

Chapter 16.09

PARK IMPACT MITIGATION FEES

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16.09.010 Purpose

The purpose of this chapter is to help achieve the goals and objectives of the Land Use and Parks and Recreation elements of the City of Airway Heights Comprehensive Plan. This title provides for an impact fee to insure that the new residential development bears a proportionate share of the cost of capital expenditures necessary to support parks related to the new development.

16.09.020 Authority

This chapter is adopted under the authority of the Growth Management Act, RCW Chapter 36.70A, and RCW 82.02.050 through RCW 82.02.100.

16.09.030 Applicability

This chapter applies to all new residential development.

16.09.040 Exemptions

The following development activities shall be exempted from payment of impact fees:

- A. Reconstruction, remodeling or construction of the following facilities:
 - 1. Shelters or dwelling units for temporary placement which provide housing to persons on a temporary basis for periods of not more than four consecutive weeks.
 - 2. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to persons on a temporary basis for not more than 24 months, in connection with job training, self-sufficiency training and human services counseling the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

B. Rebuilding or replacement of previously existing dwellings destroyed or damaged by fire, flood, act of God or other accident or catastrophe; provided, that such rebuilding takes place within one year after destruction.

C. Alteration or expansion of an existing building where no additional dwellings are created.

D. Care homes for the elderly, except portions thereof which provide independent living dwellings.

16.09.050 Service Areas

For the provision of parks, implementation of the Capital Facilities and Parks and Recreation elements of the Comprehensive Plan and administration of this Chapter, a single parks service area encompassing the entire City is hereby established.

16.09.060 Mitigation of Park and Recreation Impacts Required

Whenever the City has approval authority over residential development, approval will be contingent upon the developer's mitigation of the development's impacts on the park and recreation system level of service through payment of an amount calculated pursuant to Section 16.09.080 or 16.09.090 of this chapter, or dedication of land pursuant to Section 16.09.100.

16.09.070 Relationship to the State Environmental Policy Act (SEPA)

This chapter establishes minimum impact fees which are to be applied to all residential developments. These fees are presumed to mitigate demand impacts of residential uses on parks. However, each development shall be reviewed and be subject to the substantive authority of SEPA for potential adverse impacts on parks not mitigated by this fee.

16.09.080 Calculation of Impact Fee

A. The formula below shall be used to develop mitigation fees for public park and recreation facilities.

B. The formula shall be reviewed in conjunction with the annual comprehensive plan amendment and modified to reflect changes in acquisition baseline costs.

C. Park land acquisition costs. The average costs of developable land suitable for public park purposes within the general vicinity of the City of Airway Heights has been determined to be at least \$148,000 an acre.

D. Level of service. The level of service standard for parks established in the capital facilities element of the comprehensive plan is 10 acres of parkland per 1,000 residents.

E. Household size. In determining the average household size various sources have been consulted including the City of Airway Heights Comprehensive Plan, City of Airway Heights Land Use Code, the United States Census Bureau and the Office of Financial Management. As a result, for the purpose of implementing this chapter, the average household sizes are as follows:

1. 0-1 Bedroom Apartment or Duplex – 1.0 per dwelling unit
2. 2 Bedroom Apartment or Duplex – 2.0 persons per dwelling unit
3. 3+ Bedroom Apartment or Duplex – 2.5 persons per dwelling unit
4. Single Family Residential – 2.5 persons per dwelling unit

F. Impact fee allocation. The City shall provide a balance between impact fees and other sources of public funds to meet its capital projects needs. Revenues from property taxes, user fees (if imposed), sales taxes, real estate excise taxes, grants, and other revenue sources will be used to pay the proportionate share of the growth generated capital facilities costs.

G. For the purpose of calculating park impact fees, 75 percent of the cost of park development is anticipated to be generated by the collection of impact fees. The remaining 25 percent is expected to originate from city, county or state sources. Thus the mitigation assessment reflects a 25 percent discount from the actual acquisition costs.

H. The formula is thus a three step process:

1. *Park capital cost per person:*

Acres per person (LOS)
x capital cost per acre
= $0.01 \times \$148,000 = \$1,480$ per person

2. *Capital cost per person x person per household = capital cost per household:*

Park capital cost per person (\$1,480)

(a) 1 Bedroom Apartment or Duplex
 $\$1,480 \times 1.0$ persons per household
= : \$1,480.00

(b) 2 Bedroom Apartment or Duplex
 $\$1,480 \times 2.0$ persons per household
= : \$2,960.00

(c) 3+ Bedroom Apartment or Duplex
 $\$1,480 \times 2.5$ persons per household
= : \$3,700.00

(d) Single Family Residential
 $\$1,480 \times 2.5$ persons per household
= : \$3,700.00

3. *Impact fee per household*

Capital Cost per Household x adjustment rate per household = Impact fee per household

(a) 1 Bedroom Apartment or Duplex
 $\$1,480.00 \times 0.75$
= : \$1,110.00

(b) 2 Bedroom Apartment or Duplex
 $\$2,960.00 \times 0.75$
= : \$2,220.00

(c) 3+ Bedroom Apartment or Duplex
 $\$3,700.00 \times 0.75$
= : \$2,775.00

(d) Single Family Residential
\$3,700.00 x 0.75
= : \$2,775.00

16.09.090 Independent Fee Calculations

A. If a developer elects not to have the impact fee determined according to Section 16.09.080, then:

1. The developer shall prepare and submit to the City an independent fee calculation study for determining the development's mitigation obligation. The documentation submitted shall show the basis upon which the independent fee calculation was made.
2. The City Manager, and/or their designee, shall consider the documentation submitted by the developer but is not required to accept such documentation if it is found to be inaccurate or not reliable. If such findings are made, the director may require the developer to submit additional documentation for consideration.
3. If an acceptable independent fee calculation study is presented, and the study reveals a substantive error in the City's methodology then the City Manager and/or their designee may adjust the fee at the direction of the City Council as may be appropriate to the particular development, in consideration of the specific characteristics of the development, and/or principles of fairness.
4. When a developer requests an independent fee calculation, all costs of such calculation shall be borne by the developer. The Developer shall submit an agreement to pay fees.
5. Following approval of a fee pursuant to this section, the City Manager and/or their designee shall report the facts and decision to the Park Advisory Board, the Planning Commission and the City Council, who in turn, may provide feedback as to the future administration and implementation of this section.

16.09.100 Credits

A. Any claim for credit should be made by the developer at least 30 days prior to the submittal of the subdivision application so as to eliminate or minimize any delays.

B. Dedication of park land may be offered by the developer as total or partial payment of the required impact fee. If the City Council accepts such an offer, the credit shall be determined and provided in the following manner:

The land shall be valued at \$148,000 per acre when it meets the requirements of section (C) listed below. Credit for the dedication or development of park land shall occur when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.

C. The City Council shall consider the following when determining whether to accept an offer:

1. Any restrictions, covenants or other constraints placed on the title.
2. Consistency with, and implementation of, the Comprehensive Plan.

3. Availability of adequate public access to the site. All lands to be considered for the dedication of park land shall be fronted by a public road for at least fifty percent (50%) of their perimeter.
4. The existence of physical constraints affecting the site such as problems with drainage, erosion, or flooding, or the presence of hazardous waste, which would increase demand on public resources for maintenance and operation.
5. The presence of safety hazards.
6. Constraints due to the presence of environmentally sensitive areas.
7. The physical capability of supporting active recreational opportunities.
8. A completed survey with the property boundaries clearly marked in the field.
9. The market value of the land is found to be commensurate with its value as a park. It is the intent of this provision to avoid accepting expensive land (and crediting the developer) for a facility when there are more affordable alternatives available.
10. If the dedication is smaller than the need identified in the park plan the City may require that the dedication be located on the perimeter of the development at a location that assures the opportunity for future dedication or acquisition by the City of additional park land to meet the need identified in the park plan.

D. The criteria for acceptance should be evaluated regularly through the annual Comprehensive Plan review process.

16.09.101 Credit for On-site Mitigation of Facilities Open to the Public

If the developer creates a park facility that is accessible and open to the general public they may receive credit for up to 100% of the approved development costs and value of the land towards the park impact fees imposed by this chapter.

- A. The developer must have a detailed park development plan approved by the Airway Heights Park Advisory Board and the City Council.
- B. The plan must address current or future park facility needs as identified in the Parks and Recreation Chapter of the Comprehensive Plan.
- C. The developer must dedicate the land and all improvements to the City of Airway Heights upon full completion of the park facility development.
- D. The City will determine the actual amount of credit to be granted under the City's impact fees on the basis of a certified copy of the construction/material costs. The City shall not reimburse the developer for any credit in excess of the amount payable under the City's park impact fee or other park mitigation measures; however it may be utilized for mitigation credit for future developments within the next six years.
- E. Upon dedication of the land and improvements the City will take full ownership and will be responsible for maintaining the land where the approved park facilities will be located.

16.09.110 Credit for Dedication in Excess of Required Mitigation

A. When a developer proposes, and the City Council accepts a dedication of land, of which the value exceeds the developer's mitigation obligation, the City shall, at its discretion either reimburse or credit the developer as follows:

1. Direct cash payment from applicable and appropriate city fund(s); and/or
2. Issue credit toward another development within the City for future mitigation obligations. This credit shall be valid for six years from the date of issuance. This credit is transferable to another party.

16.09.120 Collection of Impact Fees

Impact fees for each lot shall be assessed and collected prior to issuance of a building permit.

16.09.130 Use of Impact Fees

A. All impact fees collected pursuant to this chapter shall be used to mitigate the direct impacts of residential development through the purchase and development of land, including reasonable transaction and administrative costs, in accordance with the Capital Facilities and Park and Recreation elements of the City of Airway Heights Comprehensive Plan.

B. Impact fees shall reasonably benefit new development and shall not be used for maintenance or operation.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which park impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments.

D. Impact fees shall be expended or encumbered by the City within six years of receipt by the City, unless there exists extraordinary or compelling reason for the fees to be held longer. The City Council shall make written findings of the extraordinary and compelling reasons for the fees to be held longer than six years.

16.09.140 Refund of Fees Paid

A. Park impact fees collected pursuant to this chapter shall be deposited into an interest bearing account established by the City.

B. If a development approval expires without commencement of construction, then the developer shall be entitled to a refund, with interest, of the impact fee paid for that development. The developer must submit an application for such a refund to the Clerk Treasurer within 30 days prior to the expiration of the permit. By resolution, the City Council may adopt fees to offset administrative costs of collecting and refunding mitigation fees.

C. Any funds not expended or encumbered by the end of six years from the date the fee was paid shall be returned to such landowner with interest, provided that the landowner submits a request for a refund to the City of Airway Heights within one-year of the expiration of the six year period.

D. Impact fees that are not expended or encumbered within these time limitations and for which no application of a refund has been made in accordance with this section, shall be retained and expended on parks facilities.

E. Interest due upon the refund of impact fees shall be calculated according to the average rate received by the City on invested funds throughout the period during which the fees were retained.

16.09.150 Appeals

Appeals of mitigation requirements imposed pursuant to this chapter shall be governed by the appeal provisions of Airway Heights Municipal Code Chapter 14.06.