

CITY OF REDMOND
ORDINANCE NO. 2587 (AM)

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, ADOPTING RMC CHAPTER 3.10,
IMPACT FEES, RELATING TO IMPACT FEES FOR
TRANSPORTATION, PARKS, FIRE, AND SCHOOLS

WHEREAS, as part of the City's rewrite of its development regulations, the Redmond City Council has determined to move its impact fee regulations from existing RCDG Chapters 20D.60 and 20D.210 to a new RMC Chapter 3.10, Impact Fees.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Adoption of Chapter. RMC Chapter 3.10, Impact Fees, is hereby added to read as follows:

Chapter 3.10 IMPACT FEES

Sections:

- 3.10.010 Purpose.
- 3.10.020 Authority.
- 3.10.030 Definitions.
- 3.10.040 Service areas.
- 3.10.050 Payment of impact fees required.
- 3.10.060 Exemptions from the requirement to pay impact fees.
- 3.10.070 Exemptions from the requirement to pay fire, park, and school impact fees for low and moderate income housing. [RESERVED]

- 3.10.080 Calculation of park, fire, and school impact fees using adopted impact fee schedules.
- 3.10.090 Formula for determining fire, park, school, and transportation impact fees.
- 3.10.100 Calculation of transportation impact fees using adopted impact fee schedule.
- 3.10.110 Impact fees for King County transportation facilities.
- 3.10.120 Computing impact fees based on independent fee calculation studies.
- 3.10.130 Credits and adjustments to required impact fee payments.
- 3.10.140 Payments under protest and appeals.
- 3.10.150 Impact fee accounts and disbursements for fire, park, and transportation impact fees.
- 3.10.160 Impact fee accounts and disbursements for school impact fees.
- 3.10.170 Refund of fire, park, and transportation impact fees.
- 3.10.180 Refund of school impact fees.
- 3.10.190 Annual impact fee report.
- 3.10.200 Periodic review of fee schedules.

3.10.010 Purpose.

(A) The purpose of this chapter is to implement the Capital Facilities Element of the Redmond Comprehensive Plan and the Growth Management Act by:

(1) Ensuring that adequate fire, park, school, and transportation facilities are available to serve new development;

(2) Maintaining the high quality of life in Redmond by requiring that new development bear a proportionate share of the cost of capital facilities necessary to support planned land uses and does not

decrease the level of service available to existing residents and businesses.

(3) Allowing recovery of the cost of completed fire, park, school, and transportation facilities to the extent that new growth is served by those facilities.

3.10.020 Authority.

This chapter is adopted under the authority of RCW 82.02.050(2), which authorizes cities planning under the Growth Management Act to assess, collect, and use impact fees to pay for fire, park, transportation, and school facilities needed to accommodate growth.

3.10.030 Definitions.

(A) General Definitions. As used in this chapter, terms that are defined in RCW 82.02.090 shall have the meanings set forth in that statute.

(B) Administrator. As used in this chapter, the term "Administrator" means the Director of Planning and Community Development, or designee.

(C) Land Uses in Impact Fee Schedules. The land use categories set forth in the fire, park, and school impact fee schedules adopted in Section 3.10.080 are defined as follows:

(1) "Dwelling unit" means a single unit providing complete, independent living facilities for not more than one family and permitted roomers and boarders, including permanent provisions for living, sleeping, eating, cooking and sanitation. A mobile home, manufactured home, modular home, apartment, condominium, townhouse, single-family attached or detached house, or accessory dwelling unit is considered to be a dwelling unit;

(2) "Multi-Family dwelling unit" means a dwelling unit within a building which accommodates two or more families in individual, primary dwelling units. The term includes those dwelling units commonly known as flats, apartments, and condominiums;

(3) "Single-Family dwelling unit" means a dwelling unit within a building designed for occupancy by one family on an individually owned lot. The term includes both "attached" dwelling units, i.e., where the building in which the dwelling unit is located abuts one or more lot lines and shares a common wall with an adjacent dwelling unit, and "detached" dwelling units, i.e., dwelling units within detached buildings surrounded by open space and yards;

(4) "Manufacturing" means those facilities or structures that house uses that have 2007 North American Industrial Classification System (NAICS) classifications of Sectors 23, 31-33, 42, and 48-49, and warehouses as defined in the Redmond Zoning Code;

(5) "Office" means:

(a) A structure, room, or series of rooms where the affairs of a business, professional person, or branch of government area carried out; or

(b) Land or structures that house uses that have 2007 NAICS classifications of Sectors 52-56.

(c) Uses which would be primarily classified as one of the other uses defined in this section shall not be classified as office uses.

(6) "Retail" means land or structures that house uses that have 2007 NAICS classifications of Sectors 44-45.

(D) Land Uses in Transportation Impact Fee Schedule. The land use categories set forth in the Transportation Impact Fee Schedule adopted in RMC 3.10.100 and the King County Transportation Impact Fee Schedule in RMC 3.10.110 are defined as follows:

(1) "Administrative office building" means a building that houses one or more tenants and is the

location where affairs of a business, commercial or industrial organization, professional person or firm are conducted. The building or buildings may be limited to one tenant, either the owner or lessee, or contain a mixture of tenants including professional services, insurance companies, investment brokers, and company headquarters. Services such as a bank or savings and loan, a restaurant or cafeteria, miscellaneous retail facilities, and fitness facilities for building tenants may also be included.

(2) "Bank/Savings and Loan" means a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

(3) "Car sales (new and used)" means a facility at which cars, trucks and other light vehicles are offered for sale. Such facilities are generally located as strip development along major arterial streets which already have a preponderance of commercial development. Generally included are auto services and parts sales along with a sometimes substantial used-car operation. Some dealerships also

include leasing activities and truck sales and servicing.

(4) "Car wash" means a manual operation where the driver parks and washes the vehicle in a stall, or an automated facility for the same purpose.

(5) "Church" means a building providing public worship facilities. A church generally houses an assembly hall or sanctuary, meeting rooms, classrooms, and occasionally dining facilities.

(6) "Congregate care/assisted living" means one or more multi-unit buildings designed for the elderly or those who are unable to live independently due to physical or mental handicap. Facilities may contain dining rooms, medical facilities, and recreational facilities.

(7) "Convenience store" means a use which combines retail food sales with fast foods or take-out food service; generally open long hours or 24 hours a day.

(8) "Day care" means a facility for the care of infant and preschool age children during the daytime hours. A day care generally includes classrooms, offices, eating areas, and a playground.

(9) "Discount/department store" means a freestanding store with off-street parking. A discount/department store usually offers centralized cashiering and a wide range of products. Often is the only store on a site, but can be found in mutual operation with its own or other supermarkets, garden centers and service stations, or as part of community-sized shopping centers.

(10) "Elementary school" means an educational institution that serves students between the kindergarten and high school levels.

(11) "Fast food and take-out restaurant" means an eating establishment which offers quick food service and a limited menu of items. Food is generally served in disposable wrappings or containers, and may be consumed inside or outside the restaurant building. Usually has a drive-up window.

(12) "Furniture store" means a store that specializes in the sale of furniture and carpeting. The stores are generally large and include storage areas.

(13) "Health club/racquet club" means privately owned facilities with tennis courts, swimming pools, racquet ball courts, handball courts,

other minor gymnastic facilities. A health club/racquet club features exercise, sports, and other active physical conditioning, as well as a broader range of services such as juice bars and meeting rooms.

(14) "High school" means an educational institution that typically serves ninth, tenth, eleventh, and twelfth grade students.

(15) "High turnover restaurant" means a sit-down eating establishment where customers generally stay less than one hour. High turnover restaurants are usually moderately priced and frequently belong to chains. Such restaurants are sometimes open 24 hours per day and usually serve breakfast, lunch, and dinner. Such restaurants generally do not have a drive-up window.

(16) "Hospital" means a building or buildings designed for the medical, surgical diagnosis, treatment and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes and clinics are not included.

(17) "Hotel/motel" means a place of lodging providing sleeping accommodations, restaurants,

cocktail lounges, meeting and banquet rooms or convention facilities.

(18) "Industrial park/research and development" means areas containing a number of industrial or related facilities. They are characterized by a mix of manufacturing, service and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities, some with a large number of small businesses and others with one or two dominant industries. Research centers are facilities or groups of facilities devoted nearly exclusively to research and development activities. While they may also contain offices and some light fabrication areas, the primary function is that of research and development.

(19) "Library" means a public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

(20) "Light industrial/manufacturing" means a facility where the primary activity is the conversion of raw materials or parts into finished products. Such uses generally also have offices and associated functions. Typical light industrial uses

are printing plants, material testing laboratories, assemblers of data processing equipment, and power stations.

(21) "Medical office/clinic" means a facility which provides diagnoses and outpatient care on a routine basis but which is unable to provide prolonged in-house medical/surgical care. A medical office is generally operated by either a single private physician/dentist or a group of doctors and/or dentists.

(22) "Miscellaneous retail" means a store which sells retail goods to the ultimate consumer for direct consumption and not for resale.

(23) "Movie theater" means a facility that consists of audience seating, one or more screens and auditoriums, and a lobby and refreshment stand.

(24) "Nursing home" means a facility whose primary function is to provide chronic or convalescent care for persons who by reason of illness or infirmity are unable to care for themselves. The term "nursing home" applies to rest homes, chronic care, and convalescent homes.

(25) "Post office" means a facility that houses service windows for mailing packages and

letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

(26) "Restaurant" means an eating establishment with turnover rates generally of at least one hour or longer. Generally does not serve breakfast and may or may not serve lunch.

(27) "Retirement community" means residential units similar to apartments or condominiums, restricted to adults or senior citizens.

(28) "Service station with minimart" means a facility which combines elements of a convenience store and a gas station. Convenience food items are sold along with gasoline and other car products; gas pumps are primarily or completely self-service.

(29) "Service station without minimart" means a facility used for the sale of gasoline, oil, and lubricants. Such uses may include areas for servicing, repairing, and washing vehicles.

(30) "Shopping center" means an integrated group of commercial establishments which is planned, developed, owned, or managed as a unit. Shared on-site parking facilities are provided, and administrative office areas are usually included.

(31) "Supermarket" means a retail store which sells a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

(32) "Warehousing/storage" means facilities which are primarily devoted to the storage of materials. They may also include office and maintenance areas.

3.10.040 Service areas.

For purposes of the park, fire, and transportation impact fees established by this chapter, all land within the boundaries of the City shall be considered a single service area. For purposes of the school impact fees established by this chapter, all land within the boundaries of the Lake Washington School District shall be considered a single service area and the City shall impose impact fees within that portion of the District lying within City boundaries.

3.10.050 Payment of impact fees required.

(A) Any person who applies for a permit to undertake any development activity as defined in the Redmond Zoning Code shall pay the park fire, school,

and transportation impact fees required by this chapter.

(B) Impact fees for individually permitted single-family attached or detached residential construction shall be paid prior to drywall or sheetrock inspection consistent with a building permit approval. After November 28, 2011, impact fees for individually permitted single-family attached or detached residential construction shall be paid at the time of building permit issuance. Impact fees for all other development types shall be paid prior to the issuance of a building permit consistent with a development approval. The provisions of this section shall govern the timing of payment of all impact fees established by this chapter.

(C) Where a building permit is not required for the development activity, the impact fees shall be paid prior to issuance of the permit that authorizes the development activity. No permit shall be issued for any activity not requiring a building permit unless and until all impact fees are paid.

(D) All impact fees shall be paid to the City of Redmond Finance Department or the Department's designee or successor.

3.10.060 Exemptions from the requirement to pay impact fees.

(A) The following development activities are exempt from the requirement to pay some or all of the fire, park, school, and transportation impact fees required by this chapter:

(1) Accessory dwelling units approved by the City under Redmond Zoning Code Section 21.08.220, Accessory Dwelling Units, or its successor, are exempt from the payment of all impact fees.

(2) The alteration, reconstruction, remodeling, or replacement of existing buildings or structures, including mobile homes or manufactured homes, shall be exempt from the requirement to pay all impact fees, provided that all of the following conditions are met:

(a) For nonresidential structures or the nonresidential portion of mixed-use structures, no additional gross floor area may be added;

(b) For residential structures or the residential portion of mixed-use structures, no additional dwelling units may be added;

(c) For all structures, the alteration, reconstruction, remodeling, or replacement

must create no additional demand on fire, park, school, or transportation systems;

(d) For all structures, no change in use may be proposed; and

(e) For replacement structures, the structure being replaced must have been demolished or moved outside the boundaries of the City of Redmond.

(3) The construction of accessory structures where no additional fire, park, school or transportation demand will occur over and above that produced by the principal building or use of the land shall be exempt from the requirement to pay all impact fees.

(4) Parking garages and building space that are constructed solely to park motor vehicles that are not for sale, lease or rent, or part of a stock in trade are exempt from the requirement to pay all impact fees. The conversion of parking garages or vehicle parking areas exempted by this subsection to other uses requires the payment of impact fees.

(5) Temporary uses and structures authorized by Chapter 21.46 of the Redmond Zoning Code, Temporary Uses, or its successor, are exempt from the requirement to pay all impact fees.

(6) Where a fee has previously been paid for the development activity under the State Environmental Policy Act (SEPA) for all of the system improvements for which impact fees are imposed by this chapter, the development activity shall be exempt from the payment of all impact fees pursuant to RCW 82.02.100. Where a fee previously paid for the development activity under SEPA does not cover all system improvements for which an impact fee is imposed under this chapter, an impact fee credit shall be given to ensure that the City is not collecting both SEPA and impact fees for the same system improvements.

(7) Development activity undertaken by the City of Redmond shall be exempt from the payment of all impact fees in consideration for the City's contribution toward fire, park, and transportation system improvements from the City's other funds and in recognition of the lack of impact from City development activities on the school system.

(B) Development activity that is not exempt from the requirement to pay all impact fees may qualify for impact fee credits or adjustments pursuant to RMC 3.10.130.

3.10.070 Exemptions from the requirement to pay fire, park, and school impact fees for low and moderate income housing.

[RESERVED]

3.10.080 Calculation of park, fire, and school impact fees using adopted impact fee schedules.

(A) Method of Calculation. All park, fire, and school impact fees shall be calculated using the schedules set forth in this section, except where an independent fee calculation study has been prepared and approved as provided in RMC 3.10.120.

(1) When using the impact fee schedules set forth in this section, the park, fire, and school impact fees shall be calculated by using the following formula:

Number of units of each use	x	Impact Fee Amount for a facility type	=	Amount of Impact Fee that shall be paid for that facility type for that use
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(2) The number of units of each use determined as follows: (i) for residential uses it is the number of housing units for which a building permit application has been made and (ii) for office, retail, or manufacturing uses it is the gross floor area of building(s) to be used for each use expressed in square feet divided by 1,000 square feet. If uses

other than parking vehicles which do not constitute a stock in trade and uses accessory to residences will take place outside of buildings, the calculations shall include the land area on which these uses will take place.

(3) Using the formula in subsection (A)(1) of this section, park, fire, and school impact fees shall be calculated separately for each use and each facility type. The total impact fees that shall be paid for any development are the sum of these calculations.

(4) If a development activity will include more than one use in a building or site, then the fee shall be determined using the above schedule by apportioning the space committed to the various uses specified on the schedule.

(5) If the type of use or development activity is not specified on the impact fee schedules in this section, the Administrator shall use the park, fire, or school impact fee applicable to the most comparable type of land use on the fee schedules. The Administrator shall be guided in the selection of a comparable type by the most recent Standard Industrial Code Manual and the Redmond Zoning Code. If the

Administrator determines that there is no comparable type of land use on the above fee schedule, then the Administrator shall determine the proper fee by considering demographic or other documentation which is available from state, local, and regional authorities.

(6) In the case of a change in use, development activity, redevelopment, or expansion or modification of an existing use, the park, fire, or school impact fee shall be based upon the net positive increase in the impact fee for the new development activity as compared to the previous development activity. The Administrator shall be guided in this determination by the sources and agencies listed above.

(B) Fire Impact Fee Schedule. The following fire impact fees shall be paid for each unit of use or development:

Land Use	Units	Impact Fee That Shall Be Paid per Unit
Single-family residences (including mobile homes and detached single-family manufactured homes)	1 housing unit	\$125.02

Multi-family residences	1 housing unit	\$176.85
Offices	1,000 square feet of gross floor area	\$146.36
Retail trade	1,000 square feet of gross floor area	\$168.72
Manufacturing	1,000 square feet of gross floor area	\$17.28

Note 1: Land uses are defined in RMC 3.10.030, Definitions. Amendments to this fee schedule shall be adopted by the City Council by ordinance.

Note 2: Fire impact fees may be indexed to allow for a fee adjustment each January 1. The January 1 adjustment to the fire impact fees shall be determined by calculating changes in the Consumer Price Index over the three consecutive 12-month September 1 to August 31 time periods immediately prior to January 1, or the closest three consecutive 12-month time periods immediately prior to January 1.

(C) Park Impact Fee Schedule. The following park impact fees shall be paid for each unit of use or development:

Land Use	Units	Impact Fee That Shall Be Paid per Unit
Single-family residences (including mobile homes and detached single-family manufactured homes)	1 housing unit	\$3,040.24
Multi-family residences	1 housing unit	\$2,443.93
Offices	1,000 square feet of gross floor area	\$1,034.67
Retail trade	1,000 square feet of gross floor area	\$453.56
Manufacturing	1,000 square feet of gross floor area	\$458.49

Note 1: Land uses are defined in RMC 3.10.030, Definitions. Amendments to this fee schedule shall be adopted by the City Council by ordinance.

Note 2: Park impact fees may be indexed to allow for a fee adjustment each January 1. The January 1 adjustment to the park impact fees shall be determined by calculating changes in the average of the Building Cost Index and the Construction Cost Index (published by the Engineering News Record) over the three consecutive 12-month September 1 to August 31 time periods immediately prior to January 1, or the closest three consecutive 12-month time periods immediately prior to January 1.

(D) School Impact Fees. The following school impact fees shall be paid for each unit of use or development, provided, that such impact fees shall be imposed only so long as the City of Redmond and the Lake Washington School District remain parties to an interlocal agreement under which the City agrees to impose such fees. If the interlocal agreement is terminated for any reason, the City shall no longer collect school impact fees under this section.

Land Use	Units	Impact Fee That Shall Be Paid per Unit
Single-family residences (including mobile homes and detached single-family manufactured homes)	1 housing unit	\$2,750.00
Multi-family residences	1 housing unit	\$280.00

Note: School impact fees may be indexed each January 1, as determined by the City Council.

3.10.090 Formulas for determining fire, park, and school impact fees.

The impact fees per development unit set forth in RMC 3.10.080 and RMC 3.10.100 have been determined using formulas which meet the requirements of Chapter 82.02 RCW. The Administrator shall publish such formulas in administrative rules or user guides and make the same available for public inspection and copying during regular business hours.

3.10.100 Calculation of transportation impact fees using adopted impact fee schedule.

(A) Purpose. The City uses transportation impact fees from new development to fund a portion of the Transportation Facility Plan (TFP) consistent with the goals and policies of the Redmond Comprehensive Plan. The transportation improvements in the TFP are intended to maintain, provide, and improve mobility in Redmond.

(B) Method of Calculation. All transportation impact fees shall be calculated using the schedule set forth in subsection (C), except where an independent fee calculation study has been prepared and approved as provided in RMC 3.10.120.

(1) If a development permit is requested for a mixed-use development, 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, or modification of an existing development where there is no increase in building or developed area (i.e., no increase in the gross floor area or gross leasable area as applicable), and which requires the issuance of a development permit, the City shall not charge a transportation impact fee.

(4) For applications for a change in use, redevelopment or modification of an existing development, the applicant shall receive a credit for the existing development as provided in RMC 3.10.130 and shall pay impact fees on the changed use or

additional floor area or additional dwelling units as provided in that section.

(5) 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 type(s) of land use on the fee schedule. The Administrator shall be guided in this selection by the most appropriate technical and professional data. If the Administrator determines that there is no comparable type of land use on the applicable fee schedule, the Administrator shall determine the fee by:

(a) Using person trip generation data provided by City staff, the developer, and data contained in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers; and

(b) Applying the formula set forth in subsection (B)(1) of this section.

(C) Transportation Impact Fee Schedule. The following transportation impact fees shall be paid for each unit of use or development:

Fee Schedule		Cost per Unit
Land Uses	Standard of Measure ^{1,2,3}	Citywide ⁴
Cost per Person Mile of Travel (PMT)		\$2,506.73
Residential		
Single-Family	dwelling	\$6,912.22
Multiple-Family	dwelling	\$4,242.82
Retirement Community	dwelling	\$1,533.38
Nursing Home	bed	\$1,204.08
Congregate Care/Assisted Living	dwelling	\$930.84
Hotel/Motel	room	\$4,614.15
Commercial - Institutional		
Elementary School	student	\$875.79
High School	student	\$527.47
Church	sq. ft./GFA	\$4.77
Hospital	sq. ft./GFA	\$9.81
Commercial - Retail Shopping Center		
Up to 99,999 sq. ft.	sq. ft./GLA	\$12.10
100,000 - 199,999 sq. ft.	sq. ft./GLA	\$11.29
200,000 - 299,999 sq. ft.	sq. ft./GLA	\$10.18
300,000 sq. ft. and over	sq. ft./GLA	\$11.96
Commercial - Retail Freestanding Uses		
Bank/Savings and Loan	sq. ft./GFA	\$67.08
Car Sales - New/Used	sq. ft./GFA	\$18.99
Carwash	stall	\$11,266.13
Convenience Market	sq. ft./GFA	\$59.95
Day Care	sq. ft./GFA	\$38.65
Discount Store	sq. ft./GFA	\$13.02
Fast Food Restaurant	sq. ft./GFA	\$67.73
Furniture Store	sq. ft./GFA	\$0.92
Health Club/Racquet Club	sq. ft./GFA	\$18.41
Library	sq. ft./GFA	\$17.68
Miscellaneous Retail	sq. ft./GFA	\$9.35
Movie Theater	seat	\$267.24
Post Office	sq. ft./GFA	\$27.14

Restaurant	sq. ft./GFA	\$39.84
Service Station	fuel position	\$18,428.57
Service Station/Minimart	fuel position	\$13,343.00
Supermarket	sq. ft./GFA	\$32.18
Commercial - Administrative Office		
Up to 99,999 sq. ft.	sq. ft./GFA	\$17.95
100,000 - 199,999 sq. ft.	sq. ft./GFA	\$14.98
200,000 - 299,999 sq. ft.	sq. ft./GFA	\$13.10
300,000 sq. ft. and over	sq. ft./GFA	\$11.58
Medical Office/Clinic	sq. ft./GFA	\$26.18
Industrial		
Light Industry/Manufacturing	sq. ft./GFA	\$8.80
Industrial Park	sq. ft./GFA	\$7.73
Warehousing/Storage	sq. ft./GFA	\$4.21
Mini Warehouse	sq. ft./GFA	\$2.09

Notes:

¹ For uses with standard of measure in square feet, trip rate is given as trips per 1,000 square feet, and impact fee is dollars per square foot.

² GLA = Gross Leasable Area

³ GFA = Gross Floor Area

⁴ The portion of the impact fee charged to Redmond developments other than for single- and multiple-family dwellings is for mitigation of impacts on unincorporated King County transportation facilities, and shall be calculated based on a project-specific traffic model run using the King County Mitigation Payment System (MPS). See RMC 3.10.110, Impact Fees for King County Transportation Facilities.

Note 1: Land uses are defined in RMC 3.10.030, Definitions. Amendments to this fee schedule shall be adopted by the City Council by ordinance.

Note 2: Transportation impact fees may be indexed to allow for a fee adjustment each January 1. The January 1 adjustment to the transportation impact fees shall be determined by calculating changes in the Construction Cost Index (published by the Engineering News Record) over the three consecutive 12-month September 1 to August 31 time periods immediately prior to January 1, or the closest three consecutive 12-month time periods immediately prior to January 1.

3.10.110 Impact fees for King County transportation facilities.

(A) Collection of Fees. In addition to the transportation impact fees established under RMC 3.10.100, 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 reciprocal collection of each other's impact fees.

(B) Fee Imposed.

(1) 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 RMC 3.10.100, a fee for impacts to King County transportation facilities as set forth in this section.

(2) 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.

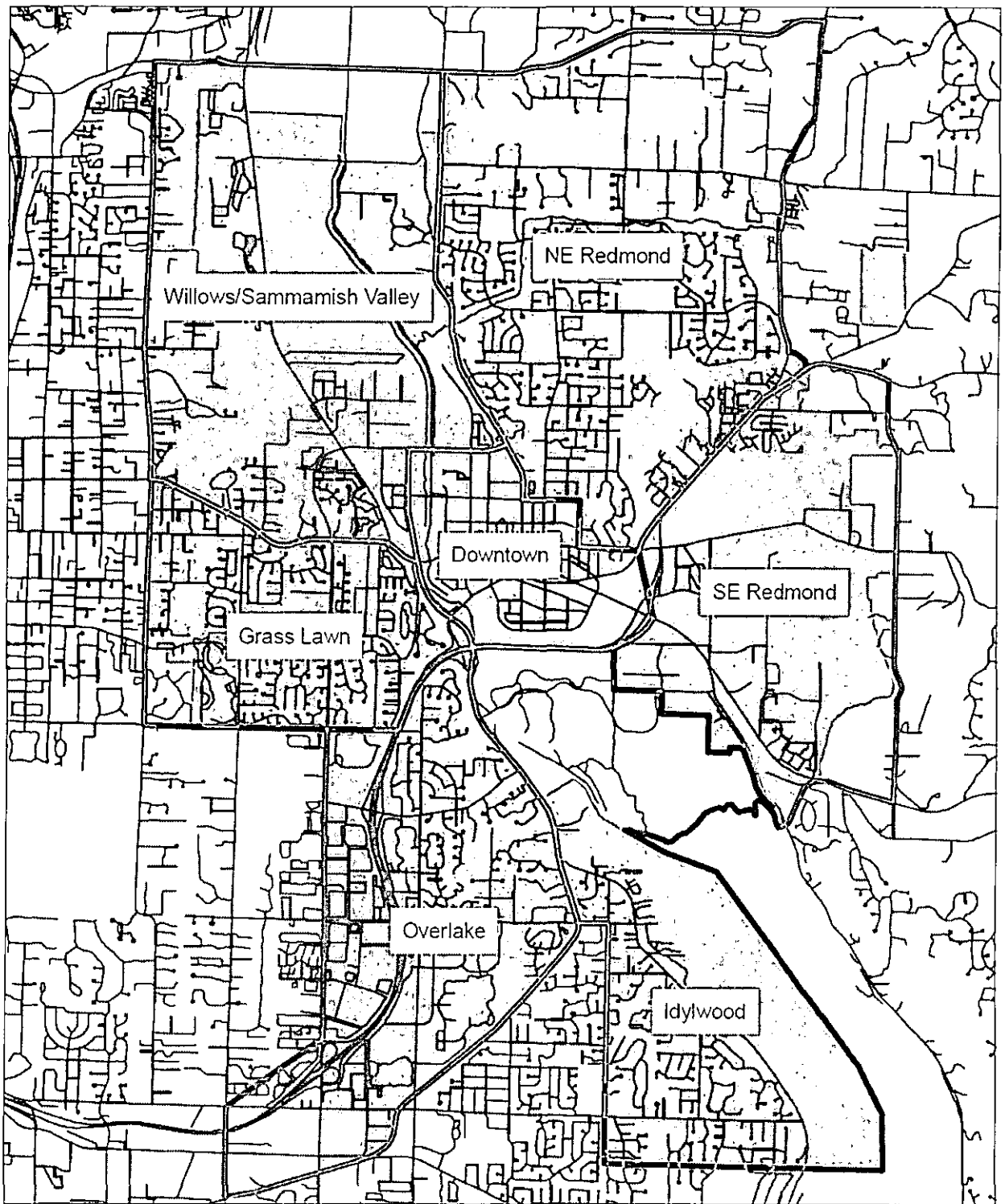
(3) No extension of a development permit issued prior to the effective date of this section, for any activity requiring payment of an impact fee under this section, shall be granted unless the transportation impact fee hereby required has been paid.

(C) Computation of Fees - Fee Schedule. The impact fees required to mitigate impacts on transportation facilities in unincorporated King County are as follows:



Land Uses	Standard of Measure	Impact Fee						
		Area 1 Downtown	Area 2 Ed Hill	Area 3 Willows/ SV	Area 4 Grass Lawn	Area 5 Overlapse	Area 6 Idylwood	Area 7 SE Redmond
Single-Family King County	Dwelling	\$757.00	\$1,400.00	\$601.00	\$123.00	\$425.00	\$254.00	\$1,086.00
Multiple-Family King County	Dwelling	\$454.20	\$786.51	\$360.00	\$73.80	\$255.00	\$152.40	\$651.60

Note: The transportation impact fee charged to Redmond developments other than single- and multiple-family dwellings for mitigation of impacts on unincorporated King County transportation facilities shall be calculated based on a project-specific model run using the King County Mitigation Payment System (MPS).


(D) The areas referenced in subsection (C) above are depicted in the following map:

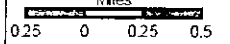


LEGEND

-  Area
-  City of Redmond

Impact Fee Areas for Calculation of Fees for Impacts to Facilities in Unincorporated King County


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Miles

 0.25 0 0.25 0.5

Updated: 2/16/2011

(E) Payment of Fees. The fee payer shall pay the County MPS Fee required by this section to the Administrator, or the Administrator's designee, prior to the issuance of a building permit consistent with a development approval.

(F) 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.

(G) Use of Funds - Transfer to County.

(1) 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.

(2) All funds transferred to the County under this section shall be expended or encumbered by the County within six 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.

(H) 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 RMC 3.10.170 with respect to impact fees related to City facilities.

(I) 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.

(J) 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 RMC 3.10.130.

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

(L) 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 Administrator pursuant to this section may be appealed as specified in RMC 3.10.140.

3.10.120 Computing impact fees based on independent fee calculation studies.

(A) As an alternative to payment of impact fees as provided in the schedules set forth in this chapter, any person required to pay impact fees may request that such fees be calculated according to an independent fee calculation study submitted by such person and approved by the Administrator as provided in this section. A person required to pay impact fees may submit an independent fee calculation study for one or more impact fees and use the impact fee schedules in this chapter for one or more impact fees.

(B) All independent fee calculation studies shall be submitted to the Administrator for review and approval. The study shall be accompanied by the fee set by City Council resolution for the review of such studies.

(C) The independent fee calculation study shall meet the following standards:

(1) The study shall follow accepted impact fee assessment practices and methodologies.

(2) The study shall use acceptable data sources, and the data shall be comparable with the uses and intensities proposed for the proposed development activity.

(3) The study shall comply with the applicable State laws governing impact fees, including but not limited to, RCW 82.02.060 or its successor.

(4) The study, including any data collection and analysis, shall be prepared and documented by professionals qualified in their respective fields.

(5) The study shall show the basis upon which the independent fee calculation was made.

(D) The Administrator shall consider the study and documentation submitted by the person required to

pay the impact fees, but is not required to accept the study if the Administrator decides the study is not accurate or reliable. The Administrator may, in the alternative, require the person submitting the study to submit additional or different documentation for consideration. If the Administrator decides that outside experts are needed to review the study, the applicant shall be responsible for paying for the reasonable cost of a review by outside experts. If an acceptable independent fee calculation study is not presented, the person shall pay the impact fees based upon the process and schedules in RMC 3.10.080, RMC 3.10.100, and RMC 3.10.110. If an acceptable independent fee calculation study is presented, the Administrator may adjust the fee to that appropriate to the particular development activity.

3.10.130 Credits and adjustments to required impact fee payments.

(A) Credits. Required impact fees shall be reduced by the following credits, where they apply:

(1) Credit for Conveyance of Land for and/or Construction of Improvements. Whenever a development approval is conditioned upon a developer's conveyance of land for and/or construction of

specified system improvements, the developer shall be entitled to a credit against the impact fee that would be imposed for the value of the land or property interest conveyed and/or the actual cost of construction.

(a) The land value or cost of construction shall be estimated at the time of development approval and shall be based on acceptable evidence and documentation. The evidence and documentation shall be reviewed and, if acceptable, approved by the Administrator. When land is proposed for conveyance, the person required to pay impact fees shall present property appraisals prepared by qualified professionals. If construction costs are estimated, the documentation shall be confirmed after the construction is completed to assure that an accurate credit amount is provided.

(b) The amount of the credit shall be equal to the fair market value of the land conveyed and/or the actual cost of the system improvement constructed, provided that:

(i) The amount of credit granted shall not exceed the impact fee amount allocated by the City toward that cost of the improvement;

(ii) The amount of credit granted shall not exceed the amount of the impact fee the developer is required to pay; and

(iii) If the land value or construction cost is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee for the facility for which the land, system facilities, or improved system facilities were provided.

(c) No credit shall be given for project improvements or for land or right-of-way devoted to project improvements. In certain cases a system improvement may function as a project improvement. Where a system improvement functions as a project improvement, the person who is required to pay impact fees shall only receive a credit for the amount of the improvement that functions as a system improvement.

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

(i) The construction, dedication or implementation 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.

(e) Credit may be provided before completion of specified system improvement(s) if adequate assurances are given by the applicant that the standards set out in subsection (A)(1)(d) of this section will be met and if the developer posts a performance assurance device as provided below for the costs of such construction. The Administrator shall determine:

(i) The performance assurance amount; and

(ii) The form of the performance assurance, such as a performance bond, irrevocable letter of credit, or escrow agreement.

(f) If the system improvement(s) will not be constructed, dedicated or implemented within one year of the acceptance of the offer by the Administrator, the amount of the performance assurance shall be increased by 10 percent compounded for each year of the life of the performance assurance. The revised performance assurance shall be reviewed and approved by the Administrator prior to acceptance of the performance assurance by the Administrator. If the system improvement(s) is not to be completed or implemented within five years of the date of the fee payer's offer, the City Council must approve the system improvement(s) and its scheduled completion date prior to the acceptance of the offer by the Administrator.

(2) Credit for Park, Recreation, Open Space of Trail Facilities. If a development activity includes park, recreation, open space or trail facilities which meet the requirements of this subsection (A)(2), then the applicant shall be entitled to a credit for that portion of the park, recreation, open space or trail facilities impact fee to be used for that park, recreation, open space or trail facility type to the extent that the park,

recreation, open space or trail system satisfies the needs of the occupants of the development activity or the public.

(a) The credit shall equal:

(i) The reduction in demand by occupants of the development on the City's park, recreation, open space or trail system, that is met by the facility.

(ii) The reduction in demand by the general public on the City's park, recreation, open space or trail system, that is met by the facility, if the facility is open to the general public and signs at the facility notify the public that they can use the facility. To be eligible for the credit in this subsection, the facility shall be located in an area which, based upon adopted level-of-service standards, is lacking in needed park, recreation, open space or trail facilities. Credit under this subsection (A)(2) shall not be given for the portion of any facility which provides a higher level-of-service than that set by the level-of-service standard for that facility.

(b) The park, recreation, open space or trail facilities shall meet all of the following criteria to be eligible for a credit:

(i) The area or facility shall function as a system improvement and not a project improvement as defined by this chapter, either because it is a system improvement or because it is a project improvement which relieves demand on the City's park, recreation, open space or trail system.

(ii) The facilities shall be equivalent to Redmond's adopted standards for park, recreation, open space or trail facilities.

(iii) The park, recreation, open space or trail shall be large enough to function as that type of park, recreation, open space or trail system to obtain a credit.

(iv) The City may require that legally binding conditions be recorded in the real property records providing that the facility shall be used by the facility's occupants or the general public. If these facilities are closed or converted to another use, the amount of the credit in current dollars shall be paid to the Redmond Finance

Department or its designee or successor before the facilities are closed or converted.

(3) Credit for Existing Development - Expansion. Whenever the alteration, reconstruction, remodeling, or replacement of existing buildings or structures results in additional gross floor area or additional dwelling units, the applicant shall receive a credit for the existing buildings or structures and an impact fee shall be paid only for the additional gross floor area or additional dwelling units. The impact fee shall be based upon the net increase in the number of units of development or portion thereof associated with the additional gross floor area or additional dwelling unit over the number of units associated with the existing gross floor area or dwelling units. The fee shall be calculated using the fee schedules set forth in RMC 3.10.080, 3.10.100, and 3.10.110 unless an independent fee calculation study is submitted and approved as provided in RMC 3.10.120.

(4) Transportation Impact Fee Credit upon Change of Use. Except where exempt as provided below, whenever the use of an existing building, structure, or parcel of land is changed in such a manner as to result in thirty or more net new p.m. peak hour

vehicle trips over those generated by the existing use, the applicant shall receive a credit for the existing use of the building, structure, or portion of land and a transportation impact fee shall be paid for the additional or changed use. The impact fee shall be based upon the net increase in person miles traveled associated with the changed use over the person miles traveled associated with the existing use. The impact fee shall be calculated using the fee schedule set forth in RMC 3.10.100 unless an independent fee calculation study is submitted and approved as provided in RMC 3.10.120.

(a) The following changes in land use shall be exempt from the requirement to pay an impact as provided above:

(i) Changes in land use occurring as the result of a change in tenants of a mixed-use shopping center.

(ii) Changes in land use occurring within a multi-building development occupied entirely by a single owner or single tenant, or changes occurring as the result of a lease or sublease within such a development from the single owner or single tenant to another business that provides services only

to the single owner or single tenant or its employees at that location.

(iii) Changes in land use occurring within a single building occupied entirely by a single owner or tenant, or changes occurring as the result of a lease or sublease within such building from the single owner or single tenant to another business that provides services only to the single owner or single tenant at that location.

(5) Transportation Impact Fee Credit for Vacant Structures. Whenever any existing building or structure or portion thereof for which an impact fee was not paid shall be vacant for a period of one year or more, any subsequent alteration, reconstruction, remodeling, or replacement shall require the payment of an impact fee for the entire building or structure without credit for existing gross floor area or dwelling units provided, that vacant single-family dwelling units as defined in RMC 3.10.030(C)(3) shall be exempt from this requirement. The fee shall be calculated using the fee schedule set forth in RMC 3.10.100 unless an independent fee calculation study is submitted and approved as provided in RMC 3.10.120.

(B) Adjustments. The Administrator may adjust the required impact fees where the Administrator determines that one of the following circumstances exists and that the discount included in the impact fee formula fails to adjust for the error in the calculation or to ameliorate the unfairness of the fee:

(1) The person required to pay the impact fee demonstrates that an impact fee was incorrectly computed; or

(2) The person required to pay the impact fee demonstrates that unusual circumstances make the standard impact fee applied to the development unfair or unjust. These circumstances shall not be circumstances generally applicable to similar types of land uses or generally applicable to development activities in the vicinity. Unusual circumstances may include that the development activity will have less impact on the system improvement(s) for which the impact fee is imposed than the other development activities in the same category.

(C) Time for Making Claim. Any claim of a credit or adjustment 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.

(D) Transfer. Credits or adjustments shall not be transferable from one property, project, or development activity to another without the approval of the Administrator.

3.10.140 Payments under protest and appeals.

(A) Any decision made by the Administrator, his or her designee, or the Building Official, or his or her designee, in the course of administering this chapter may be appealed in accordance with the procedures for appealing the underlying permit and shall not be subject to a separate appeal process. This shall include the requirement to pay impact fees. Where no other appeal process is provided, an appeal may be made as an appeal of an administrative decision. See Redmond Zoning Code, Procedures. Any errors in the formula for calculating the impact fee shall be referred to the Mayor and City Council for possible modification. Every interlocal agreement made pursuant to this chapter shall specifically incorporate this appeal procedure.

(B) Impact fees may be paid under protest to obtain a building permit or other approval or permit.

3.10.150 Impact fee accounts and disbursements for fire, park, and transportation impact fees.

(A) The City of Redmond Finance Department shall earmark all fire, park, and transportation impact fees collected under this chapter as to the person paying them, the date paid, and the type of impact fee paid. The Finance Department shall promptly deposit all fees collected in appropriate special interest-bearing accounts. A separate account shall be established for each type of impact fee. All interest shall be retained in the account and expended for the purposes for which the impact fee was imposed. While maintaining fees in separate accounts, pooled investments may be used.

(B) Impact fees shall only be expended on system improvements which are in conformance with the Capital Facilities Chapter of the Comprehensive Plan and administrative costs. Impact fees shall only be expended on system improvements which are included in the Capital Facilities Chapter of the Comprehensive Plan or which are included in a functional plan adopted by reference in the Utilities Chapter of the Comprehensive Plan or the Capital Facilities Chapter

of the Comprehensive Plan. The part of the Utilities Chapter which adopts functional plans by reference shall be part of the Capital Facilities Chapter of the Comprehensive Plan. Administrative costs shall not exceed three-tenths of one percent of the impact fees collected.

(C) Impact fees shall only be used for system improvements within the service areas established under RMC 3.10.040 for the particular type of fee involved.

(D) For system improvements included in the Capital Facilities Chapter or a functional plan adopted by reference, impact fees may be expended on facility planning, land acquisition, site improvements, application fees, necessary off-site improvements, required mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment, repayment of system improvement costs previously incurred by the City to the extent that new growth and development will be served by the system improvements, and any other expenses which could be capitalized and are consistent with the

Capital Facilities Element or a functional plan adopted by reference.

(E) In the event that bonds or similar debt instruments are issued for the advanced provision of system improvements for which impact fees may be expended and where consistent with provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.

(F) Impact fees shall be expended or encumbered for a permissible use within six years of the date they are received by the City of Redmond Finance Department unless the City Council finds that there exists an extraordinary and compelling reason for fees to be held longer than six years. These findings shall be set forth in writing and be approved by the City Council.

3.10.160 Impact fee accounts and disbursements of school impact fees.

The process for administering school impact fees shall be established upon approval of and according to an interlocal agreement between the City of Redmond and the Lake Washington School District.

3.10.170 Refund of fire, park and transportation
impact fees.

(A) All requests for impact fee refunds shall be made by the owner of the property on which the impact fee was paid and shall be made in writing. The written request shall be submitted to the City of Redmond Finance Department, or its successor, if the City holds the funds. The written request shall be received within one year of the date the right to the claim for the refund arises. Notwithstanding any other provision of this section, where notice of eligibility of a refund is required by subsection (B)(2) of this section, the written request shall be received within one year of the date on which the City mails the notice that the person may be eligible for a refund.

(B) Refunds of Unencumbered Impact Fees.

(1) The current owner of property on which impact fees have been paid may apply for and receive a refund of these fees if the impact fees have not been expended or encumbered within the time limits in RMC 3.10.150(F). Refunds of impact fees under this subsection (B) shall include any interest earned on the impact fees by the City. In determining whether

impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis.

(2) If the City holds impact fees beyond the time limits set in RMC 3.10.150(F), the City shall notify potential claimants by first class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records or a commercial compendium of the tax records.

(3) Any impact fees that are not expended within the time limits in RMC 3.10.150(F) and for which no application for a refund has been made within the one-year period set by subsection (A) of this section shall be retained and expended on the system improvements for which the impact fees were imposed.

(C) Refunds of Impact Fees for When Development Does Not Proceed. Any person who was required to pay impact fees may request and shall receive a refund, including interest earned on the impact fees, when both of the following conditions are met:

(1) A final inspection is not requested for the building or, if no building is being constructed as part of the development activity, the use is not started; and

(2) No impact has resulted on the facilities for which the impact fee was collected. "Impact" shall be deemed to include cases where the City has expended or encumbered the impact fees in good faith before the application for the refund. In the event that the City has expended or encumbered the fees in good faith, no refund shall be given. However, if within a period of five years the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner shall request the credit in writing by the deadline set for claiming credits and shall provide receipts for the impact fees paid by the owner for a development activity of the same or substantially similar nature on the same property or some part of the property. The Administrator shall determine whether to grant a credit, and such decisions may be appealed in the same manner as an appeal of an administrative decision under the Redmond Zoning Code.

(D) 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 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 year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for projects identified in the City's adopted capital facility plans. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(E) The interest due on the refund of impact fees as required by this chapter or RCW 82.02.080, or its successor, shall be calculated according to the average rate received by the City on invested funds throughout the period during which the impact fees were retained by that local government.

3.10.180 Refund of school impact fees.

The process for administering school impact fees, including refunding fees, shall be established upon approval of and according to an interlocal agreement

between the City of Redmond and the Lake Washington School District.

3.10.190 Annual impact fee report.

Each year, the City of Redmond Finance Department, or its successor, shall prepare a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and the system improvements that were financed in whole or in part by the impact fees. The City departments receiving impact fee funds shall provide the information needed by the Finance Department, or its successor, to prepare the annual impact fee report by the deadline set by the City of Redmond Department of Finance or its successor. This report may be part of an existing annual report or a separate report.

3.10.200 Periodic review of fee schedules.

The City Council shall review the fire, park, school, and transportation impact fees on a periodic basis in order to ensure that the same reflect the current capital improvement program of the City and the current cost of constructing system improvements related to growth. With respect to reviewing school impact fees, the City Council shall consider whether these impact fees have been adopted by other

jurisdictions within the Lake Washington School District, including the City of Kirkland, and whether the school impact fee burden is spread fairly throughout jurisdictions within the Lake Washington School District.

Section 3. Direction to Codifier. The codifier of the Redmond Municipal Code is hereby authorized and directed to insert the appropriate cross-references to the Redmond Zoning Code in RMC 3.10.060 upon codification.

Section 4. 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 5. Effective Date. This ordinance shall take effect five (5) days after publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 5th day of April,
2011.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

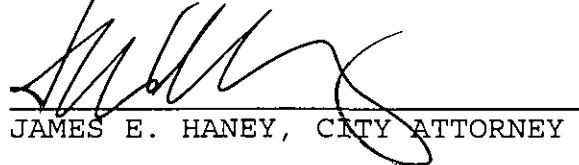
ATTEST:



MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY



JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: March 30, 2011
PASSED BY THE CITY COUNCIL: April 5, 2011
SIGNED BY THE MAYOR: April 5, 2011
PUBLISHED: April 11, 2011
EFFECTIVE DATE: April 16, 2011
ORDINANCE NO. 2587(AM)

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache