

ORDINANCE NO. 15573

AN ORDINANCE AMENDING TITLE 25 IMPACT FEES GOVERNING THE ASSESSMENT OF IMPACT FEES IN THE THURSTON COUNTY CODE TO ALLOW COLLECTION OF IMPACT FEES ON COMMERCIAL USES FOR FIRE DISTRICTS AND AUTHORITIES, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), and has performed professional review, provided public notice, and received public comment with respect to these amendments; and

WHEREAS, the Washington State Legislature adopted the Growth Management Act of 1990 now codified at Ch.36.70A RCW, and RCW 82.02.050 -.110 et. seq. (the "Act"), which authorizes the collection of impact fees on development activity to provide necessary public facilities that serve new growth, and development; and

WHEREAS, on December 11, 2012, the Board of County Commissioners of Thurston's County (Board) determined that new growth and development created additional demand on public facilities and services and adopted Ordinance No. 14819, that established an impact fee program; and

WHEREAS, on August 23, 2016, the Board adopted Ordinance No. 15340 adding a deferral process for impact fees and authorizing fire districts to collect impact fees; and

WHEREAS, with the adoption of Ordinance No. 15340, the Board intended to authorize all fire protection services in unincorporated Thurston County to collect impact fees on new development; and

WHEREAS, with the adoption of Ordinance No. 15463, the Board intended to authorize all fire protection services in unincorporated Thurston County to collect impact fees on new development; and

WHEREAS, the S.E. Thurston Fire Authority had originally requested the ability to collect impact fees on commercial and residential development and operates in rural Thurston County; and

WHEREAS, the current ordinance does not authorize them to collect impact fees on commercial development as requested and a minor revision to clarify that fire authorities and districts both are authorized to collect impact fees on all development; and

WHEREAS, a State Environmental Policy Act determination of “No Significance” was issued on July 22, 2016 for the amendments adopted by Ordinance No. 15340; and

WHEREAS, the amendments herein are a clarification and were contemplated in the State Environmental Policy Act review and staff review of the proposed amendment; and

WHEREAS, the Board believes adopting the amendments is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. FIRE IMPACT FEE ASSESSMENT. Impact fees for fire authorities shall not be assessed until initially authorized by the Board of County Commissioners by resolution for each individual fire district. The Thurston County Code is amended to allow for the collection of impact fees for fire authorities as follows:

A. Section 25.04.060 – Exemptions shall be amended as follows:

25.04.060 - Exemptions.

A. The following shall be exempted from the payment of impact fees:

1. Alteration of an existing nonresidential structure that does not expand the usable space or for transportation, parks and school impact fees add any dwelling units;
2. Miscellaneous improvements that do not increase the occupancy, users, or for transportation, parks and school impact fees the number of dwelling units, including, but not limited to, fences, walls, residential swimming pools, mining, dredging, filling, grading, paving, excavation, or drilling operations, storage of equipment or materials and signs;
3. Demolition or moving of a structure, or dwelling unit;
4. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within six years of the demolition or destruction of the prior structure;
5. Dwelling units located in housing developments intended for and solely occupied by persons 62 years or older, including nursing homes and retirement centers, shall be exempt from the payment of school impact fees so long as those uses are maintained, and the necessary covenants or declaration of restrictions, in a form approved by the prosecuting attorney and the school district attorney, required to ensure the maintenance of such uses, are recorded on the property;

6. The creation of an accessory dwelling unit, including but not limited to family member units, shall be exempt from the payment of school impact fees; and
 7. A single room occupancy dwelling shall be exempt from the payment of school impact fees.
- B. With respect to impact fees for parks and transportation, the director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeal procedures set forth in Section 20.60.060(1).
- C. With respect to school district, fire authority, and fire district impact fees, requests for an exemption shall be directed to the school or fire district. The school district, fire authority, or fire district shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. The school district, fire authority, or fire district shall forward its determination to the director in writing, and the director may adopt the determination of the school district, fire authority, or fire district and may exempt or decline to exempt a particular development activity, or the director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the director shall be in writing and shall be subject to the appeal procedures set forth in Section 20.60.060(1). B. Section 25.04.050 - Independent fee calculations, is amended to indicate applicability to fire authorities, as follows:
- B. Section 25.08.040 - Fire impact fees is amended to add S.E. Thurston Fire Authority as follows:

25.08.040 - Fire impact fees.

For complete building or development permit applications submitted after the effective date of this title, the following shall apply:

- A. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District No. 1, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments construction~~ in the unincorporated area of Fire Protection District No. 1 shall be charged the fire impact fee from the county impact fee schedule.
- B. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District No. 2, as amended, which is incorporated herein by reference.

Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 2 shall be charged the fire impact fee from the county impact fee schedule.

- C. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District No. 3, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 3 shall be charged the fire impact fee from the county impact fee schedule.
- D. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District No. 4, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 4 shall be charged the fire impact fee from the county impact fee schedule.
- E. The Fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District No. 5, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 5 shall be charged the fire impact fee from the county impact fee schedule.
- F. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 6, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 6 shall be charged the fire impact fee from the county impact fee schedule.
- G. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 7, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 7 shall be charged the fire impact fee from the county impact fee schedule.

- H. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 8, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 8 shall be charged the fire impact fee from the county impact fee schedule.
- I. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 9, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 9 shall be charged the fire impact fee from the county impact fee schedule.
- J. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 11, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 11 shall be charged the fire impact fee from the county impact fee schedule.
- K. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 12, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 12 shall be charged the fire impact fee from the county impact fee schedule.
- L. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 13, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 13 shall be charged the fire impact fee from the county impact fee schedule.
- M. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 15, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection

District No. 15 shall be charged the fire impact fee from the county impact fee schedule.

- N. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 16, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 16 shall be charged the fire impact fee from the county impact fee schedule.
- O. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District No. 17, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of Fire Protection District No. 17 shall be charged the fire impact fee from the county impact fee schedule.
- P. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for S.E. Thurston Fire Authority, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of S.E. Thurston Fire Authority shall be charged the fire impact fee from the county impact fee schedule.
- Q. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for West Thurston Fire Authority, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new ~~residential developments~~ construction in the unincorporated area of S.E. Thurston Fire Authority shall be charged the fire impact fee from the county impact fee schedule.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

ADOPTED: January 9, 2018

ATTEST:

LaBonta J. Raymond
Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

Travis Burns
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

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