editor, publisher of The Post-Record, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publication hereinafter to, published in the English language continuously as a weekly newspaper in Camas, Clark County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication

of said newspaper, that the ORDINANCE NO. 2055

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive weeks in the following issues;

Issue date Jan. 30, 1996

Issue date _____

Issue date _____

Issue date _____

Issue date _____

Issue date _____

The fee charged for the above publication was:

\$ 397.80

Michael Gallagher
Publisher

Subscribed and sworn to before me this 30th

day of January, 1996

Beverly J. Webster
Notary Public in and for the
State of Washington,
Residing at Camas, Washington

ORDINANCE NO. 2055

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THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

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for preliminary plats, PRD, PUD, binding site plans or other development approvals, unless the city is able to make the findings of adequacy; provided, that if the fee payer opts to dedicate land, to provide improvements, and/or construction consistent with the requirements of CMC 3.88.140 governing credits, where appropriate, the city may make such findings.

D. If any party for any reason is able to exempt itself from the operation of this chapter, the city reserves the right to review its land use plan in conjunction with its capital facilities plans in order to ensure adequacy. In the event that the impact fees that might have been paid would have been an integral part of the financing to ensure adequacy, the city reserves the right to deny approval for the development on these grounds.

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3.88.120 — Collection of Fees.
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erty; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

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X. "Parks director" means the officially appointed or acting director of the city parks and recreation department, also referred to herein as a "department head."

Y. "Planned facilities" shall mean public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities included in the capital facilities element of the comprehensive plan for Camas.

Z. "Planned residential development" (PRD) or "planned unit development" (PUD) shall be as defined in Section 18.92.020 of the CMC.

AA. "Planned director" shall mean the officially appointed or acting director of the city planning department.

BB. "Project improvements" mean 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 facilities plan approved by the city council shall be considered a project improvement.

CC. "Public facilities" means the following capital facilities owned or operated by government entities: public streets and roads; publicly owned parks, open space, and recreational facilities; school facilities; and fire protection facilities of the city of Camas.

DD. "Service area" means a geographical area defined by the city of Camas in which a defined set of public facilities provide service to development within the area.

EE. "Standard of service" means the quantity and quality of service which the city council has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum wait at stops, maximum fire department response times, minimum fire suppression capabilities, minimum park and open space required for a variety of types of parks and open space; minimum distance from residences to parks, and/or any other factors or standards the city council may deem appropriate.

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

GG. "Temporary dwelling units" means a development that provides temporary housing for a greater impact and use than requires payment of the appropriate impact fees. The new fee will be based on the total impact generated by the new land use, minus the similar impact fee associated with the existing land use. Conversion of a greater land use to a lesser land use will not be entitled to reimbursement of impact fees.

2. Alterations, expansion, enlargement, remodeling, rehabilitation or conversion of an existing unit where no additional units are created and the use is not changed.

3. The construction of accessory structures that will not create significant impacts on planned facilities.

4. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs.

5. A structure moved from one location within the city to another location within the city. The vacated lot will not be excepted from paying all appropriate impact fees. In the event the structure is moved outside the city, the vacant lot will be eligible for impact fee exemptions if all applicable criteria can be satisfied.

6. Public school districts, provided how-