

RESOLUTION NO. 1227

A RESOLUTION exempting the Camas School District from payment of transportation impact fees for the new Woodburn Elementary School.

WHEREAS, RCW 82.02.060 permits cities to provide an exemption from impact fees for development activities with broad public purposes, provided that the impact fees for such development activities shall be paid from other public funds; and

WHEREAS, Camas Municipal Code Section 3.88.130A(6) provides that the City Council may, on a case by case basis, exempt a public school district from payment of all or a portion of the impact fees imposed upon a public school development; and

WHEREAS, the Camas School District is in the process of constructing Woodburn Elementary School; and

WHEREAS, the Planning Department has calculated the traffic impact fee for Woodburn Elementary School to be \$143,242; and

WHEREAS, the Camas School District has applied for an exemption from payment of the impact fee;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO RESOLVE AS FOLLOWS:

I

Camas School District shall be exempted from paying the traffic impact fees of \$143,242 for Woodburn Elementary School.

II

The traffic impact fee of \$143,242 for Woodburn Elementary School shall be paid from public funds other than impact fee accounts.

ADOPTED BY THE COUNCIL AT A REGULAR MEETING this 17<sup>th</sup> day of January, 2012.

SIGNED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

Clerk

APPROVED as to form:

\_\_\_\_\_  
City Attorney



**CITY OF CAMAS  
COUNCIL WORKSESSION  
January 3, 2012  
4:30 p.m.**

**CALL TO ORDER:** Mayor Scott Higgins presided.

**COUNCIL MEMBERS:**

**Present:** Anderson, Chaney, Dietzman, Hazen, Hogan, Smith, and Turk  
(departed at 5:20 p.m.).

**Excused:**

**STAFF PRESENT:** Bourquin, Carothers, Copsey, Halverson, Hodges, Lackey,  
Levison, and Swinhart.

**PRESS:** Heather Acheson, Camas-Washougal Post Record.

**PUBLIC:**

There were no comments.

**PUBLIC WORKS:**

**Coordinated Water System Plan Fire Hydrant Addendum Discussion:**

Eric Levison, Public Works Director, gave a brief overview of the topic and introduced Doug Quinn, Director of Water Services for Clark Public Utilities.

Quinn gave background regarding the Coordinated Water System Plan related to fire hydrants and briefly described how Addendum A – Fire Hydrant Intergovernmental Agreement – interacts with the regional plan for fire hydrants and the lawsuit (*Lane v. City of Seattle*) that was filed regarding fire hydrant charging.

Quinn and Levison responded to questions from Council.

In response to Levison's inquiry, Quinn stated that Clark County has completed the initial review of the agreement and anticipates that the County will take formal action in the near future.

Levison stated that he will bring this item back to a Council Workshop for further review after the County takes formal action.

Mayor stated that the Camas School District item listed under Community Development's Planning Department will be discussed next.

**COMMUNITY DEVELOPMENT:**

**Planning:**

**Camas School District (CSD) Impact Fees Discussion:**

Phil Bourquin, Community Development Director, gave background and outlined the requests from the CSD to exempt Traffic Impact Fees (TIF) for the Woodburn Elementary School and to amend the Camas Municipal Code (CMC) Chapter 3.88.130 *Exemptions* to exempt all publicly operated primary and secondary school facilities from paying TIF.

Lloyd Halverson, City Administrator, highlighted the financial events that have effected the transportation system's financial needs during the past year. He added that staff recommends that Council continue to review these requests on a case by case basis and that the CMC not be changed.

Mike Nerland, Camas School District Superintendent, gave a brief introduction of their requests.

Heidi Rosenberg, Camas School District Director of Capital Programs, gave Council a Power Point presentation highlighting the requests and the supporting information.

After discussion, Council directed staff to move forward with the process to exempt TIF for the Woodburn Elementary School and stated that they do not want to make any changes to the CMC at this time.

Mayor asked and Halverson confirmed that this matter will come back to Council in the form of a resolution.

Bourquin displayed on the overhead projector excerpts from the Revised Code of Washington 82.02.060 highlighting what is permissible by statute in regards to exemption of impact fees. Discussion ensued.

**PUBLIC WORKS:**

**Agreement with Grace Foursquare Church for Stormwater Rates:**

Levison stated that Grace Foursquare Church does not have stormwater that contributes to a public system and according to CMC they will not be required to pay the full stormwater rates. Levison added that a special agreement with Grace Foursquare Church will be coming before Council for consideration. He noted the agreement will have a provision included that will stipulate that Grace Foursquare Church will be charged the full rate if their stormwater ever contributes a flow to the public system.

Levison responded to questions from Council.

**Memorandum Item:**

A memorandum was previously distributed to Council about a Public Work's Workshop item. Levison gave Council a brief overview of the topic addressed in the memorandum which is noted below.

Professional Services Contract with Gray & Osborne for the Waste Water Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit Review:

At the January 17<sup>th</sup> Meeting, staff will request Council to authorize the Mayor to sign a consultant agreement with Gray and Osborne, Inc., in the amount not to exceed \$7,829 to provide technical review of the City's anticipated permit update for the WWTP discharge from the Department of Ecology.

Levison responded to questions from Council.

Miscellaneous and Updates:

Levison stated that there will be a professional service agreement with AKS Engineering & Forestry for the Watershed Management Plan on the January 17<sup>th</sup> Consent Agenda for Council's consideration. Levison summarized the agreement.

Levison responded to questions from Council.

**COMMUNITY DEVELOPMENT:**

**Planning:**

Moratorium Relating to "Collective Gardens" for Medical Marijuana Discussion:

Bourquin gave the background information pertaining to the moratorium for "collective gardens" and a brief recap of how other jurisdictions are handling this matter. He stated that staff's recommendation is to hold a public hearing on January 17, 2012, to extend the moratorium for an additional six months. Bourquin added that he intends to bring this subject back to Council by April with an update about other jurisdiction's status both locally and across the state, and to provide a tentative recommendation.

Bourquin responded to questions from Council.

**Engineering:**

Memorandum Item:

A memorandum was previously distributed to Council regarding Community Development's Engineering Workshop item. The topic addressed in the memorandum is noted below and was not discussed at the meeting.

Professional Services Contract Amendment for SE 20<sup>th</sup>/NW 38<sup>th</sup> Improvements:

With Council approval, Camas entered into a professional services contract with Exeltech Consulting, Inc., in October of 2011 for pre-engineering services (Phase 1) related to the SE 20<sup>th</sup>/NW 38<sup>th</sup> Avenue Street Improvement Project. The initial scope of services was broken into three separate phases with the intent of bringing each before Council for approval as the City works through the required steps leading up to construction. Staff will include an item on the January 17, 2012, Consent Agenda for an amendment to the City's current professional services contract with Exeltech Consulting, Inc., that will provide for right-of-way acquisition and other services (Phase 2) required for the project. The amount of the contract amendment will be approximately \$125,000. This project is fully funded from a variety of sources and is included in the adopted 2012 budget.

James Carothers, Engineering Manager, asked and there were no questions.

Miscellaneous and Updates:

There were no miscellaneous items or updates.

ADMINISTRATION:

2012 City of Camas Legislative Agenda – 3<sup>rd</sup> Review:

Halverson distributed the initial draft of the Legislative Short List for the City of Camas and asked Council if they would like to add, delete or make changes to the list.

After discussion, Council concurred that they would like language added to the topic - *Defer or Reform State Mandates which the State Won't or Can't Finance* - regarding “collective gardens” for medical marijuana that asks for clarity and states that the City does not want to be caught in the middle between state and federal laws. Halverson asked and Council confirmed that they were comfortable with the Legislative Short List with the addition noted.

Ward Redistricting for Population Balance:

Halverson recapped briefly the letter that he received from the County regarding ward redistricting that was discussed during the last Council Workshop.

After brief discussion, Council concurred that staff should move forward with the redistricting as discussed previously.

Interlocal Agreement with the City of Washougal Regarding Appointments to the Regional Transportation Council (RTC) and C-TRAN Boards:

Halverson stated that Chaney has been very active in crafting this interlocal agreement and asked Chaney to give Council an update.

Chaney distributed the most recent version of the proposal provided by the City of Washougal and gave an update. Chaney stated that he had met with Washougal City Council member Jon Russell and gave Council the recommended new language addressing the common concerns and issues.

After further discussion, Council concluded that they would like to move forward with Camas City Council appointments to the RTC and C-TRAN Boards and would like to adopt the interlocal agreement as soon as the language is agreeable to both cities.

Halverson commented that it is his hope that the interlocal agreement will be ready for Council's consideration by the January 17, 2012, Council Meeting.

2012 Salary Resolution:

Halverson summarized the changes that are being incorporated into the proposed 2012 Salary Resolution. He added that negotiations are still underway for police and fire and therefore changes for those groups have not been incorporated into the proposed 2012 Salary Resolution.

Halverson responded to a question from Council. Council did not voice any objections to the proposed 2012 Salary Resolution.

Miscellaneous and Scheduling:

Halverson distributed a draft of the 2012 Annual Planning Conference Agenda for Council's review.

Halverson announced that the Association of Washington Cities Legislative Action Conference will be held in Olympia on January 25<sup>th</sup> thru January 26<sup>th</sup> and informed Council to contact Executive Assistant Leisha Copsey if they plan to attend. Halverson briefly highlighted the conference agenda.

**PUBLIC:**

Ken Hadley, 4011 F Circle, Washougal, WA:

Levison responded to Hadley's inquiries regarding stormwater.

**COUNCIL:**

Smith wished everyone a Happy New Year.

Hogan mentioned that the theme for First Friday is "Game, Craft and Cocoa Night" and encouraged everyone to attend.

Hogan also reported that he had been approached by representatives from the Camas Farmers Market about using some of the property by the Camas Cemetery for a community garden. After brief discussion, Dietzman stated that there is a piece of property on Drake that could potentially be used and described where the property is located.

Dietzman commented about the meals provided in between Council meetings and inquired how the funding of the meals will be handled for 2012. Discussion ensued.

Halverson responded that he will bring back a rough estimate of the costs involved for Council to review at the January 17, 2012, Council Workshop. He also briefly explained the process involved to have the funding of the meals come out of the budget.

Dietzman mentioned that Stan Hosman's photos will be at the Second Story Gallery at the Camas Public Library on First Friday.

Mayor reminded everyone that the Employee Appreciation Event will be held January 20<sup>th</sup> from 7:30 a.m. to 9:30 a.m. which will be hosted at the Grace Foursquare Church. Mayor added the location was selected due to space issues at City facilities.

**ADJOURNMENT:**

The meeting adjourned at 6:17 p.m.

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Mayor

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City Clerk

Kathy Found this Cam  
City Council 1-3-12  
(Ph.)

# Impact Fee Exemption

Camas School District Request

January 3, 2012

# What do neighboring jurisdictions require?

## Battleground Impact Fees

### 3.60.110 Impact fee exemptions.

A. The following developments shall be exempt from the requirement for payment of impact fees:

\* \* \*

3. K-8 public schools shall be exempt from traffic impact fees imposed for students living in the city of Battle Ground. The number of students shall be based on detailed enrollment projections or actual enrollment figures provided by the schools at the time of construction.

B. The impact fee for exempt development shall be calculated as provided in this chapter and paid for by public funds by increasing the public share of the funded improvements by an amount equal to the fee. (Ord. 05-007 § 2 (part), 2005; Ord. 98-009 § 11, 1998)



# Vancouver Impact Fees

## Section 20.915.080 Impact Fee Exemptions/Waivers.

A. Exemptions from impact fees. The following developments shall be exempt from the requirement for payment of impact fees: publicly operated elementary, middle, junior high and senior high schools, and administrative, maintenance and other facilities of a school district and facilities of an Educational Service District.

\* \* \*

C. Criteria for calculating impact fees. The impact fee for an exempt or waived development shall be calculated as provided for in this Chapter and paid with public funds. Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area. If an impact fee(s) is waived, the Review Authority, pursuant to Section 20.915.070 VMC, or state law may determine whether a public share-contribution or a reduced public-share contribution is required.

# Clark County Impact Fees

## 40.630.050 Impact Fee Exemptions

The following developments shall be exempt from the requirement for payment of impact fees:

- A. Publicly operated primary and secondary schools, including facilities of an E.S.D., excluding comprehensive high schools. The traffic impact fee for a comprehensive high school may be reduced based on special studies that consider factors such as minimizing the size of school parking lots, adoption/enforcement of no parking and permit parking areas near schools, implementation of commute trip reduction and other travel demand management strategies, scheduling of school activities and events off-peak, and the consideration of pass-by and diverted traffic.
- B. The impact fee for an exempt development shall be calculated as provided for in this chapter and **paid with public funds. Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area.**

*(Amended: Ord. 2007-09-14)*

# What is permissible by statute?

Revised Code of Washington

RCW 82.02.060

**Impact fees -- Local ordinances -- Required provisions.**

The local ordinance by which impact fees are imposed:

\* \* \*

**(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;**

The City must show what other sources of public funds will be used to cover the gap between the amount funded by impact fees and the total amount needed. MRSC

\* \* \*

**(4) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;**

Under an adjustment and to ensure fairness for some documented reason, less than it would be for similar projects and, thus, application of the standard fee would be excessive. These fees do not have to be made up from other sources. MRSC

What is currently permissible under the Camas Municipal Code?

## Camas Municipal Code

### 3.88.130 Exemptions.

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

\* \* \*

6. Upon application therefore, the council may, on a case-by-case basis, exempt a public school district from payment of all or a portion of the impact fees imposed upon a public school development.

**[RCW 82.02.060 (2)] requires in providing an “*exemption*” that “*the impact fees for such development activity shall be paid from public funds other than impact fee accounts;*”**

What is currently permissible under the Camas Municipal Code?

## Camas Municipal Code

3.88.110 Computation of fees.

\* \* \*

C. The city council shall have the authority to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances peculiar to specific development activity to insure that impact fees are imposed fairly.

[RCW 82.02.060 (4)]

*If, under RCW 82.02.060(4), a city adjusts impact fees downward in certain unusual circumstances, must it make up for the adjustment with public funds? Reviewed: 08/11*  
*The city is not required to make up for, with public funds, an adjustment from the standard impact fee for which the city must allow in order to ensure fairness in the imposition of such fees. Unlike RCW 82.02.060(2), in which the city provides an exemption for low-income housing or for "other development activity with broad public purposes," the city is not required by RCW 82.02.060(4) to use public funds to cover the fees that are "lost" by an adjustment. MRSC*