

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2112**

**AN INTERIM ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO PARK IMPACT FEES AND MITIGATION OF DEVELOPMENT IMPACTS ON PARK FACILITIES, ESTABLISHING AND IMPLEMENTING FORMULAS FOR USE IN DETERMINING APPROPRIATE MITIGATION FOR PROPERTY DEVELOPMENT IMPACTS ON PARK FACILITIES, AND ESTABLISHING A FUND TO BE DESIGNATED AS THE "PARK IMPACT FEE FUND".**

**WHEREAS**, the City of Snohomish was established to secure and institutionalize for its citizens certain values and goals essential to achieving and maintaining a high quality of life and attractive living; and

**WHEREAS**, the City Council has seen the need to develop comprehensive goals and policies to guide the development of the parks system; and

**WHEREAS**, the Park Board established a public process to review the proposed parks systems plan and to discuss needs and future development; and

**WHEREAS**, the City Council adopted the Snohomish Parks System Plan by Resolution 1140 on June 6, 2006, to ensure the continuation of such values and goals; and

**WHEREAS**, public parks and recreation facilities, playgrounds, and open spaces are significant attributes and environmental features of the City, and enhance the quality of life in the community; and

**WHEREAS**, expansion and improvement of City parks and recreation facilities are necessary to meet current demand and level of service standards and facility guidelines to be established within the Parks Element of the City's Comprehensive Plan for said facilities; and

**WHEREAS**, specific neighborhood and community park projects are to be identified as being necessary in the Capital Facilities Program of the City's Comprehensive Plan; and

**WHEREAS**, the City Council intends to revise the Parks element of the Comprehensive Plan in an upcoming update of that document and to establish parks impact mitigation fees pursuant to Ch. 82.02 RCW; and

**WHEREAS**, mitigation assessment authority has also been granted to local governments pursuant to the State Environmental Policy Act, Ordinance 43.21C, RCW (SEPA); and

**WHEREAS**, assessment in lieu of property dedication is one of several methods available to ensure that property development assumes a reasonable, attributable, and proportionate share of the cost of providing parks and recreation facilities necessary to serve the population of each development; and

**WHEREAS**, City staff has reviewed current baseline information regarding the cost of acquiring and developing park land and recreational facilities within the City (including the actual development cost of recently constructed neighborhood and community parks within the Puget Sound Region, and including Census 2000 demographic information); and

**WHEREAS**, based on this review, City staff has determined that park and recreation mitigation formulas should be established to reflect the current demographics of the City and the actual cost of acquiring and developing park land and recreational facilities within the City and should be implemented under SEPA on an interim basis; and

**WHEREAS**, the City Council has reviewed and considered this information in light of the City's Comprehensive Plan and its public health, safety and welfare obligations, and has determined that the charges recommended by City staff are accurate, appropriate and should be implemented under SEPA on an interim basis for the foregoing reasons; and

**WHEREAS**, the Responsible Official has issued a determination of non-significance under SEPA for the City Council's consideration of adopting this Ordinance; and

**WHEREAS**, on August 15, 2006, the City Council conducted a public hearing on this interim park impact fee Ordinance and has duly considered the public comment concerning the proposed ordinance;

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

Section 1. Findings.

The City Council finds as follows:

- A. The above "Whereas" provisions are hereby adopted as findings in support of the substantive provisions of this Ordinance.
- B. Property developments in Snohomish increase demand for and use of City services, utilities, parks, schools, school grounds, playgrounds, streets, trails, open spaces, and other public facilities and services by bringing additional residents, visitors, businesses, employees, and customers into the City.
- C. Increasing demand brought on by property development lessens the availability, productivity, and usefulness of existing park services and facilities for present and future citizens and landowners of Snohomish and strains existing municipal resources beyond their capacity.

D. Developers are capable of taking appropriate action to ensure that their property developments do not adversely impact the availability, productivity and usefulness of park facilities and services.

E. It is within the police power and other lawful authority of the City, including Ch. 43.21C RCW, to mitigate the impacts of property development for the benefit of the public health, safety and welfare.

F. Proportional mitigation should be required of property developers for impacts attributable to their developments on existing and planned park facilities and services but should not be required for park system operational costs.

G. All property within the City is hereby determined to be located within a single parks and recreation service area, and all residential development within the City is hereby determined to be served in common by all community parks within the City.

#### Section 2. Purpose and Intent.

A. The purpose of this Ordinance is to ensure that the public health, safety and welfare will be preserved by having safe and efficient parks serving new and existing developments by requiring development to mitigate impacts, as a result of the direct impacts of proposed developments.

B. The intent of this Ordinance is to supplement and/or confirm existing lawful authority of the City to regulate property development for the benefit of the public and property developers.

#### Section 3. Relationship to Environmental Impacts.

A. Measures required by this Ordinance, together with the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) shall constitute adequate mitigation of adverse or significant adverse environmental impacts on the park system for the purposes of SEPA, to the extent that the City determines the specific impacts of the development are adequately addressed by this Ordinance in accordance with SEPA.

B. In accordance with RCW 43.21C.065 and RCW 82.02.100, a person required to make a proportionate share mitigating payment shall be required to make a payment or pay a fee pursuant to either SEPA or the GMA, but not both, for the same system improvements.

#### Section 4. Applicability and Implementation.

A. Any application for approval of a single family, duplex, or multiple family development in the City of Snohomish, which has not received a SEPA threshold determination by the effective date of this Ordinance, is subject to the provisions of this Ordinance, except for applications that are categorically exempt under Ch. 43.21C RCW and Ch. 197-11 WAC and except for building permit applications for single family homes on platted property.

B. In approving or permitting a development, the approval authority shall consider the Responsible Official's determinations of necessary park impact mitigation requirements and act in conformity with this Ordinance.

C. Impact identification and determination of mitigation conditions under this Ordinance shall be made simultaneously with, and shall become final for purposes of appeal at the same time as, the environmental threshold determination required under Ch. 14.90 SMC, provided that the final amount of any park impact mitigation fee required thereby shall be determined by the City and paid by the developer prior to issuance of a building permit for each dwelling in the development causing the impact.

D. The Responsible Official shall identify the need for mitigation of a development's impact on park facilities and services based on the reasonable likelihood of significant impacts resulting from the development.

E. The cost of any special investigation, analysis or report necessary for identification or quantification of impacts related to a development shall be borne by the applicant.

#### Section 5. Development Mitigation Obligations and Options.

A. Any application for approval of a permit for a development shall be reviewed to determine any requirements or mitigation obligations that may be applicable for the following:

1. Impact on park system capacity;
2. Impact on specific level of service deficiencies;
3. Impact on specific inadequate park condition locations; or
4. Dedication or deeding of land.

B. Within the structure of state and local laws, dedication of land for public parks and recreation facilities may be the preferred method of mitigating impacts on such facilities caused by property development proposals within the City. However, when dedication and development of land for public parks and recreation facilities is not a feasible method of mitigating such impacts, proportionate mitigation assessments to acquire and develop park land and recreational facilities may be substituted in accordance with state and local laws and this Ordinance.

C. Mitigation assessments calculated and contributed under this Ordinance shall be used for park land acquisition and/or development of park and recreational facilities that would serve the proposed development, and such assessments shall not be expended for operations and/or maintenance of such facilities.

D. Mitigation assessments may allow for the following:

1. A credit for the value of any dedication of land for, improvement to, or new construction of, any public park system improvements provided by the developer that are required by the City as a condition of approving the development activity;

2. An adjustment in consideration of unusual circumstances in specific cases to ensure that park impact fees are imposed fairly; and/or
3. Consideration of studies and data that warrant adjusting the amount of the fee.

#### Section 6. Mitigation Assessment Formulas.

The formulas used to develop mitigation assessments for public park and recreation facilities are attached as Exhibit A and incorporated in full by this reference. These formulas are based on the most current available baseline data regarding average household size in the City of Snohomish and the actual cost of acquiring and developing park land and recreational facilities within the City, have been reviewed by the City Council, and are approved for use in the City on an interim basis until such time as the Council adopts permanent park impact fees pursuant to Ch. 82.02 RCW.

#### Section 7. Assessment Schedule.

Based on the baseline information and formulas identified in Section 6 of this Ordinance, the following public park and recreation facilities mitigation assessments are hereby adopted and shall apply to proposed residential land development applications within the City:

1. Single-family/condominium) \$2,215.31/\$3,692.19/Unit
2. Multifamily) \$1,604.71/2,677.85/Unit

#### Section 8. Excessive Expenditure of Public Funds.

If the location, nature, and/or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available for the necessary park improvement or is inconsistent with priorities established to serve the general public benefit, and if provision has not otherwise been made to meet the mitigation requirements as provided in this Ordinance, the City may refuse to approve or grant a permit for development. As an alternative, the City may allow the developer to alter the proposal so that the need for park improvement is lessened or may provide the developer with the option of bearing all or more than the development's proportionate share of the required park improvement costs.

#### Section 9. Return of Unexpended Mitigation Fees.

Any mitigation assessments not expended or encumbered by the last day of the fiscal quarter immediately following six years from the date paid to the City shall, upon application of the contributor or its successor in interest within one year from said last day, be returned with accrued interest. The City may extend the six-year time period for a reasonable time period based on written findings by the City Council that extraordinary or compelling reasons exist for such an extension, or upon the consent of the contributor or its successor in interest at the rate paid to or received by the City.

Section 10. Fund Created.

There is hereby established and created a fund entitled "Park Impact Fee Fund". The fund shall include deposits from payments made pursuant to this Ordinance and shall permit tracking and segregation of all mitigation payments.

Section 11. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 12. Effective Date.

This Ordinance shall take effect five days after publication by summary.

**PASSED** by the City Council and **APPROVED** by the Mayor this 15th day of August, 2006.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Randy Hamlin, Mayor

Attest:

By \_\_\_\_\_  
Torchie Corey, City Clerk

Approved as to form:

By \_\_\_\_\_  
Grant K. Weed, City Attorney

ATTACHMENT: Exhibit A

## EXHIBIT A

### MITIGATION FORMULAS

Each property development proposal will be reviewed to determine its impact to the City's park system. If impacts on parks and recreation activities are identified and fee-in-lieu of land dedication and/or development is required, the amount of the assessment will be determined on a per dwelling unit basis. The mitigation fees required for park facilities are calculated using current baseline information and formulas as follows:

#### BASELINE INFORMATION:

##### Park Development Cost:

Based on a review of the construction cost of the other community parks in the Puget Sound Region, the estimated cost of community park development is \$241,020 per acre.

##### Park Land Acquisition Cost:

Based upon information available from a market value appraisal of City owned land, the cost of developable, residentially zoned land suitable for public park purposes within the general vicinity of the City of Snohomish is \$299,959 per acre.

Based on nationally recognized parks standards, the Level of Service Standard for community parks equals 3/5 acres/1,000 residents.

Projected Household Population is based on the data within the 2000 US Census as follows:

2.73 persons per household for single-family/condominium unit

1.98 persons per household for multifamily unit.

#### COMMUNITY PARK MITIGATION FEE FORMULAS:

Since the City does not own sufficient land to accommodate the present need and it is unlikely that there will be a sufficient amount of land dedicated to the City for such use, the City may need to participate in the purchase of the land.

For the purpose of calculating the mitigation fee, 50 percent of the cost of the community park is anticipated to be generated locally. The remaining 50 percent is expected to originate from state, federal, City, and/or other public sources. Thus, the mitigation assessment incorporates a 50 percent discount from the actual acquisition and development cost.

Mitigation Fee/Person = (Development Cost + Acquisition Cost) X Recommended Service Standard X Local Funding Source Ratio  
(\$241,020 + \$299,959) X .003/.005 X .5 = \$811.47/\$1,352.45

Project Population X Per Person Mitigation Fee = Mitigation Fee/Unit  
2.73 X \$811.47/1,352.45= \$2,215.31/3,692.19 [Per Unit Mitigation Fee for each single-family/condominium unit]

1.98 X \$810.14/1,350.23 = \$1,606.71/2,677.85 [Per Unit Mitigation Fee for each multifamily unit]