

AN ORDINANCE OF THE CITY OF REDMOND RELATING TO TRANSPORTATION; DEALING WITH THE RELATIONSHIP BETWEEN TRANSPORTATION CONCURRENCY, AND TRANSPORTATION LEVEL-OF-SERVICE STANDARDS, 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 include requirements for transportation concurrency, transportation impact fees, and transportation level-of-service standards; and

WHEREAS, the City desires that transportation concurrency regulations comply with the Growth Management Act which requires that concurrency requirements provide for reliance on no more than six years of funded transportation projects and/or strategies; and

WHEREAS, transportation facilities are required to be in place concurrent with new growth, or no later than six years after a development is constructed; 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. Chapter Revision. Redmond Community Development Guide Chapter 20C.100, entitled "Transportation Management Code", shall be revised 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, shall regulate development such that transportation improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six (6) years, 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.

Section 2. Section Revision. Redmond Community Development Guide
Section 20C.100.010, entitled "Overview of the Permit Process", is hereby amended to read as follows:

20C.100.010 Overview of the Permit Process - Prior to submitting a development application, the developer of a project subject to this Chapter may submit a request for a certificate of concurrency to the Department of Planning and Community Development. The request shall be on a prescribed transportation certificate of concurrency request form developed by the Administrator, and shall contain questions concerning the nature of the development, including a project description, location, uses, intensities, and trip generation characteristics.

The Administrator 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 Administrator shall issue a certificate of concurrency which shall expire if a complete application for the development for which concurrency is reserved is not applied for within one-hundred twenty (120) days of issuance of the certificate of concurrency.

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 Administrator shall determine the project impact fee based on information provided 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 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 Administrator's decision on concurrency and/or impact fees according to the process described in Section 20C.100.050, Administration and Appeals.

Section 3. Definitions. Section 20C.100.020(g), of the Redmond Community Development Guide, is hereby amended to read as follows:

(g) CERTIFICATE OF CONCURRENCY: A written document prepared by the Administrator stating that a particular development meets the concurrency requirements of this chapter.

Section 4. Definitions. Section 20C.100.020(n), of the Redmond Community Development Guide, is hereby amended to read as follows:

(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.

Section 5. Definitions. Section 20C.100.020(q), of the Redmond Community Development Guide, is hereby amended to read as follows:

(q) ADMINISTRATOR: The Director's of the Department of Planning and Community Development and the Department of Public Works, the Director's authorized representative(s), or any representative authorized by the Mayor.

Section 6. Definitions. Section 20C.100.020(r), of the Redmond Community Development Guide, is hereby amended to read as follows:

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

Section 7. Definitions. Section 20C.100.020(s), of the Redmond Community Development Guide, is hereby amended to read as follows:

(s) FULLY FUNDED PROJECT: A project in the most recently adopted transportation portion of the transportation capital improvement program (TCIP) 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.

Section 8. Definitions. Section 20C.100.020(w), of the Redmond Community Development Guide, is hereby amended to read as follows:

(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. The

Administrator may allow a modification to the Planning method to establish a more accurate measurement based upon actual operations if appropriate. LOS categories and their respective numerical definitions under the maximum arterial intersection volume to capacity (V/C) ratio are as follows:

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

Section 9. Definitions. Section 20C.100.020(bb), of the Redmond Community Development Guide, is hereby amended to read as follows:

(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.
- (5) Standard frontage improvements not specifically defined in the TFP or TCIP.

Section 10. Definitions. Section 20C.100.020(dd), of the Redmond

Community Development Guide, is hereby amended to read as follows:

(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 capital improvement program (TCIP), but are planned projects identified in the transportation facilities plan (TFP), transit plan, bike way plan, and the arterial functional classification and street plan and summary, all of which are contained in the transportation element of the comprehensive plan.

Section 11. Definitions. Section 20C.100.020(ee), of the Redmond Community

Development Guide, is hereby amended to read as follows:

(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 as a result of 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.

Section 12. Definitions. Section 20C.100.020(jj), of the Redmond Community

Development Guide, is hereby amended to read as follows:

(jj) TRANSPORTATION - CERTIFICATE OF CONCURRENCY REQUEST: A form prepared by the Administrator 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.

Section 13. Definitions. Section 20C.100.020(II), of the Redmond Community Development Guide, is hereby amended to read as follows:

(II) TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM (TCIP): 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).

Section 14. New Definition. Section 20C.100.020(oo), of the Redmond Community Development Guide, is hereby added to read as follows:

(oo) LOW AND MODERATE INCOME HOUSING: Housing affordable under federal standards to households with annual incomes at or below 80 percent of the county median income.

Section 15. Amended. Redmond Community Development Guide Section 20C.100.030, entitled "Transportation Concurrency", is hereby amended to read as follows:

20C.100.030 Transportation Concurrency

20C.100.030(10) Purpose and Intent - This Section sets forth specific standards providing for City compliance with the concurrency requirements of the state Growth Management Act (GMA) and for consistency between City and countywide planning policies under the GMA. The GMA requires that the City of Redmond "must adopt and enforce ordinances which prohibit development approval if the development causes the level-of-service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development". In response to the mandates of the GMA, the City of Redmond has developed level-of-service (LOS) standards that:

- (a) Balance congestion management with land use objectives;
- (b) Match TMDs with long-range objectives and shorter term standards tailored to each district's characteristics and needs.

- (c) Are specific to each TMD, to include: reflection of availability of other mobility options; adjustment of LOS where appropriate; interim standards for specific areas until completion of interlocal negotiations; consideration of trips crossing district boundaries; and use of an average arterial intersection LOS method of evaluating transportation system adequacy.

To examine development impacts and determine whether a proposed project meets the requirements of this Section, concurrency "testing" should occur prior to the submittal of a development application, consistent with the requirements of this Section. If a proposed project passes the concurrency test, the City shall issue a certificate of concurrency, which shall expire if a complete application for the development for which concurrency is reserved is not applied for within one hundred twenty (120) days of the issuance of the certificate of concurrency. This Section shall apply to all development applications as specified below.

20C.100.030(20) Application - This Section applies to:

- (a) All development approval applications filed after its effective date; if the development or use will generate thirty (30) or more new p.m. peak hour trips; provided, this Section shall not apply to a development which received preliminary development approval prior to the effective date of this Section.
- (b) Phased Development. A phased development is any development involving multiple buildings where issuance of building permits could occur for individual buildings. The requirements of this Section shall be applied at the time of approval of the initial phase and may be adjusted for each subsequent phase based on the cumulative impact of all the phases.
- (c) Single projects. All development applications which have been submitted by the same developer on the same or contiguous parcel of land as a single project within the one -year period immediately prior to a current application will be considered along with the current application as being a single application for purposes of determining under Subsection (a) above, whether this Section applies.
- (d) Change in Occupancy. This Section will apply to applications for tenant improvements if a proposed new use or an expanded existing use will result in the physical expansion of the existing parking area under applicable parking standards of the City and will produce thirty (30) or more p.m. peak hour trips in excess of those produced by the previous occupancy.

(e) **Reclassifications.** The City may approve a proposed reclassification (commonly known as a rezone) only if the reclassification, assuming full development of the property under the proposed zoning classification using the highest trip generating permitted uses, will comply with this Section and the other applicable decision criteria specified in the Community Development Guide. Specific requirements for transportation improvements to mitigate the impacts of a proposed reclassification and assure compliance with this Section may be imposed as a condition of reclassification.

(f) **Concomitant Agreements.** Unless the agreement specifically provides otherwise, this Section applies to any development application that is subject to an existing concomitant agreement.

(g) **Reconstruction of Destroyed Buildings.** If a building is destroyed by fire, explosion or act of God or war, or is demolished and is reconstructed in accordance with Community Development Guide, it will not be required to comply with this Section unless the reconstructed building produces trips in excess of those produced by the destroyed building prior to its destruction.

(h) **Development Agreements.** A development agreement obligating a party to fund or provide major infrastructure improvements that directly support implementing important objectives of the comprehensive plan, may grant a certificate of concurrency for a proposed development upon a showing that concurrency standards can be satisfied, and may also establish that the certificate is valid for the duration specified in the agreement.

20C.100.030(30) Exemptions from Concurrency Requirements - The uses listed below may be exempted from transportation service standard compliance. The developer of these uses may apply for a Special Development Permit (SDP) to be granted an exemption from transportation service standard compliance if the development meets the criteria for such an exemption in Subsection 20C.100.030(30)(b) below..

(a) Exemptions may be considered for the following uses:

- (1) Child day care facilities, if not operated for profit;
- (2) Public transportation facilities;
- (3) Public parks and recreational facilities;
- (4) Social service facilities, if privately operated and not for profit;

- (5) Low and moderate income housing;
- (6) Public libraries;
- (7) Hospitals, if not operated for profit;
- (8) Publicly funded educational facilities.

(b) The following criteria shall be used to determine whether a use should be exempt from concurrency requirements:

- (1) The exemption granted to a proposed development achieves a broad public policy objective by the nature of the development's use and location; and,
- (3) The benefits of granting the exemption outweigh short-term impacts to the transportation system.

20C.100.030(40) Relationship to the State Environmental Policy Act (SEPA) - This Section establishes minimum standards which are to be applied to all proposals in order to provide transportation improvements to minimize congestion on the roads, paths, sidewalks, and trails in the city, and is not intended to eliminate the application of SEPA to specific proposals. Each proposal shall be reviewed and may be conditioned or denied under the authority of SEPA.

20C.100.030(50) Administration - The Administrator shall be responsible for the administration of this Section. The Administrator may adopt rules for the implementation of this Section, provided the Administrator shall first hold a public hearing. The Administrator shall publish notice of intent to adopt any rule and the date, time and place of the public hearing thereon in a newspaper of general circulation in the City at least twenty (20) days prior to the hearing date. Any person may submit written comment to the Administrator in response to such notice, and/or may speak at the public hearing. Following the public hearing the Administrator shall adopt, adopt with modifications, or reject the proposed rules.

20C.100.030(60) Level-of-Service (LOS) Standards.

- (a) Established standards. Average arterial intersection LOS standards are established and tailored for each TMD, reflecting distinct conditions and multiple community objectives to measure transportation system adequacy. The district average arterial intersection LOS is the average LOS of those intersections within each TMD as defined in Section 20C.100.020. The district average arterial intersection LOS standard and

the maximum V/C ratio permitted for each TMD is established by the Comprehensive Plan, and is as follows:

**Transportation Management District Average Arterial
Intersection Service Standards**

Transportation Management District	District Average LOS Standard	Maximum V/C Ratio
1. Downtown	E+	0.950
2. NE Redmond	D+	0.850
3. Willows/Sammamish Valley	D-	0.900
4. Grass Lawn	D+	0.850
5. Overlake Area	E+	0.950
6. Viewpoint Area	D+	0.850
7. SE Redmond	D-	0.900

(b) **Service Standards.** A development proposal will not be approved which causes the average arterial intersection LOS to be degraded below the standard set for each affected TMD. Where existing conditions already fail to meet the standard, no development shall be approved which causes the LOS to be further degraded. A development may proceed if supplemental mitigation which preserves the standard or the LOS existing prior to the development proposal is provided and approved in accordance with Subsection 20C.100.030(70), Review of Development Proposals - Concurrency Testing.

20C.100.030(70) Review of Development Proposals - Concurrency Testing.

(a) **Application.** Any proposed development which is subject to this Section, will be reviewed by the Administrator to determine its impact on each affected TMD. This review may be conducted before a development application is submitted to the City.

(b) **Certificate of Concurrency.** A certificate of concurrency will be issued under this Section if the volume of traffic resulting from the proposed development, when added to the background traffic volumes of the affected intersections, would not cause degradation of the average arterial intersection LOS standard described in 20C.100.030(60)(a) and (b), above in any TMD for which the development contributes thirty (30) or more new p.m. peak hour trips at a system intersection. Concurrency testing may rely on capacity provided by fully funded projects, including projects in the current six (6) year TCIP, projects funded for construction within six (6) years by other agencies or jurisdictions, and by transportation improvements under contract as part of other approved development

proposals. The issuance of a certificate of concurrency is subject to the requirements that the applicant must fully fund or construct any necessary transportation improvements which are not included in the above, subject to Subsection 20C.100.030(80).

The certificate of concurrency issued by the Administrator shall expire if a complete application for the development for which concurrency is reserved is not made within one-hundred twenty (120) days of issuance of the certificate of concurrency. A certificate of concurrency shall include an adequate description of the development proposal to which the certificate applies, and any further information necessary to administer this Chapter. The certificate may not be transferred to another proposed development unless approved by the Administrator.

If a certificate of concurrency expires before a complete development application is submitted to the City, the developer must wait fourteen (14) days before submitting another certificate of concurrency request for the same development.

A certificate of concurrency shall be valid for the period after submittal of a complete development application, and subsequently for the same period of time as the development approval granted by the City. If the development approval does not have an expiration date, the certificate of concurrency shall be valid for one (1) year, and then up to two (2) one-(1) year extensions upon approval by the Administrator.

(c) **Certificate of Concurrency Denial.** A certificate of concurrency will not be approved under this Section if degradation is caused beyond the adopted LOS standard for a TMD, or if the LOS standard already is exceeded, would decline further, and not mitigated to the LOS standard or level that existed prior to development by:

- (1) The existing street network; and,
- (2) Fully funded projects; and,
- (3) Transportation system improvements under contract as part of other approved development proposals which are fully funded; and/or
- (4) Supplemental mitigation as defined in Subsection 20C.100.030(80).

(d) Administrator's decision and appeal process.

(1) The Administrator will determine if supplemental mitigation is required under this Section.

(2) If required, the Administrator shall determine if the supplemental mitigation proposed by the developer meets the requirements of Subsection 20C.100.020. Notice of the Administrator's decision and the transportation improvements required shall be published once in a newspaper of general circulation in the City or consolidated with any other notice required by the Redmond Community Development Guide for the particular permit application.

(3) Decisions made by the Administrator shall be conveyed to a developer by letter. If the development meets the concurrency requirements of this Section, the letter, or other document developed by the Administrator, shall be the certificate of concurrency.

(4) Determinations made by the Administrator pursuant to this section may be appealed as specified in Section 20C.100.050.

(e) Changes to fully funded projects. If the list of fully funded projects is modified after the time the proposal is subject to the requirements of Subsection 20C.100.030(20), the applicant may elect to rely on the new capacity provided by the modified list of fully funded projects provided that such election must be made prior to issuance of development approval.

(f) Expiration. A certificate of concurrency shall expire if either a development application becomes inactive, or, if the underlying development approval expires, is revoked, or denied by the City.

20C.100.030(80) - Methods of Providing Transportation Improvements.

(a) If supplemental mitigation is required to meet the average arterial intersection LOS standard for a TMD (maintain concurrency), or the LOS existing prior to the development, preliminary supplemental mitigation proposals must be submitted within thirty (30) days of the City's notice that supplemental mitigation is required. The applicant shall have an additional sixty (60) days to finalize the supplemental mitigation proposal. The applicant may choose to:

(1) Reduce the size of the development until the standard is met; or

(2) Delay the development schedule until the City and/or others provide needed improvements; or

(3) Design and construct necessary transportation facilities; or

(4) Implement a Transportation Demand Management program over and above that required by the City as a standard condition of development approval, consistent with Subsections 20C.100.030(80)(c) and (d); or

(5) Provide other supplemental mitigation which meets the requirements of Subsections 20C.100.020 and 20C.100.030(80)(d).

(b) Payment for and timing of supplemental mitigation. All supplemental mitigation funding and construction shall comply with the following requirements:

(1) Payment for developer-funded transportation improvements affecting facilities subject to the City's direct operational control, necessary to meet the concurrency requirements of Subsections 20C.100.030(50) and 20C.100.030(60), must occur in accordance with Subsection 20C.100.040(40), Payment of the Transportation impact fee. Any improvements required to be constructed by a developer to meet the requirements of Subsection 20C.100.030(60)(b) must be completed within six (6) years after issuance of the building permit. All funds received by the City from applications under this Section shall be expended within six (6) years of receipt.

(2) Payment for or the requirement of the developer to construct any transportation improvement necessary to meet the requirement of 20C.100.030(60)(b), affecting facilities which are partially or wholly outside the City's direct operational control, must be submitted for approval by the appropriate agency(ies) which have control. Notwithstanding Subsection 20C.100.030(80)(a) above, should the appropriate agency(ies) elect to postpone the proposed improvements, or refuse to accept the proposed supplemental mitigation, the Administrator shall collect and hold the amount estimated for supplemental mitigation until the improvement is made or until six (6) years have elapsed. An assurance device satisfactory to the Administrator may, at the Administrator's option, substitute for the payment required in this Section.

(3) The development proponent may provide funding in an amount equal to the cost estimate of the Administrator for necessary transportation improvements. The Administrator, with the concurrence of other affected City departments, may provide for latecomer agreements as provided by state law or for other reimbursement from properties benefited by the improvements unless the City Council finds reimbursement to be inappropriate. The Administrator may require actual construction rather than provision of funding. Funds for projects to be constructed by the City must be paid in full by the project proponent to the City prior to issuance of a building permit, final plat approval or other approval requiring improvements under this Section; provided, the project proponent may, at the Administrator's option, provide an assurance device in a form approved by the Administrator.

A developer may receive credit towards payment of required impact fees for funded or constructed supplemental mitigation necessary to meet concurrency requirements. Credit determination shall be made according to Subsection 20C.100.040(100), Credits against Payment of Transportation Impact Fees.

(c) Transportation Demand Management (TDM). The project developer may establish TDM strategies to reduce single occupancy vehicle trips generated by the project as a supplemental mitigation measure. The Administrator will determine, consistent with accepted engineering and planning practice, the appropriate single occupancy vehicle mode split reduction to be applied to the proposed development, and shall review and approve the developer's proposed TDM strategies. These strategies shall be prenegotiated and approved prior to approval of supplemental mitigation, and shall:

- (1) Include proposed methods to monitor and enforce TDM performance, and a fallback plan which would be implemented if the development fails to achieve TDM goals within two years after initial occupancy; and,
- (2) Become a legal project approval condition of the development; and,
- (3) Become a condition tied to all future owners of the development and property.

A TDM program may be denied based on the criteria of Subsection 20C.100.030(80)(d) below.

(d) Decision Criteria-Acceptable supplemental mitigation. Acceptable supplemental mitigation requires a finding by the Administrator that:

(1) The supplemental mitigation meets the definition outlined in Section 20C.100.020(dd); or if a developer proposes as supplemental mitigation a transportation facility that is not identified by the City's comprehensive plan, the transportation facility must first be considered and approved as an amendment to the comprehensive plan before the supplemental mitigation is approved.

(2) The supplemental mitigation contributes to system performance within six (6) years of development.

(3) If the supplemental mitigation proposed involves an intersection, the intersection must be improved to meet the district LOS standard, or, the intersection LOS is not degraded below the LOS that existed prior to the project.

(4) The City and the applicant can agree on a transportation improvement that has the same effect as (3) above, or provides a viable alternative travel mode.

(5) Improvements to an intersection or roadway may not substantially shift traffic to a residential area.

(6) Improvements to an intersection or roadway may not shift traffic to intersections within another jurisdiction which would violate that jurisdiction's policies and regulations, provided that the City has an adopted interlocal agreement with that jurisdiction which addresses these issues.

(7) Improvements to an intersection or roadway may not shift traffic to another TMD and violate that TMD's LOS standards.

(8) The effect of the improvement would not result in a reduction or the loss of another transportation objective, including but not limited to maintaining high occupancy vehicle lanes, sidewalks, paths, trails, or bicycle lanes.

(9) The adverse environmental impacts of the improvement can be reasonably alleviated.

(10) The improvement is consistent with accepted engineering standards and practices.

(11) Where practical, transportation improvements required as part of supplemental mitigation, should be made at locations most impacted by the development.

(12) Transportation improvements to principal and minor arterials within and adjacent to residential zones shall be compatible with residential uses and maintain design objectives. Road widening resulting from supplemental mitigation, shall only be permitted when consistent with other mobility objectives. Factors to be considered should include but not be limited to safety of design for all travel modes, the scale of the improvements, and identified community and environmental impacts, including maintenance of safe pedestrian, bicycle, and transit access.

(13) If transportation demand management strategies are proposed as supplemental mitigation, a developer must demonstrate that vehicle trips can be reduced. The developer must have additional strategies to address a situation where mode split targets are not met by the developer's initial transportation demand management strategies.

(14) Notwithstanding the foregoing, the Administrator has the authority to require correction of a documented safety-related deficiency.

(e) Supplemental mitigation denial process. If the Administrator determines that the proposed supplemental mitigation does not meet the requirements of this Section, the Administrator may deny the issuance of a certificate of concurrency.

Section 16. Amended. Redmond Community Development Guide Section 20C.100.040(30), entitled "Computation of the Transportation Impact Fee and Director Decision", is hereby amended to read as follows:

20C.100.040(30) Computation of the Transportation Impact Fee and Administrator 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 Administrator 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 Administrator 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 Administrator shall use the fee applicable to the most nearly comparable types of land use on the fee schedule. The Administrator 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 Administrator determines that there is no comparable type of land use on the applicable fee schedule then the Administrator 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 Administrator 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 Administrator. 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 Administrator, 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 Administrator's determination of the impact fee. The Administrator 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 Administrator 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).

Section 17. Amended. Redmond Community Development Guide Section 20C.100.040(40), hereby amended to read as follows:

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 Administrator or 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.

Section 18. Amended. Redmond Community Development Guide Section 20C.100.040(70), hereby amended to read as follows:

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 Administrator 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. Protest must be submitted in writing to the City within 30 days of payment of the fee.

(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.

Section 19. Amended. Redmond Community Development Guide Section 20C.100.040(80), entitled "Refund of Fees Paid", is hereby amended to read as follows:

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 one (1) year 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 one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, 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 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.

Section 20. Amended. Redmond Community Development Guide Section 20C.100.040(90), entitled "Exemptions from Payment of Transportation Impact Fees", is hereby amended to read as follows:

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) Individual low- or moderate-income home purchases (as defined in the current King County Comprehensive Housing Affordability Strategy [CHAS]) by households who are purchasing homes with prices within their eligibility limits based on standard lending criteria provided the housing unit they are purchasing has not received an exemption under Section 20C.110.050, Section 20C.110.060(a), or Section 20C.110.060(b) when the impact fees are due and payable. Further:

(1) As a condition of receiving an exemption under this section, the owner shall execute and record in King County's real property title records a City-drafted lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain affordable to those households under the regulations of the US Department of Housing and Urban Development. The term of this provision shall be ten-years for individual owners and 15-years for private and private non-profit developers/builders. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event that the housing unit(s) is no longer used for low- or moderate-income housing during the term of the provision, then the owner shall pay the amount of impact fees from which the housing unit(s) was exempted into the City's account for paying low- and moderate-income impact fees.

(2) Any claim or request for an exemption under this section shall be made no later than the time of application for a building permit. If a building permit is not required for the development activity, the claim shall be made when the fee is tendered. Any claim not made when required by this section shall be deemed waived.

(3) The impact fees not collected from low- and moderate-income housing shall be paid from public funds from sources other than impact fees or interest on impact fees and budgeted for this purpose by the Redmond City Council.

(4) If claims or requests for exemptions under this section exceed the funds the Redmond City Council budgeted for the payment of impact fees for low- and moderate-income housing, this section shall not apply to claims or requests for exemptions under this section made after the budgeted funds were committed or allocated until additional funds are budgeted.

Section 21. Amended. Redmond Community Development Guide Section 20C.100.040(100), entitled "Credits Against Payment of Transportation Impact Fees", is hereby amended to read as follows:

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) Credit shall be given for supplemental mitigation provided by a developer when the following conditions are met:

(1) To avoid the duplicate collection of money for a particular transportation facility, credit for payment or construction of supplemental mitigation shall be equal to the cost of construction of the system improvement or impact fee amount allocated by the City towards that portion of the system improvement constructed by the developer, whichever is less; and

(2) Such credits are determined and provided as set forth in Subsection 20C.100.040(100)(c), (d), and (e) below.

(c) A developer 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 system

improvements within the TFP for which the City collects impact fees. The developer'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 Administrator shall allow credit against impact fee obligations only if the following criteria are met:

- (1) The transportation facility is a system improvement(s) within the TFP for which the City collects impact fees; and
- (2) The facility is not in the six (6) year funded TCIP; and
- (3) The conditions in 20C.100.040(100)(b) above are met.
- (d) Other credit against transportation impact fees - A developer may obtain 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 impact fee list of the TFP. Credit given shall not exceed the amount of impact fee revenue allocated by the City towards that portion of the system improvement constructed by the developer. The decision whether or not to accept the proposed system improvement(s) for credit against transportation impact fee obligations, shall be at the sole discretion of the Administrator.
- (e) Supplemental mitigation credit, and credit granted pursuant to Subsection 20C.100.040(100)(d), above, shall be subject to the following requirements:

- (1) After determining the amount of impact fees a developer is required to pay towards particular impact fee projects, the Administrator shall provide the developer 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 Administrator 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 developer 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 Administrator 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 Administrator 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)(e)(2), will be met and if the fee payer posts security as provided below for the costs of such construction. The Administrator 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 Administrator, 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 Administrator prior to acceptance of the security by the Administrator. 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 Administrator.

(5) Any claim for credit must be made prior to approval of an 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.

(7) The amount of credit granted to a developer shall not exceed the amount of the impact fee the developer is required to pay.

Section 22. Amended. Redmond Community Development Guide Section 20C.100.040(110), entitled "Appeals", is hereby amended to read as follows:

20C.100.040(110) Appeals - Determinations made by the Administrator pursuant to this section may be appealed as specified in Section 20C.100.050.

Section 23. Amended. Redmond Community Development Guide Section 20C.100.050, entitled "Administration and Appeals", is hereby amended to read as follows:

The Administrator is authorized to prepare documents, forms and guidelines necessary for the implementation of this Chapter. These should include a "Transportation 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 Administrator'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 24. Recodification. City of Redmond staff is authorized to recodify this and prior existing ordinances due to the insertion or deletion of text.

Section 25. 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 26. Penalty Provision. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person violating


any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance, unless provided herein, shall, upon conviction thereof, be punished by a fine of not more than five-thousand dollars (\$5,000.00) for each violation. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any of the provisions of this code is committed, continued or permitted by such person and shall be punished accordingly. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance shall be considered a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto.

In addition to any of the above penalties outlined, should a person violate any of the provisions or fail to comply with any of the requirements of this Ordinance, the City may revoke any and all permits that have been issued to that individual to date, and refuse to issue any new permits until the person complies with the requirements of this Ordinance.

Section 27. 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 28. 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 its publication.

CITY OF REDMOND




ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:



BONNIE MATTSON, CITY CLERK

APPROVED AS TO FORM,
OFFICE OF THE CITY ATTORNEY:



A handwritten signature in black ink, appearing to read "S. E. K.", is written over a horizontal line.

FILED WITH THE CITY CLERK: March 14, 1997
PASSED BY THE CITY COUNCIL: March 18, 1997
SIGNED BY THE MAYOR: March 21, 1997
PUBLISHED: March 22, 1997
EFFECTIVE DATE: March 27, 1997
ORDINANCE NO. 1928