ORDINANCE NO. 017-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE SECTION 16.70.230 CONCERNING PARK IMPACT FEES AND THE AUTOMATIC ANNUAL ADJUSTMENTS TO THESE FEES

WHEREAS, the City Council voted on April 24th, 2012 to approve Ordinance 008-12 adopting park impact fees; and

WHEREAS, Ordinance 008-12 included a provision for an indexed automatic park impact fee increase each August 1st beginning in 2013; and

WHEREAS, the Finance Department attempted to calculate the annual increase to the 2013 park impact fee and found that the variables used to calculate the fee are constantly changing from year to year and will create volatility in park impact fee calculations in the absence of annual parks plan updates, specifically updates to the estimates system value and capital improvement plan; and

WHEREAS, POMC 16.70.230 states that the park impact fee “shall be indexed to provide for an automatic fee increase each August,” but doesn’t define the term “indexed” or explain how the fee is to be “indexed”; and

WHEREAS, the City has consistently used the the percentage change in the average annual Consumer Price Index for All Urban Consumers (CPI-U) for Seattle-Tacoma-Bremerton as its index to calculate annual cost adjustments; and

WHEREAS, the proposed changes to POMC 16.70.230 will eliminate this confusion and stabilize the park impact fee as a revenue source; and

WHEREAS, the City Council has determined that it is sound public policy to ensure that park impact fees do not change significantly from year to year in the absence of updates to the Parks Plan; and

WHEREAS, in accordance with POMC 16.70.080(1), the City gave notice of and
held a public hearing on August 13, 2013 to consider public comment regarding the proposed change in the park impact fee formula; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code Section 16.70.230 “Park impact fee – Review of schedule and fee increases,” is AMENDED to read as follows:

16.70.230 Park impact fee – Review of schedule and fee increases.
(1) The impact fees set forth in POMC 16.70.200 shall be reviewed by the city council in conjunction with updates to the city comprehensive parks plan element of the city’s comprehensive plan. Amendments to the impact fees for this purpose shall be adopted by the city council.

(2) The impact fees set forth in POMC 16.70.200 shall be indexed to provide for an automatic fee increase each August 1st beginning in the year 2013. The annual adjustment shall be the percentage change in the average annual Consumer Price Index for All Urban Consumers (CPI-U) for Seattle-Tacoma-Bremerton for the most recent 12-month period ending June 30th prior to the date of adjustment. In the event that the fees in POMC 16.70.200 are increased during the preceding calendar year due to changes to the city comprehensive parks plan pursuant to subsection (1) of this section, the fees will not be indexed the following year. The finance department shall compute the fee increase and the new fees shall become effective without further council review.

SECTION 2. EFFECTIVE DATE. The changes to the Port Orchard Municipal Code described in section 1 above, shall be effective September 1, 2013.

SECTION 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 4. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.
PASSED by the City Council of the City of Port Orchard. APPROVED, by the Mayor and attested by the Clerk in authentication of such passage this 13th day of August, 2013.

Timothy C. Matthes, Mayor

Brandy Rinearson, CMC, City Clerk

Gregory A. Jacoby, City Attorney

Jerry Childs, Councilmember
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held August 13, 2013.

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Copies of Ordinance No. 017-13 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 017-13 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
August 23, 2013