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06/30/97

Adopt Findings of Fact
Transportation Impact Fees

ORDINANCE NO. 1943

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING FINDINGS OF FACT AND PROVIDING FOR THE CONTINUED IMPOSITION OF INTERIM DEFINITIONS OF "PEAK HOUR" AND "PEAK HOUR TRIPS" AND AN INTERIM CLARIFICATION TO THE FORMULA FOR COMPUTING TRANSPORTATION IMPACT FEES, ALL AS PROVIDED IN ORDINANCE NO. 1940, ADOPTED BY THE CITY COUNCIL ON JUNE 3, 1997.

WHEREAS, on June 3, 1997, the City Council adopted Ordinance No. 1940, which provided for the emergency adoption of certain interim amendments to Subsections 20C.100.020(Z) and (AA) and Subsection 20C.100.040(30)(b)(3) in order to revise the definitions of "peak hour" and "peak hour trips" and to clarify the formula by which transportation impact fees would be calculated under certain circumstances, and

WHEREAS, Ordinance No. 1940 set July 15, 1997 as the date for the public hearing required by RCW 36.70A.390 on such interim amendments and in order to adopt findings of fact justifying the adoption of the same, and

WHEREAS, the City Council held the required public hearing on July 15, 1997 and, based upon the testimony received, determined to adopt this ordinance continuing the interim amendments, NOW, THEREFORE,

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

Section 1. Findings. As required by RCW 36.70A.390, the City Council hereby adopts the following findings in support of the actions taken in this ordinance:

A. Development in Redmond is occurring at a rapid pace, with much of the City's anticipated 2012 growth already undergoing the development review process.

B. Transportation infrastructure is critical to the accommodation of the rapid growth Redmond is experiencing and the Transportation Facility Plan calls for a mix of public and private funding, including funding from impact fees.

C. Impact fee funds are an essential part of the funding for the necessary transportation infrastructure. Without collection of the anticipated amount of impact fees, funds from other sources will be insufficient to build the improvements contemplated by the Transportation Facility Plan and necessary to accommodate growth.

D. Subsections 20C.100.020(z) and 20C.100.020(aa) of the Redmond Municipal Code and Community Development Guide, as they existed prior to the enactment of Ordinance No. 1940, adopted definitions of "peak hour" and "peak hour trips." These definitions differ from preferred engineering practice and from the method used by staff to estimate the amount of impact fees that would be collected from development in the City.

E. The definitions require a proposed development to be evaluated on the basis of traffic to and from the development during the peak 60 minutes of traffic on the adjacent street. Preferred engineering practice would require comparing the 60 minute period between 4:00 p.m. and 6:00 p.m. with the highest traffic to and from the development to the highest 60 minute period between 4:00 p.m. and 6:00 p.m. on the adjacent street, regardless of whether these sixty minute periods are the same.

F. Applying the definitions as they existed prior to the enactment of Ordinance No. 1940 could result in the City evaluating a development's traffic at a rate much lower than the actual peak traffic, in that traffic could peak under the existing definitions within the 4:00 p.m. to 6:00 p.m. window without that peak coinciding with the peak hour on the adjacent street.

G. If the City evaluates a development's traffic at the lower rate, the development will underpay its share of transportation impact fees as assumed in the City's impact fee system, resulting in a serious underfunding of the transportation facilities to be funded in part by impact fees.

H. Subsection 20C.100.040(30)(b) provides an alternate method of computing transportation impact fees for a development project when a fee payer chooses to have the fees calculated on a development specific basis instead of according to the fee schedule set forth in the transportation impact fee chapter.

I. At the time Subsection 20C.100.040(30)(b) was adopted, an error was made in stating the formula to be used for determining new vehicle miles traveled. The error has the effect of requiring the actual new vehicle miles traveled to be divided by two, thus cutting in half the actual figure and resulting in an erroneous impact fee.

J. Unless the error is corrected, fee payers opting to use the formula will pay only half of the impact fees which would otherwise be applicable and which have been assumed in the City's Transportation Facility Plan for the developer funded portion of that Plan.

K. Ordinance No. 1940, passed by the City Council on June 3, 1997, corrected the problems with the definitions and the impact fee formula by enacting emergency interim regulations. Subsections 20C.100.020(z) and (aa) were amended to read as follows:

(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, passing through a roadway intersection, or entering or leaving a development. The peak hour typically takes place between 4:00 p.m. and 6:00 p.m. on a work day.

(aa) PEAK HOUR TRIPS: Total vehicular trips entering and leaving a development project during the consecutive sixty (60) minute period between 4:00 p.m. and 6:00 p.m. which experiences the highest sum of traffic volumes entering or leaving the development. This typically corresponds to the definition of "peak hour of the generator" 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.

L. Ordinance No. 1940 amended the formula set forth near the end of Subsection 20C.100.040(30)(b)(3) to read as follows:

$$\text{NEW VEHICLE MILES TRAVELED} = \text{Trip Generation Rate} \\ \times \% \text{ New Trips} \times \text{Average Trip Length}$$

M. As required by RCW 36.70A.390, Ordinance No. 1940 set July 15, 1997 as the date for a public hearing at which the Council would adopt findings to justify the interim regulations and either continue the interim regulations further or adopt permanent regulations to replace them.

N. Because of the need to provide the Department of Community, Trade and Economic Development (DCTED) with 60 days notice of the adoption of any permanent control, as required by RCW 36.70A.106, the City Council is unable to finally adopt the interim regulations enacted by Ordinance No. 1940 and must therefore continue the same pending expiration of the notice requirement and presentation and passage of an ordinance finally adopting the same.

O. The Council finds that the same emergent conditions as existed at the time of passage of Ordinance No. 1940 continue to exist and that the interim regulations must be continued in order to avoid serious funding problems with the City's Transportation Facility Plan.

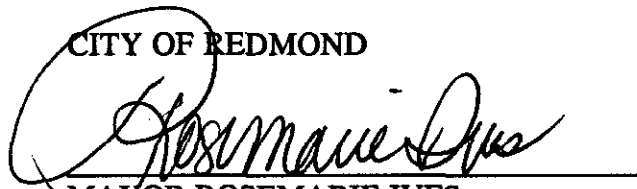
P. The Council finds that the emergent conditions justify the continuation of the interim regulations adopted by Ordinance No. 1940 pending enactment of final regulations on the same subject. The interim regulations should be continued.

Section 2. Continuation of Interim Regulations. The interim amendments to the definitions of "peak hour" and "peak hour trips" set forth in Subsections 20C.100.020(z) and (aa) of the Redmond Municipal Code and Community Development Guide, and the interim clarification of the impact fee formula contained in Subsection 20C.100.040(30)(b)(3), all as adopted by Ordinance No. 1940 and as set forth in Findings K and L above, shall remain in full force and effect until December

3, 1997 or until final adoption of the interim regulations as permanent controls, whichever is sooner.

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.

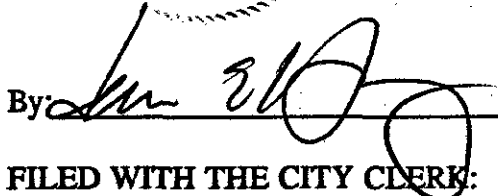
Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By 

FILED WITH THE CITY CLERK:	July 7, 1997
PASSED BY THE CITY COUNCIL:	July 15, 1997
SIGNED BY THE MAYOR:	July 15, 1997
PUBLISHED:	July 19, 1997
EFFECTIVE DATE:	July 24, 1997
ORDINANCE NO. <u>1943</u>	