

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2015-400**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
AMENDING CHAPTER 14A.20 OF THE SAMMAMISH MUNICIPAL
CODE ADJUSTING THE IMPACT FEES FOR PARK AND
RECREATIONAL FACILITIES; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

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 City of Sammamish Comprehensive Plan was recently updated as required by GMA (Ordinance 2015-396) and includes a Parks, Recreation and Open Space Element that is consistent with the Capital Facilities Plan Element as it relates to park and recreation facilities; and

WHEREAS, there was early and continuous public involvement in the City's update to the Comprehensive Plan, establishing the policy basis for park impact fees; and

WHEREAS, the City Council held a public hearing on October 20, 2015 and November 3, 2015 on the proposed amendments; 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 and system improvements to serve such new growth and development; and

WHEREAS, the City conducted extensive research in documenting the procedures for measuring the impact of new development on public facilities resulting in the *Rate Study for Impact Fees for Parks and Recreational Facilities* completed by Henderson, Young and Company, dated November 2, 2006, which set forth a methodology for determining the impact fee amounts; and

WHEREAS, the City adopted impact fees for parks and recreational facilities by Ordinance 2006-207, codified in Title 14A SMC, and adjusted the rates once in 2013 to account for the WSDOT Construction Cost Index (CCI) for the previous 12 months; and

WHEREAS, SMC 14A.20.100 authorizes the Council to review and adjust impact fee rates as it deems necessary and appropriate to meet City needs, including as needed to account for increasing costs of labor, materials, and real property; and

WHEREAS, a number of the factors in the impact fee formula developed by Henderson, Young and Company require adjustment to account for additional park and recreational facilities, additional population, increasing land values, and other factors that have changed since 2006; and

WHEREAS, the City contracted with FCS Group, Inc., to update the park impact fee amounts following the methodology developed in 2006 by Henderson, Young and Company, Inc.; and

WHEREAS, the City has proposed rates for park impact fees that are based on the *Rate Study for Impact Fees for Parks and Recreational Facilities* completed by Henderson, Young and Company, and the Park Impact Fee Update Summary Memorandum by FCS Group dated October 14, 2015, which studies and fee schedule the Council hereby incorporates by reference; and

WHEREAS, the Council recognizes that as the community grows it will be crucial to ensure that adequate park and recreational facilities 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 update the parks impact fee rates as proposed;

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

Section 1. The proposed amendments to Chapter 14A.20 Sammamish Municipal Code set forth in Attachment “A” to this Ordinance are hereby adopted.

Section 2. Severability. The above “Whereas” clauses of this Ordinance constitute specific findings by the Council in support of adoption of this Ordinance. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. 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 AT A REGULAR MEETING THEREOF ON THE 3rd DAY OF November, 2015.

CITY OF SAMMAMISH



Thomas E. Vance, Mayor

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:


Michael R. Kenyon, City Attorney

Filed with the City Clerk:	October 14, 2015
Public Hearing:	October 14, 2015
First Reading:	October 20, 2015
Public Hearing:	November 3, 2015
Passed by the City Council:	November 3, 2015
Publication Date:	November 6, 2015
Effective Date:	November 11, 2015

Attachment A

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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, and the Park Impact Fee Update Summary Memorandum by FCS Group dated October 14, 2015 (collectively referred to hereafter as the "Rate Study"), and hereby incorporates ~~this~~ the rate study into this title by reference. Therefore, pursuant to RCW 82.02.050 through 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. (Ord. O2015-____ § 1; Ord. O2006-207 § 1)

14A.20.020 Assessment of impact fees.

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~~(12) For complete building permit applications received on or prior to December 31, 2014, a~~ At the time of issuance of any single-family or multifamily residential building permit for a dwelling unit that is being constructed for resale, the applicant may elect to either (a) pay the impact fees then due and owing or (b) defer payment for a period not to exceed 18 months by granting and recording a covenant against title to the property that requires payment of the impact fees in the amount then due and owing, less any credits awarded, by automatic payment through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit. If the deferred impact fees are not paid in full within 18 months of the issuance of the building permit, the City may institute foreclosure proceedings. The awarding of credits shall not alter the applicability of this section. (Ord. 2015-____; Ord. O2012-339 § 1 (Att. A); Ord. O2010-294 § 1 (Att. A); Ord. O2009-263 § 1 (Att. A); Ord. O2006-207 § 1)

(13) If, prior to February 12, 2016, an applicant submits a copy of a fully executed purchase and sale agreement with an affidavit from the applicant attesting that the agreement was fully executed prior to November 11, 2015, the residential dwelling unit that is the subject of that agreement will be subject to the parks and recreational facilities impact fee in effect on the date of execution of that agreement, as provided in SMC 14A.20.110. (Ord. 2015-____; Ord. O2012-339 § 1 (Att. A); Ord. O2010-294 § 1 (Att. A); Ord. O2009-263 § 1 (Att. A); Ord. O2006-207 § 1)

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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.20.120, 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:

<u>Unit type</u>	<u>Fee per dwelling unit</u>		
	<u>For qualifying residences under 14A.20.020 (13) only</u>	<u>Through January 31, 2016</u>	<u>February 1, 2016, and later</u>
Single-Family	<u>\$2,697.28</u>	<u>\$5,526.00</u>	<u>\$2,697.28</u> <u>\$6,739.00</u> per dwelling unit, or
Multifamily	<u>\$1,558.19</u>	<u>\$3,521.00</u>	<u>\$1,558.19</u> <u>\$4,362.00</u> per dwelling unit; or
Mobile Home			<u>\$1,418.94</u> per dwelling unit

(Ord. O2015- § 1; Ord. O2013-342 § 1 (Att. A); Ord. O2006-207 § 1)

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