

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 33- 19**

**AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 3.50.010 AND 3.50.050 OF THE BUCKLEY MUNICIPAL CODE TO RELATED TO ADOPTING AN IMPACT FEE FOR WHITE RIVER SCHOOL DISTRICT TO CORRESPOND WITH THE CAPITAL FACILITIES PLAN AND REQUEST FROM THE SCHOOL DISTRICT.**

**WHEREAS**, The City of Buckley adopted Ordinance number 15-97 establishing an impact fee for the White River School District, which was amended in 2007 after the School District submitted a new a Capital Facilities Plan and calculated fee to the City; and

**WHEREAS**, in February, 2010 the School District submitted an updated Capital Facilities Plan along with a Letter to the City stating that they could no longer justify the imposition of an impact fee based upon calculations listed within their updated Capital Facilities Plan and requested that the City eliminate this fee for the time being; and

**WHEREAS**, through adoption of Ordinance number 05-10 the City eliminated the impact fee for the White River School District; and

**WHEREAS**, the school district is responsible for planning how it will provide and fund services to its projected student population. In order to be eligible for school impact fees the school district must submit a Capital Facilities Plan and calculated impact fee to the City, pursuant to RCW 82.02.050 to 82.02.090; and

**WHEREAS**, adjusting the Fee Obligation means that the school impact fees collected for new residential development will more closely match the school districts calculated need for impact fee, which reflects the specific, per residence costs for the district to serve new students from new residential development; and

**WHEREAS**, in February, 2019 the White River School District submitted a new Capital Facilities Plan to the City and requested that the fee obligation be reinstated to correspond with the Plan and fee calculation; and

**WHEREAS**, the a new Capital Facilities Plan that White River School District has submitted identifies an impact fee calculation of \$11,391 for each single-family dwelling and \$4,001 for multi-family dwellings; and

**WHEREAS**, The school impact fee values set forth above accurately characterize the cost of the schools and school facilities required for each new development, as documented in the district's capital facilities plan, the Council has the authority to reduce or to increase the adjustments as part of its annual review of the fee schedule, or at any other time, by adopting an amendatory ordinance; and

**WHEREAS**, in reviewing other jurisdictions within Pierce County eleven (11) of sixteen (16) has adopted a reduced fee that corresponds to the reduction factor adopted by Pierce County and three (3) jurisdictions impose no school impact fee; and

**WHEREAS**, the Admin/Finance Committee reviewed the information and the School Districts request on April 9, 2010 and recommended that the City Council adopt a reduction

factor used by Pierce County and cap the fee at the amount adopted by the County and multiple other jurisdictions; and

**WHEREAS**, the City Council desires to amend Section’s 3.50.010 and 3.50.050 to reinstate an impact fee for White River School District as recommended by the Admin/Finance Committee; now, therefore

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

**Section 1:** Chapter 3.50.010 of the Buckley Municipal Code entitled “Definitions” is hereby amended to read as follow;

**3.50.010 Definitions.**

The following words and terms shall have the following meanings for the purposes of this title, 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.

“Act” means the Growth Management Act, Chapter 17, Laws of 1990, 1st Extraordinary Session, Chapter 36.70A RCW, et seq., and Chapter 32, Laws of 1991, 1st Special Session, RCW 82.02.050, et seq., as now in existence or as hereafter amended.

“Boeckh Index” means the area cost allowances for school construction determined under WAC 180-27-060.

“Capacity” means the number of students the White River School District’s facilities can accommodate district-wide at each grade span, based on the district’s adopted level of service.

“Capital facilities” means the facilities or improvements included in the city of Buckley capital facilities element of the city of Buckley comprehensive plan adopted pursuant to the Act.

“City Comprehensive Parks, Recreation and Open Space Plan – Buckley” means the planning document that includes a park and recreation inventory, facility demand, policy and guidance on developing regional/city-wide and local park and recreation facilities.

“Department” means the planning department.

“Development activity” means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in use of land that creates additional demand and need for public facilities.

“Development approval” means any written authorization from the city which authorizes the commencement of a development activity.

“Encumber” means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

“Impact fee” means the fee levied pursuant to this chapter as a condition of issuance of a building permit or development approval. “Impact fee” does not include a reasonable permit or application fee and does not preclude a SEPA mitigation fee.

“Impact fee account” or “account” means the account established for each type of public facility for which impact fees are collected. Such account shall be established pursuant to this chapter and shall comply with the requirements of RCW 82.02.060.

“Impact fee schedule” means the fee schedules set forth in this chapter.

“Independent fee calculation” means the park impact calculation, the traffic engineering calculation, the school impact fee calculation, and/or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of impact fee schedules.

“Level of service (LOS)” means an established minimum capacity for public facilities or services that is planned to be provided per unit demand or other appropriate measure of need and is used as a gauge for measuring the quality of service.

“Park and recreation facilities” means those parks and recreation facilities so designated in the Parks, Recreation and Open Space element of the city of Buckley comprehensive plan adopted pursuant to the Act.

“Project improvements” mean site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the council shall be considered a project improvement.

“Public facilities” means publicly owned parks and recreational facilities, public roads and the White River School District.

“Residential” or “residential development” means all types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, and other multifamily development.

“Service area” means a geographic area described in the city’s capital facilities plan in which a defined set of public facilities provides service to development within the area; provided, that the service area for schools shall be the White River School District. Service areas may be separately described for each type of public facility.

“Square footage” means the square footage of the gross floor area of the development.

“State” means the state of Washington.

“Street” means a right-of-way that affords the principal means of access to abutting property, and its accompanying signalization improvements, including an avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare, except an alley.

“System improvements” mean public facilities that are included in the capital facilities plan and are designed to provide service within the community at large, in contrast to project improvements.

“Transportation plan” means the transportation element of the city of Buckley comprehensive plan adopted pursuant to the Act.

“White River School District study” means the “White River School District Capital Facilities Plan,” and such study as amended, which is incorporated herein by reference, a copy of which is on file with the department.

**Section 2:** Chapter 3.50.050 of the Buckley Municipal Code entitled “Impact Fees” is hereby amended to read as follow;

**3.50.050 Impact fee accounts for the White River School District.**

1) White River School District impact fees shall be submitted to the White River School District upon receipt. The fee shall be collected pursuant to BMC 3.50.035.

(a) White River School District impact fees shall be assessed to all new residential construction as follows:

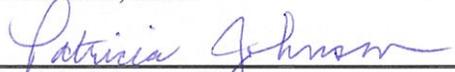
<u>Type of Construction</u>	<u>WRSD Fee Calculation</u>	<u>Buckley Impact Fee/Dwelling Unit</u>
<u>Single-family homes</u>	<u>\$11,391</u>	<u>\$3,770</u>
<u>Multiple-family residential</u>	<u>\$4,001</u>	<u>\$2,000</u>

2) The school impact fee schedules set forth in BMC 3.50.050 (1)(a) above reflects the legislative determination that while the full impact fees per dwelling unit accurately characterize the cost of the schools and school facilities required for each new development, as documented in the district's capital facilities plan, the council has, as a matter of policy, decided to make a discretionary adjustment to the schedules. The council is authorized to reduce or to increase the adjustments as part of its annual review of the fee schedule, or at any other time, by adopting an amendatory ordinance.

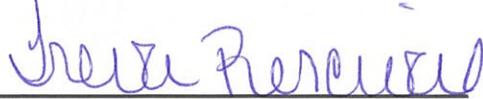
**Section 3.** This ordinance shall be in full force and effect five (5) days after proper posting and publication. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

**Section 4.** If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are to be declared severable.

Introduced, passed, and approved this 10<sup>th</sup> day of December, 2019.

  
Patricia Johnson, Mayor

**ATTEST:**

  
Treva Percival, City Clerk

**APPROVED AS TO FORM:**

  
Phil Olbrechts, City Attorney

PUBLISHED: December 18, 2019  
EFFECTIVE: December 23, 2019