

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO TRANSPORTATION; ESTABLISHING A NEW COMMUNITY DEVELOPMENT GUIDE SECTION DEALING WITH THE ADMINISTRATION OF TRANSPORTATION IMPACT FEES, AND THE APPLICATION OF THESE TO THE DEVELOPMENT OF LAND WITHIN THE CITY OF REDMOND, FOR PURPOSES OF IMPLEMENTING THE REDMOND COMPREHENSIVE PLAN, IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT.

WHEREAS, the City of Redmond has adopted a new comprehensive plan to direct growth and meet the requirements of the Washington State Growth Management Act, and

WHEREAS, the Growth Management Act requires that the City's development regulations be consistent with and support the goals of the comprehensive plan, and

WHEREAS, the City's development regulations shall include requirements for transportation concurrency, transportation impact fees, and transportation level-of-service standards, and

WHEREAS, transportation impact fees are part of an overall strategy to pay for capital improvements, including transportation facilities, necessary to serve new growth, and

WHEREAS, the imposition of transportation impact fees is a fair and efficient method of ensuring that development bears a proportionate share of the cost of transportation facilities necessary to accommodate such development, and

WHEREAS, transportation impact fees are required to be spent in conformity with an adopted transportation facilities plan, contained in the comprehensive plan which meets the requirements of the Growth Management Act, and

WHEREAS, the comprehensive plan establishes level-of-service standards which are the foundation for determining the transportation impact fee rate, and

WHEREAS, the City of Redmond must enhance its transportation system in order to maintain adopted transportation level-of-service standards while accommodating growth anticipated under the City's land use plan, in order to promote and protect the public health, safety, and welfare, and

WHEREAS, the report entitled "Development of a Traffic Impact fee Program", February 1995, sets forth a reasonable methodology and analysis for the determination of the impact of development on the need for and costs of the planning, design, and/or construction of transportation improvements in the City of Redmond, and

WHEREAS, this ordinance is adopted for the purpose of complying with the Growth Management Act, and as such, bears a substantial relationship to, and is necessary for the public health, safety, and welfare of the residents of the City of Redmond, NOW, THEREFORE,

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

Section 1. New Section. A new chapter is hereby added to the Redmond Municipal Code and the Redmond Community Development Guide, entitled "Transportation Management Code", to read as follows:

20C.100 TRANSPORTATION MANAGEMENT CODE

This chapter establishes regulations for the review and mitigation of transportation impacts caused by new development, and is divided into the following parts:

20C.100.010 - Overview of the Permit Process, which describes the relationship between the development review process, transportation concurrency, and impact fees;

20C.100.020 - Definitions, which provides a description of terms used throughout Chapter 20C.100;

20C.100.030 - Transportation Concurrency, which shall be regulated by the administrative guidelines established by the Planning Director, consistent with policies contained in the comprehensive plan;

20C.100.040 - Transportation Impact Fees, which enables the collection of impact fees from new development, to pay for a fair share of necessary transportation facilities based on the City's transportation facility plan (TFP).

20C.100.050 - Administration and Appeals, which describes how to appeal an administrative decision.

20C.100.010 Overview of the Permit Process - Prior to submitting a development application, the developer of a project subject to this Chapter shall submit a request for a certificate of concurrency to the Department of Planning and Community Development. The request shall be on a prescribed form entitled "Transportation Impact Assessment - Certificate of Concurrency Request" (TIA), developed by the Director of the Department of Planning and Community Development, and shall contain questions concerning the nature of the development, including a project description, location, uses, intensities, and trip generation characteristics.

The Director shall, with the assistance of other City departments, use the information to determine the net trips generated, considering commute-trip reduction strategies, internal trips, diverted, and pass-by trips from existing traffic, and determine whether the development passes the concurrency test as required by Section 20C.100.030. If the project passes the concurrency test, the Director shall issue a certificate of concurrency which shall expire if the development for which concurrency is reserved is not applied for within one-hundred twenty (120) days of issuance of the certificate of concurrency. This certificate is a prerequisite for a complete development application.

If the proposed development does not pass the concurrency test, the developer may provide supplemental mitigation to meet concurrency requirements. The cost of supplemental mitigation may be credited towards a portion of the developer's impact fee obligation, subject to certain limitations.

The Director shall determine the project impact fee based on information provided in the TIA pursuant to Section 20C.100.040, after the developer submits a complete development application. Requests for an impact fee exemption or credit against payment of the impact fee, shall be noted in the TIA, and shall be reviewed pursuant to Sections 20C.100.040(90), and (100), respectively.

Impact fees shall be used to pay for off-site transportation "system improvements" identified in the City's transportation facility plan (TFP), and shall not duplicate any mitigation provided under the State Environmental Policy Act (SEPA).

The developer may appeal the Director's decision on concurrency and/or impact fees according to the process described in Section 20C.100.050, Administration and Appeals.

20C.100.020 Definitions - For purposes of this Chapter, the following definitions shall apply.

- (a) AFFECTED INTERSECTION: A signalized system intersection within a transportation management district (TMD) in the city; or over which the city has operational responsibility under an interlocal agreement, as authorized by RCW 39.34 or other law; or where there is such an interlocal agreement to apply this chapter to the intersection; and to which a proposed development is projected to add thirty (30) or more total p.m. peak-hour trips.
- (b) AFFECTED TRANSPORTATION MANAGEMENT DISTRICT (TMD): A transportation management district which contains one (1) or more affected intersections.
- (c) AVERAGE ARTERIAL INTERSECTION LEVEL-OF-SERVICE (LOS): The sum of the critical volumes at signalized arterial intersections, divided by the sum of the capacity of the signalized arterial intersections within a transportation management district (TMD), using the Planning Application ("Planning Method"), as defined in "Transportation Research Circular Number 212", Transportation Research Board, January, 1980.
- (d) BACKGROUND TRAFFIC: The volume of traffic that is projected to occur on the street system as of the anticipated date of occupancy of a project.
- (e) CAPACITY: The maximum traffic volume using the Planning Application ("Planning Method"), that can pass through an intersection during a given peak hour as defined in "Transportation Research Circular Number 212", Transportation Research Board, January, 1980.
- (f) CAPITAL FACILITIES PLAN (CFP): A section of the Comprehensive Plan which contains a discussion and an inventory of significant publicly owned capital facilities which provide service to Redmond citizens and businesses, in support of plan goals and policies. The CFP includes the transportation facility plan (TFP).
- (g) CERTIFICATE OF CONCURRENCE: A written document prepared by the Director stating that a particular development meets the concurrency requirements of this chapter.
- (h) CITY: City of Redmond, Washington.
- (i) COMPREHENSIVE PLAN: The long-range plan used as a guide for the physical, economic, and social development of Redmond. The comprehensive plan is contained in the Community Development Guide.

(j) CONCURRENCY: A requirement of the 1990 Growth Management Act (RCW 36.70A.070(6)) that the City must enforce an ordinance precluding development approval if a development would cause the transportation LOS standards to fall below the City's adopted standard, unless revenues are secured to complete mitigating transportation improvements or strategies within six (6) years. If a development fails to meet the concurrency test, supplemental mitigation in the form of transportation improvements or strategies will be required to accommodate the impacts of the development and allow it to achieve concurrency. Transportation demand management (TDM) and other non-capacity strategies may be used.

(k) DEGRADATION/DEGRADED: A deterioration in the LOS, where the volume/capacity ratio (V/C ratio) increases.

(l) DEMAND MANAGEMENT STRATEGIES: See TRANSPORTATION DEMAND MANAGEMENT.

(m) DEVELOPER: See FEE PAYER.

(n) DEVELOPMENT: Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, that creates additional demand and need for public facilities, including transportation facilities.

(o) DEVELOPMENT APPROVAL: Any authorization issued by the City of Redmond which approves a development.

(p) DEVELOPMENT PERMIT: Any written authorization from the City of Redmond which authorizes the commencement of development.

(q) DIRECTOR: The Director of the Department of Planning and Community Development of the City of Redmond, the Director's authorized representative, or any representative authorized by the Mayor.

(r) FEE PAYER: A person commencing a development which generates travel demand on the transportation system, for which development approval is required.

(s) FULLY FUNDED PROJECT: A project in the most recently adopted transportation improvement program (TIP) for the City or similar capital program of another jurisdiction which has sufficient revenues secured for construction. Unsecured revenues include those from unformed local improvement districts, insufficient developer fees or contributions, or revenues not yet programmed for expenditure by outside agencies.

(t) GROWTH MANAGEMENT ACT (GMA): The Washington state Growth Management Act enacted in 1990, and amendments in succeeding years.

(u) IMPACT FEE: See TRANSPORTATION IMPACT FEE.

(v) INDEPENDENT DOCUMENTATION STUDY: The traffic engineering documentation prepared by a Fee Payer to allow the determination of a non-standard transportation impact fee by the city, rather than by the use of the transportation impact fee schedule contained in this chapter.

(w) LEVEL-OF-SERVICE (LOS): A measure of street arterial intersection performance which includes eight levels representing the best through the worst operating conditions. The basis for the measurement is the Planning Application ("Planning Method"), found in "Transportation Research Circular Number 212", published by the Transportation Research Board in January, 1980. LOS categories and their respective numerical definitions under the arterial intersection volume to capacity (V/C) ratio are as follows:

LOS Letter Designation	Arterial Volume/Capacity Ratio
A	Less than or equal to 0.600
B	0.601 - 0.700
C	0.701 - 0.800
D+	0.801 - 0.850
D-	0.851 - 0.900
E+	0.901 - 0.950
E-	0.951 - 1.000
F	Above 1.000

(x) MANDATORY OR REQUIRED RIGHT-OF-WAY DEDICATIONS AND/OR TRANSPORTATION IMPROVEMENTS: Such non-compensated dedications and/or transportation facility improvements required of a development by the City of Redmond as a condition of development approval.

(y) MITIGATION: For the purposes of this Chapter, mitigation shall have either of the following definitions:

(1) Transportation demand management (TDM) strategies or transportation facility improvements constructed or financed by a developer which improve a degraded average arterial intersection LOS to the adopted standard of the transportation management district (TMD). If

the average arterial intersection LOS in a district already exceeds the adopted LOS standard prior to a development proposal, mitigation shall mean transportation demand management strategies or facility improvements constructed or financed by a developer to improve the degraded district LOS to at least the LOS of the district prior to the development proposal;

(2) Mitigation as defined in the SEPA Rules, and found in WAC 197-11-768:

- (i) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- (vi) Monitoring the impact and taking appropriate corrective measures.

(z) **PEAK HOUR:** The consecutive sixty (60) minute period during a twenty-four (24) hour period which experiences the highest sum of traffic volumes as determined by the City on a roadway segment or passing through a roadway intersection. The peak hour typically takes place in the evening (p.m.).

(aa) **PEAK HOUR TRIPS:** Total vehicular trips entering and leaving a development project during the peak hour on adjacent streets, as defined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers. Other trip generation sources may be used, at the discretion of the City, where ITE data are based on a limited survey base or where there may be special trip-generating characteristics of the proposal.

(bb) **PROJECT IMPROVEMENTS:** Site improvements and facilities that are planned and designed to provide service for a particular development project, are necessary for the use and safety of the occupants or users of the project, and are

not transportation system improvements. No improvement or facility included in the transportation facility plan (TFP) approved by the City Council shall be considered a project improvement. Project improvements shall include but are not limited to the following:

- (1) Access driveways, paths, trails, and roads leading to the development;
- (2) Driveways, paths, trails, and roads within the development;
- (3) Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and/or
- (4) Traffic control measures for those driveways, paths, trails, and roads, such as traffic signals, signs, lane markings, etc.

(cc) PRO-RATA OR PROPORTIONATE SHARE: That portion of the cost of transportation facility improvements that are reasonably related to the service demands and needs of new development.

(dd) SUPPLEMENTAL MITIGATION: Mitigation required by the City which is necessary for a proposed development to meet concurrency requirements of this Chapter. Supplemental mitigation shall mean projects which are not in the City's transportation improvement program (TIP), and may or may not be in the transportation facilities plan (TFP).

(ee) SYSTEM IMPROVEMENTS: Transportation related capital facilities that are included in the TFP component of the City's capital facilities plan (CFP) and are designed to provide service to areas within the community at large. Costs for these improvements may include demand management, transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, and construction of all the necessary features for any transportation construction project including, but not limited to:

- (1) Construction of new travel lanes, paths, sidewalks, trails, and terminal facilities for a variety of travel modes, including motor vehicles, bicycles, pedestrians, transit and high occupancy vehicles;
- (2) Construction of new bridges;
- (3) Construction of new drainage and utility facilities in conjunction with new travel lanes, roads, paths, sidewalks, and trail construction;

- (4) Purchase and installation of traffic signalization (including new and upgraded signalization) necessary to serve a variety of travel modes using travel lanes, paths, sidewalks, and trails;
- (5) Construction of curbs, medians, shoulders, and sidewalks;
- (6) Relocating, including undergrounding, utilities to accommodate construction of new travel lanes, roads, paths, sidewalks, and trails.
- (ff) SYSTEM INTERSECTION: An intersection which contributes to the system function within each transportation management district (TMD).
- (gg) TRANSPORTATION: Shall include the various travel modes as discussed in transportation element of the comprehensive plan.
- (hh) TRANSPORTATION DEMAND MANAGEMENT (TDM): Public and/or private programs designed to reduce the demand for existing transportation facilities. These include, but are not limited to, transit and ridesharing incentives, flexible working hours, parking management, and supporting pedestrian enhancements to decrease single occupancy vehicle trips.
- (ii) TRANSPORTATION FACILITY PLAN (TFP): The long-range plan identifying transportation facilities needed to assure compliance with the City of Redmond's adopted LOS standards in each of the transportation management districts (TMDs), and which further supports growth projected in the land use element of the comprehensive plan. The planning horizon of the TFP ranges between 12 to 20 years.
- (jj) TRANSPORTATION IMPACT ASSESSMENT - CERTIFICATE OF CONCURRENCY REQUEST (TIA): A form prepared by the Director which contains questions concerning the nature of a development, including a description, location, use, intensity, and trip generation characteristics. The questions on this form are to be answered by a development applicant, and submitted to the City as part of a complete application for a development permit.
- (kk) TRANSPORTATION IMPACT FEE: A payment of money required from development as a condition of development approval to pay for transportation facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for transportation 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. A transportation impact fee may be used to pay for system improvement costs previously incurred by the City, to the extent that new growth and development will be served by the previously constructed improvements, provided such fee shall not be imposed to make up for any system improvement

deficiencies. A transportation impact fee does not include a reasonable permit or application fee.

(ll) TRANSPORTATION IMPROVEMENT PROGRAM (TIP): The six (6) year funded list of transportation facilities adopted by the City of Redmond, which serves to implement the adopted transportation facility plan (TFP).

(mm) TRANSPORTATION MANAGEMENT DISTRICTS (TMD): Distinct geographical areas throughout the City which are formed in recognition of the variety of land use, travel, and development objectives within Redmond's subareas and neighborhoods. LOS service standards are established consistent with the land use and transportation objectives in each TMD, as formally adopted in the comprehensive plan. Some TMDs may include land and transportation facilities outside the City's jurisdiction.

(nn) VOLUME/CAPACITY RATIO (V/C RATIO): The proportion of expended intersection capacity using the Planning Application ("Planning Method"), used by vehicles passing through an intersection as defined in "Transportation Research Circular Number 212", Transportation Research Board, January 1980.

20C.100.030 Transportation Concurrency - Shall be determined pursuant to the director's October 27, 1995, administrative interpretation, until such time as the City enacts a transportation concurrency ordinance which shall become Section 20C.100.030.

20C.100.040 Transportation Impact Fees

20C.100.040(10) Purpose and Intent - This Section is intended to assist in the implementation of the comprehensive plan consistent with the requirements of the GMA, and:

(a) To regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to support a transportation system which operates within adopted service standards;

(b) To allow the City the option to impose impact fees for transportation system improvement costs previously incurred, to the extent that new growth and development will be served by the previously constructed improvements. Such fees shall not be imposed to make up for any transportation system improvement deficiencies.

20C.100.040(20) Imposition of The Transportation Impact Fee:

(a) Any person who, after the effective date of this Section, seeks to develop land within the City of Redmond, by applying for development approval for a development which will generate additional travel demand, is hereby required to pay a transportation impact fee in the manner and amount set forth in this Section.

(b) No new development permit for any activity requiring payment of an impact fee pursuant to Subsection 20C.100.040(40), shall be issued unless and until the transportation impact fee hereby required has been paid.

(c) 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 Subsection 20C.100.030(40), shall be granted unless and until the transportation impact fee hereby required has been paid.

20C.100.040(30) Computation of the Transportation Impact Fee and Director Decision - Transportation impact fees are based on the cost of a program of transportation facilities which support the goals and policies of the comprehensive plan to maintain and improve mobility and support adopted intersection LOS standards. This program is known as the City's transportation facility plan (TFP), a part of the capital facilities plan (CFP) of the comprehensive plan. Credit for future transportation related taxes has been applied to the cost of the TFP to determine the net amount which is funded through impact fees. The two methods to be used to calculate the impact fee for a particular development are described in this subsection. No matter which method is used for calculation, the impact fee determination shall be issued by letter from the Director to the applicant for a development permit.

(a) At the option of the fee payer, the amount of the transportation impact fee may be calculated by determining in which TMD the proposed development is located, and using the impact fee schedule, adopted by separate ordinance. The impacts of a new development on the transportation system depend on the location of the development, and are reflected in the impact fees charged in each of the TMDs.

TMDs are established to account for variation in impacts by location, and are aggregations of traffic analysis zones used in the City's traffic forecasting model. In general, TMDs are sections of the City which have been combined on the basis of similar uses and trip-making characteristics. The fee schedule includes credit for future specifically dedicated transportation taxes imposed for the purpose of improving the transportation system.

(1) If a development permit is requested for a mixed use development, then the fee shall be determined by apportioning the space committed to uses specified on the applicable schedule.

(2) For applications for a development permit approval extension:

The amount of the fee is the net positive difference between the fee currently applicable, and the fee applicable at the time of original permit application, pursuant to this Section. If the extension is for a development permit originally issued prior to the effective date of this Section, the fee currently applicable shall be collected.

(3) For applications for a change of use, redevelopment, expansion, or modification of an existing use, which requires the issuance of a development permit:

The amount of the fee is the net positive difference between the fee currently applicable for the use after redevelopment, expansion, or modification, compared to the fee that is currently applicable for the use prior to redevelopment, expansion, or modification, pursuant to this Section. The same fee calculation shall apply if an application was originally issued prior to the effective date of this Section.

The Director shall be guided in this determination by traffic generation statistics provided by the City's Department of Public Works and contained in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers.

(4) If the type of development activity proposed in a development application is not specified on the applicable fee schedule, the Director shall use the fee applicable to the most nearly comparable types of land use on the fee schedule. The Director shall be guided in the selection of a comparable type by the most recent edition of Trip Generation, published by the Institute of Transportation Engineers. If the Director determines that there is no comparable type of land use on the applicable fee schedule then the Director shall determine the fee by:

(i) Using traffic generation statistics provided by the City of Redmond, Department of Public Works, or the building permit applicant, or contained in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers; and

(ii) Applying the formula set forth in Subsection 20C.100.040(30)(b) hereof.

(b) If a fee payer chooses not to have the impact fee determined according to Subsection 20C.100.040(30)(a) above, then the fee payer shall prepare and submit to the Director an independent documentation as specified in (1), (2), and (3) below, and shall follow the prescribed methodologies and formats established as an appendix to the Community Development Guide. Along with the study, the developer shall submit an administrative processing fee in an amount specified by separate ordinance. Based upon the documentation provided by the fee payer, the cost per vehicle mile of travel (VMT) shall be determined by the Director. Documentation by the fee payer shall include:

- (1) Documentation of trip generation rates appropriate for the proposed land development activity.
- (2) Documentation of trip length appropriate for the proposed land development activity.
- (3) Documentation of any other trip data appropriate for the proposed land development activity.

Independent documentation, including any studies shall be prepared and presented by professionals qualified in their respective fields. The Director, with advice from the Public Works Department, shall consider the documentation submitted by the fee payer, but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable, in the Director's determination of the impact fee. The Director may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If acceptable independent documentation is not presented, the fee payer shall pay transportation impact fees based upon the schedules shown in Subsection 20C.100.040(30)(a).

Upon acceptance of independent engineering documentation, the following formula shall be used by the Director to determine the impact fee per unit of development:

NEW VEHICLE MILES TRAVELED = [(Trip Generation Rate X Average Trip Length) X % New Trips]/2.

IMPACT FEE = New Vehicle Miles Traveled X Cost per Vehicle Mile of Travel (from the Impact Fee Table).

20C.100.040(40) Payment of the Transportation Impact Fee

- (a) The fee payer shall pay the transportation impact fee required by this Section to the Director or his designee prior to the issuance of a building permit consistent with a development approval.
- (b) All funds collected shall be properly identified by TMD and promptly transferred for deposit in the appropriate transportation impact fee accounts as determined in Subsection 20C.100.040(60), and used solely for the purposes specified in this Chapter.

20C.100.040(50) Transportation Management Districts (TMDs)

There are hereby established seven (7) TMDs designated for the purpose of defining transportation facilities providing service to development within the district.

20C.100.040(60) Transportation Management District (TMD) Fee Accounts Established

There are hereby established seven (7) separate TMD accounts, one for each TMD within the City of Redmond established by Subsection 20C.100.040(50). Funds withdrawn from these accounts must be used in accordance with the provisions of Subsection 20C.100.040(70).

20C.100.040(70) Use of Funds

- (a) Transportation impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. The Director shall annually provide a report to the Mayor and City Council on each impact fee account showing the source and amount of all moneys collected, earned, or received and transportation system improvements that were financed in whole or in part by transportation impact fees.
- (b) Impact fees for transportation system improvements shall be expended only in conformance with the TFP.
- (c) Impact fees shall be expended or encumbered for a permissible use within six (6) years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six (6) years. Such

extraordinary or compelling reasons shall be identified in written findings by the City Council as provided in Section 20C.100.40(80).

(d) Impact fees may be paid under protest in order to obtain a permit or other development approval of development activity.

(e) Funds may be used to provide refunds as described in Subsection 20C.100.040(80).

(f) The City shall be entitled to retain not more than three-tenths percent (0.3%) of the funds collected as compensation for the expense of collecting the fee and administering this Section.

20C.100.040(80) Refund of Fees Paid

(a) The fee payer may receive a refund of such fees if the City fails to expend or encumber the impact fees within six (6) years of when the fees were paid or other such period of time established pursuant to RCW 82.02.070(3), on transportation facilities intended to benefit the development for which the transportation impact fees were paid, unless the City Council finds that there exists an extraordinary and compelling reason for fees to be held longer than six (6) years. These findings shall be set forth in writing and approved by the City Council. In determining whether transportation impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The City shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of claimants.

The request for a refund must be submitted by the applicant to the City in writing within ninety (90) days of the date the right to claim the refund arises, or the date that notice is given, whichever is later. Any transportation impact fees that are not expended within these time limitations, and for which no application for a refund has been made within this ninety (90) day period, shall be retained and expended on projects identified in the adopted TFP. Refunds of transportation impact fees under this Subsection shall include interest earned on the impact fees.

(b) Should the City terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this Section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of six (6) months. At the end of six

(6) months, any remaining funds shall be retained by the local government, but must be expended for projects identified in the adopted TFP. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(c) A developer may request and shall receive a refund, including interest earned on the transportation impact fees, when the developer does not proceed with the development activity and no impact has resulted. The City may deduct a service charge from the refund amount to defer the administrative cost of processing such a refund.

20C.100.040(90) Exemptions from Payment of Transportation Impact Fees -
The following are exempt from payment of transportation impact fees:

(a) Certain land use activities are exempt from the payment of transportation impact fees because they do not contribute to a net increase in travel. These exempt activities shall include:

(1) Alterations or expansion of an existing building where no additional units and/or gross floor area is created, where the use is not changed, and where no additional travel demand will occur over and above that produced by the existing use.

(2) The construction of accessory buildings or structures where no additional travel demand will occur over and above that produced by the principal building or use of the land.

(3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional travel demand will occur over and above that produced by the original use of the land.

(4) The installation of a replacement mobile/manufactured home on a lot or other such site when a transportation impact fee for such mobile/manufactured home site has previously been paid pursuant to this Section or where a mobile/manufactured home legally existed on such site on or prior to the effective date of this Section.

Any claim of exemption must be made no later than the time of application for a building permit or permit for mobile/manufactured home installation. Any claim not so made shall be deemed waived.

(b) Low income housing, provided that an exemption is requested by the developer no later than the time of application for a development permit, and that:

- (1) The transportation impact fees otherwise due shall be paid from public funds other than impact fee accounts;
- (2) There are replacement funds available to pay for impact fees in the fiscal year in which the request is made; and
- (3) Any claim not so made shall be deemed waived.

Low income housing is defined as housing which is affordable to persons whose income is below fifty (50) percent of the median income for the persons residing in the Seattle Metropolitan Statistical Area.

20C.100.040(100) Credits Against Payment of Transportation Impact Fees

- (a) No credit shall be given for project improvements and/or right-of-way dedications classified as project improvements.
- (b) No credit shall be given for supplemental mitigation provided by a developer, except when:
 - (1) The supplemental mitigation includes a project in the City's TFP; and
 - (2) To avoid the duplicate collection of money for a particular transportation facility, credit for payment or construction of supplemental mitigation shall not be more than the portion of the developer's impact fee contribution which the City would allocate towards the particular project or projects in the TFP which constitute the supplemental mitigation; and
 - (3) Such credits are determined and provided as set forth in Subsection 20C.100.040(100)(c) and (d) below.
- (c) A fee payer may obtain supplemental mitigation credit against transportation impact fees due or to become due by offering to dedicate rights-of-way and/or construct transportation facilities, which are in the City's TFP. The fee payer's supplemental mitigation offer must specifically request a transportation impact fee credit. Construction of transportation facilities must be in accordance with City of Redmond design standards as applicable.

The Director shall allow credit against impact fee obligations only if the following criteria are met:

- (1) The transportation facility is in the City's TFP; and
 - (2) The facility is not in the six (6) year funded TIP; and
 - (3) The conditions in 20C.100.040(100)(b) above are met.
- (d) Supplemental mitigation credit shall be subject to the following requirements:

(1) After determining the amount of impact fees an applicant pays towards particular impact fee projects, the Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit a developer shall receive for dedication and/or construction of a supplemental mitigation project. The Director shall further state the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Director before credit will be given. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.

(2) Credit against impact fees otherwise due will not be provided until:

(i) The construction is completed and accepted by the City of Redmond, or a jurisdiction which has an interlocal agreement with the City under the terms of this Section, or the state, whichever is applicable;

(ii) Acceptable financial security is received and approved by the Director of the City of Redmond, when applicable; and

(iii) All design, construction, inspection, testing, financial security, and acceptance procedures are in strict compliance with the then current City of Redmond design and construction standards, when applicable.

(3) Credit may be provided before completion of specified transportation facilities if adequate assurances are given by the applicant that the standards set out in Subsection 20C.100.040(100)(d)(2), will be met and if the fee payer posts

security as provided below for the costs of such construction. The Director shall determine:

- (i) Security amount;
 - (ii) Form of the security, such as, a performance bond, irrevocable letter of credit, or escrow agreement.
- (4) If the transportation facility will not be constructed within one (1) year of the acceptance of the offer by the Director, the amount of the security shall be increased by ten percent (10 %) compounded for each year of the life of the security. The revised security shall be reviewed and approved by the Director prior to acceptance of the security by the Director. If the transportation facility is not to be completed within five (5) years of the date of the fee payer's offer, the City Council must approve the transportation facility and its scheduled completion date prior to the acceptance of the offer by the Director.
- (5) Any claim for credit must be made no later than the time of application for a development permit. Any claim not so made shall be deemed waived.
- (6) Credits shall not be transferable from one development to another without the approval of the City Council and may only be transferred to a development in a different TMD upon a finding by the City Council that the dedication of right-of-way or construction of transportation facilities for which the credit was given benefits such different TMD.

20C.100.040(110) Appeals - Determinations made by the Director pursuant to this section may be appealed as specified in Section 20C.050.050.

20C.100.040(120) Review - The fees specified in Subsection 20C.100.040(30) and established by separate ordinance, should be reviewed by the City Council at least once each year.

20C.100.050 Administration and Appeals

The Director is authorized to prepare documents, forms and guidelines necessary for the implementation of this Chapter. These should include a "Transportation Impact Assessment - Concurrency Certificate Request", and "Concurrency Certificate" forms.

Any appeal of the administration and decisions made pursuant to this Chapter shall follow the process specified in Section 20F.20.200. The Director's decisions in this Chapter that are subject to appeal are:

Concurrency Determination
Impact Fee Determination

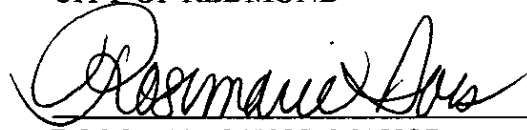
An appeal must be filed with the Department of Planning and Community Development within ten (10) working days of the determination.

Section 2. Rule of Construction. The provisions of this Ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

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

Section 4. Ordinance Adoption. 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 the publication of an approved summary thereof consisting of the title.

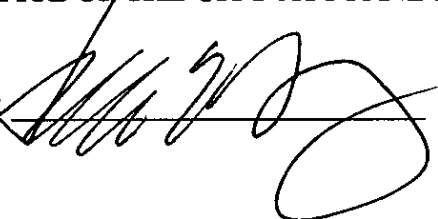
CITY OF REDMOND


ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:


BONNIE MATTSON, CITY CLERK

APPROVED AS TO FORM,
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 1908

September 13, 1996
October 1, 1996
October 1, 1996
October 5, 1996
October 10, 1996