

CITY OF SAMMAMISH

WASHINGTON

ORDINANCE NO. 02006-207

AN ORDINANCE OF THE CITY OF SAMMAMISH AMENDING TITLE 14A, AND ADDING A NEW CHAPTER 14A.20 AUTHORIZING THE COLLECTION OF IMPACT FEES FOR PARKS AND RECREATIONAL FACILITIES; PROVIDING FINDINGS; PROVIDING FOR THE TIME OF PAYMENT; PROVIDING EXEMPTIONS AND CREDITS; PROVIDING FOR THE APPEAL OF FEES AND OTHER DETERMINATIONS; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS, REFUNDS, AND THE USE OF FUNDS; PROVIDING FOR REVIEWS AND ANNUAL ADJUSTMENT OF FEE SCHEDULES; PROVIDING THE SCHEDULES FOR IMPACT FEES AND AUTHORIZING INDEPENDENT FEE CALCULATIONS; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council of the City of Sammamish (the “Council”) finds that development activity in the City of Sammamish (the “City”) will create additional demand and need for public facilities; and

WHEREAS, the State of Washington Growth Management Act, Chapter 36.70A RCW and related sections, (the “GMA”), requires the City to adopt a Comprehensive Plan that provides adequate public facilities to serve development; and

WHEREAS, the GMA requires that regulations be adopted to implement the Comprehensive Plan; and

WHEREAS, RCW 36.70A.070(8) requires that the Comprehensive Plan include a park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities, and that the element shall include: (a) estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand; and

WHEREAS, RCW 82.02.050 through RCW 82.02.090 authorizes local jurisdictions subject to the Growth Management Act to adopt and enforce an impact fee ordinance requiring new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new growth and development; and

WHEREAS, impact fees imposed pursuant to RCW 82.02.050 through RCW 82.02.090 may only be imposed for system improvements that are reasonably related to the new development, shall not exceed a proportionate share of the costs of system improvements that are

reasonably related to the new development, shall only be used for system improvements that will reasonably benefit the new development, and may only be collected and spent for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities element of the City's comprehensive land use plan; and

WHEREAS, impact fees assessed pursuant to RCW 82.02.050 through RCW 82.02.090 must be based upon a showing that new development activity creates additional demand and need for public facilities, that the impact fees do not exceed a proportionate share of the costs of such additional public facilities, and that the fees are spent for facilities reasonably related to and will reasonably benefit the new development; and

WHEREAS, the City is authorized by RCW 82.02.060(7) to impose impact fees for system improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements, provided such fee shall not be imposed to make up for any system improvement deficiencies; and

WHEREAS, impact fees may be collected and spent for public facilities that are included within a capital facilities plan element of a comprehensive plan; and

WHEREAS, the City of Sammamish Parks, Recreation and Open Space Plan recognizes that as the community grows it will be crucial to ensure that development of park and recreation facilities, at a minimum, keep pace with growth; and

WHEREAS, the Council finds that the existing level of service ("ELOS") for parks and recreational facilities should not be reduced below the standards included in the City Parks, Recreation, and Open Space Plan; and

WHEREAS, the City is authorized by RCW 82.02.050 through RCW 82.02.090 to ensure that adequate park and recreational facilities are available to serve new growth and development; and

WHEREAS, the Council finds that adequate park and recreational facilities should be provided to serve the demand generated from new growth and development in the City; and

WHEREAS, the Council finds that it is in the public interest, and consistent with the intent and purposes of the Growth Management Act, RCW 36.70A et seq., for the City to adopt an impact fee ordinance; and

WHEREAS, in developing the impact fees contained in this ordinance for public facilities, pursuant to RCW 82.02.060(1) the City has provided adjustments for past and future payments or taxes paid or to be paid by the new development which are earmarked for or proratable to the same new public facilities that will serve the new development; and

WHEREAS, the City has conducted extensive research documenting the procedures for measuring the impact of new development on public facilities, and has prepared technical reports, which serve as the basis for the actions taken by the Council; and

WHEREAS, the City of Sammamish has proposed rates for Park Impact Fees which are based on the Park Impact Fee Impact Rate Study completed by Henderson, Young and Company, dated November 2, 2006, which study and fee schedule the Council hereby incorporates by reference; and

WHEREAS, in 2005 the Council adopted Ordinance 2005-192 approving amendments to the Parks, Recreation and Open Space Element of the Comprehensive Plan and establishing the policy basis to authorize the City of Sammamish to collect impact fees for parks and recreational facilities; and

WHEREAS, the City's Comprehensive Plan is being amended concurrently with the adoption of this ordinance to emphasize that the proposed impact fees are being adopted in furtherance of the policy expressed in the Comprehensive Plan.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH DOES ORDAIN AS FOLLOWS:

Section 1. Parks and Recreational Facilities Impact Fees. The amendments and revisions regarding parks and recreational facilities impact fees to Title 14A of the Sammamish Municipal Code, shown in Attachment A to this ordinance, are hereby adopted.

Section 2. Captions. The Chapter and Section captions used in this title are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this title.

Section 3. Interpretation. The City Council authorizes the Parks and Recreation Director to administratively interpret these provisions as necessary to implement the intent of the City Council.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21st DAY OF NOVEMBER 2006.

CITY OF SAMMAMISH



Mayor Michele E. Petitti

ATTEST:



Melonie Anderson, City Clerk

APPROVED AS TO FORM:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	September 27, 2006
Public Hearing:	October 3, 2006
Public Hearing:	November 7, 2006
First Reading:	November 7, 2006
Second Reading:	November 21, 2006
Passed by the City Council:	November 21, 2006
Date of Publication:	November 26, 2006
Effective Date:	December 1, 2006

Attachment “A”

Amendments and Revisions to Title 14A of the Sammamish Municipal Code Regarding Impact Fees for Parks and Recreational Facilities

New Chapter. The following new Chapter 14A.20 is added to Title 14A of the Sammamish Municipal Code as follows:

Chapter 14A.20 Impact Fees for Parks and Recreational Facilities

14A.20.010 Findings and Authority.

The Council hereby finds and determines that new growth and development, including but not limited to new residential development in the City, will create additional demand and need for Public Facilities in the City, and the Council finds that new growth and development should pay a proportionate share of the cost of system improvements reasonably related to and that will reasonably benefit the new growth and development. The City has conducted extensive studies documenting the procedures for measuring the impact of new development on Public Facilities, has prepared the Rate Study for Impact Fees for Parks and Recreational Facilities, Henderson Young and Company, dated November 2, 2006 (“Rate Study”), and hereby incorporates this study into this title by reference. Therefore, pursuant to RCW 82.02.050 through RCW 82.02.090, the Council adopts this chapter to assess Impact Fees for Parks and Recreational Facilities (“Impact Fee”). The provisions of this chapter shall be liberally construed in order to carry out the purposes of the Council in establishing the Impact Fee program.

14A.20.020 Assessment of Impact Fees.

- A. The City shall collect Impact Fees, based on the rates in SMC 14A.20.110, from any applicant seeking development approval from the City for any residential development within the City, where such development requires the issuance of a building permit. This shall include, but is not limited to, the expansion or change of use of existing uses that creates a demand for additional public facilities.
- B. An impact fee shall not be assessed for the following types of development activity because the activity either does not create additional demand as provided in RCW 82.02.050 and/or is a project improvement (as opposed to a system improvement) under RCW 82.02.090.
 1. Miscellaneous improvements to residential dwelling units that will not create additional park use demand, including, but not limited to, fences, signs, walls, swimming pools, sheds, and residential accessory uses as defined in SMC 21A.15.020;
 2. Demolition or moving of a residential structure;

3. Expansion or alteration of a residential structure provided the expansion or alteration does not result in the creation of any additional dwelling units as defined in SMC 21A.15.345 through SMC 21A.15.370;
 4. Replacement of a residential structure with a new residential structure at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure.
- C. For a change in use of an existing structure or dwelling unit, including any alteration, expansion, replacement or new accessory building, the Impact Fee for the new use shall be reduced by an amount equal to the current Impact Fee rate for the prior use, provided that the applicant has previously paid the required impact fee for the original use.
 - D. For mixed-use developments, Impact Fees shall be imposed for the proportionate share of each residential land use based on the applicable measurement in the Impact Fee rates set forth in SMC 14A.20.110.
 - E. Applicants seeking development approval for a change in use shall be required to pay an Impact Fee if the change in use increases the number of dwelling units.
 - F. Impact fees shall be assessed and collected at the time the complete application for a building permit is submitted for each unit in the development, or at the issuance of permit, using the Impact Fee rates then in effect.
 - G. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 14A.20.040 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the Director pursuant to SMC 14A.20.040 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued by the City for each residential dwelling unit in the development.
 - H. The Department shall not issue the required building permit unless and until the Impact Fees required by this chapter, less any permitted exemptions or credits provided pursuant to SMC 14A.20.030 or SMC 14A.20.040, have been paid.
 - I. The service area for Impact Fees shall be a single Citywide service area.
 - J. In accordance with RCW 82.02.050, the City shall collect and spend Impact Fees only for the public facilities defined in this Title 14A and RCW 82.02.090 which are addressed by the capital facilities plan element of the City's Comprehensive Plan. The City shall base continued authorization to collect and expend Impact Fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying: (a) deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; (b) additional demands placed

on existing public facilities by new development; and (c) additional public facility improvements required to serve new development.

- K. In accordance with RCW 82.02.050, if the City’s capital facilities plan is complete other than for the inclusion of those elements which are the responsibility of a special district, the City may impose impact fees to address those public facility needs for which the City is responsible.

14A.030 Exemptions.

A. Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes, provided that the impact fees from such development activity shall be paid from public funds other than impact fee accounts. The Director shall be authorized to determine whether a particular Development falls within an exemption identified below. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.20.060. The following development activities are exempt from the requirements of this chapter. A Parks Impact Fee shall not be assessed for:

1. Any Development activity undertaken by the City of Sammamish;
2. Accessory Dwelling Units approved by the City.

B. Except as provided above, the provision of affordable housing for low- and moderate-income families, as defined in SMC 14A.05.010, may be exempted from some or all of the required impact fees as shown in Table 1:

Table 1 Proposed Impact Fee Reductions for Affordable Housing Units

Affordable Housing	Impact Fee Reduction*	Maximum Number of Affordable Housing Units per Development
Low-Income - 0 to 50% of King County Median Household Income (as defined by US HUD)	Up to 100%	4 units
	50% to 90%	5 units or more (including the first 4) subject to decision by the Director of the Department of Community Development in consultation with the Director of the Department of Parks and Recreation.
Median-Income – 51% to 80% of	Up to 50%	4 units

King County Median Household Income (as defined by US HUD)	0% to 50%	5 units or more (including the first 4) subject to approval by the Director of the Department of Community Development in consultation with the Director of the Department of Parks and Recreation.
*The % fee reduction is expressed as a maximum amount per unit.		

1. As a condition of receiving an exemption or percentage fee reduction under this section, prior to any development approval, the owner shall execute and record in the King County real property title records a City-prepared lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain affordable to those families/households for a period of not less than 30 years. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event that the housing unit(s) no longer meets the definition of affordable housing set forth in Table 1 during the term of the life of the lien, covenant or contractual provision, then the owner(s) shall pay to the City the amount of impact fees from which the housing unit(s) was exempted into the City’s account for park impact fees plus twelve (12%) interest per year.

2. In determining the impact fee reductions for development(s) containing five (5) or more affordable housing units, the Community Development Director in consultation with the Parks and Recreation Director should consider the following:
 - a. The proposed housing units meet the provisions set forth by the City’s Housing Strategy Plan adopted by the City Council.
 - b. The proposed housing units will assist the City in meeting Sammamish’s affordable housing targets.
 - c. The location of the units meets the City’s Comprehensive Plan policies for the proposed housing type and density.
 - d. Approval of the proposed housing units and the associated impact fee reduction would not result in a significant adverse impact on the level of service provided by the parks system.

3. The impact fee amounts not collected from affordable housing units shall be paid from public funds from sources other than impact fees or interest on impact fees.
4. Determinations of the Community Development Director in consultation with the Parks and Recreation Director regarding the exemption or reduction of impact fees shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.20.060.

14A.20.040 Credits.

- A. A feepayer can request that a credit or credits for Impact Fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:
 1. For one or more of the system improvements identified in the Capital Facilities Plan for parks and recreational facilities which are included in the Rate Study as the basis of the Impact Fee, and that are required by the City as a condition of approving the development activity; and
 2. At suitable sites and constructed at acceptable quality as determined by the City.
- B. The Director shall determine if requests for credits meet the criteria in subsection A, above.
- C. The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the Applicant for one or more of the same System Improvements for which the Impact Fee is being charged.
- D. The value of a credit for land, including right of way and easements, shall be established on a case-by-case basis by an appraiser selected by, or acceptable to, the Director. The appraiser must be licensed in good standing by the State of Washington for the category of the property appraised. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the Director.
- E. The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the City may be providing to the feepayer, in the event that a credit is awarded.

- F. If a credit is due, after receiving the appraisal the Director shall provide the Applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The Applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Director before the Impact Fee credit will be awarded. The failure of the Applicant to sign, date, and return such document within sixty (60) calendar days shall nullify the credit.
- G. No credit shall be given for Project Improvements as defined in SMC 14A.05.010.
- H. A feepayer can request that a credit or credits for Impact Fees be awarded to him/her for Significant Past Tax Payments as defined in SMC 14A.05.010. For each request for a credit or credits for Significant Past Tax Payments, the Feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular System Improvement. The Director shall determine the amount of credits, if any, for Significant Past Tax Payments.
- I. Any claim for credit must be made prior to or at the time of submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.
- J. Determinations made by the Director pursuant to this Section shall be subject to the appeals procedures set forth in SMC 14A.20.060.

14A.20.050 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the Rate Study provides adjustments for past and future taxes and other sources of revenue to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The Impact Fee rates in SMC 14A.20.110 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these system improvements.

14A.20.060 Appeals.

- A. Any feepayer may pay the Impact Fees imposed by this title under protest in order to obtain a building permit. No appeal shall be permitted until the Impact Fees at issue have been paid.
- B. Appeals regarding the Impact Fees imposed on any development may only be filed by the feepayer of the property where such development will occur.
- C. The feepayer must first file a request for review regarding Impact Fees with the Director, as provided herein:

1. The request shall be in writing on the form provided by the City;
 2. The request for review by the Director shall be filed within twenty-one (21) calendar days after the feepayer's payment of the Impact Fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;
 3. No administrative fee will be imposed for the request for review by the Director; and
 4. The Director shall issue his/her determination in writing.
- D. The following decisions may be appealed to the Hearing Examiner: Determinations of the Director with respect to the applicability of the Impact Fees to a given development; the Director's determination regarding the availability or value of a credit; the Director's decision concerning the Independent Fee Calculation which is authorized in SMC 14A.20.120; fees imposed by the Director pursuant to SMC 14A.20.110; or any other determination which the Director is authorized to make pursuant to this title.
- E. Appeals to the Hearing Examiner shall be taken within twenty-one (21) calendar days of the Director's issuance of a written determination by filing with the Department a notice of appeal specifying the grounds thereof, and depositing the necessary administrative fee, which is set forth in the existing fee schedules for appeals of such decisions. The Director shall transmit to the office of the Hearing Examiner all papers constituting the record for the determination, including where appropriate, the Independent Fee Calculation.
- F. The Hearing Examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the Sammamish Municipal Code. At the hearing, any party may appear in person or by agent or attorney.
- G. The Hearing Examiner is authorized to make findings of fact regarding the applicability of the Impact Fees to a given development, the availability or amount of the credit, or the accuracy or applicability of an Independent Fee Calculation. The decision of the Hearing Examiner shall be final, except as provided in this Section.
- H. The Hearing Examiner may, so long as such action is in conformance with the provisions of this title, reverse or affirm, in whole or in part, or may modify the determinations of the Director with respect to the amount of the Impact Fees imposed or the credit awarded.

14A.20.070 Establishment of Impact Fee Accounts.

- A. Impact fee receipts shall be earmarked specifically and deposited in a special interest bearing impact fee account maintained by the City.
- B. There is hereby established the Parks and Recreational Facilities Impact Fee Account for the fees collected pursuant to this title. Funds withdrawn from this account must be used in accordance with the provisions of SMC 14A.20.090 and applicable State law. Interest earned on the fees shall be retained in the account and expended for the purposes for which the Impact Fees were collected.
- C. On an annual basis, the Finance Director shall provide a report to the City Council on the Parks and Recreational Facilities Impact Fee Account showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by Impact Fees.
- D. Impact Fees for system improvements shall be expended only in conformance with the Capital Facilities Plan element of the City's Comprehensive Plan.
- E. Impact fees shall be expended or encumbered within six (6) years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the six (6) year period. Under such circumstances, the Council shall establish the period of time within which the Impact Fees shall be expended or encumbered.

14A.20.080 Refunds.

- A. If the City fails to expend or encumber the Impact Fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist and the Council has established other time periods pursuant to SMC 14A.20.070, the current owner of the property on which Impact Fees have been paid may receive a refund of such fees. In determining whether Impact Fees have been expended or encumbered, Impact Fees shall be considered expended or encumbered on a first in, first out basis.
- B. The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fee was paid.
- C. Owners seeking a refund of Impact Fees must submit a written request for a refund of the fees to the Director within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
- D. Any Impact Fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the appropriate public capital facilities.

- E. Refunds of Impact Fees under this Section shall include interest paid at the statutory rate.
- F. When the City seeks to terminate any or all components of the Impact Fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this Section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.
- G. The City shall refund to the current owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees, pursuant to RCW 82.02.080(3), if the development for which Impact Fees were imposed did not occur; provided that, if the City has expended or encumbered the Impact Fees in good faith prior to the application for a refund, the Director shall determine whether an impact has resulted and whether all or a portion of the Impact Fees paid shall be refunded.

14A.20.090 Use of Funds.

- A. Pursuant to this title, Impact Fees:
 - 1. Shall be used for system improvements that will reasonably benefit the new growth and development;
 - 2. Shall not be imposed to make up for any system improvement deficiencies serving existing developments; and
 - 3. Shall not be used for maintenance or operation.
- B. Impact Fees may be spent for system improvements, including, but not limited to, planning, land acquisition, rightofway acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, and any other expenses which can be capitalized pertaining to parks and recreational facility improvements.
- C. Impact fees may also be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

- D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which Impact Fees may be expended, Impact Fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this Section and are used to serve the new development.

14A.20.100 Review.

- A. The fee rates set forth in SMC 14A.20.110 may be reviewed and adjusted by the Council as it deems necessary and appropriate to meet City needs, including, but not limited to addressing the impact of inflation on labor, materials, and real property costs. The fee rates may be adjusted 12 months after the effective date of this Chapter, or 12 months after the most recent review by the Council. The Council may determine the amount of the adjustment and revise the fee rates set forth in SMC 14A.20.110. If the Council does not determine the amount of the adjustment, the adjustment shall be administratively adjusted by the same amount that the 5-year average Washington State Department of Transportation Construction Cost Index changed for the most recent 12-month period prior to the date of the adjustment.
- B. In the last quarter of each calendar year, the Community Development Director together with the Parks and Recreation Director shall prepare a report to the Planning Commission, for the year to date, including the following:
1. The number of requests for Impact Fee exemptions or waivers pursuant to SMC 14A.20.030(B);
 2. The total number of residential units and dollar amounts of the exemptions or waivers approved by the Community Development Director in consultation with the Parks and Recreation Director;
 3. A copy of the Hearing Examiner Decision, if any of the decisions of the Community Development Director, in consultation with the Parks and Recreation Director, were appealed to the Hearing Examiner.

Based on this annual review, the Planning Commission shall recommend to the City Council any revision to SMC 14A.20.030 deemed appropriate.

14A.20.110 Park and Recreational Facilities Impact Fee Rates.

In accordance with RCW 82.02.060, the Park and Recreational Facilities Impact Fees are based upon a schedule of impact fees which is adopted for each type of development activity that is subject to Impact Fees and which specifies the amount of the Impact Fee to be imposed for each type of system improvement.

The Park and Recreational Facilities Impact Fee rates in this section are generated from the formula for calculating Impact Fees set forth in the Rate Study which is incorporated herein by reference. Except as otherwise provided for Independent Fee Calculations in SMC 14A.120, exemptions in SMC 14A.20.030, and credits in SMC 14A.20.040, all new residential developments in the City will be charged the following Park and Recreational Facilities Impact Fee applicable to the type of Development:

Single Family	\$ 2,605.82	per dwelling unit, or
Multi-Family	\$ 1,505.35	per dwelling unit, or
Mobile Home	\$ 1,370.82	per dwelling unit

14A.20.120 Independent Fee Calculations.

- A. If in the judgment of the Director, none of the fee categories or fee amounts set forth in SMC 14A.20.110 accurately describe or capture the impacts of a new development on Parks and Recreational Facilities, the Department may prepare Independent Fee Calculations and the Director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.
- B. If a feepayer opts not to have the impact fees determined according to SMC 14A.20.110, then the feepayer shall prepare and submit to the Director an Independent Fee Calculation for the development for which a building permit is sought. The documentation submitted shall show the basis upon which the Independent Fee Calculation was made.
- C. Any feepayer submitting an Independent Fee Calculation shall be required to pay the City a fee to cover the cost of reviewing the Independent Fee Calculation. The amount of the fee required by the City for conducting the review of the Independent Fee Calculation shall be in accordance with the adopted Fee Resolution approved by the City Council and shall be paid by the feepayer prior to initiation of review.
- D. While there is a presumption that the calculations set forth in the Rate Study are valid, the Director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation or analysis which the Director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer to submit additional or different documentation for consideration. The Director is authorized to adjust the Impact Fees on a case-by-case basis based on the Independent Fee Calculation, the specific characteristics of the development, and/or principles of fairness. The Director’s decision shall be set forth in writing and shall be mailed to the feepayer.

- E. Determinations made by the Director pursuant to this Section may be appealed to the office of the Hearing Examiner subject to the procedures set forth in SMC 14A.20.060.

14A.20.130 Administrative Fees.

- A. All development permits subject to the park and recreational facilities impact fees pursuant to SMC 14A.20.110 shall pay an administrative processing fee as adopted by the City Council.
- B. All development permits that require an independently determined park and recreational facilities impact fee pursuant to SMC 14A.__.120 shall pay an administrative processing fee as adopted by the City Council.

14A.20.140 Mitigation of Adverse Environmental Impacts.

Nothing in this title shall preclude the City from requiring the feepayer or the proponent of a development to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided that the exercise of this authority is consistent with the provisions of Chapter 43.21C RCW and Chapter 82.02 RCW.