

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 08-20**

**AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AUTHORIZING DEFERRAL OF TRANSPORTATION IMPACT FEE PAYMENT TO OCCUPANCY IN ORDER TO GIVE BUILDING PERMIT APPLICANTS AN OPPORTUNITY TO TAKE ADVANTAGE OF THE CITY'S REASSESSMENT OF IMPACT FEE AMOUNTS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

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**WHEREAS**, the City Council has been advised that its transportation impact fee is sometimes significantly higher than those imposed in other jurisdictions; and

**WHEREAS**, while the City Council finds it important for development to pay its fair share of impacts to the City's transportation system, the amounts levied should also not be out of proportion to actual impacts; and

**WHEREAS**, in the ensuing months City staff and the City Council will be evaluating the need for changes to the methodology employed to calculate transportation impact fees, and

**WHEREAS**, the City Council would like to give developers the opportunity to benefit from this evaluation should it result in an ordinance approving lower impact fees; and

**WHEREAS**, the City Council has found that the most effective way to buy time for developers to benefit from the City's impact re-evaluation is to temporarily give developers the opportunity to pay impact fees up to the point of acquiring a certificate of occupancy as opposed to having to pay upon the filing of a building permit application;

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

**Section 1.** At the election of a building permit applicant, the transportation impact fees regulated by BMC 3.50.035 may be paid any time up until the issuance of a certificate of occupancy, instead of coming due upon the filing of a building permit application as required by BMC 3.50.035(3). The amount of the fee shall be based upon the adopted amount set at the time payment is elected to be

made. This option shall remain open to applicants until May 1, 2021, or such other date as later amended by the City Council. All applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign an impact fee deferral agreement in a form acceptable by the city attorney. The applicant will pay a \$50.00 administrative fee, along with fees necessary for recording the agreement in the office of the Pierce County auditor. The impact fee deferral agreement shall require the applicant to prepare and record a deed of trust in a form approved by the City Attorney that secures the amount of the impact fee plus an additional 15% to cover administrative and enforcement costs.. The city shall withhold certification of final inspection, certificate of occupancy or equivalent final certification until the deferred impacts fees have been paid in full. The term of an impact fee deferral shall not exceed 18 months.

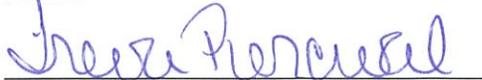
**Section 2.** Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

**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.

Introduced, passed, and approved this 12<sup>th</sup> day of May 2020.

  
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Pat Johnson, Mayor

Attest:

  
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Treva Percival, City Clerk

Treva Percival, City Clerk

APPROVED AS TO FORM:

  
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Phil Olbrechts, City Attorney

Phil Olbrechts, City Attorney

PUBLISHED: May 20, 2020

EFFECTIVE: May 25, 2020