



proud past, promising future

**PUBLIC WORKS
DEVELOPMENT ENGINEERING PROGRAM**

**AGENDA
DEVELOPMENT and ENGINEERING ADVISORY BOARD**

Thursday, April 14, 2016

2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

<u>ITEM</u>	<u>TIME</u>		<u>FACILITATOR</u>
	<u>Start</u>	<u>Duration</u>	
1. Administrative Actions <ul style="list-style-type: none">• Introductions• DEAB meeting is being recorded and the audio will be posted on the DEAB's website• Review/Adopt minutes• Review upcoming events• DEAB member announcements	2:30	15 min	Hardy
2. Fee Adjustments & Updates	2:45	30 min	Snell
3. Tidemark Replacement/Phase I Roll-out	3:15	20 min	Snell
4. SEPA Process & Exceptions	3:35	20 min	Ordren
5. Park Impact Fees	3:55	20 min	Lebowsky/Bjerke
6. Public Comment	4:15	15 min	All

Next DEAB Meeting:

Thursday, May 5, 2015
2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

Agenda:

Corner Lots/Drwy Spacing and Sight Distance – Golemo/Safayi



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**PUBLIC WORKS
DEVELOPMENT ENGINEERING PROGRAM**

BOCC Work Sessions and Hearings

BOCC Work Session – every Wednesday at 9 a.m. *

BOCC Hearing – every Tuesday at 10 a.m. **

BOCC Hearing – Amendment to the Charter Limited Property Tax, Public Service Center Limited Use Policy, Easement for Corrina Crest – Tuesday, April 19, 10:00 a.m.

BOCC Work Session – Quarterly Financial Report – Wednesday, April 20, 9:30 a.m.

BOCC Hearing – Community Service Housing Urban Development Action Plans – Tuesday, April 26, 10:00 a.m.

BOCC Work Session – Comp Plan Reviewing – Wednesday, April 27 and May 4, 9:30 a.m.

PC Work Sessions and Hearings

PC Work – Comp Plan Update – Thursday, April 21, 5:30 p.m.

PC Hearing – Open Space and Timberland Applications and Biannual Code Amendments – Thursday, April 21, 6:30 p.m.

Note: Work sessions are frequently rescheduled. Check with the BOCC's office to confirm date/time of scheduled meetings.

PC – Planning Commission

BOCC – Board of Clark County Commissioners

* Unless cancelled, which some are if there are no topics

** Except first Tuesday when the hearing is typically in the evening

Development and Engineering Advisory Board Meeting
March 3, 2016
2:30 p.m.-4:30 p.m.
Public Service Center

Board members in attendance: Steve Bacon, Eric Golemo, Andrew Gunther, Don Hardy, James Howsley, Mike Odren, Terry Wollam, and Jeff Wriston.

Board members not in attendance: Ott Gaither

County staff: Gary Albrecht, Jan Bazala, Dean Boening, Susan Ellinger, Gordy Euler, Oliver Orjiako, Dean Shaddix, Greg Shafer, Marty Snell, and Nicole Snider.

Public: None

Administrative Actions

- DEAB meeting is recorded and posted to the county's website.
- Review/Adopt Minutes: Minutes from February 2016 were adopted
- Reviewed Upcoming Events by Shafer:
 - BOCC Work Session – every Wednesday at 9:00 a.m. (Unless cancelled, which some are if there are no topics)
 - BOCC Hearing – every Tuesday at 10:00 a.m. (Except first Tuesday when the hearing is typically at 6:00 p.m.)
 - BOCC Hearing – Residential Care Facility – Tuesday, March 8, 10:00 a.m.
 - BOCC Work Session – Fire and Life Safety Inspection Program for Business Occupancy Wednesday, March 9, 10:30 a.m.
 - BOCC Work Session – DEAB Work Plan - Wednesday, March 30, 10:00 a.m.
 - PC Work Session – Capital Facilities Plan – Thursday, March 3, 5:30 p.m.

DEAB member announcements

Howsley gave an update on the Storm Water case that was successfully won at division 2. The Department of Ecology and Earth Justice have filed for petition to the Supreme Court. He had a conference call with our public partners; King County and Snohomish County, they will be filing briefs and opposition to that. There is a legislative effort ongoing.

Golemo gave an update on the sub-committee that is working on corner lots, driveways, and sight distance issues. Wriston is also on the sub-committee, they have had 2 meetings with 2 more scheduled. They feel like they are making good progress, request to add to the agenda for an update in May.

Retaining Walls and Setbacks Update

Bazala provided an update as part of the biannual code amendments. See page 24 & 25 for the retaining wall item. We have changed the allowable fence heights to 7 feet in the setback, DEAB has reviewed and requested most of the changes. Discussion followed.

Bazala pointed out an error on page 25 line 1, states walls over 12 in height, should read walls and/or fences. Odren noted error on page 24 line 13, should state 40.320.010.F 3 a though i as applicable. Correction also needed on page 24 line 33, should state 40.320.010 F.3 i.

Motion made to accept change to Section 40.320.010 F amending fence height and setback requirement for retaining walls and fences as written in our packet today as amended as we discussed with revision to the code citation as just discussed. Leaving in line 15 which reads the construction of retaining walls 4 feet or less in height and striking on line 17 the word public and line 1 page 25 adding and/or fences between walls and over. **Motion** passed.

Some discussion on remaining Biannual Code Amendments; on page 20 where it talks about tapers, clarify that road taper specifications are not included in the County's standard plans. There is not a standard plan per say, there are other sources. Could we say accepted engineering practices or accepted engineering standards? Recommendation made to change to; accepted engineering practices as determined by the Public Works Director or Designee.

The PC work session on the biannual code changes will be April 7th.

Comp Plan Update

Orjiako provided a handout of the table that shows the recommendation of the 5 council members. The preferred alternate map is now available on maps on line.

BOCC work session is March 16 regarding clustering in the rural areas.

Discussion on the confusion among realtors and property owners due to the proposed alternative 4. Need to communicate and clarify that is was proposed.

Subsequent to adoption of the Preferred Alternative the next steps would be:

- Analysis work: Final SEIS; Update VBLM for the urban area; Capital Facilities Plan (CFP); Capital Facilities Financial Plan (CFFP); Comprehensive Plan text; and CCC Title 40 changes to reflect the preferred alternative
- Issue FSEIS
- Commerce 60-day review
- Planning Commission (PC): Work Sessions on: FSEIS, Comp plan text, title 40, CFP, CFFP
- Joint PC/BOCC Hearings
- Planning Commission adoption of recommendations to BOCC
- BOCC Hearings/Deliberations/Decision

By April we will send our documents for review, trying to meet June 30th deadline. All of this will happen in May & June, we have a heavy schedule to complete the work.

Howsley asked a question – what happens if the VBLM comes up with a shortage? Orjiako responded that we will bring that to the BOCC attention if that happens. You have to account for the growth that occurs during the time to approve and adopt.

Hardy asked what are the major elements being discussed at policy level? There is some conversation regarding; affordable housing, homelessness, and economic development, potential for new policies. There will also be some additional issues to focus on in the rural areas; one example is the Accessory Dwelling Units (ADU), we are looking at that issue carefully, there is a pending case in Pierce County that was appealed to the growth hearing board. We currently allow guest houses and hardships in the rural area, now we may be proposing ADUs. There are many issues to be concerned with; will they be on the same septic system and well?

Howsley asked what is the interplay between rural and industrial land bank, what is the assumption there? Orjiako replied that is part of the comp plan, you can do that out of cycle. We are using the analysis and the work is going to be different. The property is outside the UGB, the developer will be responsible for building the road.

BOCC Work Session/2016-2017 Work Plan Priorities Update

Coming up on the 30th, what are the top items and priorities? We need to identify a short list.

Odren's top priority will be the SEPA thresholds and exemptions; this issue has affected 2 projects of his. Tyler's presentation here told us one thing, the PA's office is telling us differently. This needs to be resolved. If the only threshold in a project otherwise SEPA exempt is for grading and it exceeds 1000 yards of grading; it is not SEPA exempt. Staff in the PA's office do not agree. We are told one thing here in DEAB, we go through and work with Bazala on the exact language to be included in code so that this is clear based on what Tyler has told us and then in practice we actually go through the process and all of a sudden staff says this is not right. Is this worth going through the process? Did the PA's office have the same evidence we have? Discussion followed, we need to review our notes and look further into this issue.

Odren/Golemo – the Engineering/Stormwater review for SFR – how to simplify - \$1200.00 to \$2000.00 current cost. This is requiring a plan set to do splash blocks.

Simplify the grading permit project, for an early grading permit. The process to get a grading permit takes nearly as long as it does to get engineering approval. Is there a simplified method?

Potential workload concern regarding; upcoming preliminary plats that are going to expire December 2016. The workload will be significant, is there a way to extend those if they are showing progress?

Snell discussed Post Decision Reviews that are coming in now, with some of the changes they are like reviewing a whole new project. He has a work session with the BOCC on the 16th of March to discuss cost of service and fee study. We need to be looking at costs and times. These are not covered under fee holiday. Discussion followed regarding these. Golemo suggested looking at how the COV is doing things and things are working. Wollam stated that they would be fine with paying an additional fee to run them concurrently.

Fee waiver program we have waived half a million dollars in 2014-2015 in land use review.

Wollam wanted to touch on affordable housing – possible infill program.

Howsley said it has been a bit of struggle with the Environmental Services response time for reviews from that program. Wollam gave an example of an issue that could have been addressed earlier came up at final plat, now has held them up eight months.

Permit Center wait times, timelines for building permit approval. Marty responded; if you make an appointment, keep it. Make certain your application is complete, get it to us in order and accurate.

Public comment

Dean Boening –The DOE website is now updated to complete Clark County.

Meeting adjourned 4: 20pm

Meeting minutes prepared by: Nicole Snider

Reviewed by: Greg Shafer

40.570.090 Categorical Exemptions

A. Purpose of This Section and Adoption by Reference.

This section contains rules for determining if a proposal is exempt from environmental review under this chapter. This section also applies optional criteria for exemptions, including establishment of local thresholds, designation of critical areas, and selection of nonexempt actions within those areas. The county adopts the following sections of the SEPA Rules by reference, as supplemented in this section:

WAC

<u>197-11-305</u>	Categorical exemptions
<u>197-11-800</u>	Categorical exemptions
<u>197-11-880</u>	Emergencies
<u>197-11-890</u>	Petitioning DOE to change exemptions
<u>197-11-908</u>	Critical areas

RCW

43.21C.410 Battery charging and exchange station installation
(Amended: Ord. 2009-07-01; Ord. 2011-06-14)

B. Use of Exemptions.

1. Each department within the county that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The county shall not require completion of an environmental checklist for an exempt proposal.
2. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
3. If a proposal includes both exempt and nonexempt actions, the county may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - a. The county shall not give authorization for:

- (1) Any nonexempt action;
 - (2) Any action what would have an adverse environmental impact;
or
 - (3) Any action that would limit the choice of alternatives;
- b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 - c. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

C. Exempt Levels for Minor New Construction.

Clark County establishes the following exempt levels for the minor new construction activities under WAC 197-11-800(1)(b) based on local conditions except when undertaken wholly or partly on lands covered by water as authorized under RCW 43.21C.135:

1. For residential structures in WAC 197-11-800(1)(b)(i), thirty (30) or fewer single-family residential dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, twenty (20) or fewer dwelling units shall be exempt.
2. For residential structures in WAC 197-11-800(1)(b)(ii), sixty (60) or fewer multifamily residential dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan.
3. For agricultural structures in WAC 197-11-800(1)(b)(iii), the exempt threshold shall be forty thousand (40,000) square feet.
4. For office, school, commercial, recreational, service or storage buildings (but not including manufacturing buildings) in WAC 197-11-800(1)(b)(iv), up to thirty thousand (30,000) square feet of gross floor area and up to ninety (90) associated or stand-alone parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt levels for these facilities shall be twelve thousand (12,000) square feet or less, and up to forty (40) associated or stand-alone parking spaces.
5. For landfills and excavations in WAC 197-11-800(1)(b)(v), not associated with an exempt project in Section 40.570.090(C)(1) through (4), up to one

thousand (1,000) cubic yards shall be exempt.

6. Whenever the county establishes new exempt levels under this section, it shall send them to the Washington Department of Ecology, Headquarters Office, Olympia, Washington 98504, under WAC 197-11-800(1)(c).

(Amended: Ord. 2009-07-01; Ord. 2013-06-15)

D. Critical Areas.

1. Clark County designates the following as critical areas, in which the exemptions as specified in subsection (E) of this section do not apply:
 - a. Shoreline Management Areas. Land and water areas under jurisdiction of the Shoreline Management Act are critical areas. These shorelines of the county are mapped in the Clark County Shoreline Master Program, which maps are incorporated in this chapter by reference. All development subject to shorelines substantial development permits, shorelines conditional use permits, and shorelines variance permits are subject to SEPA, except that SEPA review shall not be required for the exempt shoreline developments listed in Section 40.460.230(B); provided, that no part of the exempt shoreline development is undertaken on lands covered by water as defined in WAC 197-11-756. In addition, the minor repair or replacement of structures such as pilings, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks that are specifically exempted within WAC 197-11-800(3) shall also be exempt from SEPA review.
 - b. Floodplains. All areas within the one hundred (100) year floodplain boundary delineated by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for Clark County are critical areas. These one hundred (100) year floodplains are designated on FEMA's Flood Insurance Rate Maps (FIRM), which are incorporated in this chapter by reference.
 - c. Wetlands subject to the provisions of Chapter 40.450 are critical areas.
 - (1) Exemptions listed in Section 40.450.010(C) shall be exempt from SEPA.
 - (2) Other exemptions as specified in Section 40.570.090(E) do not apply unless authorized by a Type I wetland permit under Section 40.450.040(G)(1)(a).
 - d. The following critical areas regulation ordinances but only for personal wireless service facilities:
 - (1) Chapter 40.440, Habitat Conservation;

- (2) Chapter 40.430, Geologic Hazard Areas;
 - (3) Chapter 40.410, Critical Aquifer Recharge Areas (CARAs).
2. The scope of environmental review of actions within these areas shall be limited to:
 - a. Documenting whether the proposal is consistent with the requirements of the applicable critical areas ordinance; and
 - b. Evaluating potentially significant impacts on the critical area resources not adequately addressed by the comprehensive plan and implementing ordinances, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.
 3. The county shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The county shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

(Amended: Ord. 2012-12-23; Ord. 2013-06-15)

E. Non-Applicable Exemptions to Critical Areas.

Clark County selects the following categorical exemptions to be inapplicable within certain critical areas as specified below:

1. The minor new construction exemptions under Section 40.570.090(C) do not apply within any critical area, except that agricultural structures in Section 40.570.090(C)(3) are exempt in shoreline and unstable slope areas, and on slopes of forty percent (40%) or greater.
2. Other minor new construction exemptions under WAC 197-11-800(2) do not apply as follows:
 - a. Bus shelters and other transit facilities in WAC 197-11-800(2)(a) are not exempt in any critical area;
 - b. Commercial and public signs in WAC 197-11-800(2)(b) are not exempt in shoreline management areas;
 - c. Minor road and street improvements in WAC 197-11-800(2)(c) are not exempt in any critical area;
 - d. Grading, septic tank installation, and other activities in WAC 197-11-800(2)(d) are not exempt in any critical area;

- e. Building additions and modifications in WAC 197-11-800(2)(e) are not exempt in any critical area;
 - f. Demolition of structures in WAC 197-11-800(2)(f) is not exempt in shoreline management areas;
 - g. Underground storage tanks in WAC 197-11-800(2)(g) are not exempt in any critical area; and
 - h. Street or road vacations in WAC 197-11-800(2)(h) are not exempt in shoreline management areas.
3. The approval of short plats under WAC 197-11-800(6)(a) is not exempt in any critical area.
4. Licenses for amusement and entertainment activities in WAC 197-11-800(13)(c) are not exempt in any critical area.
5. Utility-related exemptions under WAC 197-11-800(23) do not apply as follows:
- a. Communication lines in WAC 197-11-800(23)(a) are not exempt in shoreline management areas;
 - b. Eight (8) inch or less diameter water, sewer and stormwater facilities in WAC 197-11-800(23)(b) are not exempt in any critical area;
 - c. Electric facilities in WAC 197-11-800(23)(c) are not exempt in shoreline management areas;
 - d. Natural gas distribution facilities in WAC 197-11-800(23)(d) are not exempt in shoreline areas; and
 - e. Right-of-way clearing in WAC 197-11-800(23)(f) is not exempt in shoreline areas.
6. The natural resources management exemptions under WAC 197-11-800(24) do not apply as follows:
- a. Issuance of leases for school sites in WAC 197-11-800(24)(e) is not exempt in any critical area; and
 - b. Development of recreational sites in WAC 197-11-800(24)(g) is not exempt in any critical area.
7. Personal wireless service facilities in WAC 197-11-800(25) are not exempt in any critical area.

(Amended: Ord. 2006-05-27; Ord. 2013-06-15)

F. Exempt Levels for Battery Charging and Exchange Station Installation.

Clark County establishes the following exempt levels for battery charging and exchange station installation authorized under RCW 43.21C.410:

1. The installation of individual battery charging stations and battery exchange stations, which individually are categorically exempt under the rules adopted under RCW 43.21C.110, may not be disqualified from such categorically exempt status as a result of their being parts of a larger proposal that includes other such facilities and related utility networks under the rules adopted under RCW 43.21C.110.
2. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.
 - a. "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
 - b. "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(Added: Ord. 2011-06-14)

Compile Chapter

The Clark County Code is current through Ordinance 2016-03-11, passed March 22, 2016.

Disclaimer: The Clerk of the Board's Office has the official version of the Clark County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

County Website:
<http://www.clark.wa.gov/>
(<http://www.clark.wa.gov/>)
County Telephone: (360) 397-2232
Code Publishing Company
(<http://www.codepublishing.com/>)

Attachment "A"

Revisions to Clark County Code Section 40.570.090 regarding SEPA
Categorical Exemptions

40.570.090

C. Exempt Levels for Minor New Construction.

Clark County establishes the following exempt levels for the minor new construction activities under WAC 197-11-800(1)(b) based on local conditions except when undertaken wholly or partly on lands covered by water as authorized under RCW 43.21C.135:

1. For residential structures in WAC 197-11-800(1)(b)(i), ~~up to twenty (20)~~ thirty (30) or fewer single family residential dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, ~~four (4)~~ twenty (20) or less fewer dwelling units shall be exempt.
2. For residential structures in WAC 197-11-800(1)(b)(ii), sixty (60) or fewer multifamily residential dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan.
23. For agricultural structures in WAC 197-11-800(1)(b)(ii), ~~(iii)~~, (iii), the exempt threshold shall be ~~ten thousand (10,000)~~ forty thousand (40,000) square feet.
34. For office, school, commercial, recreational, service or storage buildings (but not including manufacturing buildings) in WAC 197-11-800(1)(b)(iii), ~~(iv)~~ up to ~~twelve thousand (12,000)~~ thirty thousand (30,000) square feet of gross floor area and up to ~~forty (40)~~ ninety (90) associated or stand-alone parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt levels for these facilities shall be ~~four thousand (4,000)~~ twelve thousand (12,000) square feet or less, and up to ~~twenty (20)~~ forty (40) associated or stand-alone parking spaces.
4. ~~For parking lots in WAC 197-11-800(1)(b)(iv), up to forty (40) parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt level shall be twenty (20) parking spaces.~~
5. For landfills and excavations in WAC 197-11-800(1)(b)(v), not associated with an exempt project in subsections 40.570.090.C.1 through 4 above, up to five hundred (500) one thousand (1,000) cubic yards shall be exempt.
6. Whenever the county establishes new exempt levels under this section, it shall send them to the Washington Department of Ecology, Headquarters Office, Olympia, Washington 98504, under WAC 197-11-800(1)(c).

D. Critical Areas.

1. Clark County designates the following as critical areas, in which the exemptions as specified in subsection (E) of this section do not apply:

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~~(1) SEPA shall not be required for the exempt shoreline developments listed in Section 40.460.230(B), except when undertaken wholly or partly on lands covered by water. Exempt shoreline developments undertaken wholly or partly on lands covered by water that are specifically exempted by WAC 197-11-800 shall also be exempted from the requirements of this chapter.~~

b. Floodplains. All areas within the one hundred (100) year floodplain boundary delineated by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for Clark County are critical areas. These one hundred (100) year floodplains are designated on FEMA's Flood Insurance Rate Maps (FIRM), which are incorporated in this chapter by reference.

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 - b. Evaluating potentially significant impacts on the critical area resources not adequately addressed by the comprehensive plan and implementing ordinances, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.
3. The county shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The county shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

E. Non-Applicable Exemptions to Critical Areas.

Clark County selects the following categorical exemptions to be inapplicable within certain critical areas as specified below:

1. The minor new construction exemptions under Section 40.570.090(C) do not apply within any critical area, except that agricultural structures in Section 40.570.090(C)(~~2~~) (3) are exempt in shoreline and unstable slope areas, and on slopes of forty percent (40%) or greater.
2. Other minor new construction exemptions under WAC 197-11-800(2) do not apply as follows:
 - a. Bus shelters and other transit facilities in WAC 197-11-800(2)(a) are not exempt in any critical area;
 - b. Commercial and public signs in WAC 197-11-800(2)(b) are not exempt in shoreline management areas;
 - c. Minor road and street improvements in WAC 197-11-800(2)(c) are not exempt in any critical area;
 - d. Grading, septic tank installation, and other activities in WAC 197-11-800(2)(d) are not exempt in any critical area;
 - e. Building additions and modifications in WAC 197-11-800(2)(e) are not exempt in any critical area;
 - f. Demolition of structures in WAC 197-11-800(2)(f) is not exempt in shoreline management areas;
 - g. Underground storage tanks in WAC 197-11-800(2)(g) are not exempt in any critical area; and
 - h. Street or road vacations in WAC 197-11-800(2)(h) are not exempt in shoreline management areas.

3. The approval of short plats under WAC 197-11-800(6)(a) is not exempt in any critical area.
4. Licenses for amusement and entertainment activities in WAC 197-11-800(13)(c) are not exempt in any critical area.
5. Utility-related exemptions under WAC 197-11-800(23) do not apply as follows:
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7. Personal wireless service facilities in WAC 197-11-800(25) are not exempt in any critical area.

Item #5 B



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DEVELOPMENT and ENGINEERING ADVISORY BOARD

Recommendations to the Clark County Planning Commission for April 4, 2013, Work Session

SEPA Categorical Exemptions

Thank you for asking the Development and Engineering Advisory Board (DEAB) to provide comment on proposed revisions to the following Clark County SEPA code sections (40.570.090):

- Subsection C. Exempt Levels for Minor New Construction,
- Subsection D. Critical Areas,
- Subsection E. Non-Applicable Exemptions to Critical Areas.

DEAB reviewed the proposed revisions in a draft document attached to a March 21, 2013, email from Jan Bazala.

DEAB fully supports Clark County adopting higher thresholds for SEPA Categorical Exclusions, including those in the proposed code revisions. DEAB has one comment on the proposed revisions. In Section C. Exempt Levels for Minor New Construction, Item 5 - the ordinance should be clarified to state that the 1,000 c.y. threshold should only apply to landfills and excavations not associated with one of the other amendments. DEAB continues to support Clark County amending SEPA Categorical Exclusion thresholds to simplify the review process where applicable.

MOTION: Via email, DEAB formally moved and a majority of members approved the above recommendations.

*Prepared on behalf of DEAB by:
Sue Stepan, P.E.
Development Engineering Program Manager
Clark County Public Works
April 1, 2013*

Item #4

Clark County
Department of Environmental Services

Development & Engineering Advisory Board
February 7, 2013

SEPA Rule Making



Kevin Tyler
Resource, Enforcement & Permitting Manager

Background

- Senate Bill 6406 Passed by 2012 Legislature
- Ecology convened SEPA Rulemaking Advisory Committee
- SEPA Amendments
 - Round 1 – by December 31, 2012 (Adopted 12/28/12)
 - Round 2 – by December 31, 2013



SEPA Rule Making
Round 1

- Increasing the flexible thresholds
- Separate flexible thresholds for counties fully planning vs. not
- Revising the process for adopting new flexible thresholds
- Clarifying language for "residential", "parking lot" and "landfill and excavation" categories of minor new construction
- Increasing exemption threshold for electric facilities
- Adding flexibility to improve efficiency of the environmental checklist





Clarifying Use of Flexible Thresholds

Parking Lots, Residential, and Landfill & Excavation

Examples:

1. 30,000 square foot office building with 90 parking spaces in unincorporated Clark County is exempt from SEPA even if overall fill/excavation exceeds 1,000 cy.
2. Excavation of new stormwater facility or mitigation site not associated with another project that exceeds 1,000 cy of fill/excavation would require SEPA.



Increase SEPA Exemption Level

Electrical Facilities

- Existing SEPA review threshold is 55,000 volts for transmission lines
- New threshold increased to 115,000 volts to mesh with industry standard
- Within rights of way or utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less



SEPA Checklist

Increased Flexibility

- Use local ordinance, development regulation, or land use plan that addresses impacts from a proposal on a particular element of the natural or built environment
- Allows local agencies to make alterations to the SEPA checklist, specifically formulating generic responses to questions based on the use of local ordinances or regulations as defined above
- Allows for electronic submittal of the environmental checklist, including electronic signature



SEPA Rule Making

County's Potential Next Steps

- Use Bi-annual Code Amendment process to recommend changes to Title 40.570 to BOCC:
 - Increase flexible thresholds as appropriate
 - Modify SEPA checklist using existing codes
- Incorporate electronic submittal and signature with Tidemark upgrade.



SEPA Rule Making

Round 2

- Improve public notice process
- Further update categorical exemptions
- Improve SEPA's role when considering cultural impacts
- Consider GMA/SEPA integration
- Consider changes to questions on the Environmental Checklist
- Use of existing documents and NEPA/SEPA integration
- Non-project proposals –update and improve this SEPA process
- Review the use of "nonexempt" in the rule and propose clarification
- Remove list of "agencies with expertise" and put in guidance
- Review and update SEPA Model Ordinance – put in guidance
- Review lead agency designations and consider updates and clarifications



Questions?

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Track status of Rulemaking
<http://www.ecy.wa.gov/programs/sepa/sepa/rulemaking2012.html>



Mike Odren

From: Eric Golemo
Sent: Wednesday, April 13, 2016 2:31 PM
To: Jamie Howsley
Cc: Mike Odren
Subject: FW: Building Industry Association of Clark County Comments on SEPA Exemptions

Here was some of the comments Jamie provided that were incorporated into the revised WAC.

From: Eric Golemo [<mailto:Egolemo@SGAengineering.com>]
Sent: Friday, March 4, 2016 3:09 PM
To: Jamie Howsley (Jamie.howsley@jordanramis.com) <Jamie.howsley@jordanramis.com>
Subject: FW: Building Industry Association of Clark County Comments on SEPA Exemptions

I found this but I don't have a response from Fran.

From: Jamie Howsley [<mailto:jamie.howsley@jordanramis.com>]
Sent: Friday, October 5, 2012 4:19 PM
To: fran.sant@ecy.wa.gov
Cc: Jamie Howsley <jamie.howsley@jordanramis.com>; Egolemo@SGAengineering.com; Avaly Mobbs <AMobbs@BIAofClarkCounty.org>; Ryan Zygar <ryan@tamarackcorp.com>; Art Castle <artc@biaw.com>; Jan Himebaugh <janh@biaw.com>
Subject: Building Industry Association of Clark County Comments on SEPA Exemptions

Dear Fran:

I am the Government Affairs Director for the Building Industry Association of Clark County and private practice land use attorney with Jordan Ramis, PC. On behalf of the BIA as well as myself personally, I would like to file the following comments:

1. We propose as an overall recommendation that the last exemption related to landfill and excavation only apply to activities that are not tied to another land use approvals. Otherwise you are likely to trigger SEPA regardless of the increased exemption levels across other categories.
2. We also believe that the cut and fill exemption should be increased to 2,500 cu yards, again for activities not tied to a land use approval.
3. Finally, the proposed exemptions for housing and commercial are not high enough and do not meet the legislative intent of Senate Bill 6406. Senate Bill 6406 recognized increased environmental protection in the State of Washington through the passage of things such as GMA, GMA's mandates for critical area protection through critical area ordinance adoption at the local level consistent with best available science, amendments to the Shoreline Management Act, and other protections. The proposed increases amount to minimal changes in light of the additional environmental regulations adopted by the legislature. Simply put, the proposed new exemption limits do not meet the legislative intent of Senate Bill 6406.

To this end we propose the following in the urban areas, both incorporated and UGA unincorporated.

Single Family 80 units.
Multi-Family 150 units.
Commercial 60,000 Square feet plus 200 parking spaces.

Thank you for the opportunity to comment on this draft.

Very truly yours,

Jamie

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WAC 197-11-800

Categorical exemptions.

The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction - Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection apply except when the project:

- (i) Is undertaken wholly or partly on lands covered by water;
- (ii) Requires a license governing discharges to water that is not exempt under RCW

43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The following types of construction shall be exempt:

(i) The construction or location of four detached single family residential units.

(ii) The construction or location of four multifamily residential units.

(iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.

(v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

(c) Cities, towns or counties may raise the exempt levels up to the maximum specified in (d) of this subsection by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904). Separate maximum optional thresholds are established in (d) of this subsection applying to both incorporated areas and unincorporated urban growth areas in fully planning jurisdictions under RCW 36.70A.040; other unincorporated areas in fully planning counties; and jurisdictions in all other counties. Agencies may adopt the maximum level or a level between the minimum and maximum level. An agency may adopt a system of several exempt levels, such as different levels for different geographic areas, and mixed use projects.

At a minimum, the following process shall be met in order to raise the exempt levels.

(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.

(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels.

(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:

- Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.
- Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44, 27.53, 68.50, and 68.60 RCW.
- Local development regulations that include at minimum preproject cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.

(d) The maximum exemption levels applicable to (c) of this subsection are:

Project types	Fully planning GMA counties		All other counties
	Incorporated and unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	30 units	20 units	20 units
Multifamily residential	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

(2) Other minor new construction.

(a) The exemptions in this subsection apply to all licenses required to undertake the following types of proposals except when the project:

- (i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

(b) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(c) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

(i) Safety structures and equipment: Such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

(ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660);

(iii) Temporary traffic controls and detours;

(iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;

(v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;

(vi) Channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(vii) Installation of catch basins and culverts for the purposes of road and street improvements;

(viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(e) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(f) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(g) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance such as listing in a historic register.

(h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

(i) The vacation of streets or roads.

(j) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(k) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(l) The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging of over fifty cubic yards of material;

(b) Reconstruction or maintenance of groins and similar shoreline protection structures;

(c) Replacement of utility cables that must be buried under the surface of the bedlands; or

(d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) Water rights. Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of groundwater, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.

(c) Leasing, granting an easement for, or otherwise authorizing the use of real property when the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this chapter.

(6) Land use decisions. The following land use decisions shall be exempt:

(a) Land use decisions for exempt projects, except that rezones must comply with (c) of this subsection.

(b) Other land use decisions not qualified for exemption under subsection (a) (such as a home occupation or change of use) are exempt provided:

(i) The authorized activities will be conducted within an existing building or facility qualifying for exemption under WAC 197-11-800 (1) and (2); and

(ii) The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

(c) Where an exempt project requires a rezone, the rezone is exempt only if:

(i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;

(ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

(iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS

adequately addressed the environmental impacts of the rezone.

(d) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the same number of lots allowed by the jurisdiction as a short subdivision.

(e) Granting of variance based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(f) Alteration of property lines as authorized by RCW 58.17.040(6).

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted.

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment

activities including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities including, but not limited to, peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services including, but not limited to, detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities including, but not limited to, taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution including, but not limited to, restaurants, liquor, and meat.

(h) All animal control licenses including, but not limited to, pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(k) Classification of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(15) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) Local improvement districts and special purpose districts. The formation of local improvement districts and special purpose districts, unless such formation constitutes a final agency

decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880. A special district or special purpose district is a local government entity designated by the Revised Code of Washington (RCW) and is not a city, town, township, or county.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

(c) Agency SEPA procedures.

(20) **Reserved.**

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations, SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines twelve inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (up to and including 115,000 volts); within existing rights of way or developed utility corridors, all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 115,000 volts or less; and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station vault, pipe, or well: Additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, the chemicals used are approved by Washington state and

applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) Wireless service facilities.

(a) The siting of wireless service facilities are exempt if:

(i) The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or

(ii) The siting project involves constructing a wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Wireless service facilities" means facilities for the provision of wireless services.

(iii) "Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.

(iv) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

(v) "Substantially change the physical dimensions" means:

(A) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or

(B) The mounting of equipment that would involve adding an appurtenance to the body of the

structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

(26) The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

[Statutory Authority: RCW 43.21C.110 and 43.21C.100 [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-800, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW 43.21C.110. WSR 13-02-065 (Order 12-01), § 197-11-800, filed 12/28/12, effective 1/28/13. Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. WSR 03-16-067 (Order 02-12), § 197-11-800, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. WSR 97-21-030 (Order 95-16), § 197-11-800, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. WSR 84-05-020 (Order DE 83-39), § 197-11-800, filed 2/10/84, effective 4/4/84.]

From: [Szvetecz, Annie \(ECY\)](#)
To: [Tyler, Kevin](#)
Cc: [ECY RE SEPA HELP](#)
Subject: RE: SEPA Exemption Guidance
Date: Monday, January 09, 2012 9:34:05 AM
Attachments: [SEPA Exemption Guidance.pdf.html](#)

Tyler,

Thank you for forwarding the memo from Edmonds. I was the Ecology contact at the referenced law conference and I talked to Kernan afterwards as well. His memo looks fine to me. FYI, I don't consider this "guidance" to be new, it has just been emphasized a bit more since the question comes up regularly.

Hope that covers it from my end. Thanks.

Annie Szvetecz
SEPA Policy Lead
Washington Department of Ecology
360 407-6925
aszv461@ecy.wa.gov
For more information on the State Environmental Policy Act
www.ecy.wa.gov/programs/sea/sepa

For general questions about SEPA please e-mail: sepahelp@ecy.wa.gov

From: Tyler, Kevin [mailto:Kevin.Tyler@clark.wa.gov]
Sent: Monday, January 09, 2012 7:53 AM
To: Szvetecz, Annie (ECY)
Subject: SEPA Exemption Guidance

Hi Annie,

I left you a voicemail about this last week. As a follow up to our conversation, I talked with the City of Edmonds recently about the methodologies they use to both calculate grading volumes and apply SEPA exemptions. Attached is a memo they have issued to explain some guidance received from Ecology following a planning law conference. I was wondering if you can give me a call to discuss or review the memo and respond by e-mail if it is in line with the Ecology SEPA Handbook?

Thanks so much,
Kevin Tyler

Environmental Permitting Coordinator
Clark County Environmental Services
Office: (360) 397-2121 x4258
Cell: (360) 773-7674

This e-mail and related attachments and any response may be subject to public disclosure under state law.



MEMORANDUM

Date: May 11, 2011
To: Building, Engineering and Planning Divisions
From: Kernen Lien, Associate Planner *Kernen*
Subject: New Guidance from Ecology on SEPA Exemptions

At the recent Planning Law Conference in Bellevue, the Department of Ecology presented guidance on how to apply the categorical exemptions contained within WAC 197-11-800. After seeking clarification from Ecology following the conference, it is clear this new guidance from Ecology will impact when the City of Edmonds requires SEPA review. This memorandum summarizes the guidance from Ecology and how the guidance affects when SEPA will be required for projects within the City of Edmonds.

The main changes for the City of Edmonds will be with single family residences and short plats.

The exemption for residential construction is located within WAC 197-11-800(1) Minor new construction. WAC 197-11-800(1) also includes the exemption thresholds for fill and grade (500 cubic yards) and commercial development (4,000 square feet and 20 parking spaces). Ecology views each project in the exemption list as mutually exclusive because of language contained in the preamble to the exemptions in subsection which state:

*The exemptions in this subsection apply to **all licenses** required to undertake **the construction in question**, except when a rezone or any license governing emissions to the air or discharges to water is required.*

In the past, when a single family residence included fill or grade that exceeded 500 cubic yards the City would require SEPA review. With the new guidance from Ecology, this type of project will be exempt from SEPA. The “*construction in question*” is the single family residence and the grading is part of “*all licenses*” required to construct the single family residence. The same logic applies to new commercial development. For example, a new commercial development of 3,500 square feet with 15 parking spaces would be exempt from SEPA even if grading for the project exceeded 500 cubic yards. However, a new commercial development of 3500 square feet and 21 parking spaces would require SEPA because the parking space threshold is exceeded.

The exemption for short plats is contained within WAC 197-11-800(6) Minor land use decisions and states:

Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

Here the guidance from Ecology depends on the subdivision review process used by individual jurisdictions. In Edmonds, the improvements required by preliminary approval do not require a separate permit for the activity to be carried out. For example, applicants do not have to seek a separate grading permit to construction the access roads or install the utilities. Since the City does not require any other permits to install the subdivision improvements for a short plat, short plats will be exempt from SEPA review even if grading for the improvements exceeded 500 cubic yards. If Edmonds required a separate permit to install improvements required by a short plat, SEPA may be required if the required if the other permit exceeded one of the exemption thresholds in WAC 197-11-800. Another qualifier in this exemption is “*upon lands covered by water*”. If a property proposed for a short plat contained a creek, SEPA would be required because the property has “*lands covered by water*”.

In short, based on guidance from the Department of Ecology, Edmonds will not be requiring SEPA review for new residential construction of four dwelling units or less or for new short plats even if grading exceeds 500 cubic yards.

Please come see me if you have any questions regarding when SEPA is required for projects.



Community Development Building & Land Use Review Cost of Service and Fee Study

**Development Engineering
Advisory Board Briefing**

April 14, 2016



Agenda

- Review Objectives & Assumptions
- Overall Cost Recovery
- Permit Fee Comparisons
- Stakeholder Feedback
- Proposed Permit Fee Changes



Objectives & Assumptions

Review Objectives

- Determine whether Building and Land Use Review permit fees are sufficient to cover the County's cost of processing the permits
- Identify how Clark County's Building and Land Use Review fees compare to the fees in other local jurisdictions
- Identify any needed adjustments to permit fees based on cost recovery analysis and comparisons



Objectives & Assumptions

Current Cost Recovery Framework

- RCW 82.02.020: Allows reasonable fees from an applicant to cover the cost of processing applications, inspecting and reviewing plans
- CCC 6.100.020
 - ...adopt application and services fees at the level necessary to cover the costs of conducting the review or providing the service.
 - General Fund support for key activities will be identified where necessary.



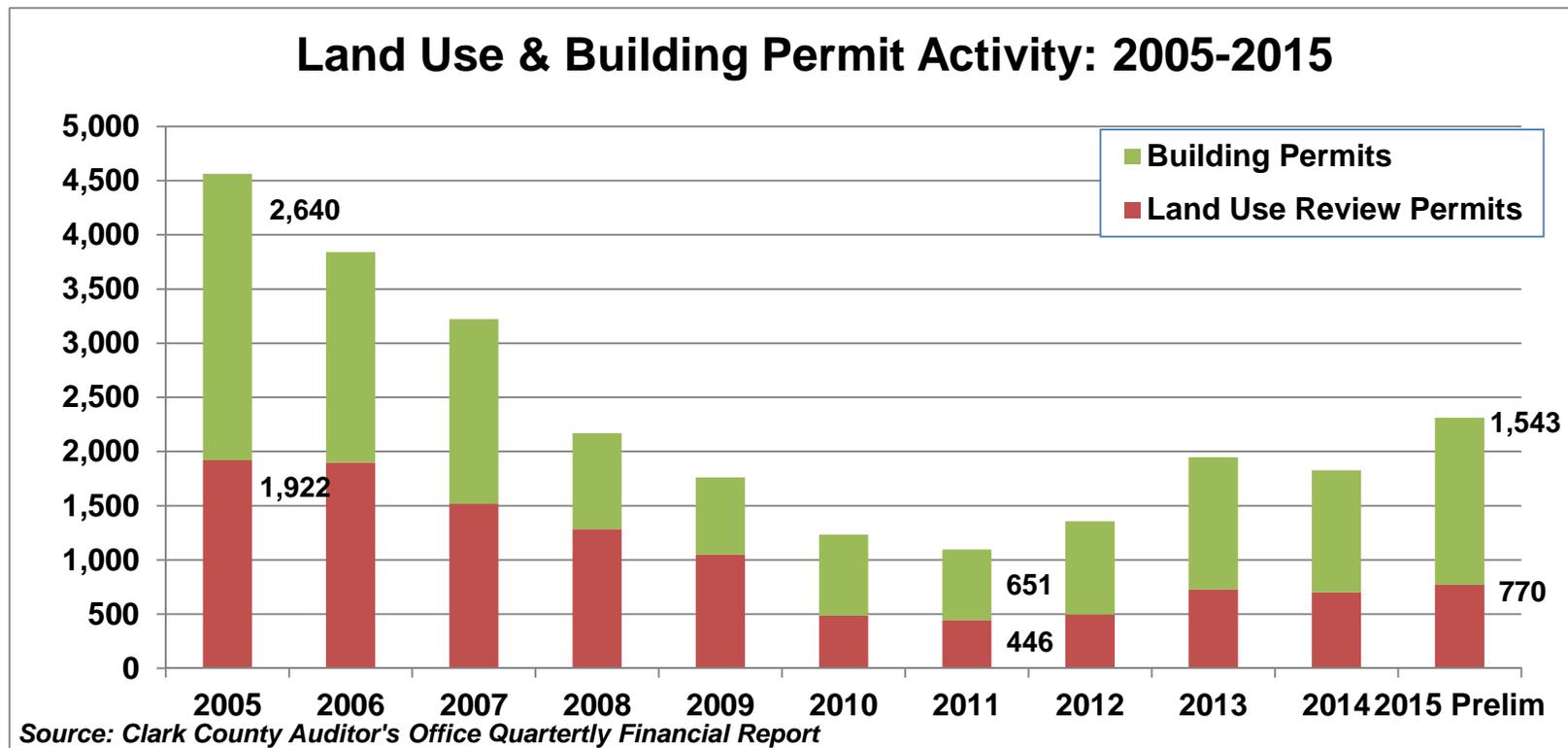
Objectives & Assumptions

Key Assumptions

- Revenue is based on adopted permit fees and actual transactions
- Revenue excludes General Fund support for Land Use Review
- Expenses include direct operating expenses, allocated administration and Permit Center costs – excludes new system expense
- “2015 Adj”: Full year of new 2015 positions

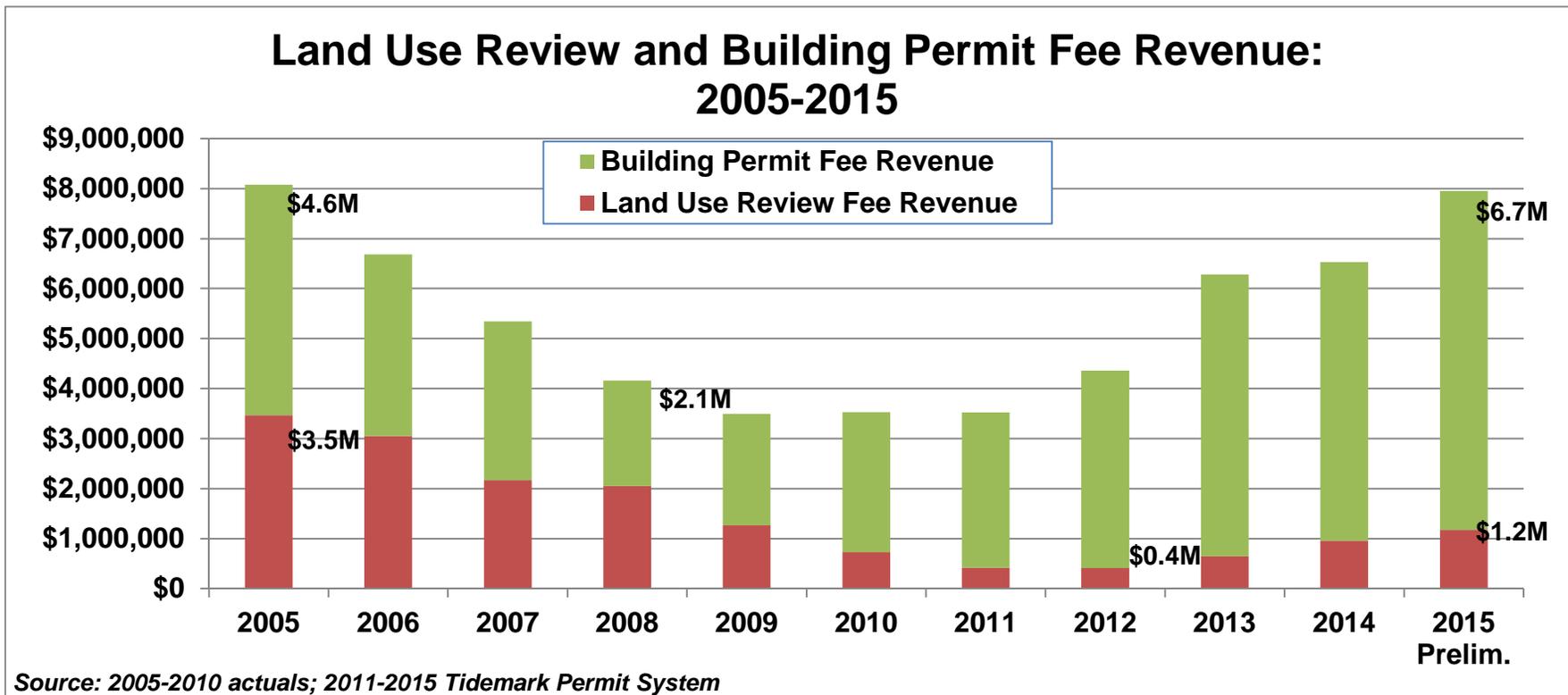
Overall Cost Recovery

Context – Number of Permits



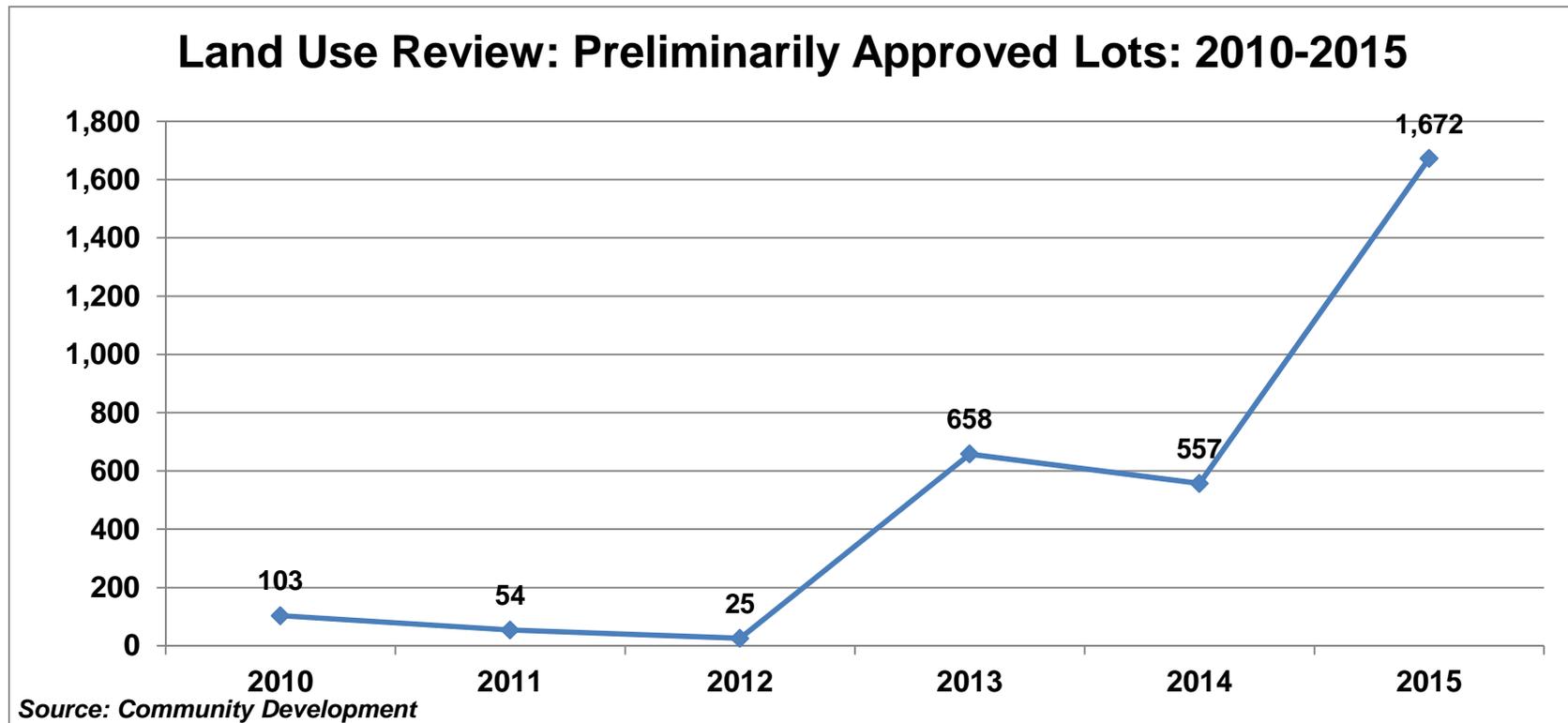
Overall Cost Recovery

Context – Permit Fees



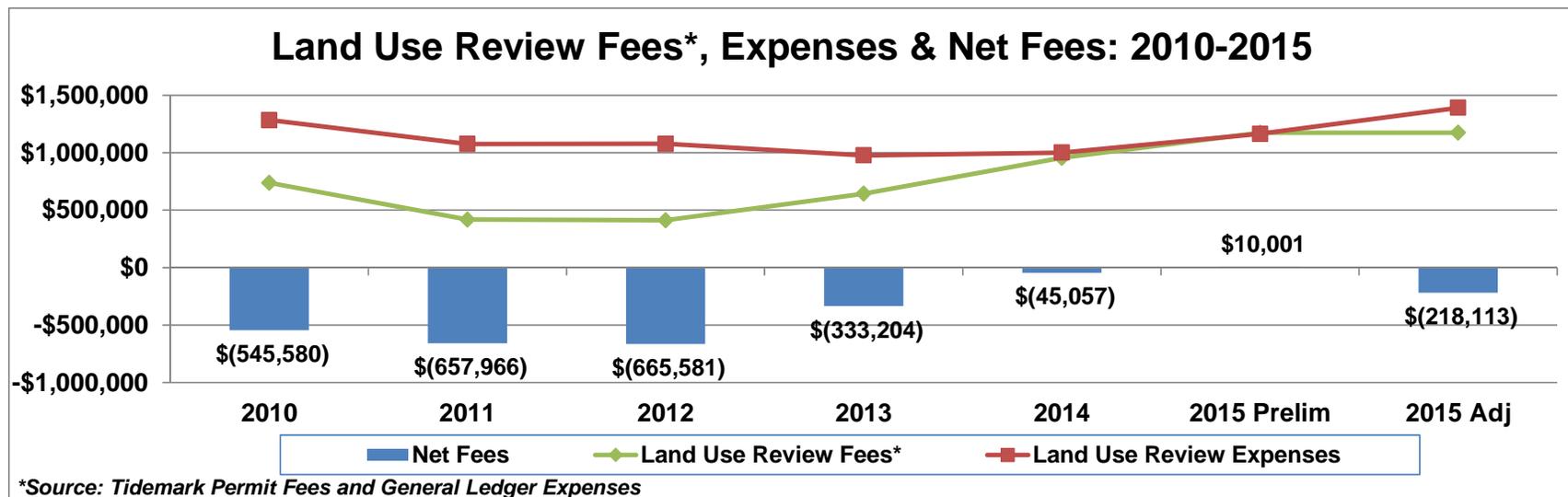
Overall Cost Recovery

Context – Approved Lots



Overall Cost Recovery

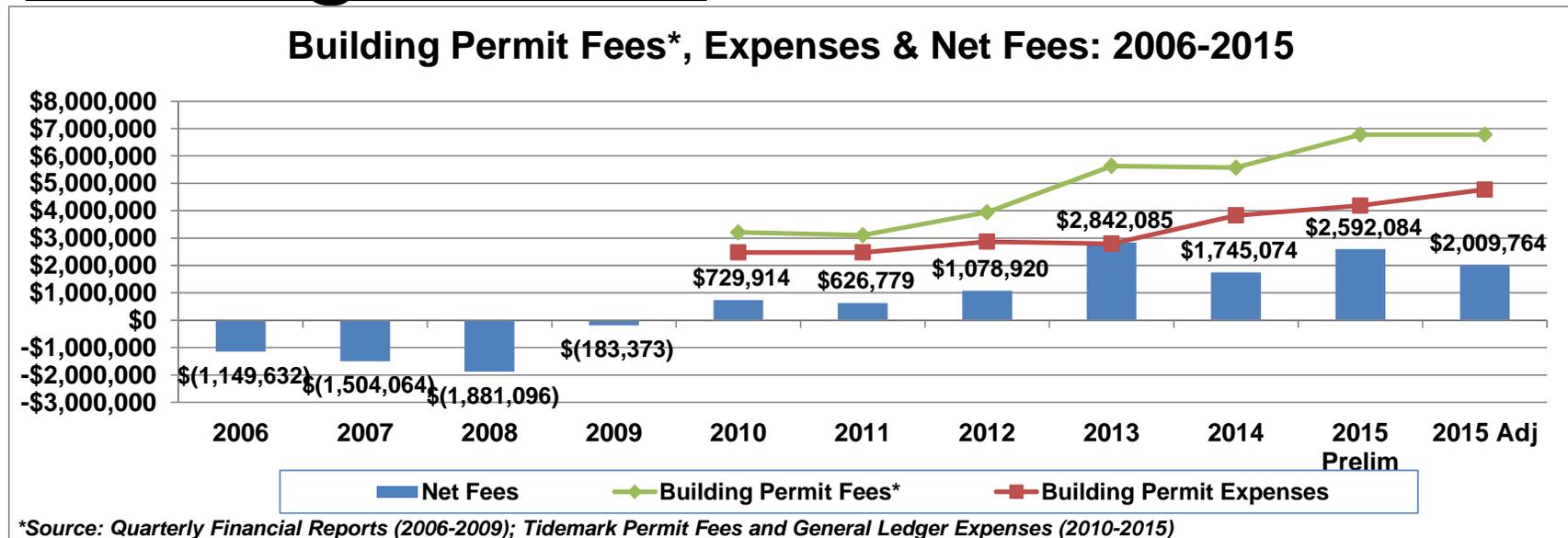
Land Use Review



- Land Use Review expenses exceeded total fees until 2015
- 2015 Adjusted cost recovery percentage ~84%

Overall Cost Recovery

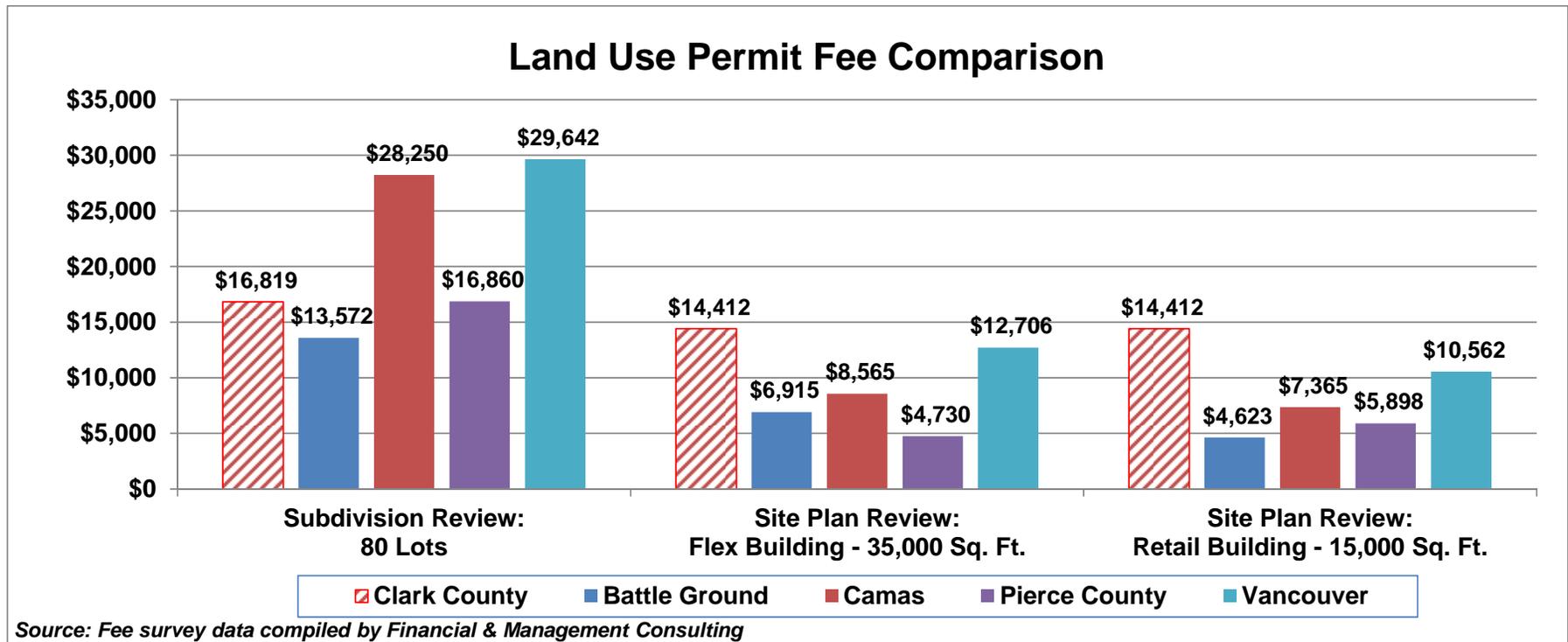
Building Division



- Building Permit fees exceeded expenses in recent years but expenses exceeded fees from 2006-2009
- 2015 Adjusted cost recovery ~142%

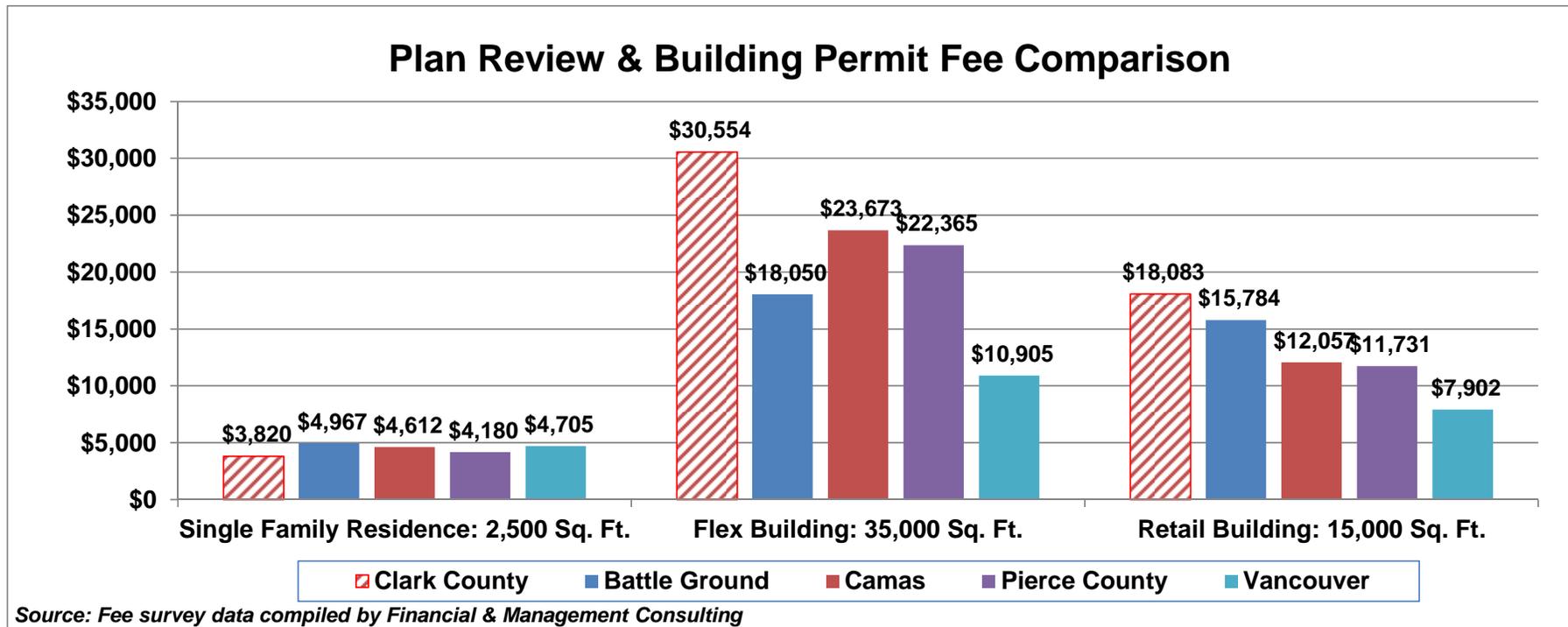
Permit Fee Comparison

Land Use Review Permit Fee



Permit Fee Comparison

Plan Review & Building Permit Fee





Permit Fee Comparison

Other Fee Survey Observations

- Building permit fees are not high when compared to Portland Metro area cities
- Pre-Application fee & SEPA fee appear high
- Subdivision Land Use review fee appears low
- Commercial building permit fee is high and valuation table is different than residential valuation table – which is not typical
- Land Use fee table is longer/more complex



Stakeholder Feedback

Perspective on Fees v. Service Levels

- Appreciate the efforts to improve customer service and processing times: Ex: Streamlined SFR permits
- General belief that County staff supports applicants
- Most indicated time savings and predictable review process/times are more important than lower fees
- Fees for some smaller projects can exceed the cost of the permitted work or can make land use action not economical – look at revising process &/or fees
- Clark County development permit fees seem high in comparison to other jurisdictions



Proposed Permit Fee Changes

Land Use Review Fee Framework

- BoCC, Budget, CD & Finance to establish a consistent approach for General Fund support
- Cost recovery of ~80% acceptable – no general adjustment to Land Use Review fees is required
- Targeted fee adjustments to be considered
 - Some lower, some higher and some to add scale factor
 - Simplify fees where possible
- Adjust staffing levels to meet review times with increased application volume



Proposed Permit Fee Changes

Land Use Review Fee Framework

- Considering “Fully Complete Fee”
 - Base fee due at time of application
 - Final fee due when application deemed fully complete
 - Application review doesn't proceed if full fee is not paid
 - DEAB input on concept?



Proposed Permit Fee Changes

Land Use Review Changes

- Site Plan Review: Decrease fee by 20%
 - New fee of \$30 per lot for residential
 - New fee of \$0.10 per sq. ft. for commercial (over 10,000 sf)
- Pre-application: Decrease fee by 40% - LUR only
- SEPA: Decrease fee by 20%
- Preliminary Plat for Subdivision
 - Keep base fee at \$7,679 but add per lot fee of \$150
 - Set maximum fee of \$20,000 (roughly 82 lots)
- Post Decision Review: Decrease Type I by 40%



Proposed Permit Fee Changes

Land Use Review Changes

- Planning Director Review
 - Decrease Code Interpretation from \$733 to \$500
 - Decrease Non-conforming Use from \$2,929 to \$2,000
 - All Others: Decrease from \$2,513 to \$1,000
- Home Occupation
 - Simplify from four fees and two optional fees to two fees
 - Type 1 = \$125 and Type II = \$1,200
- Legal Lot Determination
 - Exploring ways to reduce fee for less complex applications
- Add Land Use Engineering Review Fee (not with FSR)



Proposed Permit Fee Changes

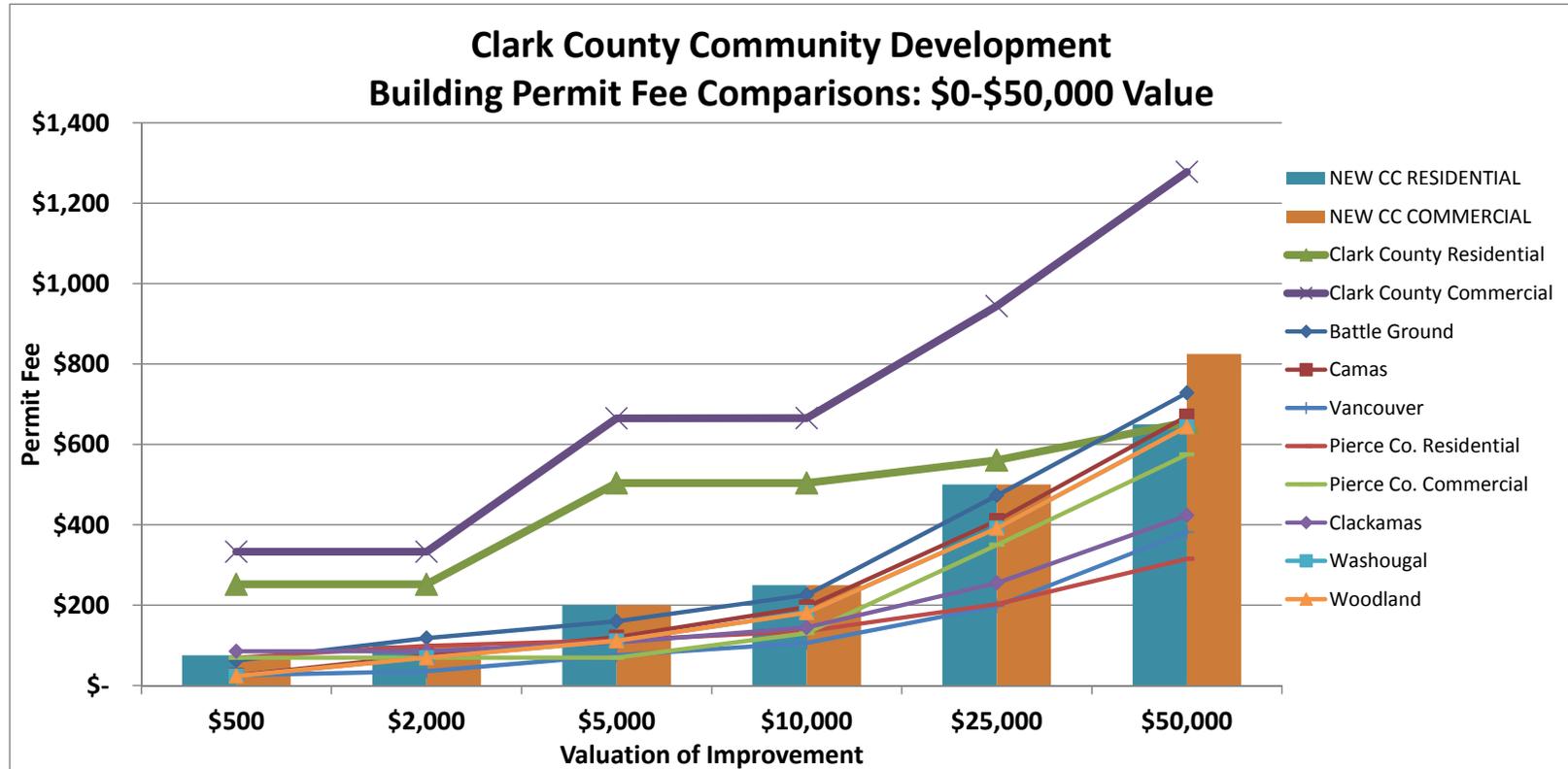
Building Permit Fee Framework

- Fees should recover +/-105% of expenses to build up reserves for system/equipment upgrades
- CD, Budget & Finance to establish appropriate cash reserve levels (business cycle; system upgrades)
- Lower fees for smaller projects & commercial permits
- No changes to trade permits
- Consider implementing a maximum building permit fee or maximum building valuation
- Adjust staff to respond to workload and review times



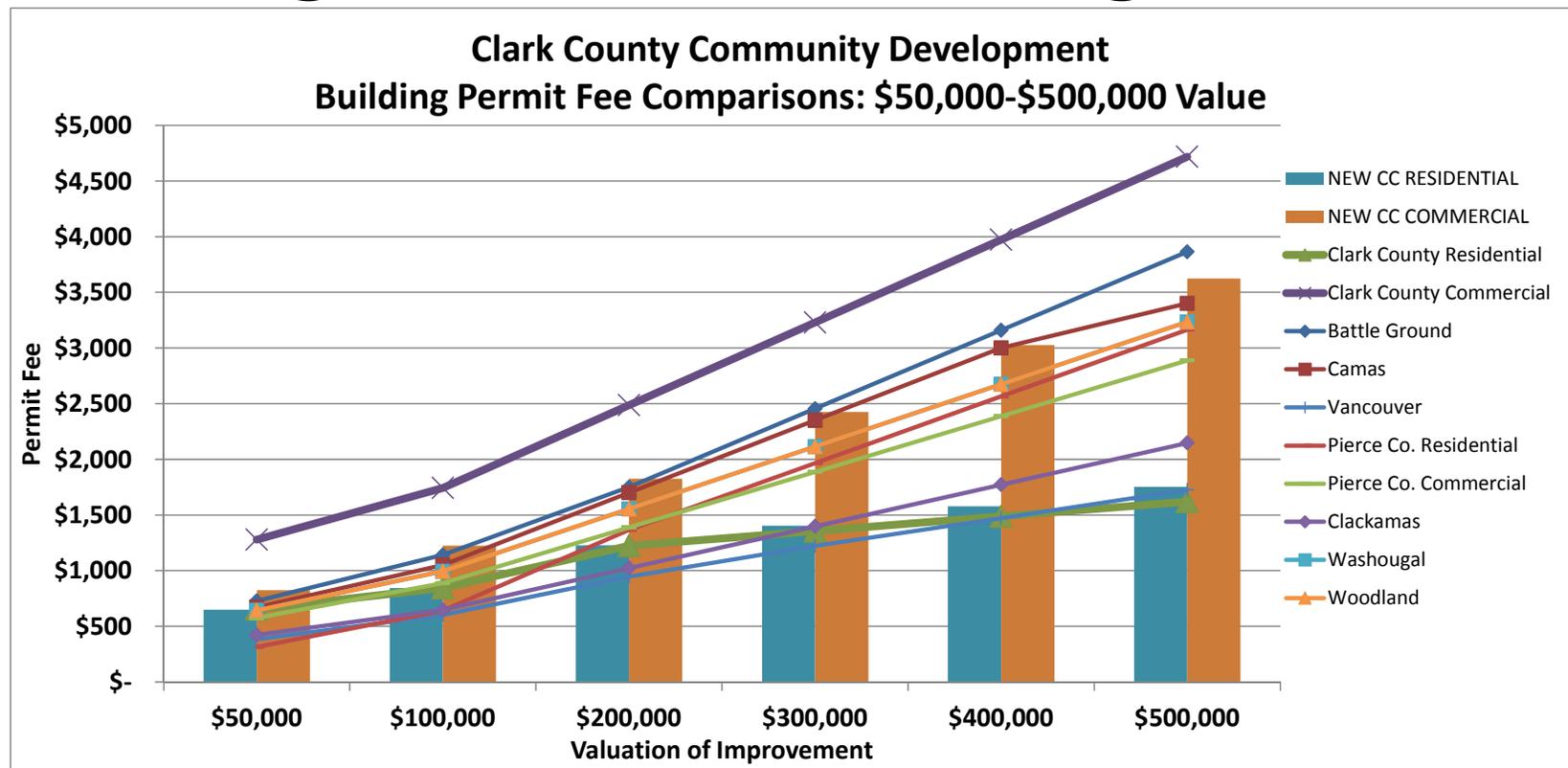
Proposed Permit Fee Changes

Building Permit Fee Changes



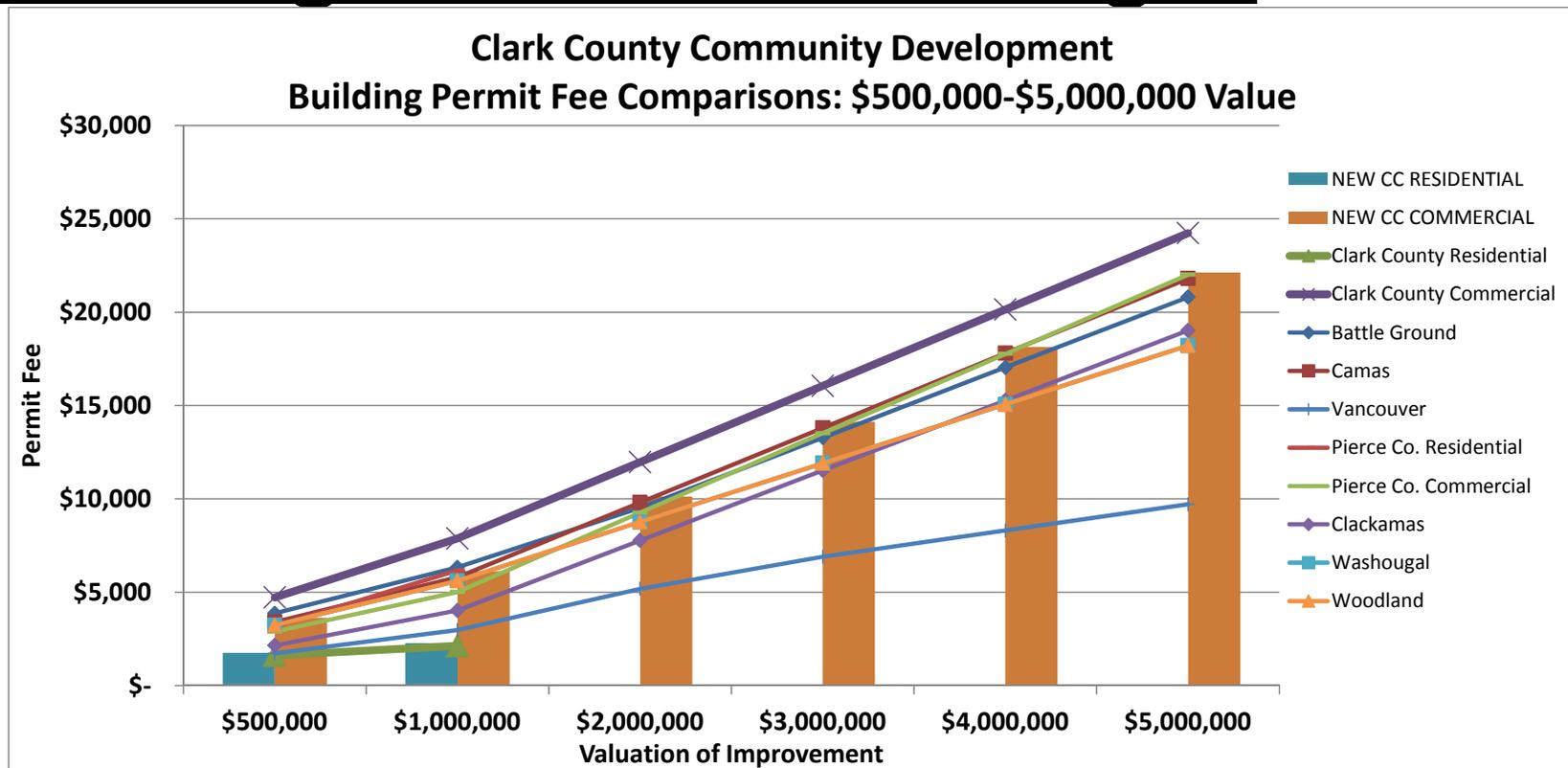
Proposed Permit Fee Changes

Building Permit Fee Changes



Proposed Permit Fee Changes

Building Permit Fee Changes





Proposed Permit Fee Changes

Permit Center Fees

- New permit system is expected to decrease the number of transactions subject to a processing fee
- Look at reducing issuance fees – especially for permits with small fees
- Adjust staffing to keep application appointment wait times at a maximum of two weeks and walk in wait times reasonable
- Continue to look at ways to have Permit Technicians issue more permits



Proposed Permit Fee Changes

Other

- Monitor cost recovery and fund balance annually vs. framework and targets
- Monitor fee levels relative to other jurisdictions
- Empower planners to be an applicant's internal project manager for site plan review and subdivisions; actively monitor and manage review times



Next Steps

- Staff to fully develop proposed fee adjustments based on Council and DEAB feedback
- Return to Council in late April/May with specific fee changes and implementation timeline
- Include fee changes no later than with appropriate phase of permit system implementation



Questions/Discussion

- Any final feedback/questions/discussion
- Acknowledgements

Thank you!

Clark County Parks Impact Fee Update



Background

- The Clark County Parks Division was created in 2014 after the County elected not to renew its Memorandum of Understanding (MOU) with the City of Vancouver.
- The Clark County Parks Advisory Board was created in August, 2014.
- Last September the County adopted the Parks, Recreation, and Open Space plan primarily to allow the County Parks Division to be eligible for state grant funding for County parks.

Background Continued

- As part of the Comprehensive Plan, the County is required to update its Capital Facilities Plan which includes parks.
- The state Growth Management Act grants cities and counties the authority to assess park impact fees on new development.
- The Parks Impact Fee (PIF) has not been updated since 2003 and it was determined the PIF needed to be revised as part of the 2016 Comprehensive Plan Update.

Parks Impact Fees and Clark County Title 40 Code Requirements

Per the Unified Development Code Title 40.620.020, the following is the formula for calculation of the PIF:

$$\text{PIF} = (\text{Acquisition Cost} + \text{Development Cost}) - \text{Cost Adjustment Factor}$$

- The only change is to the formula inputs.
- The Parks boundaries will remain the same, but will be revisited at a later time.

Park Impact Fee Rate Change

Current Park Impact Fee Rates (2003)

PIF	Per Capita Rates				Unit Rates (Current)	
	Acquisition Rate	Development Component	- CAF =	Development Rate	Single- Family PIF (2.6 persons)	Multi- Family PIF (1.9 persons)
1	\$651	\$257	\$87.88	\$169	\$2,133	\$1,558
2	\$857	\$257	\$87.88	\$169	\$2,668	\$1,949
3	\$708	\$257	\$87.88	\$169	\$2,282	\$1,667
4	\$599	\$257	\$87.88	\$169	\$1,998	\$1,460
5	\$523	\$257	\$87.88	\$169	\$1,799	\$1,314
6	\$424	\$257	\$87.88	\$169	\$1,543	\$1,127
7	\$556	\$257	\$87.88	\$169	\$1,885	\$1,377
8	\$523	\$257	\$87.88	\$169	\$1,800	\$1,315
9	\$606	\$257	\$87.88	\$169	\$2,016	\$1,472
10	\$421	\$257	\$87.88	\$169	\$1,534	\$1,120
Average	\$587	\$257	\$88	\$169	\$1,966	\$1,436

Park Impact Fee Rate Change

Proposed Park Impact Fee Rates (2016)

PIF	Per Capita Rates				Unit Rates (Proposed)	
	Acquisition Rate	Development Component	- CAF =	Development Rate	Single- Family PIF (2.76 persons)	Multi- Family PIF (2.13 persons)
1	\$3,489	\$594	\$108.38	\$486	\$10,573	\$8,159
2	\$3,582	\$594	\$108.38	\$486	\$10,829	\$8,357
3	\$2,314	\$594	\$108.38	\$486	\$7,329	\$5,656
4	\$3,248	\$594	\$108.38	\$486	\$9,908	\$7,646
5	\$1,257	\$594	\$108.38	\$486	\$4,412	\$3,405
6	\$1,519	\$594	\$108.38	\$486	\$5,135	\$3,963
7	\$2,513	\$594	\$108.38	\$486	\$7,878	\$6,080
8	\$1,167	\$594	\$108.38	\$486	\$4,164	\$3,213
9	\$2,518	\$594	\$108.38	\$486	\$7,893	\$6,092
10	\$709	\$594	\$108.38	\$486	\$2,900	\$2,238
Average	\$2,232	\$594	\$108	\$486	\$7,102	\$5,481

Comparison of PIF rate increase

Park Impact Fee District	2002			Proposed 2016		% Increase ('02-'16)	
	SFR		MFR	SFR	MFR	SFR	MFR
1	\$2,133		\$1,558	\$10,573	\$8,159	395.6%	423.7%
2	\$2,668		\$1,949	\$10,829	\$8,357	305.9%	328.8%
3	\$2,282		\$1,667	\$7,329	\$5,656	221.2%	239.3%
4	\$1,998		\$1,460	\$9,908	\$7,646	395.9%	423.7%
5	\$1,799		\$1,314	\$4,412	\$3,405	145.2%	159.1%
6	\$1,543		\$1,127	\$5,135	\$3,963	232.8%	251.6%
7	\$1,885		\$1,377	\$7,878	\$6,080	317.9%	341.5%
8	\$1,800		\$1,315	\$4,164	\$3,213	131.3%	144.4%
9	\$2,016		\$1,472	\$7,893	\$6,092	291.5%	313.8%
10	\$1,534		\$1,120	\$2,900	\$2,238	89.0%	99.8%
Average Increase						252.6%	272.6%
Average excluding predominantly City districts (#1-4)						201.3%	218.4%

PIF Rates In Other Jurisdictions

Jurisdiction	Single Family	Multi-Family
Camas	\$ 2,290.00	\$ 1,717.00
Battle Ground	\$ 2,840.00	\$ 2,680.00
Ridgefield	\$ 2,859.00	\$ 2,859.00
Vancouver*	\$ 2,084.40	\$ 1,523.20
La Center	\$ 2,042.00	
Washougal	\$ 1,880.00	\$ 1,550.00
Gresham	\$ 3,837.00	\$ 3,837.00
Beaverton	\$ 10,800.00	\$ 10,800.00
Hillsboro	\$ 4,647.00	
Tigard	\$ 5,807.00	\$ 4,372.00
Portland	\$ 8,523.00	\$ 5,595.00

Factors Affecting Impact Fee Calculation

Occupancy Rates per Dwelling:

- Occupancy rates have increased for both single-family and multi-family units over the past twenty years.
- The current fee is based on an occupancy rate of 2.6 people per household.
- Per the 2016 Census Bureau data, the rate is 2.76 people per household for single-family and 2.13 per household for multi-family households.

Facility Standards:

- The updated PIF rate is based on the recently adopted PROS.
- The standards that are applied to both the existing and proposed PIF rates remain constant.

Land Valuation Estimates:

- Sale values were based on sale data for property transactions between 2011 and 2016.
- Acquisition costs are developed using a compilation of average property sales of residentially-zoned lands within each of the park districts, using the GIS database.

Factors Affecting Impact Fee Calculation

Development cost estimates

- The development component is constant for each of the ten park districts.
- The average development cost per acre for neighborhood and community parks is determined averaging the cost of recent development projects.

Adjustment factor

- The Cost Adjustment Factor (CAF) reflects the contribution of other sources of public funds to park development because private development fees cannot be the sole source of funding.
- The CAF estimated a per unit adjustment based on the average sale price of single family and multi-family homes, the Real Estate Excise Tax (REET) rate, and a weighing between single family and multi-family units from recent permit activity.

Public Involvement

- Parks Advisory Board Review: **April 8**
- Building Industry Association of Clark County: **April 11**
- Development Engineering Advisory Board: **April 14**
- Planning Commission work session: **April 21**
- Board of County Councilor work sessions on the Comprehensive Plan Update: **April 27 & May 4**
- Joint PC/Board hearing on CFP: **May 24**

More information

2016 Comprehensive Plan Update:

<https://www.clark.wa.gov/community-planning/2016-plan-update>

Greater Clark Parks District: Projects & Funding:

<https://www.clark.wa.gov/public-works/park-projects-and-funding>

Follow-up Questions:

Laurie.Lebowsky@clark.wa.gov

Bill.Bjerke@clark.wa.gov

Questions?

Thank you!



PARK IMPACT FEE TECHNICAL DOCUMENT

April 2016 Update



Clark County, WA

I. ELEMENTS OF THE PARK IMPACT FEE TECHNICAL DOCUMENT

- **Introduction / Purpose**
- **Park Impact Fee Overview & Rate Update**
 - Background
 - Overview
 - PIF Formula
 - Factors affecting PIF Rates
 - Park Impact Fee Rate Schedule
 - Park District Map
 - Park Impact Fee Rates from Comparable Agencies
- **Park Impact Fee Indexing**
 - Overview
- **Recommendations for Park Impact Fee Rate Revisions**

II. INTRODUCTION & PURPOSE

The original Park Impact Fee (PIF) Technical Document was prepared in 2009 to provide a framework to facilitate and streamline future rate updates or revisions at the direction of the elected officials of the City of Vancouver and Clark County. The purpose of the initial version of the Technical Document was to provide a vehicle to re-adopt the fee schedule and numeric formula factors in effect. In addition, the Technical Document described the methodology for the future implementation of park impact fee indexing in order to keep pace with fluctuations in the economic market, and allow rates to more accurately reflect current acquisition and development costs.

The purpose of this updated PIF Technical Document is to establish revised Clark County PIF rates for the various park impact fee districts serving the unincorporated urban area of Vancouver, based on updated and revised inputs to the adopted PIF rate methodology (CCC 40.620.020), for publicly owned parks, open space and recreation facilities, as defined by RCW 82.02.090(7).

In the future, at the direction of the County Council, rate change proposals may be brought forward for consideration, utilizing the adoption of a future, revised PIF Technical Document. The revised Technical Document would provide the updated analysis for inflation or deflation adjustments, identify any revised data sources or values for formula factors, and include a proposed fee rate schedule.

III. PARK IMPACT FEE OVERVIEW & RATE UPDATE

A. Background

In 1997, the City and the County entered into an interlocal agreement for the operation of a consolidated parks department and joint administration of a parks impact fee program. As part of the 2002 Vancouver Urban Parks, Recreation & Open Space Plan, PIF rates were revised to account for changes in the land and development costs integral to the calculation of the impact fees (Clark County Ordinance 2002-05-03). In 2002, the Clark County made minor adjustments to the PIF rates to account for an adopted, 30-year

INTERNAL DRAFT FOR REVIEW

extension of the Real Estate Excise Tax (REET) in the unincorporated urban area (Clark County Ordinance 2002-10-16). The County adopted an update to the joint Comprehensive Parks, Recreation & Open Space Plan in 2007, but the PIF rates remained unchanged.

In 2009, references to PIF rate schedules and numeric calculation factors were removed from the Vancouver-Clark Comprehensive Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan (Parks Plan), the Clark County Code, and the Vancouver Municipal Code. The purpose of this action was to:

- Establish a streamlined process for rate changes using a PIF Technical Document as a vehicle to adopt both current and future rate schedules,
- Adopt numeric calculation factors,
- Define the park impact fee indexing methodology, and
- Improve consistency between city and county administrative codes as they relate to the application and management of the park impact fee program.

Revisions to the Park Impact Fee rates were not adopted by either the City of Vancouver or Board of County Commissioners following the completion of the 2009 PIF Technical Document; however, the Clark County Code was amended to reference the PIF Technical Document and include the provision for rate indexing for the acquisition and development components of the rate structure.

The joint administration of the PIF program was terminated by the County effective December 31, 2013, and a Windup Agreement between the city and county became effective January 1, 2014. From that date forward, the City and County are each responsible for administering separate PIF programs.

B. Impact Fee Overview

Impact fees are one-time payments used to construct system improvements needed to accommodate new development. An impact fee represents new growth's fair share of capital facility needs. By law, impact fees can only be used for capital improvements that expand system capacity, not for operating or maintenance costs. Impact fees are subject to legal standards, which require fulfillment of three key elements: need, benefit and proportionality.

The Growth Management Act grants counties and cities the authority to assess parks impact fees on new development. Washington law (RCW 82.02.090) defines an impact fee as “a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development.”

State code defines the limitations of impacts fees, such that they can only be imposed for system improvements that are reasonably related to the new development, cannot exceed a proportionate share of the costs of system improvements that are reasonably related to the new development, and must be used for system improvements that will reasonably benefit the new development.

Additionally, state statute requires that park facilities on which impact fees may be spent must be part of a capital facilities plan that is a component of an adopted comprehensive land use plan. County code (CCC 40.630.010) anticipate that impact fee rates will be revised periodically when financial analysis establishes that there is a need for a major program update, or adjusted annually to account for inflation/deflation using an indexing methodology. All fee adjustments are to be described in a Technical Document to be reviewed and adopted by the elected officials of Clark County.

INTERNAL DRAFT FOR REVIEW

Impact fees rates also must be adjusted to account for other revenues that the development pays that are earmarked for or proratable to particular system improvements; these other revenues may be in the form of user fees, debt service payments or taxes, among others. Impact fees may be credited for the value of dedicated land, improvements or construction provided by the developer to facilities that are identified in the capital facilities plan and that are required by the county as a condition of approving the development activity.

RCW 82.02.070 further stipulates that impact fee receipts must be earmarked specifically and retained in special interest-bearing accounts and must be expended or encumbered for a permissible use within ten years of receipt.

C. Park Impact Fee Formula

The formula used to compute park impact fee rates is based on four primary factors: 1) acquisition costs; 2) development costs; 3) adopted park standards, and 4) an adjustment factor required by state law.

1. **Acquisition cost** is the unique cost of land in each of the ten established park districts.
2. **Development cost** is the average cost of park development over all 10 park districts within the Vancouver urban growth area.
3. Adopted **park standards** are those adopted by the Parks Plan for neighborhood and community parks and urban open space. These standards are population based and represent the acres of land needed to serve one thousand residents for each of the respective park types.
4. The **adjustment factor** is based on state statute that requires an “adjustment to the cost of public facilities for past or future payments made or reasonably anticipated to be made by new development...” Commonly known as the “proportionate public share” or “shift”, this adjustment is intended to reasonably relate the cost of public facility improvements with the service demands of new development.

The impact fee unit cost is calculated as the net cost basis per capita then converted to the impact fee per residential dwelling unit using the assumed average occupancy rate per dwelling unit. Clark County's impact fee component for parks, open space and recreational facilities currently is calculated using the following formula (CCC 40.620.020, amended on Ord. 2014-01-14):

$$PIF = \left(\left(\frac{Ca \times Ia \times Sa}{P} + \frac{Cd \times Id \times Sd}{P} \right) \times U \right) - A$$

“PIF” means the park, open space and recreational facility component of the total development impact fee.

“Ca” means the average cost per acre for land appraisal, acquisition, associated due diligence fees and expenses, closing and Level 1 Development for each service area or overlay area as described in the Clark County Parks, Recreation and Open Space Plan for neighborhood parks, community parks and urban open space, and adopted by the Board in the impact fee revision process pursuant to Section 40.630.010.

“Cd” means the average cost per acre for site development. Development costs shall be calculated assuming development standards described in the Clark County Parks, Recreation and Open Space Plan for neighborhood and community parks, and adopted by the Board in the impact fee revision process pursuant to Section 40.630.010.

“Ia” means the percentage annual inflation/deflation adjustment index applicable to the acquisition component, as outlined in the Park Impact Fee Program Technical Document and annually determined by the Board in the impact fee revision process pursuant to Section 40.630.010.

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“Id” means the percentage annual inflation/deflation adjustment index applicable to the development component as outlined in the Park Impact Fee Program Technical Document and annually determined by the Board in the impact fee revision process pursuant to Section 40.630.010.

“Sa” means the parks acquisition standard in acres per thousand residents for neighborhood parks, community parks and urban open space as established in the Clark County Parks, Recreation and Open Space Plan.

“Sd” means the parks development standard in acres per thousand residents for neighborhood and community parks as established in the Clark County Parks, Recreation and Open Space Plan.

“P” means one thousand (1,000).

“U” means the average number of occupants per single-family/duplex dwelling unit or per other multifamily dwelling unit based on the most current applicable statistical census data (U.S. Census Bureau or Washington State Office of Financial Management census data for persons per dwelling unit) and as adopted by the Board in the impact fee revision process pursuant to Section 40.630.010.

“A” means an adjustment to the cost of park facilities for past or future payments made or reasonably anticipated to be made by new development to pay for park system improvements in the form of user fees, debt service payments, or other payments earmarked for or pro-ratable to park system improvements.

D. Factors Affecting the Impact Fee Calculation

The impact fee calculation includes several variables, described below, that can alter the resulting impact fee rate.

Occupancy Rates per Dwelling Unit

Occupancy rates for single-family and multi-family dwellings have increased in Clark County over the past two decades. The park impact fee study conducted in 2002 assumed an average of 2.6 people per household for single-family and 1.9 people per household for multi-family dwellings. Based on 2016 US Census Bureau Public Use Microdata Sample (PUMS) data provided by Clark County Assessment & GIS, the current average of 2.76 people per household for single-family and 2.13 people per household for multi-family dwellings.

Facility Standards

The recently compiled Clark County Parks, Recreation and Open Space Plan was adopted by the County Council in September 2015. No revisions to the service standards were made as part of this plan update, and the standards that are applied to the existing park impact fee rates remain constant.

Land Valuation Estimates

Acquisition costs are developed using a compilation of average property sale values of residentially-zoned lands within each of the ten park districts, using the County’s Assessment & GIS database. Sale values were based on available sale data for property transactions occurring between 2011 and March 2016. The analysis excluded parcels that are not well suited as candidate properties for park acquisition. These excluded parcels included those smaller than ½-acre, multi-family properties, tax-exempt properties, and those with high building values relative to the property value. Standard outliers, including properties with assessed values less than \$10,000 or greater than \$1 million were also excluded from the analysis.

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Development Cost Estimates

The development component is constant for each of the ten park districts. The average development cost per acre for neighborhood and community parks is determined by averaging the cost of recent development projects. The average per acre cost is weighted to reflect the varying guidelines for the proportion of neighborhood to community parks (2 acres/1,000 persons versus 2.25 acres/1,000 persons respectively). The average cost is then multiplied by the 4.25 acre/1,000 person development standard and the number of persons per dwelling unit to determine the single family and multi-family development component.

Adjustment Factor

The Cost Adjustment Factor (CAF) reflects the contribution of other sources of public funds to park development, as the financing system cannot rely solely on impact fees. The adjustment factor utilized in the 2002 park impact fee study was calculated based on the 50% REET allocation that was directed toward park development by the Board of County Commissioners. The CAF estimated a per unit adjustment based on the average sale price of single and multi-family homes, the REET rate and a weighting between single family and multi-family units from recent permit activity. The CAF was recalculated with revised figures for this proposed PIF rate update. While the Board of County Commissioners have re-allocated REET revenue toward debt service payments for the Public Services Center, it is assumed that future REET collections for REET-2 will be restored to the 50% allocation for park development, as adopted by a previous Board.

The updated adjustments for Clark County are noted below:

Unit Type Adjustment	Adjustment Value "A"
Single-Family	\$299.13
Multi-Family	\$230.85

III. PARK IMPACT FEE INDEX

A. Overview

The intent of indexing is simply to keep impact fees as current as possible by accounting for inflation or deflation adjustments over time using a known or common factor, such as the consumer price index or the construction cost index. Annually adjusted impact fees also minimize potential public share obligations to the system, which are caused by the difference between current rates and the annually eroding value of those rates as they are impacted by inflation. Indexing has been implemented by County and codified in CCC 40.620.020.C.

No changes to the indexing methodology are proposed at this time.

The 2009 PIF Technical Document should be referenced for the discussions pertaining to the methodologies for calculating and implementing the indices for the acquisition and development components.

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IV. Park Impact Fee Rate Schedule (Existing & Proposed)

Existing Clark County Park Impact Fees

(As adopted by Ordinance 2002-10-16, effective January 1, 2003)

Clark County, Urban Unincorporated Area

Current Park Impact Fee Rates (2003)

PIF	Per Capita Rates			Unit Rates (Current)		
	Acquisition Rate	Development Component	Development Rate - CAF =	Single-Family PIF (2.6 persons)	Multi-Family PIF (1.9 persons)	
1	\$651	\$257	\$87.88	\$169	\$2,133	\$1,558
2	\$857	\$257	\$87.88	\$169	\$2,668	\$1,949
3	\$708	\$257	\$87.88	\$169	\$2,282	\$1,667
4	\$599	\$257	\$87.88	\$169	\$1,998	\$1,460
5	\$523	\$257	\$87.88	\$169	\$1,799	\$1,314
6	\$424	\$257	\$87.88	\$169	\$1,543	\$1,127
7	\$556	\$257	\$87.88	\$169	\$1,885	\$1,377
8	\$523	\$257	\$87.88	\$169	\$1,800	\$1,315
9	\$606	\$257	\$87.88	\$169	\$2,016	\$1,472
10	\$421	\$257	\$87.88	\$169	\$1,534	\$1,120
<i>Average</i>	<i>\$587</i>	<i>\$257</i>	<i>\$88</i>	<i>\$169</i>	<i>\$1,966</i>	<i>\$1,436</i>

Proposed Clark County Park Impact Fees (2016)

Clark County, Urban Unincorporated Area

Proposed Park Impact Fee Rates (2016)

PIF	Per Capita Rates			Unit Rates (Proposed)		
	Acquisition Rate	Development Component	Development Rate - CAF =	Single-Family PIF (2.76 persons)	Multi-Family PIF (2.13 persons)	
1	\$3,489	\$594	\$108.38	\$486	\$10,573	\$8,159
2	\$3,582	\$594	\$108.38	\$486	\$10,829	\$8,357
3	\$2,314	\$594	\$108.38	\$486	\$7,329	\$5,656
4	\$3,248	\$594	\$108.38	\$486	\$9,908	\$7,646
5	\$1,257	\$594	\$108.38	\$486	\$4,412	\$3,405
6	\$1,519	\$594	\$108.38	\$486	\$5,135	\$3,963
7	\$2,513	\$594	\$108.38	\$486	\$7,878	\$6,080
8	\$1,167	\$594	\$108.38	\$486	\$4,164	\$3,213
9	\$2,518	\$594	\$108.38	\$486	\$7,893	\$6,092
10	\$709	\$594	\$108.38	\$486	\$2,900	\$2,238
<i>Average</i>	<i>\$2,232</i>	<i>\$594</i>	<i>\$108</i>	<i>\$486</i>	<i>\$7,102</i>	<i>\$5,481</i>

V. RECOMMENDATIONS FOR PARK IMPACT FEE RATE REVISIONS

Due to the fact that the PIF rates have remained unchanged since 2003, the proposed rate revision represents a significant rate increase over the current rates. The following information is presented to provide additional context in the consideration of the proposed rates.

Land Value Changes Since 2002

The largest single factor affecting the calculation of PIF rates is the land acquisition component. Recognizing the financial and real estate impacts of the recent recession, land valuations within the Vancouver unincorporated urban area have been resilient and risen significantly since the last time PIF rates were calculated in 2002. The following table illustrates the percentage increase by PIF district between 2002 and 2016.

Park District	2016 Average Sale per Acre	2002 Average Value per Acre	% Increase (2002-2016)
1	\$573,415	\$104,800	447.2%
2	\$588,903	\$139,100	323.4%
3	\$377,527	\$114,400	230.0%
4	\$533,268	\$96,200	454.3%
5	\$201,383	\$83,400	141.5%
6	\$245,026	\$67,000	265.7%
7	\$410,715	\$88,900	362.0%
8	\$186,410	\$83,500	123.2%
9	\$411,616	\$97,300	323.0%
10	\$110,090	\$66,400	65.8%
Average Increase			273.6%

Average excluding predominantly City districts (#1-4) 213.5%

Development Costs Changes Since 2002

The cost per acre of parkland development has not significantly changed since the last PIF update in 2003. The Engineering News Record's Construction Cost Index (CCI) is a widely regarded and widely used industry index for tracking changes in construction costs. In reviewing the ENR CCI data from 2003 to late 2015, the index has increased approximately 54%. The proposed PIF development component represents a 71% increase from current rates, which is generally in-line with the rise in construction costs over the past 13 years.

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Engineering News Record Costruction Cost Index	Value	% Increase (2003-2016)
January 2003	6581	
November 2015 *	10092	53.4%

PIF Development Cost per Acre	Value	% Increase (2003-2016)
Current Cost per Acre	\$81,911	70.7%
Proposed Cost per Acre	\$139,841	

* Note: ENR CCI latest available data

Comparing Current PIF Rates to Proposed Rates

As noted above, the largest driver affecting the proposed change in PIF rates is tied to the acquisition component and the increase in land values since 2002. The following table illustrates the percentage increase between the current PIF rates and the proposed rates by PIF district. It should be stressed that PIF districts #1 - #4 are either wholly City of Vancouver PIF districts or predominantly within the City of Vancouver, and it is these regions in particular that have witnessed the largest proposed increase in impact fees.

Clark County, Park Impact Fees

Historical Comparison between 2002 & 2016 (Proposed)

Park Impact Fee District	2002		Proposed 2016		% Increase ('02-'16)	
	SFR	MFR	SFR	MFR	SFR	MFR
1	\$2,133	\$1,558	\$10,573	\$8,159	395.6%	423.7%
2	\$2,668	\$1,949	\$10,829	\$8,357	305.9%	328.8%
3	\$2,282	\$1,667	\$7,329	\$5,656	221.2%	239.3%
4	\$1,998	\$1,460	\$9,908	\$7,646	395.9%	423.7%
5	\$1,799	\$1,314	\$4,412	\$3,405	145.2%	159.1%
6	\$1,543	\$1,127	\$5,135	\$3,963	232.8%	251.6%
7	\$1,885	\$1,377	\$7,878	\$6,080	317.9%	341.5%
8	\$1,800	\$1,315	\$4,164	\$3,213	131.3%	144.4%
9	\$2,016	\$1,472	\$7,893	\$6,092	291.5%	313.8%
10	\$1,534	\$1,120	\$2,900	\$2,238	89.0%	99.8%
Average Increase					252.6%	272.6%
Average excluding predominantly City districts (#1-4)					201.3%	218.4%

Overall, the proposed PIF rates represent an increase of approximately 250% over current rates. These rates, while significantly higher than current rates, are strongly in-line with the percentage increase in land values noted above. Also, if the PIF districts that are predominantly within the City of Vancouver are excluded, the relative increase in PIF rates is closer to 200%.

Comparing the Proposed PIF Rate Increase to Transportation and School Impact Fees

Again, recognizing that PIF rates have remained constant since 2003, it is prudent to also examine the rate of change in Transportation Impact Fees (TIF) and School Impact Fees (SIF) for the same time periods. The following tables illustrate by TIF and SIF districts the percentage increase in impact fee rates between 2002

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and the present. Minor variations in adoption dates exist between TIF and SIF and between different districts within each class of impact fee, but the resulting increases in rates over time are highly consistent with the proposed PIF rates above. The TIF rates have increase an average of approximately 150% since 2003, and the SIF rates have increased approximately 300% since 2002.

Clark County, Traffic Impact Fees

Historical Comparison between 2003 & 2014

Traffic Impact Fee District	Per Trip TIF Rate			% Increase ('03-'14)
	1/20/2003	3/1/2014	10/23/2014	
East City	\$192	\$378		96.9%
Evergreen	\$178	\$444		149.4%
Orchards	\$159			
North Orchards		\$791	\$553	247.8%
South Orchards		\$476	\$389	144.7%
Mount Vista	\$294	\$764	\$613	108.5%
Hazel Dell	\$157	\$524	\$375	138.9%
Average Increase				147.7%

Clark County, School Impact Fees

Historical Comparison between 2002/04 & 2016)

School Impact Fee District	1/1/2004		Proposed 2016		% Increase ('04-'16)	
	SFR	MFR	SFR	MFR	SFR	MFR
Battle Ground-#119	\$3,000	\$1,000	\$6,397	\$2,285	113.2%	128.5%
Camas-#117	\$2,500	\$1,000	\$5,371	\$5,371	114.8%	437.1%
Evergreen (2002)	\$3,540	\$2,280	\$6,100	\$7,641	72.3%	235.1%
Hockinson-#98	\$328	\$649	\$6,080	\$2,781	1752.9%	328.4%
LaCenter-#101 (2002)	\$2,000	\$1,000	\$4,111	\$5,095	105.6%	409.5%
Ridgefield-#122	\$3,559	\$1,427	\$6,530	\$6,530	83.5%	357.7%
Vancouver-#37 (1999)	\$1,725	\$1,450	\$2,881	\$2,382	67.0%	64.3%
Washougal	\$3,270	\$969	\$5,600	\$5,800	71.2%	498.6%
Average Increase					297.6%	307.4%

SFR Single Family Residential

MFR Multi Family Residential

In comparing PIF to TIF and SIF more closely, the following table identifies the high, low and average percentage rate increase between the different impact fee classes and illustrates the relative similarity of the rate of change between the impact fees over time. For simplicity, the data below represents single-family rates for SIF and PIF.

% Increase (2002-2016)	PIF* (proposed)	TIF	SIF
High	291.5%	247.8%	1752.9%
Low	89.0%	96.9%	67.0%
Average	201.3%	147.7%	297.6%

* Note: PIF data excludes those from from predominantly City districts

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Comparable PIF Rates from Other Jurisdictions

The impact fee rates from several jurisdictions were reviewed as part of this overall Technical Document update. The following table illustrates the PIF rates currently imposed by jurisdictions within Clark County and across the greater Vancouver-Portland metropolitan area. It should be noted that the City of Vancouver is currently reviewing their PIF rates and intends to update their rates (dated from 2004) within the near future.

Jurisdiction	Single Family	Multi-Family
Camas \$	2,290.00	\$ 1,717.00
Battle Ground \$	2,840.00	\$ 2,680.00
Ridgefield \$	2,859.00	\$ 2,859.00
Vancouver* \$	2,084.40	\$ 1,523.20
La Center \$	2,042.00	
Washougal \$	1,880.00	\$ 1,550.00
Gresham \$	3,837.00	\$ 3,837.00
Beaverton \$	10,800.00	\$ 10,800.00
Hillsboro \$	4,647.00	
Tigard \$	5,807.00	\$ 4,372.00
Portland \$	8,523.00	\$ 5,595.00

Note : Vancouver rates are an average of their 10 impact fee districts (geographies), respectively (from 2004)

Considerations for Implementing the Proposed PIF Rates

Alternatives may exist for the implementation of the proposed PIF rates. Recognizing that the proposed PIF rates represent a significant increase over the current rates adopted in 2003, the County Council may adopt the rates as presented or may consider an option to implement the proposed rates as a stepped increase over time. One option for a stepped increase may be to consider implementing a percentage of the proposed fee over a three year period to reach the full, proposed rates. The table below illustrates such as option, which is based on a 75% rate in year one, a 90% rate in year two, and the full rate in year three.

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PIF	Single-Family PIF Rates			Multi-Family PIF Rates		
	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
	75%	90%	100%	75%	90%	100%
1	\$7,930	\$9,515	\$10,573	\$6,120	\$7,343	\$8,159
2	\$8,122	\$9,746	\$10,829	\$6,268	\$7,522	\$8,357
3	\$5,497	\$6,596	\$7,329	\$4,242	\$5,090	\$5,656
4	\$7,431	\$8,917	\$9,908	\$5,735	\$6,882	\$7,646
5	\$3,309	\$3,971	\$4,412	\$2,554	\$3,064	\$3,405
6	\$3,851	\$4,621	\$5,135	\$2,972	\$3,566	\$3,963
7	\$5,909	\$7,091	\$7,878	\$4,560	\$5,472	\$6,080
8	\$3,123	\$3,747	\$4,164	\$2,410	\$2,892	\$3,213
9	\$5,920	\$7,104	\$7,893	\$4,569	\$5,482	\$6,092
10	\$2,175	\$2,610	\$2,900	\$1,679	\$2,014	\$2,238

< Closing statement – pending >

Supporting Documentation

- 2016 Land Values by PIF District (2011-2016)
- 2016 Per Person PIF Rate Data Table
- 2009 PIF Technical Document
- 2007 PIF Program & Rate Calculation (from 2007 Vancouver-Clark Parks, Recreation & Open Space Plan)

Vancouver Urban Area - PIF Calculation (Land Values by PIF District)

Sale Value Summary

Park District	TOTAL 2011-16				2011				2012				2013				2014				2015				2016			
	(n)	Total Property Value	Total Acreage	Average Sale/Acre	2011 (n)	Total Sale Value	Total Acreage	Average Value/Acre	2012 (n)	Total Sale Value	Total Acreage	Average Value/Acre	2013 (n)	Total Sale Value	Total Acreage	Average Value/Acre	2014 (n)	Total Sale Value	Total Acreage	Average Value/Acre	2015 (n)	Total Sale Value	Total Acreage	Average Value/Acre	2016 (n)	Total Sale Value	Total Acreage	Average Value/Acre
1	46	\$46,188,590	80.55	\$573,415	4	\$4,480,500	4.43	\$1,011,400	8	\$3,918,640	9.74	\$402,324	8	\$5,024,757	15.62	\$321,687	14	\$21,649,693	37.31	\$580,265	9	\$9,750,000	10.47	\$931,232	3	\$1,365,000	2.98	\$458,054
2	64	\$39,762,729	67.52	\$588,903	6	\$1,434,000	3.80	\$377,368	13	\$3,907,634	14.45	\$270,424	16	\$10,583,424	21.88	\$483,703	13	\$16,129,800	14.24	\$1,132,711	15	\$7,458,871	12.19	\$611,884	1	\$249,000	0.96	\$259,375
3	39	\$28,484,428	75.45	\$377,527	9	\$7,945,000	22.59	\$351,704	6	\$1,352,963	7.91	\$171,045	9	\$5,376,367	12.66	\$424,674	11	\$10,985,098	26.20	\$419,279	3	\$2,595,000	5.40	\$480,556	1	\$230,000	0.69	\$333,333
4	41	\$101,336,839	190.03	\$533,268	6	\$2,910,000	5.83	\$499,142	7	\$2,675,000	11.96	\$223,662	10	\$9,207,500	19.15	\$480,809	7	\$54,538,373	89.31	\$610,664	10	\$27,530,966	55.48	\$496,232	1	\$4,475,000	8.30	\$539,157
5	124	\$100,338,955	498.25	\$201,383	11	\$3,038,000	16.39	\$185,357	21	\$17,613,500	29.44	\$598,285	32	\$49,522,754	225.20	\$219,906	33	\$19,935,054	120.22	\$165,821	20	\$5,490,247	83.20	\$65,989	7	\$4,739,400	23.80	\$199,134
6	102	\$60,303,240	246.11	\$245,026	15	\$3,855,853	33.71	\$114,383	21	\$19,044,319	59.14	\$322,021	16	\$6,624,560	26.23	\$252,557	33	\$24,425,892	87.56	\$278,962	13	\$4,717,616	33.94	\$138,999	4	\$1,635,000	5.53	\$295,660
7	120	\$72,109,252	175.57	\$410,715	14	\$5,946,176	23.67	\$251,211	14	\$3,681,491	16.37	\$224,893	21	\$4,373,358	21.38	\$204,554	38	\$3,371,454	67.48	\$49,962	32	\$54,323,773	42.53	\$1,277,305	1	\$413,000	4.14	\$99,758
8	170	\$64,458,749	345.79	\$186,410	15	\$4,437,414	32.35	\$137,169	34	\$10,739,642	59.02	\$181,966	45	\$19,167,185	100.87	\$190,019	41	\$7,904,197	84.36	\$93,696	30	\$15,688,311	63.09	\$248,666	5	\$6,522,000	6.10	\$1,069,180
9	106	\$66,113,842	160.62	\$411,616	14	\$3,609,868	16.85	\$214,235	20	\$6,632,794	25.42	\$260,928	27	\$7,613,843	26.23	\$290,272	25	\$34,162,000	45.39	\$752,633	16	\$13,116,337	41.73	\$314,314	4	\$979,000	5.00	\$195,800
10	190	\$85,553,388	777.12	\$110,090	48	\$16,663,421	180.23	\$92,456	28	\$11,636,723	94.44	\$123,218	22	\$7,974,953	69.39	\$114,929	52	\$23,085,413	273.52	\$84,401	36	\$24,550,878	137.01	\$179,190	4	\$1,642,000	22.53	\$72,881

Park District	2016 Average Sale/Acre	2008 Average Value per Acre	% Change (2008-2016)
1	\$573,415	\$195,482	193%
2	\$588,903	\$244,947	140%
3	\$377,527	\$217,236	74%
4	\$533,268	\$244,194	118%
5	\$201,383	\$134,902	49%
6	\$245,026	\$120,545	103%
7	\$410,715	\$203,515	102%
8	\$186,410	\$135,703	37%
9	\$411,616	\$156,436	163%
10	\$110,090	\$111,197	-1%

Vancouver Urban Area - PIF Calculation (Per Person Rates)

PIF	Per-Acre Assessed Land Vaues	Per-Acre Level 1 Cost*	Per-Acre Transaction Cost	Per-Acre Total Cost	6-Acre Total Cost	Per Person Acquisition Total Cost	Per-Acre Develop Cost**	4.25-Acre Total Dev Cost	Per Person Total Development Cost	Total PIF per person
1	\$573,415	\$3,166	\$4,966	\$581,547	\$3,489,282	\$3,489	\$139,841	\$594,324	\$594	\$4,084
2	\$588,903	\$3,166	\$4,966	\$597,035	\$3,582,210	\$3,582	\$139,841	\$594,324	\$594	\$4,177
3	\$377,527	\$3,166	\$4,966	\$385,659	\$2,313,954	\$2,314	\$139,841	\$594,324	\$594	\$2,908
4	\$533,268	\$3,166	\$4,966	\$541,400	\$3,248,400	\$3,248	\$139,841	\$594,324	\$594	\$3,843
5	\$201,383	\$3,166	\$4,966	\$209,515	\$1,257,088	\$1,257	\$139,841	\$594,324	\$594	\$1,851
6	\$245,026	\$3,166	\$4,966	\$253,158	\$1,518,945	\$1,519	\$139,841	\$594,324	\$594	\$2,113
7	\$410,715	\$3,166	\$4,966	\$418,847	\$2,513,083	\$2,513	\$139,841	\$594,324	\$594	\$3,107
8	\$186,410	\$3,166	\$4,966	\$194,542	\$1,167,253	\$1,167	\$139,841	\$594,324	\$594	\$1,762
9	\$411,616	\$3,166	\$4,966	\$419,748	\$2,518,491	\$2,518	\$139,841	\$594,324	\$594	\$3,113
10	\$110,090	\$3,166	\$4,966	\$118,222	\$709,334	\$709	\$139,841	\$594,324	\$594	\$1,304
Average	\$363,835	\$3,166	\$4,966	\$371,967	\$2,231,804	\$2,232	\$139,841	\$594,324	\$594	\$2,826

* Includes Level 1 "greenspaces" development

** Includes Level 2 park development



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I. ELEMENTS OF THE PARK IMPACT FEE TECHNICAL DOCUMENT

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II. INTRODUCTION / PURPOSE

The Park Impact Fee Technical Document is prepared to provide a framework to facilitate and streamline future fee updates or revisions at the direction of the elected officials of the City of Vancouver and Clark County. The purpose of this initial version of the Technical Document is to provide a vehicle to re-adopt the fee schedule and numeric formula factors currently in effect. In addition, the Technical Document describes the methodology for future implementation of park impact fee indexing in order to keep pace with fluctuations in the economic market, and allow rates to more accurately reflect current acquisition and development costs. In the future, at the direction of the City Council and the Board of Commissioners, rate change proposals can be brought forward for consideration, utilizing the adoption of a revised Park Impact Fee Technical Document. The revised Technical Document would provide the updated analysis for inflation or deflation adjustments, identify any revised data sources or values for formula factors, and include a proposed fee rate schedule.

III. PARK IMPACT FEE**A. Background**

In 2009, references to PIF rate schedules and numeric calculation factors were removed from the Vancouver-Clark Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan (Parks Plan), the Clark County Code, and the Vancouver Municipal Code. The purpose of this action was to:

- Establish a streamlined process for rate changes using a PIF Technical Document as a vehicle to adopt both current and future rate schedules,
- Adopt numeric calculation factors,
- Define the park impact fee indexing methodology, and
- Improve consistency between city and county administrative codes as they relate to the application and management of the park impact fee program.

No rate changes or implementation of indexing methodology are proposed herein at this time.

B. Overview

The formula used to compute park impact fee rates is based on four primary factors: 1) acquisition costs; 2) development costs; 3) adopted park standards, and 4) an adjustment factor required by state law.

1. **Acquisition cost** is the unique cost of land in each of the ten established park districts.
2. **Development cost** is the average cost of park development over all 10 park districts within the Vancouver urban growth area.
3. Adopted **park standards** are those adopted by the Parks Plan for neighborhood and community parks and urban open space. These standards are population based and represent the acres of land needed to serve one thousand residents for each of the respective park types.
4. The **adjustment factor** is based on state statute that requires an “adjustment to the cost of public facilities for past or future payments made or reasonably anticipated to be made by new development...” Commonly known as the “proportionate public share” or “shift”, this adjustment is intended to reasonably relate the cost of public facility improvements with the service demands of new development.

State statute requires that park facilities on which impact fees may be spent must be part of a capital facilities plan that is a component of an adopted comprehensive land use plan. Both City ordinance (VMC 20.915.100) and County code (CCC 40.630.010) anticipate that impact fee rates will be revised periodically when financial analysis establishes that there is a need for a major program update, or adjusted annually to account for inflation/deflation using an indexing methodology. All fee adjustments are to be described in a Technical Document to be reviewed and adopted by the elected officials of the City of Vancouver and Clark County.

C. Park Impact Fee Formula and Formula Factors:

$$\begin{aligned}
 \text{PIF} &= [\text{Acquisition Cost} + \text{Development Cost}] - \text{Cost Adjustment Factor} \\
 \text{PIF} &= \left[\left(\frac{\text{Ca} \times \text{Ia} \times \text{Sa}}{\text{P}} \right) + \left(\frac{\text{Cd} \times \text{Id} \times \text{Sd}}{\text{P}} \right) \times \text{U} \right] \times \text{A} \quad (\text{City of Vancouver}) \\
 &\quad - \text{A} \quad (\text{Clark County})
 \end{aligned}$$

1. “**PIF**” means the total cost of the acquisition and development components of the impact fee per single family/duplex, or multi-family residence.
2. **a. “Ca”** means the average cost per acre for land appraisal, acquisition, associated due diligence fees and expenses, closing and Level 1 Development for each service area or overlay area as described in the Parks Plan for neighborhood parks, community parks and urban open space, and adopted by the Board and City Council in the impact fee revision process pursuant to CCC40.630.010 and VMC 20.915.100.B.
- b. “Cd”** means the average cost per acre for site development. Development costs shall be calculated assuming development standards described in the Parks Plan for neighborhood and community parks, and adopted by the Board and City Council in the impact fee revision process pursuant to CCC 40.630.010 and VMC 20.915.100.B.
3. **a. “Ia”** means the percentage annual inflation/deflation adjustment index applicable to the acquisition component, as outlined in the Park Impact Fee Program Technical Document and

annually determined by the Board and City Council in the impact fee revision process pursuant to CCC 40.630.010 and VMC 20.915.100.B.

b. “Id” means the percentage annual inflation/deflation adjustment index applicable to the development component as outlined in the Park Impact Fee Program Technical Document and annually determined by the Board and City Council in the impact fee revision process pursuant to CCC 40.630.010 and VMC 20.915.100.B.

4. **a. “Sa”** means the parks acquisition standard in acres per thousand residents for neighborhood parks, community parks and urban open space as established in the Vancouver-Clark Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan (Parks Plan).

The current (2006-2007) acquisition standard per the Parks Plan is 6 acres per thousand residents. This standard is designed to include a combined 5 acres / 1,000 residents for neighborhood and community parks and one acre per thousand for urban open space. Within the combined standard, the preferred distribution is two acres for neighborhood parks and three acres for community parks. However, the combined standard allows for modifications where existing and proposed development limits the availability of parcels large enough to accommodate the preferred standard-size for community parks.

b. “Sd” means the parks development standard in acres per thousand residents for neighborhood and community parks as established in the Parks Plan.

The current development standard per the Parks Plan is 4.25 acres of developed park land / 1,000 residents. No development standard is proposed for urban open space, which should remain in a relatively natural condition.

5. **“P”** means one thousand (1000) residents.
6. **“U”** means the average number of occupants per single-family/duplex dwelling unit or per other multifamily dwelling unit, based on the most current applicable statistical census data (US Census Bureau or Washington State Office of Financial Management (OFM) census data for persons per dwelling unit) and as adopted by the Board and City Council in the impact fee revision process pursuant to CCC 40.630.010 and VMC 20.915.100.B.

Current fee rates are based on 2000 OFM census data identifying 2.59 persons per dwelling unit for a single family/duplex residence, and 1.9 persons per household for a multi-family residence.

7. **“A”** means an adjustment to the cost of park facilities for past or future payments made or reasonably anticipated to be made by new development to pay for park system improvements in the form of user fees, debt service payments, or other payments earmarked for or proratable to park system improvements. The City and County allocate their Real Estate Excise Tax funds at their discretion, thus resulting in a slight difference in adjustment values. The respective adjustments for the City of Vancouver and Clark County are noted below:

- a. Clark County Adjustment Value “A”.

Unit Type	Adjustment
Single-Family	\$228.50
Multifamily	\$166.98

- b. City of Vancouver adjustment value is determined to be five percent (5%), so that “A” factor equals 95%.

D. PARK IMPACT FEE RATE SCHEDULES

1. City of Vancouver *(As adopted by Ordinance M-3653, effective June 3, 2004)*

CITY OF VANCOUVER PARK IMPACT FEE SCHEDULE				
Park District	Single-Family Rates		Multi-Family Rates	
	Acquisition	Development	Acquisition	Development
1	\$1,608	\$635	\$1,175	\$464
2	\$2,116	\$635	\$1,547	\$464
3	\$1,750	\$635	\$1,279	\$464
4	\$1,481	\$635	\$1,082	\$464
5	\$1,291	\$635	\$943	\$464
6	\$1,048	\$635	\$766	\$464
7	\$1,372	\$635	\$1,003	\$464
8	\$1,292	\$635	\$944	\$464
9	\$1,497	\$635	\$1,094	\$464
10	\$1,039	\$635	\$759	\$464

2. Clark County *(As adopted by Ordinance 2002-10-16, effective January 1, 2003)*

CLARK COUNTY PARK IMPACT FEE SCHEDULE				
Park District	Single-Family Rates		Multi-Family Rates	
	Acquisition	Development	Acquisition	Development
1	\$1,693	\$440	\$1,237	\$321
2	\$2,228	\$440	\$1,628	\$321
3	\$1,842	\$440	\$1,346	\$321
4	\$1,558	\$440	\$1,139	\$321
5	\$1,359	\$440	\$993	\$321
6	\$1,103	\$440	\$806	\$321
7	\$1,445	\$440	\$1,056	\$321
8	\$1,360	\$440	\$994	\$321
9	\$1,576	\$440	\$1,151	\$321
10	\$1,094	\$440	\$799	\$321

IV. PARK IMPACT FEE INDEX**A. Purpose and Intent of Indexing**

The intent of indexing is simply to keep impact fees as current as possible by accounting for inflation or deflation adjustments over time using a known or common factor, such as the consumer price index or the construction cost index. Annually adjusted impact fees also minimize potential public share obligations to the system, which are caused by the difference between current rates and the annually eroding value of those rates as they are impacted by inflation. Indexing is implemented by County and City Code as follows:

CCC40.630.010 (Impact Fee Revision) and VMC20.915.100 (Other Provisions)

B. Park impact fee rates may be revised using the following process:

1 The adopted Park Impact Fee Program Technical Document may be revised periodically by the Board [or City Council] when financial analysis establishes that there is a need for a major program update. Such adjustments shall only become effective upon adoption by the Board [City Council].

2. Between major program updates, the calculated park impact fee will be adjusted annually to account for inflation/deflation using the indexing methodology described in the adopted Park Impact Fee Technical Document. Such adjustments shall only become effective upon adoption by the Board [City Council].

B. Indexing Models Used by Other Jurisdictions

Numerous jurisdictions across Washington and Oregon apply an annual inflation index to their impact fees or system development charges. Several common indices are used, as noted below:

- **Producer Price Index (PPI)** – shows the direction and magnitude of price changes for finished goods; published by the Bureau of Labor Statistics.
- **Consumer Price Index (CPI)** – shows day-to-day inflation in prices as experienced by urban consumers for a representative basket of goods and services; also published by the Bureau of Labor Statistics.
- **Engineering News Record (ENR)** – calculates national index of building cost changes using a 20 city average and individual costs as local average. ENR offers two indices: Construction Cost Index (CCI) and the Building Cost Index (BCI).¹ The CCI can be used where labor costs are a high proportion of total costs. The BCI is more applicable for structures.

Additionally, two primary approaches exist to apply indexed adjustments: uniformly across dual components or uniquely to each component.

- **Uniform Indexing Approach** – The uniform approach merely applies an index to the composite impact fee, and in the case of park fees, it would apply to the combined acquisition and development rates equally. No distinction is made between components or between the relative impacts of how each component is affected by the index. Upon initial review of the application of indices throughout the region, it was noted that most jurisdictions elected to index impact fee rates uniformly.

¹ The difference between ENR's Construction Cost Index and Building Cost Index is the approach to the labor component. The CCI uses 200 hours of common labor, multiplied by the 20-city average rate for wages and fringe benefits. The BCI uses 68.38 hours of skilled labor, multiplied by the 20-city wage- fringe average for three trades—bricklayers, carpenters and structural ironworkers. For their materials component, both indexes use 25 cwt of fabricated standard structural steel at the 20-city average price, 1.128 tons of bulk Portland cement priced locally and 1,088 board ft of 2x4 lumber priced locally. The ENR indexes [sic] measure how much it costs to purchase this hypothetical package of goods compared to what it was in the base year. (source: enr.construction.com)

- **Unique, Component-Specific Indexing Approach** – An alternative approach is to annually adjust each impact fee component based on a unique index, both pertinent and suitable to that component. For example, the development component is adjusted based on a construction cost index, and the acquisition component is adjusted based on a real estate or land valuation index as appropriate. By design, component-specific indexing allows for a higher degree of congruence between the component and the index, along with providing a more true reflection of local changes on an annual basis.

In Oregon, jurisdictions can choose to use the local tax assessor's annual ratio report to index the acquisition component. In Washington, no similar report is required, but some cities have indexed acquisition costs based on annual changes in land value. The indexing approach used by the City of Olympia offers a compelling model, as described below from their PIF program documentation:

The change in property value is calculated based on information from the Thurston County Assessor's Office. Thurston County is on an annual valuation cycle, meaning that all real property is physically inspected at least once every six years, but is statistically updated every year. The County Assessor does not create values, but interprets current market activity to estimate the values of parcels in Thurston County for the purposes of property taxation. Fair market value is the amount a willing buyer would pay a willing seller when neither is under undue pressure. The Thurston County Assessor's Office uses valid recent sales data of similar properties and the replacement cost of buildings (based on the cost of current labor and material, less depreciation), to arrive at fair market value. For projects where the location of the property is known, the property value factor will be calculated based on the difference between the current year and preceding year's fair market value for land. For projects where the location of the property is not known, the property value factor will be calculated based on the average of the changes in land value for representative similar facility type projects in the CFP.

Thurston County's approach to annual assessment re-evaluation is consistent with that of Clark County's and is identified as a viable approach. During the current PIF assessment, staff from the Clark County Assessment office was contacted to discuss and coordinate a comparable approach for local, annual PIF adjustments based on Clark County data and modeling.

With readily accessible, quality indexing datasets, the component-specific approach can offer Clark County a stronger nexus between the selected index and the base PIF rate. As a historically high-growth region, an approach using a uniform index for both components, such as a construction index, does not accurately reflect the differences in and changes to real property valuations, and does not reflect value differentiation across the urban area. As such, when the City of Vancouver and/or Clark County are ready to proceed with implementation of an annual index of Park Impact Fee rates, a component-specific indexing option will be used, whereby the acquisition base rate is indexed to recent real property changes and the development base rate is tied to a construction related index, such as the ENR-CCI. The establishment of the real property index is the most complex task, and it is a uniquely local exercise. The following section details the methodology.

C. Indexing Methodology

1. PIF Acquisition Component

In close collaboration with Clark County Assessment and GIS staff, land valuation tables for the Vancouver urban area were isolated and reviewed for the three most recent property tax assessment cycles (2007, 2008, 2009). The primary goal was to establish the rate of change in land valuations between consecutive property tax cycles as the basis for a potential PIF acquisition rate index. Secondly, the data were reviewed to evaluate the appropriateness of applying a single, urban area-wide index factor versus unique index factors per each of the 10 PIF districts.

Acreage valuations from the Assessor's Neighborhood Land Tables were the primary input. Clark County annually updates the assessment land tables with a physical inspection of 1/6th of the county per cycle and statistical revisions of the remainder. The data used in this analysis are consistent with the assessed valuations used for annual property tax assessments.

The land coverage of the Assessor's Neighborhood Land Tables was correlated to that of the PIF districts using GIS. The acreage and percentage of total land area of each Neighborhood was calculated as it relates to each of the 10 PIF districts. Using these relative coverages, a weighted average land valuation was calculated by PIF district. Additionally, a single average was calculated for the Vancouver urban growth area (VUGA) as a whole.

In comparing the valuations of each PIF district to that of VUGA composite, significant differences were noted. While the average valuation change of the sum of the 10 PIF districts was the same as the valuation change of the VUGA as a whole, a wide degree of variability was noted between PIF districts for each comparative cycle reviewed. In looking at the differences between the 2009 and 2008 tax years, a 14% spread exists between the highest and lowest change between PIF districts. Given this variability, the acquisition component will be indexed based on the unique rate of change by PIF district, instead of using a VUGA average, to best reflect the specific changes in valuation within the urban area. This approach is consistent with that taken to establish the acquisition base rates, and the data and calculations required to determine these unique index factors have been tested.

Using the weighted average land valuation by PIF district, the acquisition index factors for each PIF district are determined by the ratio of the current tax year to the previous. Table 1 shows these results.

Table 1: Acquisition Index Factors by District (2008-09)

PIF District	Tax Year 2009	Tax Year 2008	Index Factor	Index Change
1	\$ 136,135	\$ 138,890	0.980	-2.0%
2	\$ 149,378	\$ 149,619	0.998	-0.2%
3	\$ 165,304	\$ 175,479	0.942	-5.8%
4	\$ 160,373	\$ 168,254	0.953	-4.7%
5	\$ 154,999	\$ 179,888	0.862	-13.8%
6	\$ 156,412	\$ 176,384	0.887	-11.3%
7	\$ 148,720	\$ 159,786	0.931	-6.9%
8	\$ 161,771	\$ 162,060	0.998	-0.2%
9	\$ 168,909	\$ 168,910	1.000	0.0%
10	\$ 169,001	\$ 169,001	1.000	0.0%
Average	\$ 157,100	\$ 164,827	0.955	-4.5%
VUGA Average	\$ 154,079	\$ 162,135	0.950	-5.0%

Using the established PIF acquisition base rates for each district, Table 2 shows how the index would be applied by multiplying the index factor with the PIF base rate to establish a revised PIF acquisition rate.

Table 2: Application of Index to PIF Acquisition Component

PIF District	Base Acquisition Rate		Index Factor	=	Revised PIF Rate (Acq)	Change (\$)
1	\$ 1,227	*	0.980	=	\$ 1,203	\$ (24)
2	\$ 1,524	*	0.998	=	\$ 1,521	\$ (2)
3	\$ 1,357	*	0.942	=	\$ 1,279	\$ (79)
4	\$ 1,519	*	0.953	=	\$ 1,448	\$ (71)
5	\$ 863	*	0.862	=	\$ 744	\$ (119)
6	\$ 777	*	0.887	=	\$ 689	\$ (88)
7	\$ 1,275	*	0.931	=	\$ 1,187	\$ (88)
8	\$ 868	*	0.998	=	\$ 867	\$ (2)
9	\$ 993	*	1.000	=	\$ 993	\$ (0)
10	\$ 721	*	1.000	=	\$ 721	\$ (0)
Average	\$ 1,112		0.955		\$ 1,065	\$ (47)

NOTE: The Clark County Assessor’s Office does not release land valuation tables until the early fall of the tax year in question (i.e., October 2009 for the 2009 property tax assessment). Given this known and reliable lag time, it is recommended that annual PIF indexing occur in the early fall of each year to accommodate delivery of the most recent Assessor’s data.

2. PIF Development Component

The application of a construction cost index to the PIF development component is simple and direct. Using the Seattle ENR-CCI monthly data available from ENR, calculate the index factor as the percentage change based on the ratio of the current month to the previous period (see below).

Table 3: Construction Cost Index (Oct '07 – Oct '08)

ENR-CCI Periods		ENR-CCI Factor	Index Change
October '08::	8812.22	= 1.023	or 2.3% Increase
October '07::	8612.75		

Using the established PIF development base rates for each district, the index is applied by multiplying the index factor with the PIF base rate to establish a revised PIF development rate. Since development rates are uniform across all PIF districts, this calculation is completed only once as shown in Table 4.

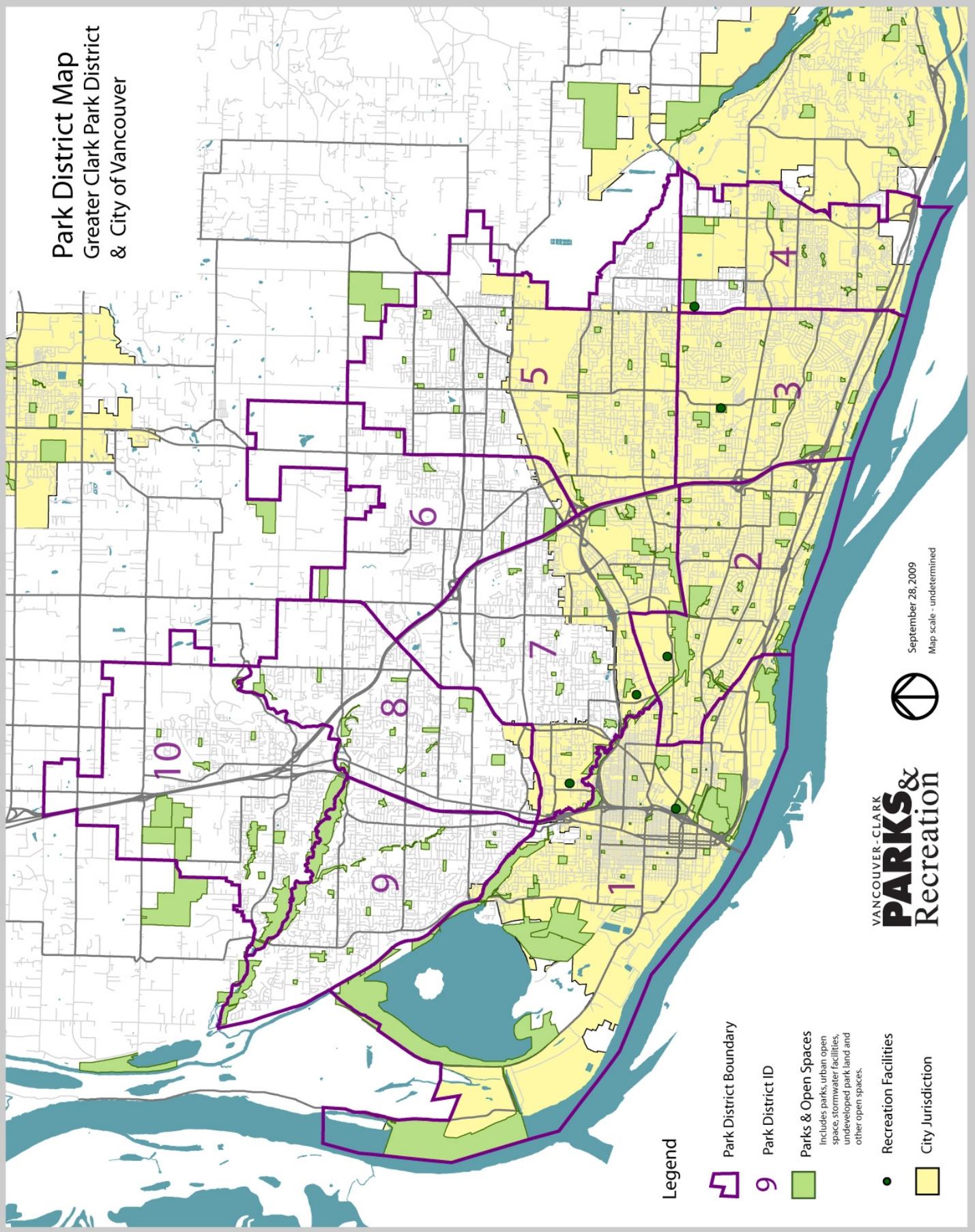
Table 4: Application of CCI to PIF Development Component

PIF Base Rate (Dev)		ENR-CCI Factor	=	Revised PIF Rate (Dev)	Change (\$)
\$553	*	1.023	=	\$566	\$13

D. Conclusion - Indexing Methodology

Both the Vancouver Municipal Code and the Clark County Unified Development Code already include a provision for periodic revisions and indexing adjustments to the park impact fee schedule through adoption of a Technical Document. To date, this provision has not been utilized regularly; Park Impact Fees have not been adjusted on an annual basis. The indexing methodology proposed in this document does not suggest that the City or the County implement the indexing provision at this time, but that this methodology be considered and implemented at some point in the near future to ensure the viability of the Park Impact Fee program.

Park District Map
 Greater Clark Park District
 & City of Vancouver



Legend

-  Park District Boundary
-  9 Park District ID
-  Parks & Open Spaces
Includes parks, urban open space, stormwater facilities, undeveloped park land and other open spaces.
-  Recreation Facilities
-  City Jurisdiction



September 28, 2009
 Map scale - undetermined



APPENDIX J: Park Impact Fee Program & Rate Calculation

APPENDIX J: PARK IMPACT FEE PROGRAM & RATE CALCULATION

The park impact fee program was approved in the mid 1990s by both the City of Vancouver and Clark County to provide a funding source for the acquisition and development of urban parkland in the Vancouver urban area. The program establishes level of service standards for urban parks, including neighborhood and community parks and urban open space, and assesses park impact fees on new residential development to offset the cost of providing these parks.

The formula used to compute park impact fee rates is based on the cost of land and the cost of park development in each of the 10 park districts that cover the Vancouver urban growth area. They are fixed until modified by county or city action.

The park fees currently charged by Vancouver were last updated in 2004 and Clark County in 2003. Although PIF rate updates have historically occurred concurrently with updates to the Comprehensive Parks, Recreation & Open Space Plan, the 2007 review of PIF rates will occur through a separate process. No methodology or rate changes are proposed in this document.

STATUTORY AUTHORITY

State statute (RCW 82.02) authorizes qualified Washington counties and cities to collect impact fees to “ensure that adequate facilities are available to serve new growth and development.” The statute requires that impact fees are reasonably related to and reasonably benefit the new development, and

they must not exceed a proportionate share of system improvements.

Public facilities on which impact fees may be spent are limited to parks, roads, schools, and fire protection facilities. These facilities must be part of a capital facilities plan that is a component of an adopted comprehensive land use plan. Impact fees must be expended or encumbered within six years of collection, or refunded.

The statute also requires an “adjustment to the cost of public facilities for past or future payments made or reasonable anticipated to be made by new development...” Commonly known as the “proportionate public share” or “shift”, this adjustment is intended to reasonably relate the cost of public facility improvements with the service demands of new development.

Both City ordinance (VMC 20.97.120) and County code (CCC 12.65.098) anticipate that “Impact fee rates shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects, and anticipated growth.”

BACKGROUND OF THE PARK IMPACT FEE PROGRAM

CLARK COUNTY

On September 26, 1990, the Clark County Board of Commissioners adopted Ordinance 1990-09-47, establishing park impact fees on new residential development within the unincorporated urban area around Vancouver. Fee collection began on January 24, 1991. The park impact fee applied to land acquisition only, and was based on existing land values, a standard of 7.5 acres of urban park land per thousand population, the number of residents

per household (2.6 for single-family and 1.9 for multi-family), and a 5% proportionate public share (referred to as the “shift”). Exemptions were allowed for publicly owned low-income housing and public schools. The Board of Commissioners amended the PIF ordinance on April 28, 1993, to allow for school impact fees (Ordinance 1993-04-29); on July 21, 1993, to expand the definition and exemptions of low-income housing (Ordinance 1993-07-21); and on January 25, 1994, to revise provisions for waivers and credits (Ordinance 1994-01-35). Additional changes were made on February 8, 1994, to better define service areas, change the credit basis, and modify procedures for adjusting PIF rates (Ordinance 1994-02-16).

On December 28, 1994, the Board of Commissioners made significant changes to county code in order to implement the GMA Comprehensive Land Use Plan (Ordinance 1994-12-53). Changes to PIF included establishing “greenspaces” as the development standard for undeveloped urban sites, allowing closing costs to be included in PIF, codifying 6 acres per thousand as the acquisition service standard, and authorizing joint city/county administration of impact fees through an interlocal agreement.

On August 6, 1996, Clark County adopted fundamental changes to its park impact fee program to fulfill its role in the city-county coordinated effort (Ordinance 1996-08-03). Development fees were added, new rates were established, acquisition and development standards were set and a new 0.25% Real Estate Excise Tax (REET) was imposed for 6 years to fund the public share of park development.

Clark County made administrative and transportation changes to the general impact

fee program on October 9, 1996 (Ordinance 1996-10-24); zoning, administrative, and procedural changes on December 10, 1997 (Ordinance 1997-12-47); and eliminated low-income housing exemptions on September 28, 1999 (Ordinance 1999-09-12).

In the 2001 Comprehensive Plan update, PIF rates in the Vancouver urban-unincorporated area were reviewed and updated. The updated rates reflected increases in acquisition and development costs. During this update, calculation of the Cost Adjustment Factor (CAF), which accounts for other sources of public funds, was changed from a percent-based to a revenue-based method. The updated rates were adopted in May 2002, as part of the Comprehensive Parks, Recreation, and Open Space Plan update (Clark County Ordinance 2002-05-03).

In 2002, Clark County extended REET collection in the urban area for 30 years (to 2032) and adjusted the allocation of revenues. With this extension, fifty percent of REET funds were reallocated to economic development, while the remaining fifty percent of revenue remained dedicated to parks purposes, including park, sports field, and trail development. This reallocation affects the relative cost adjustment necessitated by the REET funding source.

In January of 2003, Clark County increased its development component of the rate to \$169 per person (\$440 per single-family unit and \$321 per multi-family unit). Acquisition rates remained unchanged. (Clark County Ordinance 2002-10-16)

THE CITY OF VANCOUVER

The City of Vancouver instituted impact fees for parks, roads, and schools with the

adoption of Ordinance M-3201 on August 7, 1995. Fees were based on four elements:

- land and development costs in each of the 10 urban park districts;
- acquisition and development standards of 6 acres and 4.25 acres per thousand population respectively;
- dwelling occupancy of 2.59 and 1.9 persons for single-family and multi-family units, respectively; and
- a 5% public share.

The City's park and recreation plan was incorporated into the impact fee program and fees for the 10 park districts were reaffirmed with the adoption of Ordinance M-3206 on September 5, 1995. On January 16, 1996, Vancouver adopted Ordinance M-3224, which amended the city's zoning ordinance to achieve consistency between the comprehensive plan and its implementing ordinances, as required by the Growth Management Act. Section 20.97.090 codified park impact fees as established by Council.

In order to properly fund the City's public share of park development, the Vancouver City Council adopted on July 1, 1996, Ordinance M-3251 establishing a new 0.25% Real Estate Excise Tax (REET) within the City, effective until 2002. Revenue generated was to be used to address the service level deficit in existing neighborhoods as state statute prohibits park impact fees from being used for this purpose. Funds were dedicated to parks uses as defined in the statute.

The City of Vancouver extended REET collections permanently in 2002 and reallocated 30% of revenues to transportation uses, up to a maximum of \$500,000 per year plus inflation. City REET revenues available

for parks purposes are now primarily devoted to debt service on recreation center construction and redevelopment. These allocations affect the relative cost adjustment necessitated by the REET funding source. (City of Vancouver Ordinance M-3590 and M-3598).

Updated PIF rates for the City were adopted in May 2002, as part of the 2001 Comprehensive Parks, Recreation, and Open Space Plan update (City of Vancouver Ordinance M-3584). This rate update also included an adjustment to the CAF calculation methodology, as occurred in the County.

The City of Vancouver also updated its rates in 2004, lowering the acquisition rate an average of \$30 per person from 2001, and increasing the development component to \$244 per person. (City of Vancouver Ordinance M-3652)

FEE STRUCTURE & RATE CALCULATIONS

Park Impact Fee rates are determined for each PIF district by calculating the cost of acquiring and developing parkland necessitated by new development and deducting the impact of taxes and fees currently paid by new home-owners towards park acquisition and development (the cost adjustment factor, or CAF).

$$\text{Acquisition Cost} + \text{Development Cost} - \text{CAF} = \text{PIF}$$

ACQUISITION COMPONENT

Currently, the per person land acquisition component of the park impact fee is calculated, by PIF District, based on the average assessed value of an acre of vacant,

non-critical land, plus average additional transaction costs, multiplied by the urban park acreage standard (6 acres/1,000 people). This per person rate is then multiplied by the number of people per dwelling unit to determine the single family and multi-family acquisition components.

Acquisition costs are developed using a compilation of the assessed values of vacant/underutilized, non-critical, residentially zoned lands within each of the ten park districts, using the county's vacant lands model. This method was chosen for use in the 2001 Comprehensive Plan update due to consistence with other datasets, large sample size, and the reliability of the Assessment & GIS database. The exclusion of critical lands most closely reflects the current need for neighborhood and community parklands.

Calculations are also based on the following inputs:

- Household population of 2.6 persons per single family unit or duplex.
- Household population on 1.9 persons per multi-family unit.
- Standard of 5 acres of community and neighborhood parks and 1 acre of urban open space per 1,000 residents. Generally, a mixture of 3 acres of community park and 2 acres of neighborhood park is desired to compose the five acre acquisition standard.

DEVELOPMENT COMPONENT

The development component is constant for each PIF district. The average development cost per acre for neighborhood and community parks is determined by averaging the cost of recent development projects and the estimated cost of near term projects. The average per acre cost is weighted to reflect the varying guidelines for the proportion of

neighborhood to community parks (2 acres/1,000 persons versus 3 acres/1,000 persons respectively). The average cost is then multiplied by the 4.25 acre/1,000 person development standard and the number of persons per dwelling unit to determine the single family and multi-family development component.

For development components of the fee, the inputs include:

- Household population of 2.6 persons per single family unit or duplex.
- Household population on 1.9 persons per multi-family unit.
- Standard of 4.25 acres of developed community and neighborhood per 1,000 residents.
- “Greenspaces” (Level 1) improvements until sites are developed.
- Level 2 development standard for neighborhood and community parks.

THE COST ADJUSTMENT FACTOR

The Cost Adjustment Factor (CAF) reflects the contribution of other sources of public funds to park development, as the financing system cannot rely solely on impact fees. (RCW 82.02.050 (2) It is intended to meet two statutory requirements. First RWC 82.02.060 (1) (b) requires that a local impact fee include: *(a)n adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement.*

Second, RCW 82.02.050 (2) provides that, “the financing for system improvements to serve new development must provide for a balance between impact fees and other

sources of public funds and cannot rely solely on impact fees.”

Because CAF is intended to address two distinct statutory requirements, a two-step approach to calculating the value of CAF is used:

1. *Revenue-Based CAF*: As a first step, the CAF is calculated based solely on “payments made or reasonably anticipated to be made by new development to pay for particular system improvements.”
 - (a) Identify principles for including a candidate revenue source in the CAF calculation.
 - (b) Survey parks revenue sources and identify specific sources to include. For each included revenue source, estimate the per capita contribution of new development. Combine these contributions into an Acquisition CAF, a Development CAF, and a Total CAF.
2. *Minimum CAF*: As the second step, compare the Total CAF to the total (per capita) PIF in each district. If the Total CAF equals or exceeds the minimum level (recommended at 5% of total PIF) for a district, no further action is needed – the district meets its “minimum CAF” requirement. However, if the Total CAF is less than 5% of a district’s per capita PIF, increase the Acquisition CAF and/or Development CAF by the amount(s) necessary to bring the total to 5%. The allocation of this increase between the Acquisition and Development CAF should be at the discretion of the City Council and Board of County Commissioners, and should be based on their evaluation of the likely availability of public funds for those purposes.

Revenue-Based CAF Principles

Step One of the CAF Methodology is identification of principles to be used in deciding whether a revenue source should be considered a “payment made or reasonably expected to be made by new development to pay for particular system improvements.” The statute contemplates payments “in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement.” The following principles are recommended as guidelines for determining whether particular revenue streams fall within this category.

1. *Covered System Improvements*: A revenue stream should be included in the CAF calculation only if it supports (i.e. is earmarked for or proratable to) system improvements of a type for which park impact fees are assessed – in particular, the neighborhood parks (acquisition and development), community parks (acquisition and development) and urban open space (acquisition). *Rationale*: the intent of the statute is to prevent “double-charging” new development for system improvements, once via PIF and once via other payments. If a particular cost or facility type is not covered by PIF (i.e. is not included in the standard costs used to compute PIF), there is no possibility of “double-charging.”
2. *System Expansion vs. Repair and Renovation*: A revenue stream should be included in the CAF calculation only if it supports projects which expand the capacity of the parks system as measured against the standards defined in the parks facilities plan; revenues supporting bona fide repair, reconstruction and renovation only should not be included. *Rationale*: PIFs are collected and expended only for the purpose of increasing system capacity, so

this principle is simply a corollary of the preceding one. Moreover, it seems unlikely that the legislature intended to prohibit localities from asking new development to participate, along with the rest of the community, in supporting the ongoing preservation of existing facilities.

3. *Earmarked Revenues:* Revenues formally earmarked for expansion of covered facilities- by statutes, ordinance, or formally adopted local policy – should be included in the CAF calculation.
4. *Proratable Revenues:* Revenues “proratable to particular system improvements” form a potentially much broader category than earmarked revenues, and some judgment is required to determine how broadly the statutory language should be read. As a partial criterion we recommend that a candidate proratable revenue be included in the CAF calculation only if there is a distinct nexus between the occurrence of new development within the community and the subsequent availability of the revenue in question to the community. As a hypothetical example, if the State of Washington were to impose a new tax on development activity, and the proceeds of that tax were redistributed to cities and counties on a per capita basis for parks purposes, then that tax would be included in the CAF calculation – because development in the community (by raising its population) contributes to making the resource available to the community (via the redistribution formula). Conversely, grants awarded on the basis of project-proposal competition, for example, would not be included in the CAF calculation, despite the possibility that new development may indirectly finance some portion of such a program through general federal or state taxes. *Rationale:* It

seems likely that the legislature’s intent in adoption RCW 82.02.060 (1) (b) was to prevent substantial, direct “double-charging” of new development by local governments, rather than to require an immensely complex tracing of marginal payments through the state and federal budgets. The criterion above is offered as a principled way of distinguishing direct “double-charging” from the more roundabout financial linkages.

5. *Reasonably Anticipated:* In some cases, the Parks Department may find it useful to list funding sources in its comprehensive facilities plan which may or may not actually materialize – representing, for example, grants applied for or general fund support requested. We recommend that only revenues “reasonably anticipated” be included in the CAF calculation. The Parks Department may have to estimate the probability of receiving various types of funding to carry out this recommendation. *Rationale:* This is simply in conformity with the terms of the statute.

Revenue Sources to Include in CAF

The primary source for identifying candidate revenue sources for the CAF calculation is the financial element of the parks facilities plan. That document shows the planned revenue sources for all parks projects in the 2006-2012 timeframe. The following paragraphs summarize the rationale for including or excluding each source, based on the principles outlined above.

- *REET-2: Include*, assuming source is renewed and that it remains earmarked by ordinance for parks development.
- *Greater Clark Parks District: Exclude*, based on Principles 1 and 2. The Greater Clark Parks District is a metropolitan parks

district formed by voters in 2005, which assesses a property tax primarily to provide revenue for the operation of 35 urban-unincorporated parks and 5 trail segments. A limited amount of revenue is available for above-standard development of these parks; however this revenue is not available for the PIF-funded standard Level II development of these parks.

- *City General Fund: Exclude*, based on Principles 2 and 5. Most of the projects listed as general fund-supported represent repair and renovation efforts, which do not increase the capacity of the parks system.
- *County Remediation Payment: Exclude*, as this represents a single lump-sum payment made to the County a number of years ago (~\$2.9 million) from accumulated fund balance. Thus it represents no tax burden on current or future development.
- *CDBG & LAC Grants: Exclude*, on the criteria proposed under Principle 4. Although these grant funds may arguably include some trace amount of tax dollars paid by new development, development itself does not cause these funds to be available to the community.
- *Private Donations: Exclude*, as these are unconnected with any taxes, fees, or other payments imposed on new development.
- *Other Sources:* There are additional funding sources included in the parks facilities plan to finance projects outside the core parks system to which PIF funding is dedicated. Such sources are excluded under Principle 1, i.e. they do not reflect spending on system improvements “covered” by the PIF program.

CAF Calculations

Of the candidate revenue sources reviewed above, only one is recommended for inclusion in the CAF calculation: REET-2. The following paragraphs outline assumptions and methodologies for this funding source.

Real Estate Excise Tax Assumptions

1. *Continuation of Source:* It is assumed that both the City of Vancouver and Clark County will continue collection of the 0.25% real estate excise tax and that proceeds of the tax will continue to be dedicated, at least in part, to parks purposes. The CAF calculation accounts only for the percentage of REET-2 devoted to parks development.
2. *First Sale:* For the purpose of this calculation, the revenue attributed to new development is the tax collected on the first sale of newly developed residential property. The full value of the first sale is included in the calculation – that is, no attempt is made to estimate and deduct the value of the bare land underlying the new development.
3. *Occupants per dwelling Unit:* Single family dwelling units are assumed to have 2.6 occupants on average, while multi-family units are assumed to average 1.9 occupants. This conforms to the assumptions incorporated in the Parks Facilities Plan.
4. *Single Family vs. Multi-Family Dwelling Units:* According to City and County staff, 78% of residential building permits issued over the past four years have been for single family units, while 22% have been issued for multi-family units. This calculation assumes this mix will continue in the future.

5. *Single Family vs. Multi-Family Population:* Combining assumptions 3 and 4 above, the distribution of population between single family units and multi-family units can be calculated: 83% of new population growth is expected to reside in single family units, compared to 17% in multi-family units. (These figures are more heavily weighted towards single family units because each such unit is expected to house a larger number of occupants than each multi-family unit. *Example:* Given 100 new dwelling units, 78 are expected to be single family and 22 multi-family. We expect the single family units to house $78 \times 2.6 = 202.8$ residents, while the multi-family units will house $22 \times 1.9 = 41.8$ persons. The total population will be $202.8 + 41.8 = 244.6$. The single family units will house $202.8/244.6 = 83\%$ of the total population, while multi-family units house $41.8/244.6 = 17\%$.)
6. *Multi-Family Unit Sales:* New construction generates REET revenue at the time the newly constructed unit is sold. In the case of single family units, nearly all are expected to be sold prior to occupancy. (This analysis assumes that all single family units are sold prior to occupancy, ignoring builder-owned housing.) However, multi-family complexes (e.g. apartment buildings) may be occupied by new residents – typically renters – without being sold. To take this into account, this calculation assumes that 20% of multi-family units will change hands each year. Over the 2006-2012 period, this implies that 74% of multi-family units will be sold, generating REET revenues at least one time.
7. *Unit Sales Price:* The average sale price of new single family dwelling unit is used, and the average sale price for multi-family

homes is assumed at 50% of single-family. The 50% ratio reflects the ratio of average construction costs for single family and multi-family housing units in the year 2000 (as of the last census) for Vancouver and Unincorporated Clark County, and the assumption that the ratios between construction costs and initial sales price are approximately equal for both types of housing.

Real Estate Excise Tax Calculation

1. REET per capita (Single Family) equals the median price of a new single family dwelling unit times the tax rate times the percent allocated to parks purposes divided by occupants per dwelling unit.
2. REET per capita (Multi-Family) equals the median price of a new multi-family dwelling unit times applicable tax rate times the percent allocated to parks purposes divided by occupants per dwelling unit, times turnover rate (see assumption 6).
3. Average REET per capita: REET per capita (Single Family) times percentage of new population in single family housing plus REET per capita (Multi-Family) times percentage of new population in multi-family housing.

This calculation yields an average REET-2 revenue amount for each jurisdiction per new resident. This is then multiplied by the average number of people per household to determine average single family and multi-family CAF rates. This calculated CAF must be compared to the 5% of total PIF minimum, and the greater of these deducted from the PIF development rate.

TABLE J-1: CURRENT PARK IMPACT FEE RATES (2006)

PIF	Clark County (VUGA)				City of Vancouver			
	Per Capita Rates		Unit Rates		Per Capita Rates		Unit Rates	
	Acquisition Rate	Development Rate	Single Family (2.6 persons)	Multi Family (1.9 persons)	Acquisition Rate	Development Rate	Single Family (2.6 persons)	Multi Family (1.9 persons)
1	\$651	\$169	\$2,133	\$1,558	\$651	\$74	\$1,885	\$1,377
2	\$857	\$169	\$2,668	\$1,949	\$857	\$74	\$2,420	\$1,768
3	\$708	\$169	\$2,282	\$1,667	\$709	\$74	\$2,034	\$1,487
4	\$599	\$169	\$1,998	\$1,460	\$599	\$74	\$1,750	\$1,279
5	\$523	\$169	\$1,799	\$1,314	\$523	\$74	\$1,551	\$1,133
6	\$424	\$169	\$1,543	\$1,127	\$424	\$74	\$1,295	\$946
7	\$556	\$169	\$1,885	\$1,377	\$556	\$74	\$1,636	\$1,195
8	\$523	\$169	\$1,800	\$1,315	\$523	\$74	\$1,552	\$1,134
9	\$606	\$169	\$2,016	\$1,472	\$606	\$74	\$1,768	\$1,292
10	\$421	\$169	\$1,534	\$1,120	\$421	\$74	\$1,285	\$939
<i>Avg</i>	<i>\$587</i>	<i>\$169</i>	<i>\$1,966</i>	<i>\$1,436</i>	<i>\$587</i>	<i>\$74</i>	<i>\$1,717</i>	<i>\$1,255</i>

*The current fees charged by Vancouver and Clark County were last updated in 2004 and 2002, respectively.

FUTURE PIF RATE REVIEW

RATIONALE FOR REVIEWING RATES

The current fees charged by Vancouver and Clark County were last updated in 2004 and 2002, respectively. Updating park impact fees will reflect changes in the costs of land acquisition and construction. Updating the rates will also fulfill the responsibility of the county and city to ensure new development pays a proportionate share of the park acquisition and development costs related based on the adopted service standards.

The value of land, and therefore the cost of park acquisition, has risen since park impact fees were last set or adjusted. Development costs have also increased over the past few years, largely due to increases in material costs. Since 2004, material prices in general have increased 25-30%, and some common park construction materials, like asphalt and concrete, have increased over 75%.

POTENTIAL METHODOLOGY CHANGES

The following methodology changes may be considered in the next rate review.

- Updated urban park acquisition and development costs should be developed and used in future rate updates.
- In prior rate calculations, “greenspaces” or “Level 1” development, to reduce liability and maintenance costs and allow neighborhood use; was included in the development cost calculation. However, this level of development generally occurs immediately after land is acquired, whereas development may occur years later. As this development is associated with basic upkeep of an acquired site prior to development, its costs should be included in the acquisition, rather than the development, component of the fee.
- Updated CAF calculations to reflect changes in the median home sale prices and the relative percentage of other public funds dedicated to parks purposes.

- Indexing the park impact fee may promote gradual changes on a yearly basis, rather than more significant modifications at multi-year intervals. However, choosing cost indexes that accurately reflect cost

fluctuations in land value and construction costs may be difficult. A combined strategy of indexing and more frequent rate evaluations may be a reasonable way to approach future rate updates.