

Title 4A

IMPACT FEES

CHAPTERS:

- 4A.01 IMPACT FEES - AUTHORITY AND PURPOSE.**
- 4A.10 IMPACT FEES - GENERAL REQUIREMENTS.**
- 4A.20 IMPACT FEES - PARKS.**
- 4A.30 SCHOOL IMPACT FEES.**
- 4A.40 TRAFFIC IMPACT FEES.**

Chapter 4A.01

IMPACT FEES - AUTHORITY AND PURPOSE

Sections:

- 4A.01.010 Title.**
- 4A.01.020 Purpose.**
- 4A.01.030 Authority.**

4A.01.010 Title.

Title 4A shall be officially cited as the Pierce County Impact Fee requirements. (Ord. 96-105S2 § 1 (part), 1996)

4A.01.020 Purpose.

This Title is intended to assist in the implementation of the Comprehensive Plan for Pierce County and to help achieve the goals and objectives of the Land Use and Capital Facilities elements, which address impact fees "for schools, parks, and, if appropriate, roads." This Title provides for an impact fee on new development within unincorporated Pierce County, to assure that new development bears a proportionate share of the cost of capital expenditures necessary to meet the demands for County public facilities related to the new development, including school facilities, regional parks, open space passive recreation parks, linear trail parks, and roads.

Payment of any schools, regional parks and/or traffic impact fees imposed under this Title shall be sufficient to satisfy the relevant County requirements for system improvements for schools; regional parks, open space passive recreation parks, and linear trail parks; and traffic. (Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.01.030 Authority.

This Title is enacted pursuant to the Washington State Growth Management Act (Chapter 17, Laws of 1990, 1st Extraordinary Session), and Chapter 32 Laws of 1991, 1st Special Session, RCW 82.02.050 to 82.02.100, as now in existence or as hereafter amended. (Ord. 96-105S2 § 1 (part), 1996)

Chapter 4A.10

IMPACT FEES – GENERAL REQUIREMENTS

Sections:

- 4A.10.010 Applicability.**
- 4A.10.020 Definitions.**
- 4A.10.030 Interpretation.**
- 4A.10.040 Service Areas Established.**
- 4A.10.050 Authorization for Interlocal Agreements.**
- 4A.10.060 Impact Fee Account Funds Established.**
- 4A.10.070 Use of Funds.**
- 4A.10.080 Impact Fee Assessment and Collection.**
- 4A.10.090 Impact Fee Adjustments, Independent Calculations.**
- 4A.10.100 Credits.**
- 4A.10.110 Impact Fee Refunds.**
- 4A.10.120 Appeals and Payments Under Protest.**
- 4A.10.130 Council Review of Impact Fees.**
- 4A.10.140 Administrative Fees.**
- 4A.10.150 Severability.**
- 4A.10.160 Existing Authority Unimpaired.**
- 4A.10.170 Administrative Guidelines.**

4A.10.010 Applicability.

- A. Regional Park Impact Fees and School Impact Fees apply to any applicant seeking permission to develop land within unincorporated Pierce County after January 1, 1997, by applying for a building permit for a residential building or a permit for residential mobile/manufactured home installation. Such applicant is required to pay an impact fee in the manner and amount set forth in this Title, except as specifically provided in PCC 4A.10.010 B.
 - 1. The following development activities are excluded from the obligation to pay impact fees pursuant to Chapters 4A.20 and 4A.30 PCC for the specific facilities and services noted, on the grounds that they either do not create an impact on those facilities and services, the impacts created have previously been adequately mitigated, or their impacts are de minimus and the cost of administering the impact fee would exceed the fee collected:
 - a. Alteration, expansion, reconstruction, remodeling, or replacement of existing single family or multi-family dwelling units that does not result in additional dwelling units; or
 - b. Any dwelling unit subject to restrictions that may be legally enforced by a private party or governmental entity limiting occupants exclusively to residents over a minimum age or other populations that do not include children of the ages five to twenty-one years old, including without limitation nursing homes and retirement centers; provided, however, this exclusion ceases if the housing is later converted to permanent use as a single family or multi-family residence not subject to such restrictions; or

- c. Any dwelling unit licensed and operated as transient accommodations under Ch. 70.62 RCW and WAC 248-144-020(26), such as hotels, motels, condominiums, and resorts; provided, however, this exclusion ceases if the housing is later converted to permanent use as a single- family or multi-family residence not subject to such restrictions; or
- d. Accessory dwelling units; or
- e. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act.
- f. Replacement of a residential structure with a new residential structure of the same number of dwelling units at the same site or lot when a completed application for the building permit for such replacement is accepted by the County within 12 months of the demolition or destruction of the prior residential structure; or
- g. In addition to a.-e. above, for school impact fees:
 - (1) Any development activity for which school capital facility impacts have been mitigated by the payment of or promise or obligation to pay fees, dedicate land, or construct or improve school facilities pursuant to a preliminary plat, short plat, PUD, and/or PDD approval granted prior to the effective date of this Chapter, unless the terms of the plat, PUD, or PDD approval expressly provide otherwise; or
 - (2) Any development activity for which school capital facility impacts have been mitigated by the payment of or promise or obligation to pay fees, dedicate land, and/or construct or improve school facilities pursuant to a voluntary agreement entered into with the applicable School District prior to January 1, 1997, unless the terms of the agreement expressly provide otherwise.
 - (3) Any new residential units with a recorded agreement, lien and covenant running with the land, binding all the assigns, heirs and successors of the applicant to secure the affordability requirements for low income households through Title 18A.65, "Affordable Housing Incentives." A fee waiver or reimbursement shall only be available on a first come first served basis if alternative funding is available and transferred to the appropriate School District Impact Fee fund account.
- h. In addition to a.-e. above, for regional park impact fees:
 - (1) Any development activity for which regional park, open space passive recreation park, or linear trail park capital facility impacts have been mitigated by the payment of or promise or obligation to pay fees, dedicate land, or construct or improve regional park facilities pursuant to a preliminary plat, short plat, PUD, and/or PDD approval granted prior to the effective date of this Chapter, provided Pierce County agrees to accept said regional park dedication or fee as documented in an agreement prescribed by the Parks and Recreation Services Department; or
 - (2) Any development activity for which regional park, open space passive recreation park, or linear trail park capital facility impacts have been mitigated by the payment of or promise or obligation to pay fees, dedicate land, and/or construct or improve regional park facilities pursuant to a

voluntary agreement entered into with the County prior to January 1, 1997, provided Pierce County has agreed to accept said regional park dedication or fee.

- (3) Any new residential units approved through Title 18A.65, "Affordable Housing Incentives" if sufficient funds have been appropriated by the Pierce County Council and are available for transfer to the Park Impact Fee Fund to replace those fees waived or refunded to the developer.
2. The Director of Planning and Land Services shall be authorized to determine whether a particular development activity falls within an exclusion and/or exemption from impact fees identified in this Section, in any other Section, or under other applicable law. Determinations of the Director of Planning and Land Services shall be in writing and shall be subject to appeal as provided in PCC 4A.10.120.
- B. Traffic Impact Fees apply to any applicant proposing any development activity within unincorporated Pierce County on or after the effective date established by Ordinance No. 2006-60s, where such development activity requires the issuance of a building permit. This shall include, but is not limited to, the development of residential, commercial, retail, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in existing use that creates a demand for additional public facilities. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement, or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee previously paid for the land use category of the prior use. If no impact fee was required for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the impact fee rates set forth in Chapter 4A.40 PCC.
1. The following development activities are excluded from the obligation to pay traffic impact fees pursuant to Chapter 4A.40 PCC for the specific facilities and services noted, on the grounds that they either do not create an impact on those facilities and services, or the impacts created have previously been adequately mitigated, or their impacts are de minimus and the cost of administering the impact fee would exceed the fee collected:
 - a. Alteration or expansion of an existing structure that does not add any residential dwelling units or expand the gross floor area of nonresidential structures by more than 100 square feet; or
 - b. Miscellaneous improvements, including, but not limited to, fences, walls, signs, and residential swimming pools; or
 - c. Demolition or removal of a structure within the County; or
 - d. Replacement of a residential structure with a new residential structure of the same number of dwelling units at the same site or lot when a completed application for the building permit for such replacement is accepted by the County within 12 months of the demolition or destruction of the prior residential structure; or

- e. Replacement of a non-residential structure with a new non-residential structure of the same size and use at the same site or lot when a completed application for the building permit for such replacement is accepted by the County within 12 months of the demolition or destruction of the prior nonresidential structure. A replacement nonresidential structure shall be considered to be the same size as the prior nonresidential structure if the gross floor area of the building will not be increased by more than 100 square feet; or
 - f. Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100 due to mitigation of the same system improvement under the State Environmental Policy Act; or
 - g. Any development activity for which traffic impacts have been mitigated by the payment of or promise or obligation to pay fees, dedicate land, and/or construct or improve road facilities pursuant to a voluntary written agreement, entered into with the County prior to the effective date of this Chapter, that specifically provides for an exemption or waiver of payment of traffic impact fees.
2. The following development activities shall be exempt from the imposition of traffic impact fees pursuant to Chapter 4A.40 PCC on the basis of the provisions of RCW 82.02.060(2), which authorize the County to exempt traffic impact fees for the development listed in Section 4A.40.020 that provide low-income housing in Pierce County:
- a. Low-income owner-occupied housing, provided the owner executes and records a covenant on the property providing that the dwelling unit will continue to be used for low-income housing, and that in the event that the dwelling unit is no longer used for low-income housing, the owner shall pay the County the traffic impact fee from which the owner or any prior owner was exempt, plus interest.
 - b. Low-income rental housing, provided the owner of low-income housing executes and records a lien against the property providing that the dwelling unit will continue to be used for low-income housing. The lien against the property shall be subject only to the lien for general taxes. In the event that a rental unit is no longer used for low-income housing, the owner shall pay the County the impact fee from which the owner or any prior owner was exempt, plus interest. The lien shall run with the land and apply to subsequent owners.
 - c. Any claim for an exemption for low-income housing must be made no later than the time of application for a building permit or site development activity permit. Any claim not so made shall be deemed waived.
 - d. Any new residential units approved through Title 18A.65, "Affordable Housing Incentives" if sufficient funds have been appropriated by the Pierce County Council and are available for transfer to the Traffic Impact Fee Fund to replace those fees waived or refunded to the developer.
3. Public, private, and parochial school facilities, including, but not limited to, administrative, maintenance and other building of a school district shall be exempt from the imposition of traffic impact fees pursuant to Chapter 4A.40 PCC on the basis of the provisions of RCW 82.02.060(2), which authorize the County to exempt traffic impact fees for the development listed in Section 4A.40.020 that contribute to the broad public purpose of providing education services in Pierce County.

4. Religious assembly (such as churches, temples, and synagogues) shall be exempt from the imposition of traffic impact fees pursuant to Chapter 4A.40 PCC on the basis of the provisions of RCW 82.02.060(2), which authorize the County to exempt traffic impact fees for the development listed in Section 4A.40.020 that contribute to the broad public purpose of providing religious services in Pierce County.
 5. The following development activities shall be exempt from the imposition of traffic impact fees pursuant to Chapter 4A.40 PCC on the basis of the provisions of RCW 82.02.060(2), which authorize the County to exempt traffic impact fees for the following types of development listed in Section 4A.40.020 that contribute to the broad public purpose of improving the economy of Pierce County by providing additional family wage jobs in the County. The land uses eligible for this exemption shall be defined according to the ITE Land Use Code:
 - a. The following land uses located in Employment Centers designated in Pierce County's Comprehensive Plan shall be exempt from 90 percent of the traffic impact fee.
 - (1) General Light Industrial, ITE Land Use Code 110; or
 - (2) General Heavy Industrial, ITE Land Use Code 120; or
 - (3) Manufacturing, ITE Land Use Code 140; or
 - (4) Corporate Headquarters Building, ITE Land Use Code 714.
 - (5) Research and Development Center, ITE Land Use Code 770.
 - b. The following land uses located outside Employment Centers designated in Pierce County's Comprehensive Plan shall be exempt from 85 percent of the traffic impact fee.
 - (1) General Light Industrial, ITE Land Use Code 110; or
 - (2) General Heavy Industrial, ITE Land Use Code 120; or
 - (3) Manufacturing, ITE Land Use Code 140; or
 - (4) Corporate Headquarters Building, ITE Land Use Code 714.
 - (5) Research and Development Center, ITE Land Use Code 770.
 6. Park-and-ride facilities and bus transfer stations shall be exempt from the imposition of traffic impact fees pursuant to Chapter 4A.40 PCC on the basis of the provisions of RCW 82.02.060(2), which authorize the County to exempt traffic impact fees for the development listed in Section 4A.40.020 that contribute to the broad public purpose of supporting mass transit in Pierce County.
 7. Police and fire stations shall be exempt from the imposition of traffic impact fees pursuant to Chapter 4A.40 PCC on the basis of the provisions of RCW 82.02.060(2), which authorize the County to exempt traffic impact fees for the development listed in Section 4A.40.020 that contribute to the broad public purpose of supporting public safety services in Pierce County.
 8. The amount of impact fees not collected from exempt development set forth in subsection 4A.10.010 B.2. shall be paid from public funds other than impact fee accounts.
 9. The Director of Planning and Land Services shall be authorized to determine whether a particular development activity falls within an exclusion and/or exemption from traffic impact fees identified in this Section, in any other Section, or under other applicable law. Determinations of the Director of Planning and Land Services shall be in writing and shall be subject to appeal as provided in PCC 4A.10.120.
- (Ord. 2009-48s2 § 3 (part), 2010; Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.020 Definitions.

- A. "Applicant" means a person, individual, or organization seeking permission to develop land within unincorporated Pierce County by applying for a building permit.
- B. "Building Permit" means a permit issued pursuant to Title 15 PCC for new construction or addition.
- C. "Capital Facilities" means the facilities and improvements found in the most recently approved Pierce County Capital Facilities Plan element of the Comprehensive Plan for Pierce County.
- D. "Capital Facilities Plan" means the plan for financing capital improvements that support the County's current and future population and economy, as found in the Capital Facilities Plan element of the Comprehensive Plan for Pierce County, adopted by Pierce County pursuant to Chapter 36.70A RCW.
- E. "Capital Improvement" means land, improvements to land, structures (including design, permitting and construction), initial furnishings, and selected equipment. Capital improvements have an expected useful life of at least 10 years. Other capital costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered to be minor capital expenses in the County's annual budget, but such items are not capital improvements for the purposes of the Comprehensive Plan or the issuance of development permits.
- F. "Council" means the Pierce County Council.
- G. "County" means Pierce County.
- H. "County Engineer" means the County Engineer of Pierce County or the County Engineer's designee.
- I. "Development Activity" means any type of construction or placement or conversion or expansion of a building, structure, or use, or the siting of a mobile home, or any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities. (RCW 82.02.090(1)).
- J. "Director of Planning and Land Services" means the Director of the Department of Planning and Land Services or the Director's designee.
- K. "Director of Public Works and Utilities" means the Director of the Department of Public Works and Utilities or the Director's designee.
- L. "District" means any area located within Pierce County that has special purpose and defined service area boundaries in the unincorporated area of Pierce County, and whose Capital Facilities Plan has been or will be adopted by the Council as a part of the County's Comprehensive Plan.
- M. "Duplex" means two dwelling units which are attached to one another. Duplexes are also known as "two family" housing.
- N. "Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
- O. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees by contract to pay for commitments, contractual obligations, or other liabilities incurred for public facilities as set out in an adopted Capital Facilities Plan.
- P. "Existing Level of Service" (ELOS) means the level of service (LOS) for schools as discussed in the Capital Facilities Plan element of the Comprehensive Plan for Pierce County. For schools, ELOS is the level of service provided by a District within its School District boundaries, as indicated in the Capital Facilities Plan element of the Pierce County Comprehensive Plan.

- Q. "Gross Floor Area" means the total square footage of liveable area of any dwelling unit and the gross leasable area square footage of any non-residential building, structure, or use, including accessory uses.
- R. "Hearing Examiner" means the Pierce County Hearing Examiner identified in Chapter 1.22 PCC.
- S. "Impact" means an activity on or an alteration of a land use which changes or alters the demand for public services or facilities.
- T. "Impact Fee" means a payment of money imposed by Pierce County upon development activity pursuant to this Title as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a permit fee, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to Chapter 1.22 PCC and Section 4A.10.140 of this Chapter.
- U. "Impact Fee Account" or "Account" means the Account established for the public facilities for which impact fees are collected, pursuant to Section 4A.10.060 of this Chapter and in compliance with the requirements of RCW 82.02.060.
- V. "Independent Fee Calculation" means the impact calculation, and/or economic documentation prepared to support the assessment of a school, park, or traffic impact fee other than by the use of the schedule kept on file with the Planning and Land Services Department, or the calculations prepared for a District or the County where none of the fee categories of fee amounts in said schedule accurately describe or capture the impacts of the new development on public facilities.
- W. "Interest" means the interest earned by the account during the period during which the fees were retained.
- X. "Interlocal Agreement" or "Agreement" means the Interlocal agreement by and between the County and a District, city or town as authorized in Section 4A.10.050 PCC pursuant to Chapter 39.34 RCW.
- Y. "ITE Land Use Code" means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the 7th Edition of "Trip Generation".
- Z. "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. Levels of service are usually quantifiable measures of the amount of public facilities that are provided to the community and may also measure the quality of some public facilities. Levels of service are set to reflect realistic expectations consistent with the achievement of growth aims. As standards, they are valuable planning and budgetary tools, even if concurrency is not required for specified facilities, given that they are a measure of quality of service. Levels of service for traffic impact fees are the "service thresholds" described in the Rate Study.
- AA. "Linear Trail Park" means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases, linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category.

- AB. "Low-income housing" means:
1. An owner-occupied or renter-occupied housing unit affordable to households whose household income is less than 80 percent of the Pierce County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD).
 2. In the event that HUD no longer publishes median income figures for Pierce County, the County may use or determine such other method as it may choose to determine the Pierce County median income, adjusted for household size. The Director will make a determination of sales prices or rents that meet the affordability requirements of this section. An applicant for a low-income housing exemption may be a public housing agency, a private non-profit housing developer, or a private developer.
- AC. "Mobile Home Park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home park shall not include mobile home subdivisions or recreational vehicle parks.
- AD. "Multifamily" means a structure containing three or more dwelling units, with the units joined to one another.
- AE. "Open Space" means a landscape which is primarily unimproved. Open Space areas may include: critical areas, wooded areas, parks, trails, privately owned nature reserves, abandoned railroad lines, utility corridors, and other vacant rights-of-way. Permanent dedication, designation, or reservation of open space for public or private use may occur in accordance with Comprehensive Plan policies. Open space may serve as a buffer between developments and varying land uses, or create a sense of visual relief from denser development. A subset of open space, defined as open space passive recreation parks, is eligible for impact fees, based on this Title.
- AF. "Open Space Passive Recreation Parks" means open space areas where public use and access is desired and improvements will enhance public accessibility to the natural resources available at the site. Open space passive recreation parks are shown as open space in the County's Capital Facilities Plan element of the Comprehensive Plan and are included among the regional parks for which impact fees are authorized.
- AG. "Owner" means the owner of record of real property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
- AH. "Park and Recreation Facilities" means land, improvements to land, and structures that are owned or controlled by Pierce County through the Parks and Recreation Services Department. Park and Recreation Facilities do not include the lands or structures owned by others such as schools, private recreation providers, and nonprofit organizations, even though the County may have an agreement to manage recreation programs at such a site. Pierce County Park and Recreation Facilities are discussed in the Capital Facilities Plan element of the Comprehensive Plan for Pierce County.
- AI. "PALS" means the Pierce County Planning and Land Services Department.
- AJ. "Person" means an individual, a corporate entity, a partnership, an incorporated association, or any other similar entity.
- AK. "Planned Unit Development" or "PUD" shall have the same meaning as set forth in PCC 18A.75.080.

- AL. "Project Improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the Capital Facilities Plan shall be considered a project improvement (RCW 82.02.090(6)).
- AM. "Proportionate Share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development. RCW 82.02.090(5).
- AN. "Public Facilities" means the following capital facilities owned or operated by government entities: (a) public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.
- AO. "Rate Study" means the "Pierce County Traffic Impact Fee Rate Study", dated September 30, 2005.
- AP. "Regional Park" means a large recreation area that serves an entire region. Regional parks are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping, and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site. Regional parks may also have the following characteristics: (1) high population participation rates, (2) high user volumes, (3) may benefit residents of a number of jurisdictions, (4) may involve joint ventures, (5) may represent the ultimate competition level play facility, (6) may have unique location requirements that may involve regional coordination, and (7) may be areas for activities for which there are no other logical or available sponsors.
- AQ. "Regional Park Impact Fee" means an impact fee in unincorporated Pierce County to pay for new regional parks, open space passive recreation parks, and linear trail parks to serve new growth and development in Pierce County.
- AR. "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, other multifamily development, mobile homes and manufactured homes.
- AS. "Road" means a public street or road, or similar right-of-way including avenue, place, way, drive, lane, boulevard, highway, bridge, ferry and other thoroughfare, and intersections thereof, except an alley, shared access facility or driveway, which enables motor vehicles, transit vehicles, bicycles and pedestrians to travel between destinations, and affords the principal means of access to abutting property. A road includes the right-of-way, road base, paved surface, and associated appurtenances such as traffic signals, street and road lights, curb, gutter and sidewalk, and storm drains.
- AT. "School Impact Fee" means an impact fee in unincorporated Pierce County to pay for new school capital facilities to serve new growth and development within a School District.
- AU. "Service Area" means a geographic area described in the County's Capital Facilities Plan or Pierce County Traffic Impact Fee Rate Study 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 applicable School District. Service areas may be separately described for each type of public facility.
- AV. "State" means the State of Washington.

- AW. "System Improvements" mean public facilities that are included in the Capital Facilities Plan and are designed to provide service to service areas within the community at large, in contrast to project improvements (RCW 82.02.090(9)).
- AX. "Traffic Impact Fee" means an impact fee in unincorporated Pierce County to pay for new road capital facilities to serve new growth and development within unincorporated Pierce County.
- AY. "Two-family" means two dwelling units which are attached to one another. "Two family" housing types are also known as "duplexes".
- AZ. "Voluntary Agreement" means an agreement between an applicant and the County or District as authorized by RCW 82.02.020.
- BA. "Zero-lot-line" means design that allows for the placement of a structure on the side yard property line.

(Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.030 Interpretation.

The provisions of this Title shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, and welfare and the furtherance of the Comprehensive Plan for Pierce County. (Ord. 2006-60s § 1 (part), 2006; Ord. 96-105S2 § 1 (part), 1996)

4A.10.040 Service Areas Established.

- A. **Service Areas.** Service areas, which may vary by type of public facility, are established as shown in the Pierce County Comprehensive Plan and/or the Rate Study. Service areas assure a proportional benefit of public facilities to development applicants and establish a nexus between those paying for the fees and the benefit of the facilities.
- B. **Regional Park Impact Fee Service Area.** A single Regional Park Impact Fee service area is hereby created for regional parks and recreation facilities, open space passive recreation parks, and linear trail parks to include the entire unincorporated area of the County. In the future, the Regional Park Impact Fee Service Area may include municipalities that have chosen, by way of an Interlocal agreement with Pierce County, to provide regional park services within the municipality or associated Urban Growth Area (UGA).
- C. **School Impact Fee Service Areas.** Separate school impact fee service areas are hereby created for each School District that has boundaries which include a portion of unincorporated Pierce County. The County shall collect school impact fees on a district-by-district basis as indicated in Chapter 4A.30 PCC, on behalf of each School District that has submitted its Capital Facilities Plan and impact fee calculations to the County, and whose Plan has been incorporated into the County's Comprehensive Plan.
- D. **Transportation Service Areas.** Separate transportation service areas for traffic impact fees are hereby created as identified in the Pierce County Traffic Impact Fee Rate Study, Appendix C: Transportation Service Area Boundary Map Book, which is adopted by this reference. Chapter 4A.40 PCC includes a map which generally indicates Transportation Service Areas.

(Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.050 Authorization for Interlocal Agreements.

- A. The Executive is authorized to execute, on behalf of the County, an Interlocal agreement with a District (i.e., school district or park district) for the collection, expenditure, and reporting of impact fees, provided that such Interlocal agreement complies with the provisions of this Title. All aspects of this Title, including Interlocal agreements, must be in place prior to collection of fees.
- B. The Interlocal Agreement shall provide for:
 1. A District to prepare its capital facilities plan consistent with Ch. 36.70A RCW.
 2. A District to submit the plan or plan amendments to Pierce County for adoption as part of the County Comprehensive Plan consistent with this Title and Chapter 19C.10 PCC, provided that the plan includes all information required by Chapters 36.70A and 82.02 RCW and this Title.
- C. School District Interlocal agreements shall include at least the following provisions:
 1. The Interlocal agreement shall mandate that the District shall establish an Impact Fee Fund which will be composed of the various accounts, each of which shall be credited with appropriate interest. The District shall assume responsibility for all necessary accounting, investing, reporting, expending, and refunding activities associated with their Impact Fees.
 2. Funds withdrawn from the Impact Fee Account for the District must be used in accordance with the provisions of Section 4A.10.060 of this Chapter. The interest earned shall be retained in this account and expended for the purposes for which the impact fees are collected.
 3. On an annual basis, pursuant to the Interlocal agreement, each District shall prepare and submit to the County a report on the impact fees and the Impact Fee Account, showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.
 4. Impact fees shall be expended or encumbered within six years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for a District to hold the fees beyond the six-year period. Under such circumstances, the period of time within which the impact fees shall be expended or encumbered shall be established after consultation with that District.

(Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.060 Impact Fee Account Funds Established.

- A. **Park Impact Fee Fund.** There is hereby created and established a special purpose park and recreation facilities impact fee fund ("the park impact fee fund") to receive regional park impact fees. All regional park impact fees and investment income received pursuant to this Title shall be deposited into the park impact fee fund. Procedures for administration of the funds shall be established by the Director of the Budget and Finance Department. Expenditures from these funds shall be made in accordance with the County's normal budget procedures. Annually, the County shall prepare a report on each impact fee account showing the source and amount of all moneys collected, interest earned, and capital or system improvements that were financed in whole or in part by impact fees.
- B. **School Impact Fee Fund.** There are hereby authorized special purpose school district impact fee suspense funds into which all School District impact fees shall be deposited.

1. On a monthly basis, in accordance with the Interlocal Agreement, the County shall remit to the appropriate School District the impact fee collected in the preceding month. Impact fees received by the District shall be earmarked specifically and retained by the District in appropriate interest-bearing accounts. All impact funds and interest shall be expended for the purposes identified in Section 4A.10.070 PCC.
 2. Annually, in accordance with the Interlocal Agreement, the School District shall prepare and submit to the County a report on school impact fees and the School Impact Fee Account, showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by the impact fees.
- C. **Traffic Impact Fee Fund.** There is hereby created and established a special purpose traffic impact fee fund ("the traffic impact fee fund") to receive traffic impact fees. All traffic impact fees and investment income received pursuant to this Title shall be deposited into the traffic impact fee fund. Procedures for administration and expenditure of the funds shall be established by the Director of the Public Works and Utilities Department in conjunction with the Director of the Budget and Finance Department, and shall be in accordance with the County's normal budget procedures. Annually, the County shall prepare a report on the traffic impact fee fund showing the source and amount of all monies collected, interest earned, and capital or system improvements that were financed in whole or in part by impact fees, and expenses for administration and updating the traffic impact fee program. If this reporting indicates that substantial excess administrative funds are being collected beyond that needed to administer and update the traffic impact fee program, Council may elect to reduce the administrative fee to more appropriately balance fee collections to expenditures.
- D. Money withdrawn from these funds must be used in accordance with the provisions of Section 4A.10.070 PCC. Interest earned on the fees shall be expended for the purposes for which the impact fees were collected.
- E. Impact fees shall be expended or encumbered within six years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for the County to hold the fees beyond the six year period. Under such circumstances, the Council shall establish the period of time within which the impact fees shall be expended or encumbered.

(Ord. 2009-48s2 § 3 (part), 2010; Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.070 Use of Funds.

- A. Pursuant to this Title, impact fees:
1. Shall be used for public facility improvements that will reasonably benefit the new development; and
 2. Shall not be imposed to make up for deficiencies in the facilities serving existing developments; and
 3. Shall not be used for maintenance or operation.
- B. Impact fees may be spent for improvements listed in the capital facilities plan and identified as being funded in part by impact fees. Expenditures may include, but are not limited to, facility planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, grant matching funds and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to public facilities, and any other expenses which can be capitalized and are consistent with the Comprehensive Plan.

- C. Impact fees may also be used to recoup public facility improvement costs previously incurred 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 construction of public facility or system 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. Capital Facilities Plans using impact fees for the purpose of assisting in the provision of capital facilities or facility systems must clearly differentiate between funds used for new improvement and those funds used to correct existing deficiencies.
- (Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.080 Impact Fee Assessment and Collection.

- A. For all development activity located in a service area where fees have been imposed, the County shall determine the total impact fee at the time the impact fee is paid, based on the Capital Facilities Plan element of the Pierce County Comprehensive Plan and the resulting fee schedule in effect at the time of payment.
- B. School impact fees shall be paid to the County at the time a complete building permit application is submitted to the County. Except as otherwise provided in subsection 4A.10.080 D., traffic and park impact fees for single or multi-family residential uses shall be paid to the County either at the time of recording of the final plat or prior to building permit issuance. Traffic impact fees for non-residential uses shall be paid to the County prior to final building inspection.
- C. Except as otherwise provided in subsection 4A.10.080 D., the Department of Planning and Land Services shall not issue the building permit for single or multi-family construction or conduct the final building inspection for non-residential construction unless and until the impact fees set forth in this Title have been paid in the amount that they exceed exemptions or credits provided pursuant to this Title.
- *D. *The owner/seller of single or multi-family residential property being constructed or improved for resale may request, at the time of submittal of a complete building permit application, that payment of traffic and park impact fees be deferred to the time of closing of sale or no later than 24 months after building permit issuance, whichever comes first. The request will be approved, provided the property owner agrees to the following:*
 - 1. *A lien payable to the County for the estimated amount of the deferred traffic and park impact fees plus accrued interest shall be recorded against the subject property prior to building permit issuance.*
 - 2. *At the time of building permit application, the property owner shall pay a non-refundable fee, the amount of which shall be determined by the Director, to cover all administrative costs incurred by the County to process the lien document, provided that this fee shall not exceed \$250.00 unless otherwise approved by the Council through ordinance. In addition, said property owner shall pay the costs of recording the lien and all other related costs.*
 - 3. *As consideration for the impact fee deferral, the property owner shall either be responsible for payment of interest on the deferred impact fees based on a rate of three percent (3%) per annum and accrued from the date of building permit issuance until the date of full payment of said impact fees or shall waive the right to recovery*

of fees not spent within the 6-year statutory timeframe. The consideration option to be utilized shall be specified by the property owner prior to the recording of the lien.

4. *The County shall be responsible for recording the lien with the Pierce County Auditor prior to building permit issuance.*
5. *The property seller shall be responsible for full payment of the deferred impact fees by the closing date of sale or, in any event, no later than two years from the date of building permit issuance. In no case shall building occupancy occur prior to the full payment of the deferred traffic and parks impact fees. Notice of the prohibition on occupancy shall be included on all certificates of occupancy issued by Pierce County. The actual amount of traffic and park impact fees to be paid will be based on the fee schedules in place at the time of building permit issuance.*
6. *Full payment of the deferred impact fees must be made prior to any segregation of the subject property.*
7. *Escrow/title companies shall collect both the traffic and park impact fees, as well as the cost of releasing the lien, from the sale proceeds at the time of closing and shall forward those funds to the County.*
8. *The County will release the lien after the County has confirmed payment of the deferred traffic and park impact fees.*

**This subsection shall sunset on December 31, 2013.*

- E. In the event that a property constructed or improved for resale is later proposed for lease or rental, all deferred impact fees applicable to the property pursuant to subsection 4A.10.080 D. shall become due and payable. Full payment of all deferred impact fees applicable to the subject property shall occur prior to occupancy. Upon confirmation of full payment of the deferred impact fees, Pierce County shall release the lien recorded against the property for the deferred impact fees.
- F. Failure to pay impact fees as required by this Title shall constitute a Class 1 infraction and shall be subject to penalty and enforcement as set forth within Chapter 1.16 PCC.
- G. Failure to comply with limitations on occupancy established pursuant to subsection 4A.10.080 D. shall constitute a violation of the Certificate of Occupancy and shall be subject to penalty and enforcement as set forth within Title 17C PCC.
- H. Pierce County may decline to allow a property owner to utilize the deferred impact fee payment option established pursuant to subsection 4A.10.080 D. for good cause.

Code Revisor's Note: Ordinance No. 2010-65s adopted interim regulations to subsection 4A.10.080 D. as shown by the italicized language. These interim regulations will sunset on December 31, 2013.

(Ord. 2010-65s § 1, 2010; Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.090 Impact Fee Adjustments, Independent Calculations.

- A. An applicant may request an adjustment to the impact fees determined according to the fee schedule set forth in this Title and kept on file with the Department of Planning and Land Services, by preparing and submitting to the affected School District (for school impact fees) or to the Parks and Recreation Services Department (for regional park impact fees) or to the County Engineer (for traffic impact fees) an independent fee calculation for the development activity for which a building permit is sought. The

documentation submitted shall show the basis upon which the independent fee calculation was made. Independent fee calculations for traffic impact fees shall use the same formulas and methodology used to establish the impact fees in this Title and shall be limited to adjustments in trip generation rates used in the Rate Study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.

1. If the District or Department agrees with the independent fee calculation, a written agreement shall be transmitted to the applicant and to PALS.
 2. If the District or Department does not agree with the independent fee proposal, the applicant may request a third party review. The third party reviewer will be randomly assigned by PALS from a roster of qualified individuals or agencies on file.
 - a. PALS shall develop the roster through an RFQ and contracting process.
 - b. The applicant shall pay the third party reviewer for services and the District and Department for analysis of the independent fee calculation.
 - c. While there is a presumption that the calculations set forth in a District's Capital Facilities Plan and/or the Capital Facilities Plan element of the County Comprehensive Plan are valid, the third party reviewer shall consider the documentation submitted by applicant and the analysis prepared by a District or Department, but is not required to accept documentation or analysis which the third party reasonably deems to be inaccurate or unreliable, and may, in the alternative, require the applicant or the District or Department to submit additional or different documentation for consideration.
 - d. The third party reviewer may adopt, reject, or revise the independent fee calculation after consideration of documentation submitted in support of or in opposition to the independent fee calculation, the specific characteristics of the development, principles of fairness, and/or other relevant information. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant, the District or Department, and the County.
- B. If, in the judgment of the County Engineer, none of the fee categories set forth in Chapter 4A.40 PCC accurately describes or captures the impacts of a new development on roads, the County Engineer may conduct independent fee calculations and the County Engineer 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 applicant.
- C. Determinations made pursuant to this Section may be appealed to the Examiner subject to the procedures set forth in PCC 4A.10.120 and Chapter 1.22 PCC.
- (Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.100 Credits.

- A. The applicant shall be entitled to a credit against the applicable impact fee for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the applicant, to facilities that are:
 1. Included within the capital facilities plan and identified as system improvements that are to be funded in part by impact fees; and
 2. At suitable sites and constructed at acceptable quality as determined by the County; and

3. Are completed, dedicated, or otherwise transferred to the County prior to the determination and award of a credit as set forth in this Section.
- B. No credit shall be given for project improvements.
- 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 District (for school impact fees) or County (for regional park or traffic impact fees). The appraiser must be licensed in good standing by the State of Washington for the category of the property 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 District (for school impact fees) or the Department (for regional park or traffic impact fees). The appraisal and review shall be at the expense of the applicant.
- E. After the effective date of this Chapter and required compliance with Chapter 4A.30 PCC, whenever a development activity is granted approval subject to a condition that the applicant actually provide school sites, school facilities, or improvements to school facilities that are identified in the Capital Facilities Plan, or whenever the applicant has agreed, pursuant to the terms of a voluntary agreement with the school District, to provide land, provide school facilities that are identified in the Capital Facilities Plan, or make improvements to existing facilities as in the Capital Facilities Plan, the applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by Chapter 4A.30 PCC. The land value or costs of construction shall be determined pursuant to Section 4A.10.100 B.
- F. After the effective date of this Chapter and required compliance with Chapter 4A.20 PCC, whenever a development activity is granted approval subject to a condition that the applicant actually provide regional park, open space passive recreation park, or linear trail park facilities that are identified in the Capital Facilities Plan, or whenever the applicant has agreed, pursuant to the terms of a voluntary agreement with the Parks and Recreation Services Department, to provide land for regional park, open space passive recreation park, or linear trail park facilities that are identified in the Capital Facilities Plan element, or make improvements to existing facilities as in the Capital Facilities Plan element, the applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by Chapter 4A.20 PCC. The land value or costs of construction shall be determined pursuant to Section 4A.10.100 B. PCC.
- G. Upon the effective date of this Chapter and required compliance with Chapter 4A.40 PCC, whenever a development is granted approval subject to a condition that road improvements that are identified in the Capital Facilities Plan be constructed or provided, or whenever the applicant has agreed, pursuant to the terms of a voluntary agreement with the Department of Public Works and Utilities, to donate or dedicate land for road facilities that are identified in the Capital Facilities Plan element, and which are included in the list of road projects that are used to determine the traffic impact fee, as listed in the Rate Study, the applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by Chapter 4A.40 PCC. The land value or costs of construction shall be determined pursuant to Section 4A.10.100 PCC.

- H. Pursuant to and consistent with the requirements of RCW 82.02.060, impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development.
 - I. An applicant can request that a credit or credits for impact fees be awarded to him/her for payments of user fees, debt service payments, taxes or other payments which were paid prior to the date the impact fee is imposed and were earmarked or proratable to the same system improvements for which the impact fee is imposed. For each request for a credit or credits for past tax payments for impact fees, the applicant shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular system improvement for which the impact fee is imposed.
 - J. After receiving the receipts for improvements, the appraisal of land value, the receipts and calculations of prior payments earmarked or proratable to the same system improvements for which the impact fee is imposed, the County Engineer 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 County before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.
 - K. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant shall forfeit such excess credit.
 - L. A claim for credit will be processed by the County using whichever of the following options is selected by the applicant:
 - 1. Claims for credits that are submitted prior to, or with an application for a building permit for which an impact fee will be due will be processed by the County before payment of the impact fee is due in order to allow any credit authorized by the County to reduce the amount of the impact fee; or
 - 2. Claims for credits that are submitted no later than one year after an application for a building permit for which an impact fee is due shall be processed by the County after the impact fee is paid in full, and any credit authorized by the County will be refunded to the owner within 180 days of receipt of the claim for credits.
 - M. Claims for credits that are submitted more than one year after an application for a building permit for which an impact fee is due are deemed to be waived and shall be denied.
 - N. Determinations made by the County Engineer pursuant to this Section shall be subject to appeal to the Examiner subject to the procedures set forth in Section 4A.10.120 and Chapter 1.22 PCC.
- (Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.110 Impact Fee Refunds.

- A. The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six years of receipt of school impact fees by a District, or the County's receipt of regional park and traffic impact fees, unless the Council has made a written finding that extraordinary or compelling reasons exist to extend the time for expending or encumbering the impact fees. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis.
- B. The County shall, through the Interlocal agreements authorized in Section 4A.10.050 PCC, provide for Districts to refund fees according to the requirements of this Section and RCW 82.02.080.
 1. The designated District shall notify potential claimants by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the County tax records.
 2. An owner's request for a refund must be submitted to the superintendent of the appropriate District (regarding school impact fees) in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later.
- C. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one year period, shall be retained and expended consistent with the provisions of this Section.
- D. Refunds of impact fees shall include any interest earned on the impact fees.
- E. Should the County seek to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the County shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the County tax records. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the County, but must be expended for the original purposes, consistent with the provisions of this Section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.
- F. An applicant may request and shall receive a refund, including interest earned on the impact fees, when:
 1. The applicant does not proceed to finalize the development activity as required by statute or County Code or the current Building Code adopted by Title 17C, and
 2. The District or the County has not expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the District or the County has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the County in writing and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The County shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in PCC 4A.10.120 and Chapter 1.22 PCC.

G. The amount to be refunded shall include the interest earned by this portion of the account from the date that it was deposited into the Impact Fee Fund.
(Ord. 2009-48s2 § 3 (part), 2010; Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.120 Appeals and Payments Under Protest.

- A. An appeal of the decision of the County, the third party reviewer, or the Hearing Examiner with regard to the imposition of an impact fee or fee amounts may be filed by the applicant or the District by making application and paying the appropriate fee at PALS. Any appeal shall follow the appeal process for the underlying permit and not be subject to a separate appeal process.
- B. Any applicant 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 under protest.
- C. Further appeals of a decision under this Title shall be considered by Pierce County according to procedures in Chapter 1.22 PCC, provided that appeals regarding the impact fees may only be filed by the applicant for the property where such development activity will occur, the County or the District.
- D. The Hearing Examiner is authorized to make Findings of Fact regarding the applicability of the impact fees to a given development activity, including the land use category used, and trip generation rates applied for traffic impact fees, the availability or amount of credit, or the accuracy or applicability of an independent fee calculation.
(Ord. 2006-60s § 1 (part), 2006; Ord. 96-105S2 § 1 (part), 1996)

4A.10.130 Council Review of Impact Fees.

- A. Computation and Schedules. The fee schedules set forth in Chapters 4A.20, 4A.30 and 4A.40 PCC shall be reviewed by the Council as it deems necessary and appropriate in conjunction with the annual update of the Capital Facilities Plan element of the County's Comprehensive Plan.
- B. The traffic impact fee schedule set forth in Chapter 4A.40 PCC shall be updated and revised no more than five years after the effective date of Chapter 4A.40 PCC, or five years after the most recent review by the Council, whichever is later.
- C. Any changes to impact fees shall be brought forth by ordinance following adoption of the County Capital Facility Plan and any review of impact fees pursuant to this Section. Cost of living adjustments to impact fees and/or Maximum Fee Obligations shall be considered consistent with the relevant provisions in Sections 4A.20.020, 4A.30.020, and 4A.40.020.
(Ord. 2010-18s § 1, 2010; Ord. 2006-60s § 1 (part), 2006; Ord. 96-105S2 § 1 (part), 1996)

4A.10.140 Administrative Fees.

- A. The County's general administrative cost for processing the impact fees and associated accounting and record keeping for school, regional park, and traffic impact fees shall be a one time charge of \$50.00 per dwelling unit, and a one time charge of \$50.00 per application for non-residential development.
- B. The cost of administering the impact fee program for traffic impact fees shall also include an amount equal to three percent of the amount of the traffic impact fee calculated in the Rate Study. The administrative fee shall be deposited into an administrative fee account within the Traffic Impact Fee Fund. Administrative fees shall

be used to defray the cost incurred by the County in the administration and update of the traffic impact fee program, including, but not limited to, review of independent fee calculations and the value of credits. The administrative fee is not creditable or refundable under Sections 4A.10.100 and 4A.10.110 of this Chapter.

- C. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the County at the same time as the impact fee is paid.

(Ord. 2006-60s § 1 (part), 2006; Ord. 96-122S § 1 (part), 1996; Ord. 96-105S2 § 1 (part), 1996)

4A.10.150 Severability.

If any provision of this Title or its application to any person or circumstance is held invalid or unenforceable for any reason, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected. (Ord. 2006-60s § 1 (part), 2006; Ord. 96-105S2 § 1 (part), 1996)

4A.10.160 Existing Authority Unimpaired.

Nothing in this Title shall preclude the County from requiring the applicant 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. (Ord. 2006-60s § 1 (part), 2006)

4A.10.170 Administrative Guidelines.

The County Engineer shall be authorized to adopt internal guidelines for the administration of traffic impact fees, which may include the adoption of a procedures guide for traffic impact fees. (Ord. 2006-60s § 1 (part), 2006)

Chapter 4A.20

IMPACT FEES – PARKS

Sections:

- 4A.20.010 Regional Park Impact Fees.**
- 4A.20.020 Impact Fee Calculations.**
- 4A.20.030 Impact Fee Schedule.**

4A.20.010 Regional Park Impact Fees.

- A. Regional park impact fees shall be used for development of regional parks, open space passive recreation parks, and linear trail parks to serve new growth and development in Pierce County.
- B. Within the Regional Park Service Area, which includes all unincorporated areas of Pierce County, a regional park impact fee shall be assessed as shown in Section 4A.20.030 for regional parks, open space passive recreation parks, and linear trail parks.
- C. Information on the existing and planned acreage devoted to a particular park use or type shall be found in the most recent inventory of parks as found in the Capital Facilities Plan element of the Comprehensive Plan for Pierce County.

(Ord. 96-122S § 2 (part), 1996)

4A.20.020 Impact Fee Calculations.

- A. The impact fee schedule is calculated based upon the formula set forth in this Section. The formula is the County's determination of the appropriate proportionate share of the costs of regional parks, open space passive recreation parks, and linear trail parks capital facilities needed to serve new growth and development to be funded by regional park impact fees.
- B. The impact fee schedule, as enacted, includes a Maximum Fee Obligation. The actual fee obligation is the lesser of the Fee Calculation or the Maximum Fee Obligation.
- C. Separate fees shall be established for single-family and multi-family types of dwelling units. For purposes of this Title, mobile homes shall be subject to the single-family dwelling unit fee and duplexes and zero lot line homes shall be subject to the multi-family dwelling units fee.
- D. Effective January 1, 2002, the Maximum Fee Obligation shall be adjusted annually according to the Consumer Price Index for the Seattle/Tacoma/Bremerton Standard Metropolitan Statistical Area, using the first half of 1997 as the base value. Each year, this adjustment shall be brought forth by ordinance following adoption of the County Capital Facility Plan and any review of impact fees pursuant to Section 4A.10.030 A. The most recently published index shall be used to adjust the fee obligation for the following year.
- E. The park impact fee schedule shown in the table under Section 4A.20.030 A. shall be calculated using the following formula for land acquisition and facility construction:

$$PIF = A \times HS \times \left[\frac{LOS^{REG} \times AC^{REG}}{1000} + \frac{LOS^{OS} \times AC^{OS}}{1000} + \frac{LOS^{LT} \times AC^{LT}}{1000} \right] - CR$$

Where:

- "PIF" means regional park impact fee per dwelling unit, expressed in dollars.
 - "HS" means the average household size, estimated as 2.5 persons per household.
 - "A" means an adjustment for the portion of anticipated additional tax revenues resulting from a development which is proratable to system improvements contained in the Capital Facilities Plan. Such adjustment for park impacts is determined to be 5 percent, so that "A" equals 95 percent.
 - "LOS^{REG}" means the adopted level-of-service standard for regional parks as found in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment.
 - "LOS^{OS}" means the adopted level-of-service standard for open space passive recreation parks as found in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment.
 - "LOS^{LT}" means the adopted level-of-service standard for linear trail parks as found in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment.
 - "AC^{REG}" means the acre cost or the per acre cost to acquire raw land for regional park use, including but not limited to, purchase price, appraisal, surveying, taxes and recording fees, as shown in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment.
 - "AC^{OS}" means the acre cost or the per acre cost to acquire raw land for open space passive recreation park use, including but not limited to, purchase price, appraisal, surveying, taxes and recording fees, as shown in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment.
 - "AC^{LT}" means the acre cost or the per acre cost to acquire raw land for linear trail park use, including but not limited to, purchase price, appraisal, surveying, taxes and recording fees, as shown in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment.
 - "CR" means a credit per dwelling unit for dedication of land or facilities pursuant to Section 4A.10.100.
- F. When the capacity analysis for a given type of park (regional park, open space passive recreation park, or linear trail park) shows that no new capital projects are needed to address expected growth and development within the six-year planning period, as shown in the Capital Facilities Element of the Comprehensive Plan for Pierce County in effect at the time of impact fee assessment, then the corresponding level-of-service (LOS) and acre cost (AC) shall be eliminated from the impact fee calculation.
- G. The Level of Service used to calculate impact fees for the Park Impact Fees Schedule shall be updated with the amendments to the Capital Facilities Plan element of the Pierce County Comprehensive Plan. Any impact fee shall be based on the Capital Facilities Plan in effect when the fee is assessed.
- H. The Maximum Fee Obligation in this Section continues until adjusted by Ordinance. (Ord. 2001-93s § 1 (part), 2001; Ord. 2000-19S § 1, 2000; Ord. 96-122S § 2 (part), 1996)

4A.20.030 Impact Fee Schedule

A. Regional park impact fees are hereby established for the noted residential uses as follows:

| Land Use Type | Fee Calculation | Maximum Fee Obligation Effective 01/01/08 |
|----------------------------------|------------------------|--|
| Detached single-family, per unit | \$792 | \$355 |
| Multi-family, per unit | \$792 | \$180 |

(Ord. 2008-82s § 1, 2008; Ord. 2007-107 § 1, 2007; Ord. 2006-120 § 1, 2006; Ord. 2003-126s § 1, 2003; Ord. 2002-119s § 1, 2002; Ord. 2001-93s § 1 (part), 2001; Ord. 2000-19S § 2, 2000; Ord. 96-122S § 2 (part), 1996)

Chapter 4A.30

SCHOOL IMPACT FEES

Sections:

- 4A.30.010 School District Capital Facilities Plan.**
- 4A.30.020 Impact Fee Calculations.**
- 4A.30.030 School Impact Fee Schedule.**

4A.30.010 School District Capital Facilities Plan.

- A. Prior to the collection of impact fees for a School District and on regular basis thereafter, a School District seeking imposition by the County of an impact fee shall submit according to the established Comprehensive Plan amendment process in Chapter 19C.10, a Capital Facilities Plan adopted by the District's Board of Directors.
- B. School Districts must update their Plans regularly so that the adopted Plans, submitted to the County, maintain at least a six-year forecast of needs and a six-year plan for funding, and provide at a minimum the information required by RCWs 36.70A.070(3), 82.02.050, 82.02.060, and this Title, including but not limited to:
 - a. An inventory of existing capital facilities, showing locations and capacities of the facilities.
 - b. District service standards.
 - c. Identification of additional facility improvements required to serve new development.
 - d. Identification of existing deficiencies and the means by which existing deficiencies will be eliminated within a reasonable time.
 - e. The proposed locations and capacities for expanded or new capital facilities.
 - f. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
 - g. Based on the preceding information, the Impact Fee Calculations for the District, for single-family and multi-family dwelling units, using the formula and definitions in this Title (Table 4A-1), with information required by Chapter 82.02 RCW.
- C. In conjunction with the process for review of the Capital Facilities Plan Element of the County Comprehensive Plan, the County shall review the School District's Capital Facilities Plans and Plan amendments, and any County implementing fee ordinances to ensure that the Plan element and fee schedules reflect current conditions and address at least the minimum requirements of Chapters 36.70A and 82.02 RCW.
- D. The County shall adopt the School District's adopted Capital Facilities Plan and Plan amendments as part of the Capital Facilities Plan element of the County Comprehensive Plan prior to the imposition of an impact fee.

(Ord. 2001-93s § 3, 2001; Ord. 96-105S2 § 1 (part), 1996)

4A.30.020 Impact Fee Calculations.

- A. The impact fee schedule is calculated based upon the formula set forth in Table 4A-1. The formula in Table 4A-1 is the County's determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees.

- B. The impact fee schedule, as enacted, includes a Maximum Fee Obligation. The actual fee obligation is the lesser of the Fee Calculation or the Maximum Fee Obligation.
- C. Separate fees shall be calculated for single-family and multi-family types of dwelling units, because of their different impact on school facilities. Separate student generation rates (student factor) must be determined by the District for each type of dwelling unit. For purposes of this Title, mobile homes shall be subject to the single-family dwelling unit fee and duplexes and zero lot line homes shall be subject to the multi-family dwelling units fee.
- D. Effective January 1, 2002, the Maximum Fee Obligation shall be adjusted annually, as indicated:
 - 1. In 2002-2004, the Maximum Fee Obligations shall be adjusted according to the Consumer Price Index for the Seattle/Tacoma/Bremerton Standard Metropolitan Statistical Area, using the first half of 1997 as the base value.
 - 2. In 2005, the Maximum Fee Obligation shall be increased by 25 percent from the 2004 Maximum Fee Obligation. In 2006, the Maximum Fee Obligation shall be increased by 25 percent from the 2005 Maximum Fee Obligation. In 2005 and 2006, the Maximum Fee Obligation shall not be adjusted according to the Consumer Price Index.
 - 3. Beginning January 2007, the Maximum Fee Obligation shall be adjusted annually according to the Consumer Price Index for the Seattle/Tacoma/Bremerton Standard Metropolitan Statistical area, using January 2006 as the base year. The most recently published index shall be used to adjust the fee obligation for the following year.
 - 4. Each year, the adjustment shall be brought forth by ordinance in conjunction with adoption of the County Capital Facility Plan and any review of impact fees pursuant to Section 4A.10.030 A.
- E. The Fee Calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the District currently used for instructional purposes.
- F. The formula in Table 4A-1 also provides for a credit for school sites or facilities actually provided by a fee payer which are included in a School District Capital Facilities Plan and that are required by the County as a condition of development approval.
- G. The Maximum Fee Obligation in this Chapter continues until adjusted by ordinance.
(Ord. 2004-94s § 1, 2004; Ord. 2001-93s § 2 (part), 2001; Ord. 96-105S2 § 1 (part), 1996)

4A.30.030 School Impact Fee Schedule.

| SCHOOL DISTRICT | PER SINGLE-FAMILY DWELLING UNIT | | PER MULTI-FAMILY DWELLING UNIT | |
|-----------------|--|---|--|---|
| | School District Fee Calculation for 2010 | 2010 Impact Fee (Maximum Fee Obligation Effective 1/01/10 is \$3,005) | School District Fee Calculation for 2010 | 2010 Impact Fee (Maximum Fee Obligation Effective 1/01/10 is \$1,585) |
| Bethel | \$8,211 | \$3,005 | \$6,113 | \$1,585 |
| Carbonado | \$4,280 | \$3,005 | \$1,141 | \$1,145 |
| Dieringer | \$8,255 | \$3,005 | \$205 | \$205 |
| Eatonville | \$4,497 | \$3,005 | \$2,404 | \$1,585 |
| Fife | \$2,903 | \$2,905 | \$1,660 | \$1,585 |
| Franklin Pierce | \$10,032 | \$3,005 | \$4,530 | \$1,585 |
| Orting | \$3,675 | \$3,005 | \$52 | \$55 |
| Peninsula | \$8,652 | \$3,005 | \$4,795 | \$1,585 |
| Puyallup | \$13,334 | \$3,005 | \$3,289 | \$1,585 |
| Steilacoom | \$2,302 | \$2,305 | 0 | 0 |
| Sumner | \$1,298 | \$1,300 | 0 | 0 |
| White River | \$3,264 | 0 | \$1,600 | 0 |
| Yelm | \$5,978 | \$3,005 | \$3,063 | \$1,585 |

TABLE 4A-1

Given the following variables:

A = Full cost fee for site acquisition costs = A1+A2+A3

A1 = Elementary School site cost per student x the student factor

A2 = Middle School site cost per student x the student factor

A3 = High School site cost per student x the student factor

B = Full cost fee for school construction = B1+B2+B3

B1 = Elementary School construction cost per student x the student factor

B2 = Middle School construction cost per student x the student factor

B3 = High school construction cost per student x the student factor

C = Full cost fee for temporary facilities construction = C1+C2+C3

C1 = Elementary School temporary facility cost per student x the student factor

C2 = Middle School temporary facility cost per student x the student factor

C3 = High School temporary facility cost per student x the student factor

D = State Match Credit = D1+D2+D3

D1 = Cost Index x SPI square footage per student for elementary school x state match % x student factor

D2 = Cost Index x SPI square footage per student for middle school x state match % x student factor

D3 = Cost Index x SPI square footage per student for high school x state match % x student factor

TC = Tax payment credit = the net present value of the Average Assessed Value for the Dwelling Unit type in the School District,

$\frac{[(1+i)^n] - 1}{i(1+i)^n}$ X Current School District capital property tax levy rate X Average assessed value for the dwelling unit within a school district (calculate separately for single family and multi-family dwelling units)

Where:

i = the current interest rate for outstanding bond issues

n = number of years left before the bond or capital levy is retired, up to a maximum of 10 years.

FC = Facilities Credit = the per-dwelling-unit value of any site or facilities provided directly by the development.

FC = $\frac{\text{Value of fee payer's contribution}}{\text{number of dwelling units in the development}}$

Then the Unfunded Need (UN):

UN = A+B+C-D-TC-FC

The Fee Obligation:

Total Unfunded Need x 50% = Fee Calculation

The Fee Obligation is the lesser of the Fee Calculations or the Maximum Fee Obligation in this Chapter.

WHERE:

- A. **"Capacity"** means the number of students a School District's facilities can accommodate district-wide at each grade span, based on the District's adopted level of service.
- B. **"Classrooms"** means educational facilities of the District required to house students for its basic educational program. The classrooms are those facilities the District determines are necessary to serve its student population. Specialized facilities identified by the District, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, special education classrooms not suitable for general use because of design or equipment needs, and child day care centers, shall not be counted as classrooms.

- C. **"Construction Cost Per Student"** means the estimated cost of construction of a permanent school facility in the District for the grade span of school to be provided, as a function of the District's design standard per grade span and taking into account the requirements of students with special needs. A District shall establish construction costs based upon the District's experience with comparable projects, adjusted for inflation, or the cost of similar projects in other districts.
- D. **"Cost Index"** means the area cost allowance for school construction determined under WAC 180-27-060.
- E. **"Facilities Credit"** means the value of any site, school facilities, or monetary compensation the District has agreed to accept as an off-set against a school impact fee from a fee payer regarding the development activity.
- F. **"Grade Span"** means the categories into which a District groups its grades of students; i.e., elementary, middle or junior high school, and high school.
- G. **"Level of Service (for schools)"** means the standard adopted by each District that identifies the program year, the class size by grade span, and taking into account the requirements of students with special needs, the number of classrooms presently available of facilities the District believes will best serve its student population, the student population for new school facilities per grade span, and other factors as identified by the School District. Unless a District adopts by board resolution a standard of service that specifically deems all or any portion of its relocatable facilities to be permanent facilities, a District's standard of service shall not include any classrooms or other educational facilities housed in relocatable facilities or in transitional facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities, including relocatable facilities or leased space, that are used to cover the time required for the construction of permanent facilities called for in the Capital Facilities Plan.
- H. **"Permanent Facilities"** means facilities of the District with a fixed foundation that are not relocatable facilities.
- I. **"Relocatable or Temporary Facilities"** means any factory built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the over-building of school facilities, to meet the needs of service areas within a District, or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.
- J. **"Relocatable or Temporary Facilities Cost Per Student"** means the estimated cost of purchasing and siting a relocatable facility in the District for the grade span of school to be provided, as a function of the District's design standard per grade span and taking into account the requirements of students with special needs.
- K. **"Site Cost Per Student"** means the estimated cost of a site in the District for the grade span of school to be provided as a function of the District's design standard per grade span and taking into account the requirements of students with special needs. A District shall determine site costs based on past experience or the acquisition costs for similar sites in comparable School Districts.
- L. **"SPI Square Footage Per Student"** means the space allocations per grade span determined by WAC 180-27-035. State Board of Education.
- M. **"State Matching Credit"** means the calculation set forth in Attachment A of the District's Boeckh Index times SPI square footage per student per grade span times state match percentage times applicable student factor.

- N. **"State Match Percentage"** means the percentage of school construction costs for which a District is eligible to receive state funding pursuant to RCW 28A.525.166 and the rules of the
- O. **"State Matching Credit"** means the calculation set forth in Attachment A of the District's Boeckh Index times SPI square footage per student per grade span times state match percentage times applicable student factor.
- P. **"Student Factor"** means the number derived by a School District to describe how many students of each grade span are expected to be generated by development activity. Student factors shall be based on District records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; provided that, if such information is not available in the District or if there are no developments in the District similar to that being proposed, the District may use data from districts with similar demographics, or, if no other data sources are reasonably available, county-wide averages.

Student factors shall be separately determined for single family dwelling units and dwelling units within multi-family residences. For purposes of this Chapter, mobile homes shall be considered single family residences.

- Q. **"Tax Payment Credit or 'TC'"** means the calculation set forth in Attachment A of the District's average real property tax determined value for single family dwelling units or multi-family dwelling units times the District's capital property tax rate as adjusted by the current interest rate for any bonds being retired by a capital tax and the number of years each capital levy tax shall be imposed, up to ten years. The District's capital tax rate consists of authorized tax levies to retire bonded indebtedness incurred for School District capital purposes under Chapter 28A.530 RCW and school facility levies for construction, remodeling, and modernization under RCW 84.52.053.

(Ord. 2010-42 § 1, 2010; Ord. 2009-93 § 2, 2009; Ord. 2008-82s § 2, 2008; Ord. 2007-107 § 2, 2007; Ord. 2006-109s § 1, 2006; Ord. 2004-94s § 2, 2004; Ord. 2003-126s § 2, 2003; Ord. 2002-119s § 2, 2002; Ord. 2001-93s § 2 (part), 2001; Ord. 99-129 § 1 1999; Ord. 98-106 § 1, 1998; Ord. 98-8 § 1, 1998; Ord. 96-105S2 § 1 (part), 1996)

Chapter 4A.40

TRAFFIC IMPACT FEES

Sections:

- 4A.40.010 Traffic Impact Fees and Service Areas.**
- 4A.40.020 Formulas and Methodology.**
- 4A.40.030 Traffic Impact Fee Schedule.**

4A.40.010 Traffic Impact Fees and Service Areas.

- A. Traffic impact fees shall be used for development of roads identified in the County's Capital Facilities Plan and within designated Transportation Service Areas which create a nexus between new growth and development and the roads that serve those areas.
- B. Twelve Pierce County Transportation Service Areas are identified and mapped in the Pierce County Traffic Impact Fee Rate Study. Figure 4A.40.010-1 is a map generally illustrating the Pierce County Transportation Service Areas.

(Ord. 2006-60s § 1 (part), 2006)

4A.40.020 Formulas and Methodology.

- A. The traffic impact fee schedules in this Chapter are generated from the formulas and methods for calculating impact fees set forth in the Rate Study, which is incorporated herein by reference. Except as otherwise provided for by independent fee calculations in Section 4A.10.090 PCC, inapplicability or exemptions in Section 4A.10.010 PCC, and credits in Section 4A.10.100 PCC, all new developments in the County will be charged the traffic impact fee applicable to the type of development.
- B. Separate fee rates are established for various types of residential, commercial and industrial land use types based on traffic generation and impact on roads.
- C. Any changes to impact fees shall be brought forth by ordinance following adoption of the County Capital Facility Plan and any review of impact fees pursuant to PCC 4A.10.130.
- D. At the end of any 12-month period in which the fee schedule is not updated in accordance with Section 4A.10.130 B., the traffic impact fee schedule shall be adjusted by the same amount as the percentage change in the Seattle-Tacoma area Consumer Price Index, for the most recent 12-month period prior to the date of the adjustment, subject to approval by the Council. Each year this adjustment shall be brought forth by ordinance for consideration by the Council concurrent with the annual adoption of the Pierce County Budget. The Consumer Price Index for the Seattle/Tacoma/Bremerton Standard Metropolitan Statistical Area for the first half of 2010 shall serve as the base value from which adjustment shall be calculated with the first such adjustment to be considered no earlier than the second half of 2011. In addition, the Department of Public Works and Utilities shall prepare an annual report on the changing costs of engineering, right-of-way, and construction of County roadways. This report shall provide an overview of the change in costs for the prior 12-month period and shall be forwarded to the Council for consideration. If this report indicates that the change in costs substantially exceed that which is reported by the Consumer Price Index, the Council may elect to adjust the traffic impact fee schedule to better reflect these cost increases.

- E. It is recognized that the establishment and construction of a new "Rhodes Lake Road E corridor" is a very important component of the regional transportation system associated with access to and from the Bonney Lake plateau. It is noted that this new corridor is included in the future road network utilized for modeling of the County's future road traffic which provides the basis for this traffic impact fee program. It is also recognized, however, that this new corridor is currently not included as a project in this traffic impact fee program because it is currently in the corridor establishment process and therefore does not have an alignment or cost associated with it. The corridor establishment process includes identification and analysis of alternative alignment corridors including documentation of environmental impacts and potential mitigation associated with each of the different alternatives. Following completion of the alternatives analysis and Environmental Impact Statement (EIS), a report will be prepared identifying the preferred corridor alignment as well as the costs associated with construction of a new road along the new corridor alignment. Council may then pass an ordinance formally establishing a new road corridor. If Council passes such an ordinance, the construction and complete funding of a new "Rhodes Lake Road E corridor" will be included in the first update to this traffic impact fee program. As a contingency, the County anticipates that non traffic impact fee funds, including but not limited to grants, county road funds, fuel taxes, and similar types of funding in the amount of \$20 million, will be allocated to this corridor. At the time of first program update, the entire traffic impact fee program and traffic impact fee rate schedule will be updated to take into account new and/or deleted projects (including this corridor), updated cost estimates and updated funding scenarios.
- F. Equally important to the regional and County transportation system are those additional arterial roads that were included in the future road network utilized for modeling of the County's future road traffic which provides the basis for this traffic impact fee program. These roads are identified in Table 2-4 of the Traffic Impact Fee Rate Study and include 70th Ave E from 176th St E to 184th St E, 86th Ave E from 184th St E to 192nd St E, 122nd Ave E from 187th St E to 200th St E, 136th St E from 62nd Ave E to Woodland Ave E, 160th St E from SR 161 to 110th Ave E, 168th St E from Gem Heights Dr E to SR 161, 187th St E from 122nd Ave E to SR 161, 192nd St E from 86th Ave E to 92nd Ave E, 198th Ave E from 120th St E to Rhodes Lake Rd E, 198th Ave E from 144th St E to 120th St E, 198th Ave E/199th Ave Ct E/200th Ave Ct E from Rhodes Lake Rd E to South Prairie Rd E, and Lakeland Hills Way E from Lake Tapps Parkway E to Forest Canyon Rd E. It is recognized that these projects also will require funding from various sources including, but not limited to, project specific developer funding, traffic impact fees, grants, county road funds, fuel taxes, and other similar types of funding. At the time of first program update, the entire traffic impact fee program and traffic impact fee rate schedule will be updated to take into account new and/or deleted projects, updated cost estimates and updated funding scenarios.
- G. A separate traffic impact fee will be charged for development occurring in TSA "9" (Anderson, Ketron, and McNeil Islands). The basis for this separate traffic impact fee is ferry projects associated with the extension of the existing queuing lanes on Anderson Island and in the City of Steilacoom. This project is included as capacity projects in the 2006 update to the County Capital Facilities Element of the Pierce County Comprehensive Plan and is estimated to cost \$650,000. It is estimated that new development is responsible for \$600,000 of the total \$650,000 cost of the project. Table 3-1 of the Traffic Impact Fee Rate Study identifies an estimated 935 new trip ends over a

20-year period yielding a traffic impact fee rate of \$481.28 per trip end. Recognizing that this traffic impact fee rate greatly exceeds the rates for all other TSAs in the County, the traffic impact fee rate for TSA "9" is set to match the highest TSA traffic impact fee rate in the County. One hundred percent of the traffic impact fee funds collected in TSA "9," less the fund distribution as identified in Table 3-2 of the Traffic Impact Fee Rate Study, shall be deposited in the account for TSA "9" and utilized for the ferry projects identified in this Section.

(Ord. 2010-18s § 2, 2010; Ord. 2006-60s § 1 (part), 2006)

4A.40.030 Impact Fee Schedule.

Traffic impact fees are hereby established for land use types and Transportation Service Areas as follows:

Traffic Impact Fee Schedule

Impact Fee Rate per Land Use Unit (\$\$)

| LAND USE | LUC ¹ | UNIT OF MEASURE | TSA 1 | TSA 2 ⁶ | TSA 3 ⁶ | TSA 4 ⁶ | TSA 5 ⁶ | TSA 6 | TSA 7 | TSA 8 | TSA 9 ⁷ | TSA 10 ⁶ | TSA 11 ⁶ | |
|--|------------------|-----------------|---------------------------|--------------------|--------------------|--------------------|--------------------|------------------|------------------|-----------------|--------------------|---------------------|---------------------|----------------|
| Residential | | | Cost per Trip > | \$ 160.00 | \$ 130.03 | \$ 324.65 | \$ 351.94 | \$ 167.84 | \$ 161.36 | \$ 15.41 | \$ 236.83 | \$ 351.94 | \$ 117.23 | \$ 9.65 |
| Single Family ² | 210 | Dwelling | 1,527.08 | 1,241.08 | 3,098.65 | 3,359.07 | 1,601.97 | 1,540.13 | 147.12 | 2,260.42 | 3,359.07 | 1,118.95 | 92.14 | |
| Multi Family (incl. duplex, condos) ² | 220,221,230,233 | Dwelling | 908.49 | 738.34 | 1,843.45 | 1,998.37 | 953.04 | 916.25 | 87.52 | 1,344.77 | 1,998.37 | 665.68 | 54.81 | |
| Assisted Living | 252 | Dwelling | 224.63 | 182.56 | 455.81 | 494.12 | 235.65 | 226.55 | 21.64 | 332.51 | 494.12 | 164.60 | 13.55 | |
| Mobile Home Park | 240 | Dwelling | 568.78 | 462.26 | 1,154.14 | 1,251.14 | 596.68 | 573.65 | 54.80 | 841.93 | 1,251.14 | 416.77 | 34.32 | |
| Commercial - Services | | | | | | | | | | | | | | |
| Bank with drive-up window | 912 | SF GFA | 9.94 | 8.08 | 20.17 | 21.86 | 10.43 | 10.02 | 0.96 | 14.71 | 21.86 | 7.28 | 0.60 | |
| Bank | 911 | SF GFA | 8.41 | 6.84 | 17.07 | 18.50 | 8.82 | 8.48 | 0.81 | 12.45 | 18.50 | 6.16 | 0.51 | |
| Day Care Center | 565 | SF GFA | 6.47 | 5.26 | 13.12 | 14.23 | 6.79 | 6.52 | 0.62 | 9.57 | 14.23 | 4.74 | 0.39 | |
| Library | 590 | SF GFA | 3.69 | 3.00 | 7.49 | 8.12 | 3.87 | 3.73 | 0.36 | 5.47 | 8.12 | 2.71 | 0.22 | |
| Post Office | 732 | SF GFA | 7.40 | 6.01 | 15.02 | 16.28 | 7.76 | 7.46 | 0.71 | 10.95 | 16.28 | 5.42 | 0.45 | |
| Hotel/Motel | 310,320 | Room | 894.22 | 726.74 | 1,814.49 | 1,966.98 | 938.07 | 901.86 | 86.15 | 1,323.64 | 1,966.98 | 655.22 | 53.95 | |
| Service Station/Gasoline Sales ³ | 944 | VFP | 2,804.60 | 2,279.33 | 5,690.91 | 6,169.19 | 2,942.14 | 2,828.57 | 270.19 | 4,151.43 | 6,169.19 | 2,055.03 | 169.21 | |
| Quick Lubrication Vehicle Shop | 941 | Service Bay | 1,855.95 | 1,508.36 | 3,765.98 | 4,082.48 | 1,946.97 | 1,871.81 | 178.80 | 2,747.22 | 4,082.48 | 1,359.92 | 111.98 | |
| Auto Care Center | 942 | SF GLA | 2.47 | 2.01 | 5.01 | 5.43 | 2.59 | 2.49 | 0.24 | 3.66 | 5.43 | 1.81 | 0.15 | |
| Racquet Club/Health Club | 491,492,493 | SF GFA | 2.55 | 2.07 | 5.18 | 5.61 | 2.68 | 2.57 | 0.25 | 3.78 | 5.61 | 1.87 | 0.15 | |
| Marina | 420 | Berth | 425.59 | 345.88 | 863.58 | 936.16 | 446.46 | 429.23 | 41.00 | 629.97 | 936.16 | 311.84 | 25.68 | |
| Commercial - Institutional | | | | | | | | | | | | | | |
| Nursing Home | 620 | Bed | 165.60 | 134.58 | 336.02 | 364.26 | 173.72 | 167.01 | 15.95 | 245.12 | 364.26 | 121.34 | 9.99 | |
| Elementary School/Jr. High School | 520,522 | SF GFA | 1.19 | 0.97 | 2.42 | 2.63 | 1.25 | 1.20 | 0.12 | 1.77 | 2.63 | 0.88 | 0.07 | |
| High School | 530 | SF GFA | 1.22 | 1.00 | 2.49 | 2.69 | 1.29 | 1.24 | 0.12 | 1.81 | 2.69 | 0.90 | 0.07 | |
| University/College | 540,550 | Student | 362.93 | 294.96 | 736.44 | 798.34 | 380.73 | 366.04 | 34.96 | 537.22 | 798.34 | 265.93 | 21.90 | |
| Church | 560 | SF GFA | 0.94 | 0.76 | 1.91 | 2.07 | 0.99 | 0.95 | 0.09 | 1.39 | 2.07 | 0.69 | 0.06 | |
| Hospital | 610 | SF GFA | 1.89 | 1.53 | 3.83 | 4.15 | 1.98 | 1.90 | 0.18 | 2.79 | 4.15 | 1.38 | 0.11 | |
| Commercial - Restaurant | | | | | | | | | | | | | | |
| Quality Restaurant | 931 | SF GFA | 4.66 | 3.79 | 9.46 | 10.26 | 4.89 | 4.70 | 0.45 | 6.90 | 10.26 | 3.42 | 0.28 | |
| High Turnover Restaurant | 932 | SF GFA | 5.82 | 4.73 | 11.81 | 12.80 | 6.10 | 5.87 | 0.56 | 8.61 | 12.80 | 4.26 | 0.35 | |
| Fast Food Restaurant with drive/thru | 934 | SF GFA | 11.11 | 9.03 | 22.55 | 24.44 | 11.66 | 11.21 | 1.07 | 16.45 | 24.44 | 8.14 | 0.67 | |
| Industrial | | | | | | | | | | | | | | |
| Light Industrial | 110 | SF GFA | 1.37 | 1.12 | 2.79 | 3.02 | 1.44 | 1.39 | 0.13 | 2.03 | 3.02 | 1.01 | 0.08 | |
| Heavy Industrial | 120 | SF GFA | 0.30 | 0.24 | 0.60 | 0.65 | 0.31 | 0.30 | 0.03 | 0.44 | 0.65 | 0.22 | 0.02 | |
| Industrial Park | 130 | SF GFA | 1.37 | 1.12 | 2.78 | 3.02 | 1.44 | 1.38 | 0.13 | 2.03 | 3.02 | 1.01 | 0.08 | |
| Manufacturing | 140 | SF GFA | 0.75 | 0.61 | 1.53 | 1.66 | 0.79 | 0.76 | 0.07 | 1.12 | 1.66 | 0.55 | 0.05 | |
| Warehousing/Storage | 150 | SF GFA | 0.98 | 0.79 | 1.98 | 2.15 | 1.03 | 0.99 | 0.09 | 1.45 | 2.15 | 0.72 | 0.06 | |
| Mini Warehouse | 151 | SF GFA | 0.21 | 0.17 | 0.42 | 0.45 | 0.22 | 0.21 | 0.02 | 0.30 | 0.45 | 0.15 | 0.01 | |

TSA = Transportation Service Area

1) Land Use Code - Reference TRIP GENERATION, 7th Edition, Institute of Transportation Engineers; 2) Use 50% of values shown for Senior/Retirement restricted residential developments; 3) With or Without Minimart (not to exceed 1,000 S.F.) and/or Carwash (Fuel is Primary Use); 4) Single Store per Site, 50,000 S.F. Maximum; 5) If Gasoline Sales included on-site, use 50% of Gasoline Sales New Trip Rate times number of fueling positions to calculate additional trips; 6) The traffic impact fee rates and corresponding fees for the varying land uses for TSAs 2, 3, 4, 5, 10 and 11 have been increased by 2% from those identified in the rate study (Exhibit "B"). The 2% increase is for the inclusion of funding for the cost of continuous street illumination along urban arterial roadways proposed for three or more lanes within the traffic impact fee program and the designated TSAs. This increase was made based on an approved amendment of the Council EID Committee on September 19, 2006 to Ordinance 2006-60. 7) Impact Fees collected from applicants within TSA 9 will be used primarily to fund improvements to the queuing lanes associated with the ferry landings. The fees for TSA 9 were set by a Council EID Committee amendment to Ordinance 2006-60 on October 3, 2006 to match the highest TSA traffic impact fee rates in the County, which are those of TSA 4. 8) The Pierce County Council adopted a substitute ordinance, Ordinance No. 2006-60s, on October 3, 2006, which includes the above referenced committee amendments.

SF GFA = Square Foot Gross Floor Area

SF GLA = Square Foot Gross Leasable Area

VFP = Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

Traffic Impact Fee Schedule

Impact Fee Rate per Land Use Unit (\$\$)

| LAND USE | LUC ¹ | UNIT OF MEASURE | TSA 1 | TSA 2 ⁶ | TSA 3 ⁶ | TSA 4 ⁶ | TSA 5 ⁶ | TSA 6 | TSA 7 | TSA 8 | TSA 9 ⁷ | TSA 10 ⁶ | TSA 11 ⁶ |
|-------------------------------------|------------------|-----------------|-------|--------------------|--------------------|--------------------|--------------------|-------|-------|-------|--------------------|---------------------|---------------------|
| Commercial - Retail | | | | | | | | | | | | | |
| Shopping Center | 820 | | | | | | | | | | | | |
| Up to 49,999 sq ft | 0 | SF GLA | 2.65 | 2.15 | 5.37 | 5.82 | 2.78 | 2.67 | 0.26 | 3.92 | 5.82 | 1.94 | 0.16 |
| 50,000 sq ft-99,999 sq ft | 0 | SF GLA | 2.18 | 1.77 | 4.43 | 4.80 | 2.29 | 2.20 | 0.21 | 3.23 | 4.80 | 1.60 | 0.13 |
| 100,000 sq ft-199,999 sq ft | 0 | SF GLA | 1.87 | 1.52 | 3.79 | 4.11 | 1.96 | 1.88 | 0.18 | 2.76 | 4.11 | 1.37 | 0.11 |
| 200,000 sq ft-299,999 sq ft | 0 | SF GLA | 2.15 | 1.75 | 4.37 | 4.73 | 2.26 | 2.17 | 0.21 | 3.19 | 4.73 | 1.58 | 0.13 |
| 300,000 sq ft-399,999 sq ft | 0 | SF GLA | 2.06 | 1.67 | 4.18 | 4.53 | 2.16 | 2.08 | 0.20 | 3.05 | 4.53 | 1.51 | 0.12 |
| over 400,000 sq ft | 0 | SF GLA | 2.46 | 2.00 | 4.99 | 5.41 | 2.58 | 2.48 | 0.24 | 3.64 | 5.41 | 1.80 | 0.15 |
| Specialty Retail Sales ⁴ | 814 | SF GFA | 3.35 | 2.72 | 6.79 | 7.36 | 3.51 | 3.38 | 0.32 | 4.95 | 7.36 | 2.45 | 0.20 |
| Supermarket ⁵ | 850 | SF GFA | 4.24 | 3.44 | 8.60 | 9.32 | 4.44 | 4.27 | 0.41 | 6.27 | 9.32 | 3.10 | 0.26 |
| Convenience Market ⁵ | 851 | SF GFA | 19.66 | 15.98 | 39.89 | 43.25 | 20.62 | 19.83 | 1.89 | 29.10 | 43.25 | 14.41 | 1.19 |
| Nursery | 817 | SF GFA | 4.59 | 3.73 | 9.31 | 10.09 | 4.81 | 4.63 | 0.44 | 6.79 | 10.09 | 3.36 | 0.28 |
| Furniture Store | 890 | SF GFA | 0.69 | 0.56 | 1.39 | 1.51 | 0.72 | 0.69 | 0.07 | 1.02 | 1.51 | 0.50 | 0.04 |
| Car Sales - New/Used | 841 | SF GFA | 3.46 | 2.81 | 7.01 | 7.60 | 3.63 | 3.49 | 0.33 | 5.12 | 7.60 | 2.53 | 0.21 |
| Auto Parts Sales | 843 | SF GFA | 4.37 | 3.55 | 8.86 | 9.61 | 4.58 | 4.41 | 0.42 | 6.47 | 9.61 | 3.20 | 0.26 |
| Pharmacy(with Drive Through) | 881 | SF GFA | 2.61 | 2.12 | 5.29 | 5.74 | 2.74 | 2.63 | 0.25 | 3.86 | 5.74 | 1.91 | 0.16 |
| Pharmacy(w/o Drive Through) | 880 | SF GFA | 2.67 | 2.17 | 5.41 | 5.86 | 2.80 | 2.69 | 0.26 | 3.95 | 5.86 | 1.95 | 0.16 |
| Free Standing Discount Store | 813,815 | SF GFA | 2.38 | 1.94 | 4.84 | 5.24 | 2.50 | 2.40 | 0.23 | 3.53 | 5.24 | 1.75 | 0.14 |
| Hardware/Paint Store | 812,816 | SF GFA | 2.81 | 2.29 | 5.71 | 6.19 | 2.95 | 2.84 | 0.27 | 4.17 | 6.19 | 2.06 | 0.17 |
| Discount Club ⁵ | 861 | SF GFA | 3.46 | 2.82 | 7.03 | 7.62 | 3.63 | 3.49 | 0.33 | 5.13 | 7.62 | 2.54 | 0.21 |
| Video Rental | 896 | SF GFA | 3.81 | 3.09 | 7.73 | 8.38 | 3.99 | 3.84 | 0.37 | 5.64 | 8.38 | 2.79 | 0.23 |
| Home Improvement Superstore | 862 | SF GFA | 1.64 | 1.33 | 3.32 | 3.60 | 1.72 | 1.65 | 0.16 | 2.42 | 3.60 | 1.20 | 0.10 |
| Tire Store | 848 | SF GFA | 1.75 | 1.43 | 3.56 | 3.86 | 1.84 | 1.77 | 0.17 | 2.60 | 3.86 | 1.29 | 0.11 |
| Electronics Superstore | 863 | SF GFA | 2.47 | 2.01 | 5.02 | 5.44 | 2.59 | 2.49 | 0.24 | 3.66 | 5.44 | 1.81 | 0.15 |
| Commercial - Office | | | | | | | | | | | | | |
| General Office | 710,715,750 | | | | | | | | | | | | |
| up to 49,999 sq ft | | SF GFA | 2.35 | 1.91 | 4.77 | 5.17 | 2.47 | 2.37 | 0.23 | 3.48 | 5.17 | 1.72 | 0.14 |
| 50,000 sq ft-99,999 sq ft | | SF GFA | 1.83 | 1.48 | 3.71 | 4.02 | 1.92 | 1.84 | 0.18 | 2.70 | 4.02 | 1.34 | 0.11 |
| 100,000 sq ft-199,999 sq ft | | SF GFA | 1.56 | 1.27 | 3.16 | 3.43 | 1.63 | 1.57 | 0.15 | 2.31 | 3.43 | 1.14 | 0.09 |
| 200,000 sq ft-299,999 sq ft | | SF GFA | 1.39 | 1.13 | 2.81 | 3.05 | 1.45 | 1.40 | 0.13 | 2.05 | 3.05 | 1.02 | 0.08 |
| over 300,000 sq ft | | SF GFA | 1.33 | 1.08 | 2.69 | 2.92 | 1.39 | 1.34 | 0.13 | 1.96 | 2.92 | 0.97 | 0.08 |
| Corporate Headquarters | 714 | SF GFA | 1.02 | 0.83 | 2.07 | 2.25 | 1.07 | 1.03 | 0.10 | 1.51 | 2.25 | 0.75 | 0.06 |
| Research and Development Center | 760 | SF GFA | 1.04 | 0.84 | 2.11 | 2.29 | 1.09 | 1.05 | 0.10 | 1.54 | 2.29 | 0.76 | 0.06 |
| Medical Office/Clinic | 720 | SF GFA | 4.37 | 3.55 | 8.87 | 9.62 | 4.59 | 4.41 | 0.42 | 6.47 | 9.62 | 3.20 | 0.26 |

TSA = Transportation Service Area

1) Land Use Code - Reference TRIP GENERATION, 7th Edition, Institute of Transportation Engineers; 2) Use 50% of values shown for Senior/Retirement restricted residential developments; 3) With or Without Minimart (not to exceed 1,000 S.F.) and/or Carwash (Fuel is Primary Use); 4) Single Store per Site, 50,000 S.F. Maximum; 5) If Gasoline Sales included on-site, use 50% of Gasoline Sales New Trip Rate times number of fueling positions to calculate additional trips; 6) The traffic impact fee rates and corresponding fees for the varying land uses for TSAs 2, 3, 4, 5, 10 and 11 have been increased by 2% from those identified in the rate study (Exhibit "B"). The 2% increase is for the inclusion of funding for the cost of continuous street illumination along urban arterial roadways proposed for three or more lanes within the traffic impact fee program and the designated TSAs. This increase was made based on an approved amendment of the Council EID Committee on September 19, 2006 to Ordinance 2006-60. 7) Impact Fees collected from applicants within TSA 9 will be used primarily to fund improvements to the queuing lanes associated with the ferry landings. The fees for TSA 9 were set by a Council EID Committee amendment to Ordinance 2006-60 on October 3, 2006 to match the highest TSA traffic impact fee rates in the County, which are those of TSA 4.

8) The Pierce County Council adopted a substitute ordinance, Ordinance No. 2006-60s, on October 3, 2006, which includes the above referenced committee amendments.

SF GFA = Square Foot Gross Floor Area

SF GLA = Square Foot Gross Leasable Area

VFP = Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

(Ord. 2006-60s § 1 (part), 2006)