ORDINANCE NO. 2179

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING A NE 116TH STREET TRANSPORTATION IMPACT FEE OVERLAY DISTRICT AS AN AMENDMENT TO CHAPTER 20D.210 OF THE REDMOND MUNICIPAL CODE AND REDMOND COMMUNITY DEVELOPMENT GUIDE; ESTABLISHING A TRANSPORTATION IMPACT FEE FOR SUCH DISTRICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 82.02 RCW and Chapter 20D.210 of the Redmond Community Development Guide (RCDG), the City currently imposes transportation impact fees for a number of transportation improvements contained in the Transportation Facilities Plan of its Comprehensive Plan, including the NE 116th Street Improvements Project, and

WHEREAS the NE 116th Street Improvements Project is unique within the City in that modeling analysis shows that the need for the project is primarily driven by development within an area in the vicinity of NE 116th Street, which is identified hereafter as the NE 116th Street Transportation Impact Fee Overlay District (Overlay District), and

WHEREAS modeling shows that trips within the corridor will increase by over 75% between 2001 and 2022 based on the City's continuing trends land use forecast, and that 54% of all the trips forecasted to occur on NE 116th Street will have either an origin or a destination in the Overlay District, and

WHEREAS other projects in the City's impact fee system may show very high growth in the number of trips or a high concentration of growth trips from a

particular transportation management district, NE 116th Street is unique in that it has both a high increase in trips and a high proportion of those trips coming from a very small area, and

WHEREAS, given the unique nature of NE 116th Street, the Planning Commission and the administration have recommended that a transportation impact fee overlay district be created so that the non-public portion of the cost of the NE 116th Street Improvements Project called for in the City's Comprehensive Plan will be borne by those creating the need, and

WHEREAS transportation impact fees are categorically exempt from the State Environmental Policy Act threshold determination and environmental impact statement requirements, and

WHEREAS the size and cost of the NE 116th Street Improvements Project make it difficult for the City to fund project construction in a time frame that supports the growth that is rapidly occurring in the area without the addition of significant new revenue, and

WHEREAS potential revenues from impact fees will decrease if development continues without the Overlay District in place, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Chapter 20D.210. Chapter 20D.210 of the Redmond Municipal Code and Community Development Guide is hereby amended by adding a new RCDG Section 20D.210.10-145 and by amending RCDG Section 20D.210.10-150 to read as follows:

20D.210.10-145 NE 116th Street Transportation Impact Fee Overlay District

(1) Overlay District Established. There is hereby established a Transportation Impact Fee Overlay District for the NE 116th Street corridor. The boundaries of the District are as set forth on the map attached as Exhibit A to the ordinance codified in this section and incorporated herein by this reference as if set forth in full.

(2) Impact Fee Imposed.

a. Any person who, after the effective date of this ordinance, seeks to develop land within the NE 116th Street Impact Fee Overlay District, by applying for development approval for a development which will generate additional travel demand on NE 116th Street, is hereby required to pay a transportation impact fee in the amount of $6,138.34 per p.m. peak hour trip generated by the development. This fee is calculated per Subpart (3) below.

b. For fee payers in the NE 116th Street Impact Fee Overlay District, the portion of transportation impact fees required under RCDG 20D.210.10-125 that is associated with planned improvements for NE 116th Street shall be omitted.

c. No new development permit for any activity requiring payment of an impact fee pursuant to RCDG 20D.210.10-130 shall be issued unless and until the transportation impact fee hereby required has been paid.

d. No extension of a development permit issued prior to the effective date of this section, for any activity requiring payment of an impact fee pursuant to RCDG 20D.210.10-150, shall be granted unless and until the transportation impact fee hereby required has been paid.

(3) Computation of Fees. The transportation impact fee required under this section shall be calculated based on 54% of the estimated cost to improve NE 116th Street to the level of a standard collector arterial, according to adopted City standards, divided by the number of p.m. peak hour trips having either an origin or destination associated with new development (development permitted between January 2002 and December 2022) within the Overlay District boundary. The cross section for the improvements, for purposes of calculating the impact fee, shall be 64 feet, and shall include the following:

a. Three 11-foot lanes.
b. Two 5.5-foot bike lanes.
c. Two 5-foot sidewalks.
d. Two 5-foot planter strips.

(4) Payment of Fees. Transportation impact fees required under this section shall be paid as set forth in RCDG 20D.210.10-130.

(5) Fee Additional. The impact fee required by this section shall be in addition to any other impact fees required by any other provision of this chapter or any other chapter of the Redmond Community Development Guide.

(6) Use of Funds. The City of Redmond shall use transportation impact fees collected from the NE 116th Street Impact Fee Overlay District exclusively to make improvements to NE 116th Street.

(7) Credits. Fee payers who have made or who have committed to make frontage improvements on NE 116th Street are entitled to credits according to the following:

a. Credits will be given for permanent improvements only, which are not subject to latecomer agreements, except when a cash payment was made in lieu of frontage improvements, in which case the credits will equal the amount of the cash payment, including cash payments by development subject to a latecomer agreement.

b. The amount of credit will be the greater of 1) the dollar amount expended to make the qualifying permanent frontage improvements or 2) the percentage of the total project, based on square footage, of the qualifying permanent improvements, converted to dollars based on the City of Redmond's estimated cost for improving NE 116th Street to the level of a standard collector arterial.

i. For the purposes of calculating credits for permanent frontage improvements completed after the effective date of this section, the "total project cost" shall be the City of Redmond's estimated cost for improving NE 116th Street to the level of a standard collector arterial, less the frontage improvements on NE 116th Street that have already been completed.

ii. For the purposes of calculating credits for permanent frontage improvements

completed prior to the effective date of this section, the "total project cost" shall be the City of Redmond's estimated cost for improving NE 116th Street to the level of a standard collector arterial.

c. In the case that a fee payer's credits exceed the amount of the required fee, the City of Redmond will not reimburse the difference to the fee payer.

d. Persons that have, prior to the effective date of this ordinance, entered agreements with the City which exempt them from further traffic mitigation obligations will not be required to pay the fee imposed in Subpart (2) of this Section.

(8) Other Provisions. The impact fee required by this section shall be administered according to and shall be subject to all provisions of this chapter relating to the transportation impact fees established by RCDG Section 20D.210.10-110, including, but not limited to, provisions regarding exemptions, credits, adjustments, protests, and appeals.

20D.210.10-150 Transportation Management District (TMD) Fee Accounts Established.

There are hereby established eight separate TMD accounts, one for each TMD within the City of Redmond established by RCDG 20D.210.10-140 and one for the NE 116th Street Transportation Impact Fee Overlay District established by RCDG 20D.210.10-145. Funds withdrawn from these accounts must be used in accordance with the provisions of RCDG 20D.210.10-160.

Section 2. Overlay District Map Adopted. A map showing the boundaries of the NE 116th Street Transportation Impact Fee Overlay District established by Section 1 is attached as Exhibit A and is hereby adopted and incorporated herein by this reference as if set forth in full.

Section 3. 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 of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

ROSEMARIE M. IVES, MAYOR

ATTEST/AUTHENTICATED:

BONNIE MATTSON, CITY CLERK

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	October 3, 2003
PASSED BY THE CITY COUNCIL:	October 7, 2003
SIGNED BY THE MAYOR:	October 8, 2003
PUBLISHED:	October 13, 2003
EFFECTIVE DATE:	October 18, 2003
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