

ORDINANCE NO. \_\_\_\_\_

An ORDINANCE amending certain provisions of Chapter 3.88 of Section of the Camas Municipal Code relating to impact fees.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

Section I

A new Subsection N of Camas Municipal Code Section 3.88.030 is hereby added to provide as follows:

N. "Director" means the applicable Department Director (Department Head) responsible for overseeing the implementation of a particular capital facility. Director includes the Fire Chief, Community Development (Planning) Director, Public Works Director and Parks & Recreation Director.

Section II

Subsection Y of Camas Municipal Code Section 3.88.030 is hereby amended to provide as follows:

Y. "Parks and Recreation Director" means the officially appointed or acting director of the city parks and recreation department, also referred to herein as a "department head."

Section III

Subsection BB of Camas Municipal Code Section 3.88.030 is hereby amended to provide as follows:

BB. "Planning director", or "Community Development Director" means the officially appointed or acting director of the city community development and planning department.

Section IV

Camas Municipal Code Section 3.88.040D-Impact Fee Imposition is hereby amended to provide as follows:

D. Impact fees may, with the consent of the city, be prepaid. Prepaid impact fees, including the amounts of any developer credits under subsection 3.88.140(A) shall be deducted from impact fees at the time such fees are collected pursuant to subsection 3.88.040(C).

1. Prepaid impact fees shall be tracked as individual components for purposes of future use. Prepayment of Transportation Impact Fees shall be based on the number of PM peak hour vehicle trip ends for each use. Prepayment of Fire Impact Fees shall be based on the total square footage paid for non-residential or equivalent number of single-family homes for residential. Prepayment of Park Impact Fees shall be based on the total square footage paid for non-residential or the equivalent number of single family homes based on the total square footage.

2. Prepaid impact fees shall only be held by the City and valid for 5 years. Upon expiration of the 5-year period, the City will refund the prepaid impact fees at the original value for which they were purchased, plus any accrued interest.

#### Section V

Camas Municipal Section 3.88.060 - Traffic impact fee formula is hereby amended to provide as follows:

The impact fee component for traffic shall be calculated using the most recent version of the Traffic Impact Fee Update and Transportation System Plan as adopted by the City Council. The Traffic Impact Fee ("TIF") formula is typically defined as:  $TIF = T \times (1-B-D) \times C \times A$

- A. "TIF" means the traffic impact component of the total development impact fee.
- B. "T" means the average PM peak hour vehicle trip ends for each use, estimated by the current edition of the ITE Trip Generation Manual, computed by taking the size of the development times the PM peak hour trip generation rate.
- C. "B" is the reduction for bypass trips for ITE land use codes estimated by the current edition of the ITE Trip Generation Handbook.
- D. "D" is the reduction for diverted linked trips for ITE land use codes estimated by the current edition of the ITE Trip Generation Handbook.
- E. "C" is the cost per PM peak hour trip end as determined and adopted by Council.
- F. "A" is an adjustment to the cost of public facilities for past or future payments made or reasonably anticipated to be made in the form of user fees, debt service payments, taxes, or other payments earmarked for or pro-ratable to traffic system improvements contained in the capital facilities plan.

#### Section VI

Camas Municipal Section 3.88.070 – Park and open space impact fee component formula is hereby amended to provide as follows:

The impact fee component for parks, trails and open spaces shall be calculated using the most recent version of the Park Impact Fee Study and Impact Fee Schedule as adopted by the City Council. The Park Impact Fee ("PIF") formula is typically defined as the combination of the Existing Facilities Component and the Future Facilities Component for residential and non-residential uses.

- A. The Existing Facilities Component is the eligible cost of capacity in existing parks, trails and open space facilities that serves future growth divided by the growth in system demand.
- B. The Future Facilities Component is the eligible cost of planned (future) capacity increasing facilities, or projects, divided by the growth in system demand.

## Section VII

Camas Municipal Section 3.88.090 - Fire Impact fee component formula is hereby amended to provide as follows:

The impact fee component for fire shall be calculated using the most recent version of the Fire Impact Fee Study as adopted by the City Council. The Fire Impact Fee ("FIF") formula is typically defined as the allocable capital costs to serve customer growth divided by the total growth in customers served by the new capital for single-family residential, multi-family residential, and all other occupancies.

## Section VIII

Camas Municipal Code Section 3.88.100- School impact fee component formula is hereby amended to provide as follows:

A. Plan adoption. The city will collect School Impact Fees on behalf of a school district provided the school district's capital facilities plan is adopted by reference as a component of the most current Comprehensive Plan in accordance with city policies and procedures.

B. The impact fee component for schools shall be separately calculated by each school district in accordance with state statutes and current best practices and approved by the school district board prior to requesting the city update or revise the school impact fee ("SIF").

C. No new or revised school impact fees shall be effective until adopted by the council following a duly advertised public hearing to consider the school district's capital facilities plan or plan update.

D. School impact fees will be collected by the city pursuant to provisions in 3.88.040 then passed through to the respective school district for their use in funding school capital facilities. The City may charge applicable administrative fees in addition to the school impact fees in accordance with the City's fee schedule.

## Section IX

Subsection A of Camas Municipal Code Section 3.88.110 – Computation of fees is hereby amended to provide as follows:

A. The impact fee for nonresidential development shall be computed by applying the traffic impact fee component formula, the parks impact fee component formula, and the fire facility impact fee component formula, and then totaling the results. The impact fee for each residential dwelling unit shall be computed by applying the traffic impact fee component formula, the park impact fee component formula, the open-space impact fee component formula, the fire facility impact fee component formula, and the school impact fee component formula, and then totaling the results.

## Section X

Subsection B of Camas Municipal Code Section 3.88.120 - Collection of fees is hereby amended to provide as follows:

B. Except as may be due to exemptions or credits provided pursuant to the applicable section of this code, or pursuant to an adjustment of the fee as approved by the Director as outlined in Section 3.88.135, the city shall not issue a building permit(s) for residential buildings or commercial or industrial tenant improvements unless and until the impact fees set forth in the schedules in this chapter have been paid.

## Section XI

Camas Municipal Code Section 3.88.130-Exemptions is hereby amended to provide as follows:

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

1. Replacement of a demolished or destroyed structure of the same size and use, and located on the same parcel or lot as that of the demolished or destroyed structure. Said replacement must occur within five years of the date the structure was demolished or destroyed.

The owner of a demolished or destroyed structure shall be required to submit a copy of a demolition permit, utility bill or other acceptable documentation that proves the structure in question existed within the appropriate time frame. The owner will receive a unit for unit exemption for residential uses. Exemptions for commercial or industrial users will be based on the level of impact generated by the new use as it compares to the existing or previous use.

Conversion of a lesser impact land use to a greater impact land use will require the payment of the appropriate impact fees. The new fee will be based on the total impact generated by the new land use, minus the similar impact fee associated with the existing land use. Conversion of a greater land use to a lesser land use will not be entitled to reimbursement of impact fees;

2. Alteration, expansion, enlargement, remodeling, rehabilitation or conversion of an existing residential dwelling unit where no additional units are created and the use is not changed;

3. The construction of accessory structures that will not create significant impacts on planned facilities;

4. Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools and signs;

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures listed in Section 3.88.150 of the CMC.

## Section XII

Camas Municipal Code Section 3.88.135-Independent fee calculation is hereby amended to provide as follows:

A. If the director believes in good faith that none of the impact fee categories or impact fee amounts set forth in the schedules in Sections 3.88.060 through 3.88.100

accurately calculate the impacts of a development activity on planned facilities, the director may accept an independent fee calculation for consideration. The city may impose alternative impact fees on a specific development activity based on these calculations. The resultant alternative impact fees shall be set forth in writing and provided to the fee payer.

B. If a director determines an adjustment to the fees calculated according to Sections 3.88.060 through 3.88.100 may be warranted, then the fee payer shall prepare and submit to the director an independent fee calculation for the development activity for which final plat, PRD, PUD, binding site plan, or other development approval, or a building permit, is sought. While there is a presumption that the calculations set forth in the city's capital facilities plans and Sections 3.88.060 through 3.88.100 are valid, the documentation submitted shall show the basis upon which the independent fee calculation was made, including empirical data and analysis based on professional studies and other relevant information. The appropriate director shall review the independent fee calculation and may adopt, reject, or adopt in part, the independent fee calculation based on specific characteristics of the development activity, and/or principles of fairness.

C. Any fee payer submitting an independent fee calculation will be required to pay the city a fee to cover the cost of reviewing the independent fee calculation in accordance with the city's adopted fee schedule. In the event it is necessary for the city to enlist the services of an outside consultant to assist in the review of the independent fee calculation, the fee payer will be required to pay any consultant charges over the base fee identified in the fee schedule.

D. Determinations by any Director under this section may be appealed pursuant to CMC Section 3.88.150.

### Section XIII

Camas Municipal Code Section 3.88.140A- Credits is hereby amended to provide as follows:

A. Development Credit.

(1) A developer (as defined in CMC 3.88.030) shall be entitled to a credit against the applicable impact fee for the dedication of land or the for the design or engineering or construction of an "eligible improvement." For purposes of this section, an eligible improvement shall mean an improvement or real property that is identified in one of the City's Capital Facilities Plan as being funded by impact fees, in the amount(s) identified and/or calculable in the Capital Facilities Plan.

(2) The amount of the credit shall be the dollar amount assigned to the improvement or to the land in the Capital Facilities Plan. Where only a portion of the improvement is constructed or a portion of the land is dedicated, the amount of the credit shall be pro-rated.

(3) Credits earned for one category of impact fee, e.g. traffic, may not be applied against a different category of impact fee, e.g. schools.

(4) Approval from the city council shall be required prior to the start of the construction or dedication of any eligible improvement. "Approval" in the context of this subsection (4) shall be satisfied if the city, requires the construction of the eligible improvement as a condition of approval for a land use application, which shall be constructed to the standards as required thereby. If a developer wishes to construct an

eligible improvement that is not otherwise a condition to an approved land use application, prior approval must be obtained from the city council.

(5) Credits shall be issued as follows:

(A) For traffic, fire, and parks and open space impact fees, no credits shall be granted until either the eligible improvements have been constructed by the developer and such work has been accepted by the city; or until the land has been dedicated by the developer and such dedication has been accepted by the city.

(B) For school impact fees, no credit shall be granted without written authorization from the school district to the City identifying the dollar amount of the credit, the developer to whom the credit should be issued, and a description of the improvements completed associated with the credit.

(6) If impact fees become due and payable prior to the developer becoming eligible for the issuance of credits as provided for in section (5), the developer may apply to the community development director to defer collection of the impact fees until construction or dedication is completed. The community development director may condition deferral upon:

a) The developer posting a bond or other financial security satisfactory to the city in an amount equal to one hundred twenty-five percent (125%) of the deferred impact fees, which bond or other financial security shall be conditioned upon the developer either paying the deferred impact fees or completing construction or dedication within a specified time, or

b) The withholding of an occupancy permit, or

c) Such other conditions acceptable to the city.

(7) Upon acceptance of the eligible improvement, the developer may submit an application for the impact fee credit to the director. After submission of a credit application and verification of entitlement thereto, the director shall submit to the City Council for concurrence. Upon ratification, the director or finance department shall issue a credit in writing to the developer specifying the type and amount of credit

(8) The credit may, at the option of the developer, be applied all or in part to the impact fees owing for the developer's project.

(9) To the extent the credit exceeds the amount of the impact fee owed by the developer, or the developer chooses not to apply the impact fee to the developer's project, the unused credit may be applied to a different project of the developer or transferred to another developer to be applied to that developer's development project.

(10) Before the impact fee credit can be transferred to a different developer, the holder of the impact fee credit shall file with the finance department an application to transfer the credit. The application shall identify the transferee, and the amount and type of the impact fee credit being transferred. The transfer application shall be accompanied by an administrative fee in an amount as may be set by resolution of the city council.

(11) When credits are to be redeemed, the holder of the impact fee credit shall file an application for redemption on a form to be created by the finance department. The application for redemption shall be accompanied by an administrative fee in such amount as may be set by resolution of the city council. When impact fee credits are being redeemed, such redemption shall not allow the impact fee credits to be prorated among more than one residential lot in amounts that are less than the then existing impact fee per lot. (For example, where impact fees are five thousand dollars per residential lot and a developer

wishes to redeem eleven thousand dollars worth of credits, the developer shall not be allowed to apply one thousand dollars per residential lot over eleven lots. The developer may apply five thousand dollars to two residential lots and one thousand dollars to one residential lot.)

(12) The finance department shall be responsible for maintaining appropriate records documenting the issuance, transfer, and redemption of impact fee credits.

(13) Expiration of credits. Any credits issued after the effective date of this ordinance shall expire and become null and void ten (10) years from the date of ratification by the city council of the original credit. Transferring of credits or partial use of credits shall in no event extend the expiration date or further use of credits.

#### Section XIV

Camas Municipal Code Section 3.88.150-Appeals is hereby amended to provide as follows:

A. A developer may appeal the amount of any impact fee determined by the Director to the City Hearing Examiner. The developer shall have the burden of proving:

1. An error was committed in calculating the assessment of the impact fee or the developer's proportionate share.

2. Such fee does not mitigate a direct impact.

3. The City based its determination on incorrect data. A developer may also submit such other information deemed relevant or appropriate for the purpose of disputing the impact fee.

B. The Director shall meet with the developer and such other parties as are deemed necessary in order to resolve the dispute. If the dispute is not resolved by the Director, the developer may appeal the imposition of the impact fee to the Hearing Examiner. The Hearing Examiner only determines whether the fee is reasonable, but does not make any adjustment thereto. The Hearing Examiner may remand the matter to the applicable Department for further consideration consistent with the Hearing Examiner's decision.

C. An appeal from a decision of the Director must be filed with the Hearing Examiner within 10 calendar days of the Director's written decision regarding the fee amount.

#### Section XV

Subsection B of Camas Municipal Code Section 3.88.160- Accounting Procedures- Reports is hereby repealed.

#### Section XVI

Subsections A and B2 of Camas Municipal Code Section 3.88.170- Expenditure of fees is hereby amended to provide as follows:

A. Impact fees for system developments shall be expended only in conformance with the capital facilities plan. Impact fees shall be expended or encumbered for a permissible use within ten years of collection, unless there exists an extraordinary and compelling reason for fees to be held longer than ten years.

Such extraordinary or compelling reasons shall be identified in written findings by the city council.

B2. Impact fees shall not be imposed to solely benefit existing customers unless otherwise allowed by law.

#### Section XVII

Camas Municipal Code Section 3.88.180A and C - Refunds is hereby amended to provide as follows:

A. The current owner of property on which an impact fee has been paid may receive a refund of such fee if the city fails to expend or encumber the impact fees within ten years of collection, or such greater time as may be established in written findings by the city council documenting extraordinary or compelling reasons for extension beyond ten years as allowed by law. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis. The current owner likewise may receive a proportionate refund when the public funding of applicable service area projects by the end of such ten-year period has been insufficient to satisfy the ratio of public to private funding for such service area as established in the capital facilities plan. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of each claimant.

C. A developer may request and shall receive a refund, including any interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted. All refunds shall be provided on a dollar-for-dollar basis according to the original payment.

#### Section XVIII

A new subsection D, E, F of Section 3.88.180 of Camas Municipal Code - Refunds is hereby added to provide as follows:

D. Any administrative fee and/or application fee are not eligible for a refund.

E. Refunds will not be made for amounts less than \$100.00.

F. The applicant must submit a written request for a refund and provide a receipt of impact fees paid. No refund will be processed prior to cancellation of any applicable permit, land use or approval or pending application thereof.

#### Section XIX

Camas Municipal Code Section 3.88.200 is hereby amended to provide as follows:



The impact fees and associated studies set forth in Sections 3.88.060 through 3.88.100 shall be reviewed and amended by the city council as it may deem necessary and appropriate.

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SIGNED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk

APPROVED as to form:

\_\_\_\_\_  
City Attorney