

ORDINANCE NO. 3791

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 18.82 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TRAFFIC IMPACT FEES; UPDATING THE CITY'S TRAFFIC IMPACT FEE SCHEDULE; CLARIFYING THE APPLICATION OF THE TRAFFIC IMPACT FEE FOR DEVELOPMENTS INVOLVING A CHANGE IN EXISTING USE BUT NOT REQUIRING A SEPARATE BUILDING PERMIT; UPDATING CODIFIED REFERENCES TO ADMINISTRATIVE OFFICIALS AND DOCUMENTS ADOPTED BY REFERENCE; AUTHORIZING THE PROMULGATION OF ADMINISTRATIVE GUIDELINES; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Chapter 82.02 RCW to require new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees; and

WHEREAS, based upon said authority, the City has established the traffic impact fee program presently codified at Chapter 18.82 ECDC; and

WHEREAS, in developing the impact fees contained in this ordinance for public facilities, the City has provided adjustments for past and future taxes paid or to be paid by the new development which are earmarked or proratable to the same new public facilities that will serve the new development; and

WHEREAS, the City's Transportation Plan has recently been updated to identify all of the intersections operating below the City's adopted Level of Service standards; and

WHEREAS, the City has recently commissioned a “Rate Study for Impact Fees for Roads and Streets” dated October 29, 2009 (the “2009 Rate Study”), which is hereby incorporated by reference; and

WHEREAS, the City Council desires to amend Chapter 18.82 ECDC in order to reflect the 2009 Rate Study, the updated Transportation Plan, and changes in the cost of land acquisition and construction, facility plan projects and anticipated growth levels; and

WHEREAS, the City Council further desires to amend Chapter 18.82 ECDC in order to clarify the traffic impact fee’s applicability to changes in property use that create additional transportation impacts without necessarily involving a separate development permit; to update codified references to administrative officials and documents adopted by reference; and to make other minor housekeeping amendments.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the above recitals as legislative findings in support of this ordinance. The Council further finds as follows:

- A. The amendments set forth in this ordinance are in the public interest and will further the health, safety and welfare of the Edmonds community.
- B. The amendments set forth in this ordinance are consistent with and will implement the City’s Comprehensive Plan.
- C. The amendments set forth in this ordinance have been processed in material compliance with all applicable state and local procedures.

Section 2. Amendment of ECDC 18.82.020. Subsections (9), (19), and (22) through (34) of Edmonds Community Development Code Section 18.82.020 are hereby amended to provide in their respective entirety as follows:

18.82.020 Definitions.

....

9. "Director" means the Public Works Director or the director's designee.

....

19. "ITE land use code" means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the Eighth Edition of Trip Generation or current edition(s).

....

22. "Procedures guide" means the administrative guidance document prepared by the director pursuant to ECDC 18.82.150.

23. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the council shall be considered a project improvement.

24. "Public facilities" means the public streets and roads owned by the city of Edmonds or other governmental entities.

25. "Rate Study" means the "Rate Study for Impact Fee for Roads" City of Edmonds, dated October 29, 2009.

26. "Residential" or "residential development" means all types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, and other multifamily development. This also includes the residential portion of mixed-use developments.

27. "Road" means a right-of-way which enables motor vehicles, transit vehicles, bicycles and pedestrians to travel between destinations, and affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

28. "Service area" means the entire corporate limits of the city of Edmonds.

29. "Significant past tax payment" means taxes exceeding five percent of the amount of the impact fee, and which were paid prior to the date the impact fee is assessed and were earmarked or proratable to the same system improvements for which the impact fee is assessed.

30. "Square footage" means the square footage of the gross floor area of the development.

31. "State" means the state of Washington.

32. "Street" is defined in ECDC 21.90.120.

33. "System improvements" means public facilities that are included in the city of Edmonds capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

34. "Usable space" means any square footage created by or added to a development that increases floor area usable for residential, storage, commercial or business purposes.

Section 3. Amendment of ECDC 18.82.030. Section 18.82.030 of the Edmonds

Community Development Code is hereby amended to provide in its entirety as follows:

18.82.030 Assessment and payment of impact fees.

A. Required. The city shall collect impact fees, based on the rates in ECDC 18.82.120, from any applicant seeking development approval from the city for any development activity within the city as provided herein. This shall include, but is not limited to, the development of residential, commercial, retail, office, and industrial land,

and includes the expansion or change of existing uses that creates a demand for additional public facilities.

B. Timing and Calculation of Fees. Impact fees shall be assessed based upon the road impact fee rates in effect at the time of issuance of the building permit, including but not limited to change of use permit, or remodel permit. In the event the development activity does not require a building permit, application of the chapter shall be at the time of issuance of the business license. Business license applications shall be filed pursuant to Chapter 3.20 ECC.

1. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the ITE land use of the new use, less an amount equal to the applicable impact fee for the ITE land use of the prior use, established at the time the prior use was permitted. If the previous use was permitted prior to the adoption of Ordinance 3516 (effective date: 09/12/04), the 2004 ECDC 18.82.120 impact fee shall be used.

2. For mixed use developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the impact fee rates set forth in ECDC 18.82.120.

3. Where the impact fees imposed are determined by the square footage of the development, the building official will establish the gross floor area created by the proposed development.

4. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ECDC 18.82.050 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ECDC 18.82.050 setting forth the dollar amount of the credit awarded.

C. Payment. Impact fees shall be paid at the time the building permit or business license is issued by the city. The department shall not issue the required building permit or business license or other approval unless and until the impact fees set forth in ECDC 18.82.120 have been paid in

the amount that they exceed exemptions or credits provided pursuant to ECDC 18.82.040 or 18.82.050.

Section 4. Amendment of ECDC 18.82.040. Subsection 18.82.040(A)(1) of the Edmonds Community Development Code is hereby amended to provide in its entirety as follows:

18.82.040 Exemptions.

A. Except as provided for below, the following shall be exempted from the payment of all impact fees under this chapter:

1. Alteration of an existing nonresidential structure, that does not involve a change in use and does not expand the usable space or add any residential units.

....

Section 5. Amendment of ECDC 18.82.040. Subsection 18.82.040(A)(7) of the Edmonds Community Development Code is hereby repealed in its entirety.

Section 6. Amendment of ECDC 18.82.120. Section 18.82.120 of the Edmonds Community Development Code is hereby amended to provide in its entirety as follows:

18.82.120 Road impact fee rates.

The road impact fee rates in this section are generated from the formula for calculating impact fees set forth in the Rate Study, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in ECDC 18.82.130 of this Chapter, exemptions in ECDC 18.82.040 and credits in ECDC 18.82.050, all new developments in the City will be charged the road impact fee applicable to the type of development as follows:

- A. Light industrial, ITE Land Use Code 110: \$ 1.50 per square foot.
- B. Manufacturing, ITE Land Use Code 140: \$ 1.12 per square foot.

- C. Mini-warehouse, ITE Land Use Code 151: \$ 0.40 per square foot.
- D. Single family house, ITE Land Use Code 210: \$ 1,196.33 per dwelling unit.
- E. Apartment, ITE Land Use Code 220: \$ 776.56 per dwelling unit.
- F. Condominium, ITE Land Use Code 230: \$629.65 per dwelling unit.
- G. Mobile home, ITE Land Use Code 240: \$ 671.62 per dwelling unit.
- H. Senior Housing, ITE Land Use Code 251: \$157.41 per dwelling unit.
- I. Motel, ITE Land Use Code 320: \$ 629.65 per room.
- J. Marina, ITE Land Use Code 420: \$ 188.89 per boat berth.
- K. Movie theater, ITE Land Use Code 444: \$ 2.48 per square foot.
- L. Health / Fitness Club, ITE Land Use Code 492: \$ 2.78 per square foot.
- M. High school, ITE Land Use Code 530: \$ 0.82 per square foot.
- N. Church, ITE Land Use Code 560: \$ 0.69 per square foot.
- O. Day Care Center, ITE Land Use Code 565: \$ 6.57 per square foot.
- P. Nursing home, ITE Land Use Code 620: \$ 199.39 per bed.
- Q. General office, ITE Land Use Code 710: \$ 2.07 per square foot.
- R. Medical office, ITE Land Use Code 720: \$ 3.81 per square foot.
- S. Specialty Retail, ITE Land Use Code 814: \$ 0.93 per square foot.
- T. Shopping center, ITE Land Use Code 820: \$ 1.34 per square foot.
- U. Supermarket, ITE Land Use Code 850: \$ 4.80 per square foot.
- V. Convenience Market 15-16 hours, ITE Land Use Code 852: \$ 5.80 per square foot.
- W. Drive-In Bank, ITE Land Use Code 912: \$7.00 per square foot.
- X. Restaurant: sit-down, ITE Land Use Code 932: \$ 4.70 per square foot.
- Y. Fast food no drive up, ITE Land Use Code 933: \$ 9.19 per square foot.

Z. Fast food with drive up, ITE Land Use Code 934: \$ 11.23 per square foot.

AA. Coffee / Donut Shop, no drive-up, ITE Land Use Code 936: \$ 5.73 per square foot

AB. Coffee / Donut Shop, drive-up, no indoor seating, ITE Land Use Code 938: \$ 10.55 per square foot.

AC. Gas station with convenience, ITE Land Use Code 945: \$3,347.62 per vehicle fueling position.

Section 7. Addition of New ECDC Section 18.82.150. Chapter 18.82 of the Edmonds Community Development Code is hereby amended by the addition of a new Section 18.82.150 Procedures guide to provide in its entirety as follows:

18.82.150 Procedures guide.

The director is authorized to develop a procedures guide to facilitate the city's administration and enforcement of this chapter. The procedures guide shall be consistent with the provisions of this chapter, shall be for the sole convenience of the city, and shall not vest any rights in or for any other person.

Section 8. Severability. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:



MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

Sandra S. Chase
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: W. Scott Snyder
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	04-16-2010
PASSED BY THE CITY COUNCIL:	04-20-2010
PUBLISHED:	04-26-2010
EFFECTIVE DATE:	05-01-2010
ORDINANCE NO. <u>3791</u>	

SUMMARY OF ORDINANCE NO. 3791

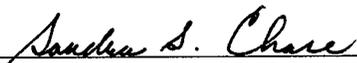
of the City of Edmonds, Washington

On the 20th day of April, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3791. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 18.82 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TRAFFIC IMPACT FEES; UPDATING THE CITY'S TRAFFIC IMPACT FEE SCHEDULE; CLARIFYING THE APPLICATION OF THE TRAFFIC IMPACT FEE FOR DEVELOPMENTS INVOLVING A CHANGE IN EXISTING USE BUT NOT REQUIRING A SEPARATE BUILDING PERMIT; UPDATING CODIFIED REFERENCES TO ADMINISTRATIVE OFFICIALS AND DOCUMENTS ADOPTED BY REFERENCE; AUTHORIZING THE PROMULGATION OF ADMINISTRATIVE GUIDELINES; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE..

The full text of this Ordinance will be mailed upon request.

DATED this 21st day of April, 2010.



CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3791
of the City of Edmonds, Washington

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CITY CLERK, SANDRA S. CHASE

Published: April 26, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3791

Traffic Impact Fees

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

April 26, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Gohl

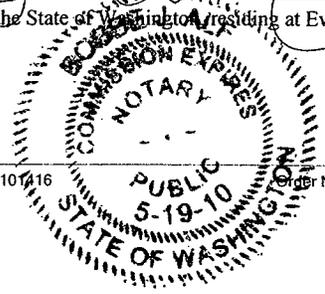
Principal Clerk

Subscribed and sworn to before me this 26th

day of April, 2010

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



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APR 29 2010

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 10116

Order Number: 0001693596