

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 01-18**

**AN ORDINANCE OF THE CITY OF BUCKLEY,  
WASHINGTON, AMENDING BMC 3.50 RELATED  
TO STREET IMPACT FEES.**

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**WHEREAS**, impact fees are authorized for those jurisdictions planning under the Growth Management Act and are charges assessed by local governments against new development projects that attempt to recover the cost incurred by government in providing the public facilities required to serve the new development; and

**WHEREAS**, the City has adopted code provisions governing the assessment and collection of impact fees for parks and recreation, schools and transportation in Chapter 3.50 of the Buckley Municipal Code; and

**WHEREAS**, the current fees listed in BMC 3.50 were developed through evaluation and fee calculation in separate elements of the adopted 2016 Comprehensive Plan; and

**WHEREAS**, on December 12, 2017 the City Council approved a new Transportation Element 5 through adoption of Ordinance No. 25-17; and

**WHEREAS**, Element 5 of the Comprehensive Plan is the Transportation Element that includes new updated capital improvement projects, construction estimates, proportionate impact fee calculations and ITE Trip Generation Table; and

**WHEREAS**, the City Council desires to replace the existing impact fees for street facilities with the new fees identified in the Comprehensive Plan and update all references to the ITE Table to the new Appendix included within the Comprehensive Plan;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** BMC 3.50.060 is hereby amended to read as follows:

**3.50.060 Impact fee for street facilities.**

Street impact fees shall be deposited in the street construction fund. The fees shall be assessed and collected pursuant to BMC 3.50.035. The assessments shall be made in accordance with Appendix E of the 2016 City of Buckley Comprehensive Plan Transportation Element, a copy of which is attached to the ordinance codified in this section as Exhibit A.

**Section 2.** BMC 3.50.070 is hereby amended to read as follows:

**3.50.070 Alternative street facilities impact fee calculation.**

The applicant may petition the planning director for an alternative calculation of the impact fee by providing evidence of a study more specifically related to the proposed use, warranting a different trip generation estimate than the trip generation numbers provided in Appendix E of the Transportation Element of the City of Buckley Comprehensive Plan. The petition will be considered only if the proposed use is not specifically included in Appendix E, or if the applicant is able to show site-specific information warranting a reduction for pass-through traffic. If the planning director approves the petition, the applicant shall pay the alternative impact fee calculated by using the approved trip generation numbers multiplied by the fee per trip identified in the Transportation Element of the City of Buckley Comprehensive Plan, as now constituted or hereafter amended or modified, in lieu of the fees provided for in BMC 3.50.060.

**Section 3.** BMC 3.50.080 is hereby amended to read as follows:

**3.50.080 Reference to ITE Handbook authorized in lieu of Appendix E for street facilities impact fee calculation.**

Where the proposed use is not specifically listed under Appendix E of the 2016 City of Buckley Comprehensive Plan Transportation Element, the planning director may determine the appropriate trip generation estimate by referring to the ITE Handbook, as now constituted or as hereafter amended or modified. The trip generation estimate shall be applied to the same cost per trip identified in the City of Buckley Transportation Element, as it now exists or is hereafter modified.

**Section 4.** Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 5.** Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 9<sup>th</sup> day of January, 2018.

  
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MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

  
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JOANNE STARR, CITY CLERK

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

PUBLISHED: January 17, 2018

BY   
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EFFECTIVE: January 22, 2018