

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 07-18

**AN ORDINANCE OF THE CITY OF BUCKLEY,
WASHINGTON, ADDING A NEW SECTION BMC
3.50.085 ENTITLED IMPACT FEE DISCOUNTS.**

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 of Buckley is seeking ways to promote and encourage pedestrian-oriented, community scale retail and commercial development in a corridor along SR410 from Mundy Loss Rd to Cemetery Rd and along River Ave (Rainier Gateway Center) through the historic downtown on Main Street, and to provide meaningful incentives to developers to build developments that will enhance a community environment that will be attractive to families; and

WHEREAS, the City Council finds that restaurant establishments and other developments that do not exclude children or minors from their premises enhance the community oriented family-friendly environment which the City wishes to promote; and

WHEREAS, through adoption of the Comprehensive Plan and Transportation Element the City Council has determined that the use of both traditional and innovative methods for financing roadway improvements such as public/private partnerships, impact fees, and so forth form a valuable component of the funding of the plans; and

WHEREAS, the City's Administration, Finance and Public Safety Committee reviewed the proposed amendment to the impact fee ordinance at their meeting on March 27, 2018 and supports the imposition of a discount fee system and recommends qualifying uses as shown in this ordinance; and

WHEREAS, the City Council finds that the proposed impact fee discounts are in the public interest and consistent with the intent and purpose of the Growth Management Act, Chapter 37.70A RCW; and

WHEREAS, the proposed transportation impact fee discount is consistent with the City's long-range goal of encouraging community scale retail and commercial development along SR410 from Mundy Loss Rd to Cemetery Rd and along River Ave (Rainier Gateway Center) through the historic downtown on Main Street as depicted in the Traffic Impact Fee Discount Map, attached as Exhibit A;

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

Section 1. BMC 3.50.085 is hereby added to read as follows:

3.50.085 Street impact fee discounts.

In order to encourage and facilitate certain businesses to locate in designated areas of the City where development is desired, and to recruit into the City those types of businesses deemed beneficial to the City and the community and/or which the City currently lacks in sufficient number or volume, pursuant to RCW 82.02.060(2) and (4) there is hereby

established a funding source adjustment from the traffic impact fee set forth in this chapter for development activity which meets the criteria of subsection A of this section.

A. Any permitted development that meets all of the following criteria may apply for a maximum 30 percent discount from the traffic impact fee that would otherwise be imposed under BMC 3.50.060:

(1) Qualifying Uses. All uses consist only of those uses that meet one or more of the following definitions:

- a. Food service uses including, but not limited to bakeries, confectioneries, coffeehouses, delicatessens, ice cream parlors, juice bars, family sit-down restaurants, casual dining restaurants, fine dining restaurants; restaurants commonly known as fast-casual is herein defined as an intermediate, eating establishment between fast food and casual dining offering a high quality food standard, prepared to order dishes and a sit-down atmosphere but does not include full service or a drive-in or drive- thru window and at which alcohol may be served to accompany a meal; restaurants or establishments that are commonly known as brewpubs, microbreweries, or wineries, is herein defined as an eating and drinking establishment having a microbrewery on the premises that produces beer, ale, or other malt beverage, or wine, and where the majority of the beer/wine produced is consumed on the premises and at which food may be served to accompany the alcohol. These establishments may also sell beer or wine at retail and/or act as wholesaler for beer or wine of its own production for off-site consumption, with appropriate state licenses;;
 - i. Non-qualified restaurant establishments that are not eligible for an impact fee discount include the following: (1) Drinking establishments (bars, cocktail lounges, nightclubs and taverns), restaurants or other establishments in which alcoholic beverages are served as the primary function of the business, not including brewpubs as described above; service; and (2) Restaurants with drive-in or drive-through service typically referred to as “fast-food restaurants”, which are herein defined as eating establishments that serve food prepared in quantity by a standardized method for quick dispensing.

- b. Office uses including, but not limited to, banks, business services, financial institutions, general business offices or professional offices;
 - c. Recreational and cultural uses including, but not limited to, art galleries, bowling alleys, health clubs, dance studios, martial arts studios, libraries, museums, indoor movie or stage theater, indoor skating rink, racquetball court and tennis court, subject to the limitations set forth below;
 - d. Commercial retail sales store including, but not limited to the sale or rental of the following items: antiques, apparel & accessories, art, bicycle stores, bookstores, carpets, drug stores, fabrics, flowers, furniture, home furnishings & appliances, flower stores, garden supply stores, gifts, groceries, hobby, toy & game stores, jewelry stores, office supplies and equipment, paint, pets and pet supplies, plant nurseries, landscaping materials, and green houses, pottery, shoes, sporting goods stores, specialty stores, stationery & gift stores;
 - e. Commercial service including, but not limited banking, beauty salons & barber shops, commercial printing (small-scale), consulting, glass studio works, locksmithing, pet grooming, photography studio, repair of products listed in subsection (d) of this section, signs, tailoring, telecommunication sales;
 - f. Mixed use structure with a maximum of eight dwelling units per individual structure where all residential units are part of a mixed use occupancy with qualifying nonresidential uses in the commercial building, and meeting the design requirements, and located on a principal or collector arterial street;
- (2) The development's uses do not include or consist of any of the following uses: gasoline sales, vehicle parts (new/manufactured), vehicle detailing, or livestock as defined in BMC 9.10.020(19);
 - (3) The combined building space in a development of all structures within the development is not greater than 50,000 square feet; and
 - (4) The development is located entirely within the geographical area depicted in the traffic impact fee discount map (attached as Exhibit A to the ordinance codified in this section), as now or hereafter amended, a copy of which is available from the city clerk's office.

B. Any claim for a discount must be filed in writing with the building permit application and addressed to the City Clerk. Any claim not so made shall be deemed waived.

C. The claim for a discount must be accompanied by a covenant guaranteeing that the qualifying uses and building size restrictions, required under the above criteria, will be continued for a period of ten (10) years unless released by written approval of the city. Before approval of the discount, the city attorney shall approve the form of the covenant. Within 10 days of approval, the applicant shall execute and record the approved covenant with the Pierce County auditor's office. The covenant shall be valid for a period of ten (10) years from the date of issuance of a certificate of occupancy for the qualifying building. The covenant shall run with the land and shall provide notice to all future owners of the restricted use(s) and building size, and that in the event the development is no longer used for the identified qualifying uses, or exceeds the building size limitation, the current owner shall pay the balance of the original traffic impact fee plus interest to the date of the payment.

D. The amount of the impact fees not collected pursuant to this discount shall be paid from public funds other than the impact fee account.

E. The city administrator, or his/her designee, shall be authorized to determine whether a particular development meets the criteria for a discount. The decision of the administrator shall be appealable to the hearing examiner in conformance with the procedural requirements of BMC 20.10.260.

Section 2. **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.

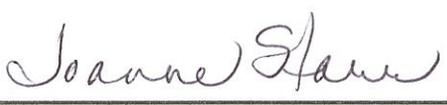
Section 3. **Effective Date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 24th day of April, 2018.



MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:



JOANNE STARR, CITY CLERK

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

PUBLISHED: May 2, 2018



EFFECTIVE: May 7, 2018