

COUNTY OF THURSTON, WASHINGTON

ORDINANCE NO. 15340

AN ORDINANCE TO AMEND CHAPTER 25 GENERAL PROVISIONS GOVERNING THE ASSESSMENT OF IMPACT FEES IN THE THURSTON COUNTY MUNICIPAL CODE TO PROVIDE FOR DEFERRAL OF IMPACT FEES FOR ATTACHED AND DETACHED SINGLE FAMILY RESIDENTIAL CONSTRUCTION FOR A PERIOD NOT TO EXCEED EIGHTEEN MONTHS AND TO ADD LANGUAGE ALLOWING FOR THE COLLECTION OF FIRE IMPACT FEES.

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

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

WHEREAS, Engrossed Senate Bill (ESB) 5923 was signed into law on May 11, 2015, that amended Revised Code of Washington (RCW) 82.02.050 to require counties collecting impact fees under Ch.36.70A RCW to adopt and maintain a voluntary deferral program for the collection of all applicable impact fees for single-family detached and attached residential construction with the condition that the applicant seeking a deferral must record at their expense a lien against the property in favor of the County; and

WHEREAS, ESB 5923 specifies that County discretion for a lien deferring impact fees is limited to a maximum duration of eighteen months at which time the County or the affected School District may institute foreclosure proceedings for unpaid school impact fees as set forth in the lien agreement; and

WHEREAS, ESB 5923 specifies that County discretion for a lien deferring impact fees is limited to final inspection, certificate of occupancy, or upon the first sale of the property; and

WHEREAS, ESB 5923 also specifies that the required deferment program applies to the first twenty attached or detached single-family units, and allows the County discretion to apply the deferral program to more than the first twenty units provided the County consult with school district serving Thurston County; and

WHEREAS, ESB 5923 specifies the discretion of the County to set the rate for, and collection of an administrative fee; and

WHEREAS, ESB 5923 specifies that the County must make an accurate accounting of exercised deferrals to include the number of deferrals requested, issued, and not paid; and

WHEREAS, ESB 5923 specifies that if the collection of fees is delayed through a deferral process, the six-year timeframe for completing improvements or strategies to comply with concurrency provision of the GMA may not begin until after the county receives full payment of all impact fee due; and

WHEREAS, fire districts specified in this ordinance are enabled to agree through an interlocal agreement to prepare capital facilities plans and impact fee calculations as the basis for fire impact fees; and

WHEREAS, a public hearing was conducted by the Board on July 19, 2016 in accordance with county and state standards to take public testimony on the proposed amendments, and to ensure the continuous participation of the public throughout this amendment process; and

WHEREAS, a State Environmental Policy Act determination of “No Significance” was issued on July 22, 2016; and

WHEREAS, consistent with the legislative mandate of the State of Washington through enacted ESB 5923, the Board acts to amend Chapter 25.04, Chapter 25.06, and Chapter 25.08, to establish a deferral program and administrative fee for this program, and includes language enabling the County to collect impact fees on behalf of the Fire Districts serving rural Thurston County:

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

SECTION 1. FINDINGS. For the purpose of effective land use planning, the Board of County Commissioners of Thurston County adopts the following additional legislative findings of fact:

A. GENERAL FINDINGS

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

2. The amendments to the Thurston County Code adopted by this ordinance were included on the 2015-16 Development Code Official Docket as required by Chapter 2.05 Thurston County Code (TCC), Growth Management Public Participation; and

3. The development regulations in the Zoning Ordinance of the Lacey Urban Growth Area (Title 21 TCC) apply to the unincorporated area in the City of Lacey UGA. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Lacey UGA are shown in the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 21.09.020 TCC); and

4. The development regulations in the Zoning Ordinance of the Tumwater Urban Growth Area (UGA) (Title 22 TCC) apply to the unincorporated area in the City of Tumwater UGA. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Tumwater UGA are shown in the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 22.06.020 TCC); and

5. The development regulations in the Zoning Ordinance of the Olympia Urban Growth Area (Title 23 TCC) apply to the unincorporated area in the City of Olympia UGA. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Olympia UGA are shown in the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 23.02 TCC); and

6. The amendments to the TCC, the Zoning Ordinance of the Lacey UGA, the Tumwater UGA Zoning Ordinance, and the Olympia UGA Zoning Ordinance adopted by this ordinance were prepared, considered and adopted in compliance with the county-wide planning policies; and

7. The amendments to the TCC adopted by this ordinance was the subject of a public hearings before the Thurston County Board of Commissioners and separate work sessions by that body as required by the GMA and the Thurston County Code; and

8. The Board held a public hearing on July 19, 2016 for the changes contained in this ordinance; and

9. In formulating its decision, the Board considered comments received through public hearings and the public process; and

10. This ordinance will amend the TCC, including the Zoning Ordinance of the Lacey UGA, the Tumwater UGA Zoning Ordinance, and the Olympia UGA Zoning Ordinance; and

11. In formulating the development regulation amendments adopted by this ordinance, the Board has considered the goals contained in the GMA. The Board has weighed the goals as they apply to the subject matter of this ordinance with respect to ESB 5923; and

12. The County uses several methods to ensure early and continuous public participation and open discussion in the review of proposed amendments including but not limited to direct mailing, email lists, internet information pages, and posted public notices; and

13. These findings and the record generated in the review process, public hearing, and at the adoption of this ordinance show that these measures are consistent with the GMA goals; and

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

SECTION 2. DEVELOPMENT CODE AMENDMENT METHODS. In accordance with the provisions of this ordinance, Title – 25; Impact Fees, is hereby amended as shown in Attachments A, to this Ordinance.

SECTION 3. FIRE IMPACT FEE ASSESSMENT. Fees for fire impacts shall not be assessed until authorized by the Board by resolution for each individual fire district.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

ADOPTED: August 23, 2016

ATTEST:

Roberta J. Boyman
Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

[Signature]
Rick Peters
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Jennifer Jensen
Chair

Cathy Haef
Vice-Chair

Bud Blake
Commissioner

THURSTON COUNTY RESOURCE STEWARDSHIP DEPARTMENT
LONG RANGE PLANNING DIVISION

BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING - 8/23/2016

IMPACT FEES.

TITLE - 25

(AMENDED)

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These changes are intended to provide a deferral process consistent with state mandates and provide Thurston County with the ability to collect impact fees on behalf of Fire Districts serving rural Thurston County.

Section 25.04.010 - Findings and authority, is amended to include fire facilities. TCC 25.04.010, Subsection C is amended as follows:

25.04.010 – Findings and authority.

- C. This title is adopted to assess impact fees for transportation, park, fire and school facilities pursuant to Chapter 82.02 RCW; and

Section 25.04.030 - Service areas, is amended to include fire protection districts serving Thurston County under TCC 25.04.030. TCC 25.04.030 is amended to add a new subsection, Section D, as follows:

25.04.030 - Service areas.

- C. The service areas for fire impact fees are the boundaries of the fire districts.

- ~~D~~. The service areas in the transportation study, the parks study, the school districts, and fire districts capital facilities plans, as amended, are hereby found to be reasonable and established on the basis of sound planning and engineering principles and are consistent with RCW 82.02.060.

Section 25.04.040 – Assessment of impact fees, are amended to indicate applicability unless deferred. TCC 25.04.040, Subsections G, is amended as follows:

25.04.040 - Assessment of impact fees.

ATTACHMENT – A

- G. Impact fees, as determined after the application of appropriate credits, shall be collected from the applicant at the time the building permit is issued for each unit in the development, unless payment of fees was deferred pursuant to TCC 12.04.125.

Section 25.04.050 - Independent fee calculations, are amended to indicate applicability to fire districts. TCC 25.04.050, Subsections B, C, and D, are amended as follows:

25.04.050 - Independent fee calculations.

- B. If the school or fire district for which the impact fee is being charged believes in good faith that none of the fee categories or fee amounts set forth in the county's impact fee schedule accurately describe or capture the impacts of a new development on schools or fire, the school or fire district may conduct independent fee calculations and submit such calculations to the director. The director may impose alternative fees on a specific development based on the calculations of the school or fire district, or may impose alternative fees based on the calculations of the department. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant.
- C. An applicant may elect to prepare and submit an independent fee calculation for the development activity for which a building permit is sought. The applicant must make the election between fees calculated under the county's impact fee schedule and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare his/her own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees in the transportation study, and the park parks study, and shall be limited to adjustments in trip generation rates and lengths for transportation impact fees, and persons per dwelling unit for park impact fees. For schools and fire districts, the independent fee calculation shall use the same methodology used to establish the district's fee schedule.
- D. While there is a presumption that the calculations set forth in the county's impact fee schedule based on the transportation study, the parks study, and school and fire calculations are valid, the director shall consider the documentation submitted by the applicant but is not required to accept such documentation or analysis which the director reasonably deems to be inapplicable, inaccurate, incomplete, or not reliable, and may modify or deny the request, or, in the alternative, require the applicant to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the

ATTACHMENT – A

development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the applicant.

Section 25.04.060 - Exemptions, is amended to indicate applicability to fire districts. TCC 25.04.050, Subsections C, is amended as follows:

25.04.060 - Exemptions.

- C. With respect to both school and fire district impact fees, requests for an exemption shall be directed to the school or fire district. The school or fire district shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. The school or fire district shall forward its determination to the director in writing, and the director may adopt the determination of the school or fire district and may exempt or decline to exempt a particular development activity, or the director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the director shall be in writing and shall be subject to the appeal procedures set forth in Section 20.60.060(1).
3. Where the dedicated land, improvements, and/or construction is for the benefit of the school or fire district, the applicant shall direct the request for a credit or credits to the school or fire district. The school or fire district shall first determine the general suitability of the land, improvements, and/or construction for school or fire district purposes. Second, the school or fire district shall determine whether the land, improvements, and/or the facility constructed are included within the school or fire district's adopted capital facilities plan or the board of directors for the school or board of commissioners for fire districts may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the capital facilities plan of the school or fire district. The school or fire district shall forward its determination to the director, including cases where the school or fire district determines that the dedicated land, improvements, and/or construction are not suitable for school or fire district purposes. The director may adopt the determination of the school or fire district and may award or decline to award a credit, or the director may make an alternative determination and set forth in writing the rationale for the alternative determination.

Section “25.04.115 - Authorization for the fire interlocal agreement and the establishment of the fire impact account,” of TCC 25.04 GENERAL PROVISIONS GOVERNING THE ASSESSMENT OF IMPACT FEES, and is hereby adopted to read as follows:

ATTACHMENT – A

25.04.115 - Authorization for a fire district interlocal agreement and the establishment of the fire impact account.

- A. The county manager is authorized to execute, on behalf of the county, interlocal agreements for the collection, expenditure, and reporting of fire district impact fees; provided that such interlocal agreement complies with the provisions of this section.
- B. As a condition of the interlocal agreement, the fire district shall establish a fire impact fund with the Office of the Thurston County Treasurer, who also serves as the treasurer for the fire district. The Fund shall be an interest-bearing fund, and the fire impact fees received shall be invested in a manner consistent with the investment policies of the fire district.
- C. For administrative convenience while processing fee payments, fire impact fees may be temporarily deposited in a county account designated for fire impact fees. As soon as practicable, the county shall transmit the fire impact fees collected and any interest for the fire district to the fire district. The fire district shall deposit the fees in the fire impact account established by the fire district.
- D. Funds withdrawn from the fire impact account for the fire district shall be used in accordance with the provisions of Section 25.04.130 of this Title. The interest earned shall be retained in this fund and expended for the purposes for which the fire impact fees were collected.
- E. Pursuant to the interlocal agreement, on an annual basis the participating fire district shall provide a report to the Board of County Commissioners on the fire impact account, demonstrating the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.
- F. Fire impact fees shall be expended or encumbered within six years of receipt, unless the Board of County Commissioners identifies in written findings reasons for the fire district to hold the fees beyond the ten-year period. Under such circumstances, the Board of County Commissioners shall establish the period of time within which the impact fees shall be expended or encumbered, after consultation with the fire district.

Section 25.04.120 - Refunds, are amended to indicate applicability to fire districts. TCC 25.04.050, Subsections A, E, and G, are amended as follows:

25.04.120 - Refunds.

- A. If the county or the school, or fire district fails to expend or encumber the impact fees within ten years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Sections 25.04.100, 25.04.110, and 25.04.115,

ATTACHMENT – A

the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

- E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the county or the school or fire district.
- G. The county and school or fire district shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided that if the county or the school, or fire district has expended or encumbered the impact fees in good faith prior to the application for a refund, the director or the school, or fire district can decline to provide the refund. 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 can petition the director or the school, or fire district for an offset against the actual impact fee amounts paid. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. In the case of park or transportation impact fees, the director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedures in Section 20.60.060(1). In the case of school, or fire district impact fees, the school, or fire district shall determine whether to grant an offset. The school, or fire district shall forward its determination to the director, and the director may adopt the determination of the school, or fire district and may grant or decline to grant an offset, or the director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in Section 20.60.060(1).

Section “25.04.125 – Deferral of impact fees,” of TCC 25.04 GENERAL PROVISIONS GOVERNING THE ASSESSMENT OF IMPACT FEES, and is hereby adopted to read as follows:

25.04.125– Deferral of impact fees

- A. Each applicant for single-family residential attached and detached construction permit may request a deferral for the full impact fee(s) (Park, Fire, Transportation, and Schools) payment for up to twenty (20) permits for a period not to exceed 18 months from the date of building permit issuance or request for final inspection, whichever occurs first.
- B. The amount of impact fees deferred are determined by the fees in effect via ordinance, interlocal agreement or other schedule as adopted by the

ATTACHMENT – A

Board of County Commissioners at the time of building permit application.

- C. Thurston County may withhold any final inspection and/or certification for occupancy until all applicable impact fees have been paid in full.
- D. An applicant seeking deferral shall grant and record a ‘Deferred Impact Fee Lien Release’ in a form approved by the County against the subject property and in favor of the County, for the full amount of the impact fee(s) being deferred. Said Deferred Impact Fee Lien Release form shall include:
 - 1. The legal description, tax account number, and address of the property;
 - 2. A signature by the listed owner(s) of the property, with all signatures acknowledged as required for a deed and recorded with the Thurston County Auditor’s Office;
 - 3. Shall indicate that the Lien is Binding on all successors in title;
 - 4. Shall indicate that the lien is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.
- E. If impact fees are not paid in accordance with the terms of this section, the County is authorized and may choose to institute foreclosure proceedings. (The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority shall not affect the obligation to pay the impact fees as a condition of final inspection, certificate of occupancy, or equivalent certification or at the time of closing of the first sale.)
- F. If County does not institute foreclosure proceedings for unpaid school impact fees within forty-five days after receiving notice from a school district requesting that it do so, District may institute foreclosure proceedings with respect to the unpaid school impact fees. County shall remain responsible for collection of all remaining impact fees.
- G. Upon receipt of full payment of all outstanding impact fees deferred under this section, County shall execute a ‘Deferred Impact Fee Lien Release’ for the subject property. The property owner at the time of the release shall be responsible for recording the lien release at his or her own expense.

ATTACHMENT – A

Section 25.04.130 - Service areas, is amended to include fire protection districts serving Thurston County under TCC 25.04.130. TCC 25.04.130 is amended to add a new subsection, Section E, as follows:

25.04.130– Use of funds.

E. With respect to fire districts, impact fees may be spent for public improvements, including, but not limited to, fire protection planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to fire facilities, and any other similar expenses which can be capitalized.

~~F~~E. Impact fees may also be used to recoup public improvement costs previously incurred by the county to the extent that new growth and development shall be served by the previously constructed improvements or incurred costs.

~~G~~F. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public 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.

A new subsection is added, section “C,” of TCC 25.04.150 - Review, is hereby adopted to read as follows:

25.04.150 - Review.

C. The County’s Resource Stewardship shall maintain and preserve records of impact fee deferral(s) pursuant to the State Records Retention Schedule, including:

1. The number of deferrals requested and issued;
2. The type of impact fee deferred;
3. The monetary amount of deferrals;
4. The number of deferrals that were not fully, and timely paid; and
5. The cost to the county for collecting both timely, and delinquent fees.
6. Whether the deferral process was efficiently administered.

New definitions are added, definitions for “Applicant,” and “Fire District” of TCC 25.06.010 - Definitions, are hereby adopted to read as follows:

ATTACHMENT – A

25.06.010 - Definitions.

"Applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant."

"Fire district" when used alone means Fire Districts located within the Boundaries of Thurston County including Fire District #1, Fire District #2, Fire District #3, Fire District #4, Fire District #5, Fire District #6, Fire District #7, Fire District #8, Fire District #9, Fire District #11, Fire District #12, Fire District #13, Fire District #15, Fire District #16, Fire District #17."

Section "25.08.040 - Fire impact fees," to TCC 25.08. GENERAL PROVISIONS GOVERNING THE ASSESSMENT OF IMPACT FEES, and is hereby adopted to read as follows:

25.08.040 - Fire impact fees.

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

- A. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District #1, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #1 shall be charged the fire impact fee from the county impact fee schedule.
- B. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District #2, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #2 shall be charged the fire impact fee from the county impact fee schedule.
- C. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District #3, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #3 shall be charged the fire impact fee from the county impact fee schedule.
- D. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District #4, as amended, which is incorporated herein by reference. Except as otherwise provided in

ATTACHMENT – A

Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #4 shall be charged the fire impact fee from the county impact fee schedule.

- E. The Fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for Fire Protection District #5, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #5 shall be charged the fire impact fee from the county impact fee schedule.
- F. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #6, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #6 shall be charged the fire impact fee from the county impact fee schedule.
- G. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #7, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #7 shall be charged the fire impact fee from the county impact fee schedule.
- H. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #8, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #8 shall be charged the fire impact fee from the county impact fee schedule.
- I. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #9, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #9 shall be charged the fire impact fee from the county impact fee schedule.
- J. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #11, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments

ATTACHMENT – A

in the unincorporated area of Fire Protection District #11 shall be charged the fire impact fee from the county impact fee schedule.

- K. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #12, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #12 shall be charged the fire impact fee from the county impact fee schedule.
- L. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #13, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #13 shall be charged the fire impact fee from the county impact fee schedule.
- M. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #15, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #15 shall be charged the fire impact fee from the county impact fee schedule.
- N. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #16, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #16 shall be charged the fire impact fee from the county impact fee schedule.
- O. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan Fire Protection District #17, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of Fire Protection District #17 shall be charged the fire impact fee from the county impact fee schedule.

ORDINANCE NO. 15463

AN ORDINANCE AMENDING TITLE 25 IMPACT FEES GOVERNING THE ASSESSMENT OF IMPACT FEES IN THE THURSTON COUNTY CODE TO ALLOW COLLECTION OF IMPACT FEES FOR FIRE AUTHORITIES.

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

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

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

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

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

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

WHEREAS, the S.E. Thurston Fire Authority has indicated the current ordinance does not authorize them to collect impact fees and has requested a minor revision to clarify that fire authorities and districts both are authorized to collect impact fees; and

WHEREAS, fire districts are formed and governed by Title 52 RCW Fire Protection Districts; and

WHEREAS, fire authorities are authorized and governed by Chapter 52.26 RCW, Regional Fire Protection Service Authorities; and

WHEREAS, fire authorities are defined as a taxing district whose boundaries are coextensive with two or more fire protection jurisdictions, including fire districts; and

WHEREAS, fire authorities specified in this ordinance are enabled to agree through an interlocal agreement to prepare capital facilities plans and impact fee calculations as the basis for fire impact fees; and

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

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

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

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

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

A. Section 25.04.030 - Service areas, is amended to include fire authorities serving Thurston County, as follows:

25.04.030 - Service areas.

...

C. The service areas for fire impact fees are the boundaries of the fire districts or fire authorities.

D. The service areas in the transportation study, the parks study, the school districts capital facilities plans, fire authority capital facilities plans, and fire districts capital facilities plans, as amended, are hereby found to be reasonable and established on the basis of sound planning and engineering principles and are consistent with RCW 82.02.060.

B. Section 25.04.050 - Independent fee calculations, is amended to indicate applicability to fire authorities, as follows:

25.04.050 - Independent fee calculations.

...

B. If the school district, fire authority, or fire district for which the impact fee is being charged believes in good faith that none of the fee categories or fee amounts set forth in the county's impact fee schedule accurately describe or capture the impacts of a new development on schools or fire services, the school district, fire authority, or fire district may conduct independent fee calculations and submit such calculations to the director. The director may impose alternative fees on a specific development based on the calculations of the school district, fire authority, or fire district, or may impose alternative fees based on the

calculations of the department. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant.

- C. An applicant may elect to prepare and submit an independent fee calculation for the development activity for which a building permit is sought. The applicant must make the election between fees calculated under the county's impact fee schedule and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare his/her own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees in the transportation study, and the park parks study, and shall be limited to adjustments in trip generation rates and lengths for transportation impact fees, and persons per dwelling unit for park impact fees. For schools districts, fire authorities, and fire districts, the independent fee calculation shall use the same methodology used to establish the district's fee schedule.
- D. While there is a presumption that the calculations set forth in the county's impact fee schedule based on the transportation study, the parks study, ~~and school district capital facilities plan, fire authority capital facilities plan, and fire district capital facilities plan~~ calculations are valid, the director shall consider the documentation submitted by the applicant but is not required to accept such documentation or analysis which the director reasonably deems to be inapplicable, inaccurate, incomplete, or not reliable, and may modify or deny the request, or, in the alternative, require the applicant to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the applicant.

...

- C. Section 25.04.060 - Exemptions, is amended to indicate applicability to fire authorities, as follows:

25.04.060 - Exemptions.

...

- C. With respect to ~~both school district, fire authority, and fire district~~ impact fees, requests for an exemption shall be directed to the school or fire district. The school district, fire authority, or fire district shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. The school district, fire authority, or fire district shall forward its determination to the director in writing, and the director may adopt the determination of the school district, fire authority, or fire district and may exempt or decline to exempt a particular development activity, or the director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the director shall be in

writing and shall be subject to the appeal procedures set forth in Section 20.60.060(1).

- D. Section 25.04.070 – Credits, is amended to indicate applicability to fire authorities, as follows:

...

- B. Credits for dedications of real property:

...

- 3. Where the dedicated land, improvements, and/or construction is for the benefit of the school district, fire authority, or fire district, the applicant shall direct the request for a credit or credits to the school district, fire authority, or fire district. The school or fire district shall first determine the general suitability of the land, improvements, and/or construction for school district, fire authority, or fire district purposes. Second, the school or fire district shall determine whether the land, improvements, and/or the facility constructed are included within the school district, fire authority, or fire district's adopted capital facilities plan or the board of directors for the school or board of commissioners for fire authorities and districts may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the capital facilities plan of the school district, fire authority, or fire district. The school or fire district shall forward its determination to the director, including cases where the school district, fire authority, or fire district determines that the dedicated land, improvements, and/or construction are not suitable for school district, fire authority, or fire district purposes. The director may adopt the determination of the school district, fire authority, or fire district and may award or decline to award a credit, or the director may make an alternative determination and set forth in writing the rationale for the alternative determination.

...

- E. Section 25.04.115 - Authorization for the fire interlocal agreement and the establishment of the fire impact account, is amended to read as follows:

25.04.115 - Authorization for a fire district or fire authority interlocal agreement and the establishment of the fire district's or authority's impact account.

- A. The county manager is authorized to execute, on behalf of the county, interlocal agreements for the collection, expenditure, and reporting of fire district impact fees; provided that such interlocal agreement complies with the provisions of this section.
 - B. As a condition of the interlocal agreement, the fire authority or district shall establish a fire impact fund with the Office of the Thurston County Treasurer, who also serves as the treasurer for the fire district. The Fund shall be an interest-

bearing fund, and the fire impact fees received shall be invested in a manner consistent with the investment policies of the fire district.

- C. For administrative convenience while processing fee payments, fire impact fees may be temporarily deposited in a county account designated for fire impact fees. As soon as practicable, the county shall transmit the fire impact fees collected and any interest for the fire authority or district to the fire authority or district. The fire authority or district shall deposit the fees in the fire impact account established by the fire authority or district.
- D. Funds withdrawn from the fire impact account for the fire authority or district shall be used in accordance with the provisions of Section 25.04.130 of this Title. The interest earned shall be retained in this fund and expended for the purposes for which the fire impact fees were collected.
- E. Pursuant to the interlocal agreement, on an annual basis the participating fire authority or district shall provide a report to the Board of County Commissioners on the fire impact account, demonstrating the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.
- F. Fire impact fees shall be expended or encumbered within ~~six~~ten years of receipt, unless the Board of County Commissioners identifies in written findings reasons for the fire authority or district to hold the fees beyond the ten-year period. Under such circumstances, the Board of County Commissioners shall establish the period of time within which the impact fees shall be expended or encumbered, after consultation with the fire authority or district.

- F. Section 25.04.120 - Refunds, is amended to indicate applicability to fire authorities, as follows:

25.04.120 - Refunds.

- A. If the county or the school district, fire authority, or fire district fails to expend or encumber the impact fees within ten years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Sections 25.04.100, 25.04.110, and 25.04.115, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

...

- C. Current owner(s) seeking a refund of impact fees must submit a written request for a refund of the fees to the director and/or the school district, fire authority, or fire district within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

- D. Any impact fees for which no application for a refund has been made by the claimant within this one-year period shall be retained by the county, ~~or the school district,~~ fire authority, or fire district and expended on the appropriate public facilities. Claimants shall have no right to a refund if not timely requested pursuant to Section 25.04.120(C).
- E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the county or the school district, fire authority, or fire district.
- ...
- G. The county and school district, fire authority, or fire district shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided that if the county or the school district fire authority, or fire district has expended or encumbered the impact fees in good faith prior to the application for a refund, the director or the school district, fire authority, or fire district can decline to provide the refund. 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 can petition the director or the school district, fire authority, or fire district for an offset against the actual impact fee amounts paid. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. In the case of park or transportation impact fees, the director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedures in Section 20.60.060(1). In the case of school district, fire authority, or fire district impact fees, the school district, fire authority, or fire district shall determine whether to grant an offset. The school, or fire district shall forward its determination to the director, and the director may adopt the determination of the school district, fire authority, or fire district and may grant or decline to grant an offset, or the director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in Section 20.60.060(1).

G. Section 25.04.130 - Service areas, is amended to include fire authorities, as follows:

25.04.130– Use of funds.

...

- E. With respect to fire authorities or districts, impact fees may be spent for public improvements, including, but not limited to, fire protection planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to fire facilities, and any other similar expenses which can be capitalized.

...

- H. Section 25.06.010 - Definitions, is amended to add a definition for “Fire Authority”, as follows:

25.06.010 - Definitions.

...

"Fire authority or fire authorities" means regional fire protection authorities governed by Chapter 52.26 RCW, as amended.

...

- I. Section 25.08.040 - Fire impact fees is amended to add S.E. Thurston Fire Authority as follows:

25.08.040 - Fire impact fees.

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

...

P. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for S.E. Thurston Fire Authority, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of S.E. Thurston Fire Authority shall be charged the fire impact fee from the county impact fee schedule.

Q. The fire impact fees set forth in the county impact fee schedule are generated from the formula for calculating impact fees set forth in the capital facilities plan for West Thurston Fire Authority, as amended, which is incorporated herein by reference. Except as otherwise provided in Sections 25.04.050 through 25.04.070, all new residential developments in the unincorporated area of S.E. Thurston Fire Authority shall be charged the fire impact fee from the county impact fee schedule.

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

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

ADOPTED: April 25, 2017

ATTEST:

Roberta J. Baer
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Brad Blake
Chair

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

Travis Burns
Travis Burns
Deputy Prosecuting Attorney

Sal F. [Signature]
Vice-Chair

Dan Edwards
Commissioner

ORDINANCE NO. 15573

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25.04.060 - Exemptions.

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

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

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

25.08.040 - Fire impact fees.

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

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

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

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

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

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

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

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

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

ADOPTED: January 9, 2018

ATTEST:

L. Bonita J. Boyman
Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

Travis Burns
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Bud Blake
Chair

Sal A. Kelly
Vice-Chair

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Commissioner