

00020.190.061
/jeh
03/17/98
Rev. 5/11/98

ORDINANCE NO. 2057

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING A NEW SECTION 20D.210.10-125 TO THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO AUTHORIZE COLLECTION OF TRANSPORTATION IMPACT FEES FOR COUNTY TRANSPORTATION FACILITIES PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF REDMOND AND KING COUNTY, PROVIDING EXEMPTIONS, ESTABLISHING PROCESSES FOR REFUNDS AND APPEALS, AND PROVIDING FOR THE USE OF SUCH FUNDS.

WHEREAS, RCW 82.02.050 - 82.02.100 authorize the City of Redmond and King County to impose impact fees for development activities within their respective jurisdictions, and

WHEREAS, developments in the County often have impacts upon City transportation facilities and developments in the City often have impacts on County transportation facilities, and

WHEREAS, the City and the County have entered into an Interlocal Agreement providing for the reciprocal collection of transportation impact fees and under which the parties have agreed to collect impact fees for developments within their respective jurisdictions which have impacts on transportation facilities within the other jurisdiction, and

WHEREAS, the City desires to adopt enabling legislation specifically recognizing the ability of the City to collect the County impact fees, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,

HEREBY ORDAINS AS FOLLOWS:

Section 1. Collection of County Impact Fees. A new Section 20D.210.10-125 is hereby added to the Redmond Municipal Code and Community Development Guide to read as follows:

20D.210.10-125 Impacts to County Transportation Facilities.

(1) Collection of Fees. In addition to the Transportation Impact Fees established and collected under RCDG 20D.210.10-110 or RCDG 20D.210.10-120, the City shall collect impact fees for those King County transportation facilities identified in the most current list of County growth-related projects adopted by the City, PROVIDED, that such fees shall be collected only during the term of any interlocal agreement between the City and the County providing for the reciprocal collection of each other's impact fees.

(2) Fee Imposed.

(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, in addition to the impact fee provided in RCDG 20D.210.10-110 or RCDG 20D.210.10-120, a fee for impacts to King County transportation facilities as set forth in this Section.

(b) No new development permit for any activity requiring payment of any impact fee under this Section 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 under this Section, shall be granted unless the transportation impact fee hereby required has been paid.

(3) Computation of Fees - Fee Schedule. The City will calculate impact fees for County transportation facilities in accordance with the County methodology described in King County Code Chapters 14.65 and 14.75 ("the County MPS System"), as the same now exist or as the same may be amended

or superseded, and development impact data supplied by the County and City. The impact fee so calculated shall be referred to as the County MPS Fee for purposes of this Section.

(4) Payment of Fees. The fee payer shall pay the County MPS Fee required by this Section to the Director or her designee prior to the issuance of a building permit consistent with a development approval.

(5) County MPS Fee Account. There is hereby established a separate County MPS Fee account into which all fees collected pursuant to this Section shall be deposited. The account shall be interest bearing and the funds deposited in the account shall be disbursed only as provided in this Section.

(6) Use of Funds - Transfer to County.

(a) The City will transfer the principal amount of all County MPS Fees collected by the City to the County at such intervals as may be provided in the interlocal agreement. The City will retain all interest earned on the funds collected for the County MPS Fees while the same remain in the City's accounts in order to compensate the City for its handling of the funds. The City will not pay interest to the County on such fees.

(b) All funds transferred to the County under this Section shall be expended or encumbered by the County within six (6) years after the date of collection and may only be so expended or encumbered for County transportation facilities which reasonably benefit the new development which paid said fees. In the event that the County does not so expend or encumber the fees within the six year period, the County will return such fees to the City, unless the County Council makes a written finding pursuant to RCW 82.02.070(3) that there exists an extraordinary or compelling reason for the fees to be held longer than six years.

(7) Refund of Fees Paid. Fee payers may apply for refunds of County MPS Fees collected pursuant to this Section in the same manner and for the same reasons as are set forth in RCDG 20D.210.10-170 with respect to impact fees related to City transportation facilities.

(8) Exemptions. Those development activities which are exempt from the payment of transportation impact fees under the County's MPS system shall be exempt from the payment of impact fees under this Section.

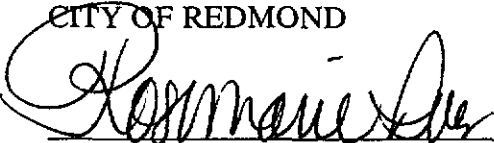
(9) Adjustments. Pursuant to RCW 82.02.060(4) and (5), the County MPS Fees collected under this Section may be adjusted based upon unusual circumstances or based upon studies and data provided by developers of individual projects. Such adjustments shall be made utilizing the process and criteria described in RCDG 20D.210.10-120.

(10) Credits. Those fee payers who are entitled to credits against impact fees under the County MPS System shall be entitled to credits against the County MPS Fees imposed under this Section.

(11) Payments Under Protest and Appeals. Impact fees paid under this Section may be paid under protest in order to obtain a building permit or other approval or permit. Determinations made by the Director pursuant to this section may be appealed as specified in RCDG 20D.210.10-200 and 20D.210.10-220.

Section 2. 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.

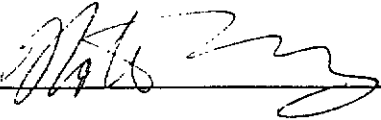
Section . Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



FILED WITH THE CITY CLERK:	December 10, 1999
PASSED BY THE CITY COUNCIL:	December 14, 1999
SIGNED BY THE MAYOR:	<i>December 22, 1999</i>
PUBLISHED:	December 18, 1999
EFFECTIVE DATE:	December 23, 1999
ORDINANCE NO. <u>2057</u>	