

1 Sponsored by: Councilmembers Robyn Denson and Ryan Mello
2 Requested by: County Council

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6 **ORDINANCE NO. O2024-511**
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9 **An Ordinance of the Pierce County Council Amending Pierce County Code**
10 **Sections 4A.10.020, "Definitions," 4A.10.050, "Authorization**
11 **for Interlocal Agreements," and 4A.10.070, "Use of Funds" to**
12 **Facilitate Partnership Projects with Other Park and**
13 **Recreation Facility Providers in Pierce County; Adopting**
14 **Findings of Fact; and Setting an Effective Date.**
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16 **Whereas**, Chapter 36.70A of the Revised Code of Washington (RCW), "Growth
17 Management – Planning by Selected Counties and Cities," and Title 82 RCW, "Excise
18 Taxes," allow counties to assess impact fees to assure new development bears a
19 proportionate share of the cost of capital expenditures necessary to meet the demands
20 for County public facilities related to the new development, including parks, open space
21 and trails; and
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23 **Whereas**, public parks, open space and recreation facilities, owned or operated by
24 government entities and identified in a capital facilities plan, are system improvements
25 that may be funded with impact fees; and
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27 **Whereas**, RCW 36.70A.070(3) requires Pierce County to identify all public entities
28 that own public facilities and to work with such public entities to identify public facilities
29 for inclusion within the County's capital facilities plan element to assure the land use
30 element, the capital facilities element and the financing plan within the capital facilities
31 element are coordinated; and
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33 **Whereas**, Ordinance No. 96-105s2 established and adopted Title 4A of the Pierce
34 County Code (PCC), "Impact Fees," allowing the imposition and collection of impact
35 fees to ensure new development pays a proportionate share of the cost of new capital
36 facilities necessary to accommodate growth; and
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38 **Whereas**, Ordinance No. 96-122s amended Title 4A PCC to require new
39 residential construction be assessed impact fees for parks, open space and trails to
40 implement the Comprehensive Plan and to help achieve the goals and objectives of the
41 Land Use and Capital Facilities elements; and
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43 **Whereas**, Ordinance No. 2016-51s updated the parks impact fee calculation
44 based on an investment per capita methodology after extensive study and work with the
45 Parks Impact Fee Working Group; and
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1 **Whereas**, Pierce County collects a park impact fee for new residential dwelling
2 units constructed within the County’s Park Service Area which includes the entire
3 unincorporated area of Pierce County; and
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5 **Whereas**, park impact fees are used for development of park system facilities to
6 serve new growth and development throughout the unincorporated area; and
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8 **Whereas**, Ordinance No. 2016-51s authorized the funding of park system facilities
9 owned or controlled by Pierce County with park impact fees but precludes the use of
10 park impact fee funds on park system facilities owned by school districts; and
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12 **Whereas**, Ordinance No. 2016-51s authorized the utilization of park impact fees in
13 unincorporated areas of the County in partnership with local park districts where the
14 local park district provides park district capacity improvements; and
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16 **Whereas**, Pierce County recognizes park system facilities that are eligible for park
17 impact fee funding, in partnership with school districts and park districts, following
18 submittal of a district’s capital facilities plan to the County and adoption of the district’s
19 capital facility plan in the County’s capital facilities plan by reference; and
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21 **Whereas**, Pierce County provides funding for park system improvements that are
22 eligible for park impact fee contributions in partnership with school district and park
23 districts following the adoption of a park or school district’s capital facilities plan by
24 reference in the County’s capital facilities plan and allocating a specific funding amount
25 to the park or school district in the County’s biennial budget; and
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27 **Whereas**, the Council intends to continue partnering with park and recreation
28 districts and school districts throughout the County by allocating specific park impact fee
29 funding amounts for school districts and park districts identified in the County’s capital
30 facilities plan and appropriating funds in the Pierce County biennial budget for regional
31 park capacity projects located on school district and park district properties that benefit
32 Pierce County residents; and
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34 **Whereas**, expenditures for capacity projects associated with the park impact fee
35 are informed by the Parks Fiscal Policy (most recently adopted in Resolution No.
36 R2016-115s) and the Park, Recreation and Open Space plan (most recently adopted in
37 Ordinance No. 2020-3s) and are authorized through the County’s adopted capital
38 facilities plan and the approval of the County’s biennial budget; and
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40 **Whereas**, amendments to Chapter 4A.10 PCC are necessary to clarify the
41 requirements for appropriating park impact fee funds to various partnership
42 organizations such as school districts and park and recreation districts to support the
43 development of park system facilities that increase the capacity of regional parks in the
44 unincorporated area of the County as authorized through Chapter 36.70A RCW and
45 Title 82 RCW; **Now Therefore**,
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1 **BE IT ORDAINED by the Council of Pierce County:**

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3 Section 1. Pierce County Code Sections 4A.10.020, "Definitions," 4A.10.050,
4 "Authorization for Interlocal Agreements," and 4A.10.070, "Use of Funds," are hereby
5 amended as shown in Exhibit A, which is attached hereto and incorporated herein by
6 reference.

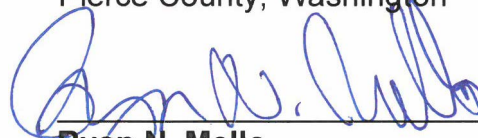
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8 Section 2. Findings of Fact are hereby adopted as shown in Exhibit B, which is
9 attached hereto and incorporated herein by reference.

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11 Section 3. The effective date of this Ordinance shall be April 15, 2024.

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14 **PASSED** this 12th day of March, 2024.

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17 **ATTEST:**

PIERCE COUNTY COUNCIL
Pierce County, Washington

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Ryan N. Mello
Council Chair

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23 Clerk to the

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Bruce F. Dammeier
Pierce County Executive

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29 Approved Vetoed , this
30 12th day of March,
31 2024.

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33 Date of Publication of
34 Notice of Public Hearing: March 1, 2024

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36 Effective Date of Ordinance: April 15, 2024



Only those portions of Chapter 4A.10 that are proposed to be amended are shown. Remainder of text, tables, maps and/or figures is unchanged.

4A.10.020 Definitions.

"Park System Facilities" means all public parks, open space, trails, facilities, and recreation programs-facilities owned or controlled by Pierce County or other government entities that have also executed a capital facilities plan, such as a Park District-through the Parks and Recreation Department. Park System Facilities do not include the lands or structures owned by others such as schools, private recreation providers, and nonprofit organizations, even though the County may have an agreement to manage recreation programs at such a site. Pierce County's Park and Recreation Facilities are discussed in the Capital Facilities Plan element of the Comprehensive Plan for Pierce County. Funding contributions provided to other government entities for park system facilities in partnership with Pierce County are reflected in the County's Capital Facilities Plan.

4A.10.050 Authorization for Interlocal Agreements.

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

1 4. Impact fees shall be expended or encumbered within six years of receipt, unless the
2 Council identifies in written findings extraordinary and compelling reason or reasons
3 for a District to hold the fees beyond the six year period. Under such circumstances,
4 the period of time within which the impact fees shall be expended or encumbered
5 shall be established after consultation with that District.

6 D. Park District Interlocal agreements shall include at least the following provisions:

7 1. The Interlocal agreement shall obligate the District to establish an Impact Fee
8 Account for receipt of impact fee funds contributed by the County. The impact fee
9 funds shall be held in this interest-bearing account. The interest earned shall be
10 retained in the account and expended for the purposes for which the impact fees are
11 collected. The District shall assume responsibility for all necessary accounting,
12 investing, reporting, expending, and refunding activities associated with receipt of
13 park impact fees.

14 2. On an annual basis, pursuant to the Interlocal agreement, each District shall prepare
15 and submit to the County a report on the impact fees and the Impact Fee Account,
16 showing the amount of all moneys received, and the public improvements that were
17 financed in whole or in part by impact fees.

18 3. Impact fees shall be expended or encumbered within six years of receipt, unless the
19 Council identifies in written findings extraordinary and compelling reason or reasons
20 for a District to hold the fees beyond the six-year period. Under such circumstances,
21 the period of time within which the impact fees shall be expended or encumbered
22 shall be established after consultation with that District.

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24 **4A.10.070 Use of Funds.**

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26 B. Impact fees may be spent for facilities and improvements listed in the a capital facilities
27 plan and identified as being funded in part by impact fees. Expenditures may include,
28 but are not limited to, facility planning, land acquisition, site improvements, necessary
29 off site improvements, construction, engineering, architectural, permitting, financing,
30 grant matching funds and administrative expenses, applicable impact fees or mitigation
31 costs, capital equipment pertaining to public facilities, and any other expenses which can
32 be capitalized and are consistent with the Comprehensive Plan.

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34 F. In unincorporated areas of the County where a park district provides regional park
35 facilities, park impact fees may be used in partnership with local park districts to provide
36 park district capacity improvements identified in the Park District's Capital Facilities
37 Plan.
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