

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. 02006-208**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH  
REVISING AND AMENDING TITLE 14A, CHAPTER  
14A.10 CONCURRENCY, METHODOLOGY OF LEVEL OF  
SERVICE FOR KEY CORRIDORS, AND CHAPTER 14A.15  
STREET IMPACT FEES**

WHEREAS, the City Council of the City of Sammamish (the “Council”) finds that development activity in the City of Sammamish (the “City”) will create additional demand and need for public facilities; and

WHEREAS, the State of Washington Growth Management Act, Chapter 36.70A RCW and related sections, (the “GMA”), requires the City to adopt a Comprehensive Plan that provides adequate public facilities to serve development; and

WHEREAS, the GMA requires that regulations be adopted to implement the Comprehensive Plan; and

WHEREAS, RCW 36.70A.070(6) specifically requires adoption of an ordinance which prohibits development approval if the development causes the level of service on a locally owned 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; and

WHEREAS, RCW 82.02.050 through RCW 82.02.090 authorizes local jurisdictions subject to the Growth Management Act to adopt and enforce an impact fee ordinance requiring new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees; and

WHEREAS, impact fees imposed pursuant to RCW 82.02.050 through RCW 82.02.090 may only be imposed for system improvements that are reasonably related to the new development, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development, shall only be used for system improvements that will reasonably benefit the new development, and may only be collected and spent for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities element of the City’s comprehensive land use plan; and

WHEREAS, impact fees assessed pursuant to RCW 82.02.050 thorough RCW 82.02.090 must be based upon a showing that new development activity creates additional demand and need for public facilities, that the impact fees do not exceed a proportionate share of the costs of such additional public facilities, and that the fees are spent for facilities reasonably related to and will reasonably benefit the new development; and

WHEREAS, the City is authorized by RCW 82.02.060(7) to impose impact fees for system improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements, provided such fees shall not be imposed to make up for any system improvement deficiencies; and

WHEREAS, impact fees may be collected and spent for public facilities that are included within a capital facilities plan element of a comprehensive plan; and

WHEREAS, the Council finds that it is in the public interest, and consistent with the intent and purposes of the Growth Management Act, RCW 36.70A et seq., for the City to adopt an impact fee ordinance; and

WHEREAS, in developing the impact fees contained in this ordinance for public facilities, pursuant to RCW 82.02.060(1) the City has provided adjustments for past and future payments or taxes paid or to be paid by the new development which are earmarked for or proratable to the same new public facilities that will serve the new development; and

WHEREAS, the City has conducted extensive research documenting the procedures for measuring the impact of new development on public facilities, and has prepared technical reports, which serve as the basis for the actions taken by the Council; and

WHEREAS, the Council hereby incorporates the following study into this ordinance by reference: "Rate Study for Impact Fees for Streets," City of Sammamish, dated September 27, 2006; and

WHEREAS, in 2005 the Council approved Ordinance 2005-192 amending the Transportation Element of the Comprehensive Plan revising Level of Service ("LOS") Standards, adding an incremental corridor policy and establishing changes to the mitigation fee system which are proposed to increase the portion of growth costs generated by this system. A proposed update to the project list that forms the basis for street impact fees reflects the current anticipated concurrency projects; and

WHEREAS, the City's Comprehensive Plan is being amended concurrently with the adoption of this ordinance to emphasize that the proposed impact fees are being adopted in furtherance of the policy expressed in the Comprehensive Plan.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH DOES ORDAIN AS FOLLOWS:**

**Section 1. Concurrency.** The amendments and revisions to Chapter 14A.10 of the Sammamish Municipal Code, shown in Attachment A to this ordinance are hereby adopted.

**Section 2. Street Impact Fees.** The amendments and revisions to Chapter 14A.15 of the Sammamish Municipal Code, shown in Attachment B to this ordinance are hereby adopted.

**Section 3. Captions.** The Chapter and Section captions used in this title are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this title.

**Section 4. Interpretation.** The City Council authorizes the Community Development Director and/or the Public Works Director, as appropriate, to administratively interpret these provisions as necessary to implement the intent of the Council.

**Section 5. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 6. Effective date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21<sup>ST</sup> DAY OF NOVEMBER 2006.**

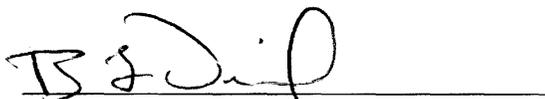
CITY OF SAMMAMISH

  
\_\_\_\_\_  
Mayor Michele E. Petitti

ATTEST:

  
\_\_\_\_\_  
Melonie Anderson, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce L. Disend, City Attorney

Filed with the City Clerk:      October 26, 2006  
Public Hearing:                      November 7, 2006  
First Reading:                        November 7, 2006

Public Hearing:	November 21, 2006
Second Reading:	November 21, 2006
Passed by City Council:	November 21, 2006
Date of Publication:	November 6, 2006
Effective Date:	December 1, 2006

**ATTACHMENT “A”**

**Concurrency Revisions**

**Chapter 14A.10  
CONCURRENCY**

**14A.10.010 Concurrency Requirement.**

- A. In accordance with RCW 36.70A.070(6)(b), the City must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the City’s Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of the City’s concurrency requirement, “concurrent with the development” shall mean that 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.
- B. The City shall not issue a Development Permit until:
  - 1. A Concurrency Test has been conducted and a Certificate of Concurrency has been issued; or
  - 2. The Applicant has executed a Concurrency Test Deferral Affidavit where specifically allowed; or
  - 3. The Applicant has been determined to be exempt from the Concurrency Test as provided in SMC 14A.10.030(A).

**14A.10.020 Application for Certificate of Concurrency.**

- A. Each Applicant for a comprehensive plan amendment requesting property redesignation or zone reclassification, except as provided in SMC 14A.10.030(A), shall elect one of the following options:
  - 1. Apply for a Certificate of Concurrency; or
  - 2. Execute a Concurrency Test Deferral Affidavit.
- B. Each Applicant for a Planned Action, subdivision (including a preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of Dwelling Units or trip generation), mobile home park, a master site plan, urban planned development, conditional use permit, or site development permit, shall apply for a Certificate of Concurrency, unless a Certificate has been

issued for the same parcel in conjunction with a comprehensive plan amendment or zone reclassification, or except as provided in SMC 14A.10.030(A).

- C. Each Applicant for a Building Permit or certificate of occupancy for a change in use shall apply for a Certificate of Concurrency, unless a Certificate has been issued for the same parcel in conjunction with subsections A or B above, or except as provided in SMC 14A.10.030(A).
- D. Applicants for a Certificate of Concurrency may designate the density and intensity of Development to be tested for Concurrency, provided such density and intensity shall not exceed the maximum allowed for the parcel. If the Applicant designates the density and intensity of Development, the Concurrency Test will be based on and applicable to only the Applicant's designated density and intensity. If the Applicant does not designate density and intensity, the Concurrency Test will be based on the maximum allowable density and intensity.

**14A.10.030 Exemptions from Concurrency Test.**

- A. The following Developments are exempt from this Chapter, and Applicants may submit applications, obtain Development Permits and commence Development without a Certificate of Concurrency:
  - 1. Any Development Permit for the following Development because it creates insignificant and/or temporary additional impacts on any Public Facility:
    - a. Right of Way use;
    - b. Street improvements, including new streets constructed by the City of Sammamish;
    - c. Street use permits;
    - d. Utility facilities which do not impact Public Facilities, such as pump stations, transmission or collection systems, and reservoirs;
    - e. Expansion of an existing non-residential structure that results in the addition of one hundred (100) square feet or less of Gross Floor Area and does not add Residential Units or Accessory Dwelling Units as defined in SMC 21A.15.345 to 21A.15.370;
    - f. Expansion of a residential structure provided the expansion does not result in the creation of an additional Dwelling Unit or Accessory Dwelling Unit as defined in SMC 21A.15.345 to 21A.15.370;
    - g. Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;

or

- h. Demolition or moving of a structure.
  - 2. Any Development by the City of Sammamish.
  - 3. Public schools.
- B. Exemptions from the Concurrency Test on the capacity of Public Facilities shall be entered in the City's records in the same manner as though a Concurrency Test had been performed for the exempt Development Permits.

**14A.10.040 Concurrency Test.**

- A. The City shall perform a Concurrency Test for each application for a Certificate of Concurrency, except as provided in SMC 14A.10.030. The Public Works Director, or his/her designee, shall use the following methods to conduct the Concurrency Test for each type of Public Facility:
  - 1. For individual single family residential building permits on existing lots, annual certification that the capacity of Public Facilities may be sufficient to maintain the City's Level of Service Standard for single family residential development totaling less than 50 units that is estimated to occur during the following year; or
  - 2. For all other Development, review of each application compared to the capacity of the Public Facilities in accordance with the provisions of this Chapter.
- B. The City may enter into an agreement with each public or private entity that provides Public Facilities in the City to establish the responsibilities of the City and the provider of Public Facilities in providing data for or conducting a Concurrency Test.
- C. If the capacity of available Public Facilities is equal to or greater than the capacity required to maintain the Level of Service Standard for the impact of the Development, the Concurrency Test is passed, and the Applicant shall receive a Certificate of Concurrency.
- D. If the capacity of available Public Facilities is less than the capacity required to maintain the Level of Service Standard for the impact of the Development, or the impact of the Development will cause the level of service to decline below the Standard set forth in SMC 14A.10.050, the Concurrency Test is not passed, and the Applicant may select one of the following options:
  - 1. Accept a 90-day Reservation of Public Facilities that are available, and within the same 90-day period amend the application to reduce the need for Public Facilities to not exceed the capacity that is available, or arrange to provide for Public Facilities that are not otherwise available; or

2. Appeal the denial of the application for a Certificate of Concurrency, pursuant to the provisions of SMC 14A.10.080.
- E. The City shall conduct the Concurrency Test in the order that completed applications are received by the City.
  - F. A Concurrency Test, and any resulting Certificate of Concurrency, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

**14A.10.050 Level of Service Standards.**

- A. In conducting the Concurrency Test, the Level of Service Standards for road and street segments are based on allowable Average Weekday Daily Traffic (AWDT) volumes by corridor, as a function of each roadway’s characteristics described and listed in the Transportation Element of the adopted Comprehensive Plan as amended. Level of Service (“LOS”) will be based upon performance of key corridors. Corridor LOS will be determined by averaging the incremental corridor segment volume over capacity (v/c) ratios within each adopted corridor. This methodology has the effect of tolerating some congestion in a segment or more within a corridor while resulting in the ultimate completion of the corridor improvements. The average v/c of the segments comprising a corridor must be 1.00 or less for the corridor to be considered adequate. All corridors must pass the Corridor LOS standard for the transportation system to be considered adequate. Corridors comprised of one concurrency segment must have a v/c of 1.00 or less to be considered adequate. The following corridors comprised of the concurrency segments shown on Figure V-6 of the Transportation Element will be monitored:

**East Lake Sammamish Parkway North**  
Concurrency segments 1, 2 and 3

**East Lake Sammamish Parkway Central**  
Concurrency segments 5 and 6

**East Lake Sammamish Parkway South**  
Concurrency segments 7 and 8

**Sahalee Way – 228<sup>th</sup> Avenue North**  
Concurrency segments 21, 22, and 23

**228<sup>th</sup> Avenue Central**  
Concurrency segments 24 and 25

**228<sup>th</sup> Avenue South**  
Concurrency segments 26 and 27

**Issaquah-Pine Lake Road**  
Concurrency segments 32, 33 and 34

**244<sup>th</sup> Avenue Corridor North**

Concurrency segments 35, 36 and 37

**244<sup>th</sup> Avenue Corridor South**

Concurrency segments 39

**Louis Thompson Road – 212<sup>th</sup> Corridor**

Concurrency segments 11, 12, 13 and 14

The intersection LOS standards adopted in this Transportation Element are LOS D for intersections that include principal arterials and LOS C for intersections that include minor arterial or collector roadways. The LOS for intersections with principal arterials may be reduced to E for intersections that require more than three approach lanes in any direction. The intersection standards shall be applied to the Peak Hour.

- B. In conducting the Concurrency Test, the City shall apply the Level of Service Standards for roads, streets, and intersections Citywide. If no road, street or intersection operates below the Level of Service standard, Development may occur anywhere within the City. If any road, street or intersection operates below the Level of Service standard, Development may not be approved anywhere within the City until the Level of Service is achieved, or transportation improvements or strategies to accommodate the impacts of Development will be completed within six (6) years.
- C. In conducting the Concurrency Test, the City shall find that the impact of Development occurs, and therefore the Level of Service Standards for roads, streets and intersections shall be achieved and maintained, no later than six (6) years from the date of occupancy of the Development, or of each phase of a Development.
- D. In the event that the Applicant is required to provide a Public Facility, the Development cannot be occupied until the Public Facility is completed, or the Applicant provides the City with a performance bond that is acceptable to the City.
- E. In conducting the Concurrency Test, the City shall determine that additional Public Facilities that are needed to achieve the Level of Service Standards are included in the Capital Facilities Plan element of the City's comprehensive plan. Such additional Public Facilities shall be underwritten by one or more of the following financial commitments specific to the additional Public Facility needed to achieve the Level of Service Standard:
  - 1. Grants from Federal, State or private sources if the grant has been awarded for specific projects.
  - 2. Appropriations in the State biennial budget for specific projects.

3. Revenues that can be imposed or expended at the discretion of the City , including, but not limited to, Impact Fees, SEPA Mitigation Payments, property taxes, real estate excise taxes, user fees, charges, intergovernmental entitlements, and bonds.
4. Revenue from special assessment districts created by the City.
5. Irrevocable commitments from developers in a form acceptable to the City including:
  - a. Performance or surety bonds from Washington State financial institutions;
  - b. Letters of credit from Washington State financial institutions; or
  - c. Assignments of assets in Washington State (i.e., interests in real property, savings certificates, bank accounts, or negotiable securities).
6. Payments by special districts if such payments are similar in character and reliability to those listed in subsections 1-5, above.
7. All Development Permits that require one or more Public Facilities provided by entities other than the City shall condition the issuance of the Development Permit for the same parcel on the availability of such Public Facilities. The City may enter into an agreement with each public or private entity that provides Public Facilities in the City to establish the responsibilities of the City and the provider of Public Facilities in providing data for or conducting a Concurrency Test.

**14A.10.060 Certificate of Concurrency.**

- A. A Certificate of Concurrency shall be issued by the Public Works Director or his/her designee after the Concurrency Test is passed and the applicant has paid the associated Impact Fee deposit set forth in SMC 14A.15.020.
- B. Upon issuance of a Certificate of Concurrency, the City shall Reserve capacity on behalf of the Applicant, and indicate the reservation on the Certificate of Concurrency.
- C. A Certificate of Concurrency shall expire if the Development Permit for which the Concurrency is reserved is not applied for within one hundred and eighty (180) days of issuance of the Certificate of Concurrency.
- D. A Certificate of Concurrency shall be valid for the Development Permit application period and subsequently for the same period of time as the Development Permit for which it was issued.

- E. A Certificate of Concurrency may be extended according to the same terms and conditions as the underlying Development Permit. If a Development Permit is granted an extension, the Certificate of Concurrency, if any, shall also be extended. Certificates of Concurrency shall not be extended beyond the expiration of the underlying Development Permit, or any extensions thereof.
- F. A Certificate of Concurrency is valid only for the uses and intensities authorized for the Development Permit for which it is issued. Any change in use or intensity that increases the impact of Development on Public Facilities is subject to an additional Concurrency Test of the incremental increase in impact on Public Facilities. Any change in use or intensity that decreases the impact of Development on Public Facilities is not subject to an additional Concurrency Test and any capacity that is not required as a result of the decrease in impact shall be available for other Applications.
- G. A Certificate of Concurrency is valid only for the Development Permit with which it is issued, and for subsequent Development Permits for the same parcel, as long as the Applicant obtains the subsequent Development Permit prior to the expiration of the earlier Development Permit. A Certificate of Concurrency transfers automatically to subsequent Development Permits for the parcel for which the Certificate was issued provided that the use or intensity has not changed, and the previous Development Permit has not expired. The transfer of validity of a Certificate of Concurrency from one Development Permit to a subsequent Development Permit shall not extend or otherwise change the expiration of the Certificate of Concurrency.
- H. A Certificate of Concurrency runs with the land, and cannot be transferred to a different parcel. A Certificate of Concurrency transfers automatically with ownership of the parcel for which the Certificate was issued. Upon final subdivision approval of a parcel that has obtained a Certificate of Concurrency, the City shall replace the Certificate of Concurrency by issuing a separate Certificate of Concurrency to each subdivided parcel, assigning to each a pro rata portion of the Public Facility capacity or other measure that was Reserved for the original Certificate. The issuance of pro rata Certificates of Concurrency to subdivided parcels shall not extend or otherwise change the expiration of the Certificates of Concurrency.

**14A.10.070 Fees.**

- A. The City shall charge each Applicant an administrative fee and a Concurrency Test fee in an amount to be established by resolution by the City Council. The Concurrency Test fee shall not be refundable after the concurrency test has been performed.
- B. The City shall charge a processing fee to any individual who requests an informal analysis of capacity if the requested analysis requires substantially the same research as a Concurrency Test. The processing fee shall be non-refundable and

non-assignable to a Concurrency Test. The amount of the processing fee shall be the same as the Concurrency Test fee authorized by SMC 14A.10.070(A).

- C. When a concurrency test approval notification letter is prepared, the City shall charge an associated Impact Fee Deposit set forth in SMC 14A.15.020. If the deposit is not received within forty five (45) calendar days from the date of the approval notification, the application for a Certificate of Concurrency shall expire.

**14A.10.080 Appeals.**

- A. An Applicant may appeal a denial of a Certificate of Concurrency on the following grounds:
  - 1. A technical or mathematical error;
  - 2. The Applicant provided alternative data that was rejected by the City; or
  - 3. Unwarranted delay in review of the application that allowed capacity to be given to another Applicant.
- B. Appeal of denial of a Certificate of Concurrency shall be to the Hearing Examiner in accordance with procedures in Sammamish Municipal Code Title 20.

## ATTACHMENT “B”

### Street Impact Fee Revisions

#### **Chapter 14A.15 STREET IMPACT FEES**

##### **14A.15.010 Findings and Authority.**

The Council hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, and office development in the City, will create additional demand and need for Public Facilities in the City, and the Council finds that new growth and development should pay a proportionate share of the cost of system improvements reasonably related to and that will reasonably benefit the new growth and development. The City has conducted extensive studies documenting the procedures for measuring the impact of new Development on Public Facilities, has prepared the Street Impact Fee Analysis, and hereby incorporates this study into this title by reference. Therefore, pursuant to RCW 82.02.050 through RCW 82.02.090, the Council adopts this chapter to assess Impact Fees for Streets (“Impact Fee”). The provisions of this chapter shall be liberally construed in order to carry out the purposes of the Council in establishing the Impact Fee program.

##### **14A.15.020 Assessment of Impact Fees.**

- A. The City shall collect Impact Fees, based on the rates in SMC 14A.15.110, from any applicant seeking development approval from the City for any development within the City, where such development requires the issuance of a building permit. This shall include, but is not limited to, the development of residential, commercial, retail, and office uses, and includes the expansion of existing uses that creates a demand for additional Public Facilities, as well as a change in existing use that creates a demand for additional Public Facilities.
- B. An Impact Fee shall not be assessed for the following types of development activity because the activity either does not create additional demand as provided in RCW 82.02.050 and/or is a project improvement (as opposed to a system improvement) under RCW 82.02.090.
  - 1. Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;
  - 2. Demolition or moving of a structure;
  - 3. Expansion of an existing non-residential structure that results in the addition of one hundred (100) square feet or less of Gross Floor Area;

4. Expansion of a residential structure provided the expansion does not result in the creation of any additional dwelling units as defined in SMC 21A.15.345 through SMC 21A.15.370;
  5. Replacement of a residential structure with a new residential structure at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure. For the terms of this requirement “replacement” is satisfied by submitting a complete Building Permit application;
  6. Replacement of a non-residential structure with a new non-residential structure of the same size and use at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure. Replacement of a non-residential structure with a new non-residential structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than one hundred (100) square feet. For the terms of this requirement “replacement” is satisfied by submitting a complete Building Permit application.
- C. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the Impact Fee for the new use shall be reduced by an amount equal to the current Impact Fee rate for the prior use, provided that the applicant has previously paid the required Impact Fee for the original use.
- D. For mixed-use developments, Impact Fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the Impact Fee rates set forth in SMC 14A.15.110.
- E. Applicants seeking a building permit for a change in use shall be required to pay an Impact Fee if the change in use increases the existing trip generation by the lesser of 5% or 10 Peak Hour trips.
- F. Impact Fees shall be assessed according to the following schedule in an amount equal to the percentages listed below of the amount of Impact Fees, using the Impact Fee rates in effect at the time the deposit is made. However, the total amount of Impact Fees paid shall be subject to the following:
1. Upon issuance of a certificate of concurrency, a deposit of ten percent (10%) of impact fees shall be made. At the time of preliminary plat or short plat approval the deposit amount shall equal twenty percent (20%) of the impact fee rates in effect at that time.
  2. The balance of the impact fee shall be paid in accordance with the following schedule:

- a. At the time a final plat or short plat, site development permit, conditional use permit, or building permit is approved, a final payment shall be made equal to one hundred percent (100%) of the impact fee rates in effect at that time, less a credit for the deposit paid pursuant to Section 1.
- b. Alternatively, a deposit amount equal to thirty percent (30%) of the impact fee rates in effect at that time of final plat or short plat approval shall be made, and at building permit issuance a final payment shall be made equal to one hundred percent (100%) of the impact fee rates in effect at the time of final plat approval, short plat approval, site development permit, conditional use permit, less a credit for any deposits paid for all those building permits issued within two years of such approval. If all building permits are not issued within two years or one hundred percent (100%) payment is not otherwise made, all remaining building permits shall be assessed impact fees based on the current rate in effect at the time of building permit issuance less a credit for any deposits paid.

The City Council may waive payment of deposits for Planned Actions and require instead that the Planned Action shall pay the Impact Fees that are in effect at the time each building permit is issued.

- G. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 14A.15.040 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the Director pursuant to SMC 14A.15.040 setting forth the dollar amount of the credit awarded. Impact Fees, as determined after the application of appropriate credits, shall be collected from the Feepayer at the time the building permit is issued by the City for each unit in the Development.
- H. Where the Impact Fees imposed are determined by the square footage of the development, a deposit shall be due from the Feepayer pursuant to subsection F. The deposit shall be based on an estimate, submitted by the Feepayer, of the size and type of structure proposed to be constructed on the property. In the absence of an estimate provided by the Feepayer, the Department shall calculate a deposit amount based on the maximum allowable density/intensity permissible on the property. If the final square footage of the development is in excess of the initial estimate, any difference in the amount of the Impact Fee will be due prior to the issuance of a building permit, using the Impact Fee rate in effect at that time. The Feepayer shall pay any such difference plus interest, calculated at the statutory rate. If the final square footage is less than the initial estimate, the Department shall give a credit for the difference, plus interest at the statutory rate.
- I. The Department shall not issue the required building permit unless and until the Impact Fees required by this Chapter, less any permitted exemptions or credits provided pursuant to SMC 14A.15.030 or SMC 14A.15.040, have been paid.

- J. The service area for Impact Fees shall be a single Citywide service area.
- K. In accordance with RCW 82.02.050, the City shall collect and spend Impact Fees only for the public facilities defined in this Title 14A and RCW 82.02.090 which are addressed by the capital facilities plan element of the City's Comprehensive Plan. The City shall base continued authorization to collect and expend Impact Fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying: (a) deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; (b) additional demands placed on existing public facilities by new development; and (c) additional public facility improvements required to serve new development.
- L. In accordance with RCW 82.02.050, if the City's capital facilities plan is complete other than for the inclusion of those elements which are the responsibility of a special district, the City may impose Impact Fees to address those public facility needs for which the City is responsible.

**14A.15.030 Exemptions.**

- A. Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes, provided that the Impact Fees from such development activity shall be paid from public funds other than Impact Fee Accounts. The Director shall be authorized to determine whether a particular Development falls within an exemption identified in this chapter. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.15.060.
- B. Except as provided in subsection C below, the following development activities are exempt from the requirements of this chapter. An Impact Fee shall not be assessed for:
  - 1. Any Development activity undertaken by the City of Sammamish;
  - 2. Public Schools;
  - 3. Accessory Dwelling Units approved by the City.
- C. Except as provided above, the provision of affordable housing for low- and moderate-income families as defined in SMC 14A.05.010 may be exempted from some or all of the required Impact Fees as shown in Table 1:

Table 1 Proposed Impact Fee Reductions for Affordable Housing Units

Affordable Housing	Impact Fee Reduction*	Maximum Number of Affordable Housing Units per Development
Low-Income - 0 to 50% of King County Median Household Income (as defined by US HUD)	Up to 100%	4 units
	50% to 90%	5 units or more (including the first 4) subject to recommendation by the Community Development Director in consultation with the Public Works Director.
Median-Income – 51% to 80% of King County Median Household Income (as defined by US HUD)	Up to 50%	4 units
	0% to 50%	5 units or more (including the first 4) subject to recommendation by the Community Development Director in consultation with the Public Works Director.

\*The % fee reduction is expressed as a maximum amount per unit.

1. As a condition of receiving an exemption or percentage fee reduction under this subsection, prior to any development approval, the owner shall execute and record in the King County real property title records a City-prepared 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 families/households for a period of not less than 30 years. 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) no longer meets the definition of affordable housing set forth in Table 1 during the term of the life of the lien, covenant or contractual provision, then the owner(s) shall pay to the City the amount of Impact Fees from which the housing unit(s) was exempted into the City’s account for Impact Fees plus twelve percent (12%) interest per year.
2. In determining the Impact Fee reductions for development(s) containing five (5) or more affordable housing units, the Community Development Director in consultation with the Public Works Director should consider the following:
  - a. The proposed housing units meet the provisions set forth by the City’s Housing Strategy Plan adopted by the City Council.

- b. The proposed housing units will assist the City in meeting Sammamish's affordable housing targets.
  - c. The location of the units meets the City's Comprehensive Plan policies for the proposed housing type and density.
  - d. Approval of the proposed housing units and the associated Impact Fee reduction does not exempt the proposed housing units from meeting the City's Concurrency requirements and Public Works Standards.
3. The Impact Fee amounts not collected from affordable housing units shall be paid from public funds from sources other than Impact Fees or interest on Impact Fees, and budgeted for this purpose.
4. Determinations of the Community Development Director in consultation with the Public Works Director regarding the reduction of Impact Fees shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.15.060.

#### **14A.15.040 Credits.**

- A. A Feepayer can request that a credit or credits for Impact Fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the Feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:
  1. For one or more of the System Improvements identified in the Capital Facilities Plan, which are included in the Street Impact Fee Analysis as the basis of the Impact Fee, and that are required by the City as a condition of approving the development activity; and
  2. At suitable sites and constructed at acceptable quality as determined by the City.
- B. The Director shall determine if requests for credits meet the criteria in subsection A, above.
- C. The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the Applicant for one or more of the same System Improvements for which the Impact Fee is being charged.
- D. The value of a credit for land, including right of way and easements, shall be established on a case-by-case basis by an appraiser selected by or acceptable to the Director. The appraiser must be licensed in good standing by the State of Washington for the category of the property appraised. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's

certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the Director.

- E. The Feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the City may be providing to the Feepayer, in the event that a credit is awarded.
- F. If a credit is due, after receiving the appraisal the Director shall provide the Applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The Applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Director before the Impact Fee credit will be awarded. The failure of the Applicant to sign, date, and return such document within sixty (60) calendar days shall nullify the credit.
- G. No credit shall be given for Project Improvements as defined in SMC 14A.05.010.
- H. A Feepayer can request that a credit or credits for Impact Fees be awarded to him/her for Significant Past Tax Payments as defined in SMC 14A.05.010. For each request for a credit or credits for Significant Past Tax Payments, the Feepayer shall submit receipts and a calculation of Significant Past Tax Payments earmarked for or proratable to the particular System Improvement. The Director shall determine the amount of credits, if any, for Significant Past Tax Payments.
- I. Any claim for credit must be made prior to or at the time of submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.
- J. A Feepayer shall receive a credit for all Impact Fee deposits paid pursuant to SMC 14A.15.020.
- K. Determinations made by the Director pursuant to this subsection shall be subject to the appeals procedures set forth in SMC 14A.15.060.

#### **14A.15.050 Tax adjustments.**

Pursuant to and consistent with the requirements of RCW 82.02.060, the Street Impact Fee Analysis provides adjustments for past and future taxes and other sources of revenue to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The Impact Fee rates in SMC 14A.15.110 have been

reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these system improvements.

**14A.15.060 Appeals.**

- A. Any Feepayer may pay the Impact Fees imposed by this title under protest in order to obtain a building permit or occupancy permit. No appeal shall be permitted until the Impact Fees at issue have been paid.
- B. Appeals regarding the Impact Fees imposed on any development may only be filed by the Feepayer of the property where such development will occur.
- C. The Feepayer must first file a request for review regarding Impact Fees with the Director, as provided herein:
  - 1. The request shall be in writing on the form provided by the City;
  - 2. The request for review by the Director shall be filed within twenty-one (21) calendar days after the Feepayer's payment of the Impact Fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;
  - 3. No administrative fee will be imposed for the request for review by the Director; and
  - 4. The Director shall issue his/her determination in writing.
- D. The following decisions may be appealed to the Hearing Examiner: Determinations of the Director with respect to the applicability of the Impact Fees to a given development; the Director's determination regarding the availability or value of a credit; the Director's decision concerning the Independent Fee Calculation which is authorized in SMC 14A.15.120; fees imposed by the Director pursuant to SMC 14A.15.110; or any other determination which the Director is authorized to make pursuant to this title.
- E. Appeals to the Hearing Examiner shall be taken within twenty-one (21) calendar days of the Director's issuance of a written determination by filing with the Department a notice of appeal specifying the grounds thereof, and depositing the necessary administrative fee, which is set forth in the existing fee schedules for appeals of such decisions. The Director shall transmit to the office of the Hearing Examiner all papers constituting the record for the determination, including where appropriate, the Independent Fee Calculation.
- F. The Hearing Examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the Sammamish Municipal Code. At the hearing, any party may appear in person or by agent or attorney.

- G. The Hearing Examiner is authorized to make findings of fact regarding the applicability of the Impact Fees to a given development, the availability or amount of the credit, or the accuracy or applicability of an Independent Fee Calculation. The decision of the Hearing Examiner shall be final, except as provided in this subsection.
- H. The Hearing Examiner may, so long as such action is in conformance with the provisions of this title, reverse or affirm, in whole or in part, or may modify the determinations of the Director with respect to the amount of the Impact Fees imposed or the credit awarded.

**14A.15.070 Establishment of Impact Fee Accounts.**

- A. Impact fee receipts shall be earmarked specifically and deposited in a special interest bearing Impact Fee Account maintained by the City.
- B. There is hereby established the Street Impact Fee Account for the fees collected pursuant to this title. Funds withdrawn from this account must be used in accordance with the provisions of SMC 14A.15.090 and applicable State law. Interest earned on the fees shall be retained in the account and expended for the purposes for which the Impact Fees were collected.
- C. On an annual basis, the Finance Department shall provide a report to the City Council on the Street 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 Impact Fees.
- D. Impact Fees for system improvements shall be expended only in conformance with the Capital Facilities Plan element of the City's Comprehensive Plan.
- E. Impact Fees shall be expended or encumbered within six (6) years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the six (6) year period. Under such circumstances, the Council shall establish the period of time within which the Impact Fees shall be expended or encumbered.

**14A.15.080 Refunds.**

- A. If the City fails to expend or encumber the Impact Fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist and the Council has established other time periods pursuant to SMC 14A.15.070, the current owner of the property on which Impact Fees have been paid may receive a refund of such fees. In determining whether Impact Fees have been expended or encumbered, Impact Fees shall be considered expended or encumbered on a first in, first out basis.

- B. The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the Impact Fee was paid.
- C. Owners seeking a refund of Impact Fees must submit a written request for a refund of the fees to the Director within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
- D. Any Impact Fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the appropriate public capital facilities.
- E. Refunds of Impact Fees under this subsection shall include interest paid at the statutory rate.
- F. When the City seeks to terminate any or all components of the Impact Fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this subsection. 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 at the last known address of the 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 the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.
- G. The City shall refund to the current owner of property for which Impact Fees have been paid all Impact Fees paid, including interest earned on the Impact Fees, pursuant to RCW 82.02.080(3), if the development for which Impact Fees were imposed did not occur; provided that, if the City has expended or encumbered the Impact Fees in good faith prior to the application for a refund, the Director shall determine whether an impact has resulted and whether all or a portion of the Impact Fees paid shall be refunded.

**14A.15.090 Use of funds.**

- A. Pursuant to this title, Impact Fees:
  - 1. Shall be used for system improvements that will reasonably benefit the new growth and development; and
  - 2. Shall not be imposed to make up for any system improvement deficiencies serving existing developments; and

3. Shall not be used for maintenance or operation.
- B. Impact Fees may be spent for public improvements, including, but not limited to, planning, land acquisition, right of way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, and any other expenses which can be capitalized pertaining to transportation improvements.
  - C. Impact fees may also be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.
  - D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which Impact Fees may be expended, 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 subsection and are used to serve the new development.

**14A.15.100 Review.**

- A. The fee rates set forth in SMC 14A.15.110 may be reviewed and adjusted by the Council as it deems necessary and appropriate to meet City needs, including but not limited to addressing the impact of inflation on labor, materials, and real property costs. The fee rates may be adjusted 12 months after the effective date of this Chapter, or 12 months after the most recent review by the Council. The Council may determine the amount of the adjustment and revise the fee rates set forth in SMC 14A.15.110. If the Council does not determine the amount of the adjustment, the adjustment shall be administratively adjusted by the same amount that the 5-year average Washington State Department of Transportation Construction Cost Index changed for the most recent 12 month period prior to the date of the adjustment.
- B. In the last quarter of each calendar year, the Community Development Director together with the Public Works Director, shall prepare a report to the Planning Commission for the year to date, including the following:
  1. The number of requests for Impact Fee exemptions pursuant to SMC 14A.15.030;
  2. The total number of residential units and dollar amounts of the exemptions approved by the Community Development Director in consultation with the Public Works Director;
  3. A copy of the Hearing Examiner Decision, if any of the decisions of the Community Development Director, in consultation with the Public Works Director, were appealed to the Hearing Examiner.

Based on this annual review, the Planning Commission shall recommend to the City Council any revision to SMC 14A.15.030 deemed appropriate.

#### **14A.15.110 Street Impact Fee Rates.**

In accordance with RCW 82.02.060, the Street Impact Fees are based upon a schedule of impact fees which is adopted for each type of development activity that is subject to Impact Fees and which specifies the amount of the Impact Fee to be imposed for each type of system improvement. The schedule is based upon a formula and/or method of calculating the Impact Fees. In determining proportionate share, the formula and/or method of calculating the fees incorporates, among other things, the following: (a) the cost of public facilities necessitated by new development; (b) an adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement; (c) the availability of other means of funding public facility improvements; (d) the cost of existing public facilities improvements; and (e) the methods by which public facilities improvements were financed.

The Street Impact Fee rates in this subsection are generated from the formula for calculating Impact Fees set forth in the Street Impact Fee Analysis, which is incorporated herein by reference. Except as otherwise provided for Independent Fee Calculations in SMC 14A.15.120, exemptions in SMC 14A.15.030, and credits in SMC 14A.15.040, all new Developments in the City will be charged the following Impact Fee applicable to the type of Development:

### Street Impact Fee Rates per Unit of Development

ITE Code <sup>1</sup>	ITE Land Use Category <sup>1</sup>	ITE Trip Rate <sup>2</sup>	Percent New Trips <sup>3</sup>	Trip Length Factor <sup>4</sup>	Net New Trips per Development Unit	Impact Fee per Unit @ \$ 14,706.89 per Trip	
090	Park and Ride with Bus Service	0.75	75%	1.00	0.563	8,272.63	per Space
110	Light Industrial	0.98	100%	1.22	1.196	17.58	per Sq. Ft.
130	Industrial Park	0.86	100%	1.22	1.049	15.43	per Sq. Ft.
140	Manufacturing	0.74	100%	1.22	0.903	13.28	per Sq. Ft.
151	Mini Warehouse	0.26	75%	0.29	0.057	0.83	per Sq. Ft.
210	Single Family House	1.01	100%	1.00	1.010	14,853.96	per DU
220	Apartment	0.62	100%	1.00	0.620	9,118.27	per DU
231	Low-Rise Condo / Townhouse	0.78	100%	1.00	0.780	11,471.38	per DU
240	Mobile Home	0.56	100%	1.00	0.560	8,235.86	per DU
251	Sr. Housing Detached	0.26	75%	1.00	0.195	2,867.84	per DU
252	Sr. Housing Attached	0.11	75%	1.00	0.083	1,213.32	per DU
253	Congregate Care Facility	0.18	75%	0.29	0.039	575.77	per DU
254	Assisted Living (limited data)	0.22	75%	0.29	0.048	703.72	per Bed
310	Hotel	0.59	75%	0.29	0.128	1.89	per Sq. Ft.
320	Motel	0.94	75%	0.29	0.204	3.01	per Sq. Ft.
420	Marina (limited data)	0.19	75%	0.29	0.041	607.76	per Slip
430	Golf Course	0.30	75%	0.29	0.065	959.62	per Acre
441	Live Theater (limited data)	1.00	75%	0.29	0.218	3.20	per Sq. Ft.
445	Multiplex Movie Theater	5.22	75%	0.29	1.135	16.70	per Sq. Ft.
491	Racquet Club	0.64	50%	0.29	0.093	1.37	per Sq. Ft.
492	Health Fitness Club	4.05	50%	0.29	0.587	8.64	per Sq. Ft.
495	Recreational Community Center	1.64	50%	0.29	0.238	3.50	per Sq. Ft.
520	Public Elementary School	1.19	75%	0.29	0.259	3.81	per Sq. Ft.
522	Public Middle School	1.19	75%	0.29	0.259	3.81	per Sq. Ft.
530	Public High School	0.97	75%	0.29	0.211	3.10	per Sq. Ft.
534	Private School K-8 (limited data)	3.40	75%	0.29	0.740	10.88	per Sq. Ft.
536	Private School K-12 (limited data)	2.75	75%	0.29	0.598	8.80	per Sq. Ft.
560	Church over 20,000 Sq. Ft.	0.66	75%	0.29	0.144	2.11	per Sq. Ft.
560	Church under 20,000 Sq. Ft.	0.66	50%	0.29	0.096	1.41	per Sq. Ft.
565	Day Care Center	13.18	25%	0.29	0.956	14.05	per Sq. Ft.
590	Library	7.09	40%	0.29	0.822	12.10	per Sq. Ft.
610	Hospital	1.18	75%	0.29	0.257	3.77	per Sq. Ft.
620	Nursing Home	0.22	75%	0.29	0.048	703.72	per Bed
630	Clinic (limited data)	5.18	75%	0.29	1.127	16.57	per Sq. Ft.
710	General Office	1.49	100%	1.22	1.818	26.73	per Sq. Ft.
715	Single Tenant Office	1.73	100%	1.22	2.111	31.04	per Sq. Ft.
720	Medical/Dental Office	3.72	75%	0.29	0.809	11.90	per Sq. Ft.
732	U.S. Post Office	25.00	25%	0.29	1.813	26.66	per Sq. Ft.
750	Office Park	1.50	100%	1.22	1.830	26.91	per Sq. Ft.
813	Free Standing Discount Superstore	3.87	43%	1.00	1.664	24.47	per Sq. Ft.
814	Specialty Retail Center	2.71	75%	0.29	0.589	8.67	per Sq. Ft.
815	Free Standing Discount Store	5.06	54%	0.29	0.792	11.65	per Sq. Ft.
816	Hardware/Paint Store	4.84	43%	0.29	0.604	8.88	per Sq. Ft.
820	Shopping Center < 1 Million Sq Ft	3.75	43%	1.00	1.613	23.71	per Sq. Ft.
848	Tire Store	4.15	40%	0.29	0.481	7.08	per Sq. Ft.
849	Tire Superstore	2.11	40%	0.29	0.245	3.60	per Sq. Ft.
850	Supermarket	10.45	34%	0.29	1.030	15.15	per Sq. Ft.
851	Convenience Market	52.41	24%	0.29	3.648	53.65	per Sq. Ft.

ITE Code <sup>1</sup>	ITE Land Use Category <sup>1</sup>	ITE Trip Rate <sup>2</sup>	Percent New Trips <sup>3</sup>	Trip Length Factor <sup>4</sup>	Net New Trips per Development Unit	Impact Fee per Unit @ \$ 14,706.89 per Trip
853	Convenience Market w/Gas Pumps	19.22	14%	0.29	0.780	11,476.26 per VFP
854	Discount Supermarket	8.90	54%	0.29	1.394	20.50 per Sq. Ft.
861	Discount Club	4.24	43%	1.00	1.823	26.81 per Sq. Ft.
862	Home Improvement Super Store	2.45	32%	1.00	0.784	11.53 per Sq. Ft.
863	Electronics Super Store	4.50	27%	1.00	1.215	17.87 per Sq. Ft.
867	Office Supply Superstore	3.40	32%	1.00	1.088	16.00 per Sq. Ft.
880	Pharmacy/Drug Store	8.42	38%	0.29	0.928	13.65 per Sq. Ft.
881	Pharmacy/Drug Store w/Drive-up	8.62	38%	0.29	0.950	13.97 per Sq. Ft.
896	Video Rental Store	13.60	20%	0.29	0.789	11.60 per Sq. Ft.
911	Walk in Bank (limited data)	33.15	27%	0.29	2.596	38.17 per Sq. Ft.
912	Drive-in Bank	45.74	27%	0.29	3.581	52.67 per Sq. Ft.
931	Quality Restaurant	7.49	38%	0.29	0.825	12.14 per Sq. Ft.
932	High Turnover Restaurant	10.92	37%	0.29	1.172	17.23 per Sq. Ft.
933	Fast Food	26.15	30%	0.29	2.275	33.46 per Sq. Ft.
934	Fast Food w/Drive up	34.64	30%	0.29	3.014	44.32 per Sq. Ft.
936	Drinking Place	11.34	38%	0.29	1.250	18.38 per Sq. Ft.
941	Quick Lube	5.19	14%	0.29	0.211	3,098.95 per VFP
942	AutoCare	3.38	30%	0.29	0.294	4.32 per Sq. Ft.
944	Gas Station	13.86	14%	0.29	0.563	8,275.80 per VFP
945	Gas Station w/Conven Mkt	13.38	14%	0.29	0.543	7,989.20 per VFP
946	Gas Station w/Conven Mkt & Car Wash	13.33	14%	0.29	0.541	7,959.34 per VFP
947	Self Serve Car Wash	5.54	14%	0.29	0.225	3,307.93 per VFP

<sup>1</sup> Institute of Transportation Engineers, Trip Generation (7th Edition)

<sup>2</sup> Trip generation rate per development unit, for PM peak hour of the adjacent street traffic (4-6 p.m.).

Note: Sq. Ft. rate expressed per 1,000 SF.

<sup>3</sup> Omits linked/diverted and pass-by trips, per Trip Generation Handbook: an ITE Recommended Practice, March, 2001

<sup>4</sup> Average Trip Length Relative to Single Family Trip

<sup>5</sup> DU = dwelling unit, Sq. Ft. = Square Feet, VSP = vehicle servicing position

If an Applicant proposes a land use that is not identified above, the Impact Fee shall be an amount equal to \$14,706.89 for each p.m. Peak Hour trip generated, adjusted for trip length and percentage of new trips using methods and data comparable to those in the Street Study.

#### 14A.15.120 Independent Fee Calculations.

- A. If in the judgment of the Director, none of the fee categories or fee amounts set forth in SMC 14A.15.110 accurately describe or capture the impacts of a new development on streets and roads, the Department may prepare Independent Fee Calculations and the Director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the Feepayer.
- B. If a Feepayer opts not to have the impact fees determined according to SMC 14A.15.110, then the Feepayer shall prepare and submit to the Director an Independent Fee Calculation for the Development for which a building permit is

sought. The documentation submitted shall show the basis upon which the Independent Fee Calculation was made.

- C. Any Feepayer submitting an Independent Fee Calculation shall be required to pay the City a fee to cover the cost of reviewing the Independent Fee Calculation. The amount of the fee required by the City for conducting the review of the Independent Fee Calculation shall be in accordance with the adopted Fee Resolution approved by the City Council and shall be paid by the Feepayer prior to initiation of review.
- D. While there is a presumption that the calculations set forth in the Street Impact Fee Analysis are valid, the Director shall consider the documentation submitted by the Feepayer, but is not required to accept such documentation or analysis which the Director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the Feepayer to submit additional or different documentation for consideration. The Director is authorized to adjust the Impact Fees on a case-by-case basis based on the Independent Fee Calculation, the specific characteristics of the development, and/or principles of fairness. The Director's decision shall be set forth in writing and shall be mailed to the Feepayer.
- E. Determinations made by the Director pursuant to this subsection may be appealed to the office of the Hearing Examiner subject to the procedures set forth in SMC 14A.15.060.

**14A.15.130 Administrative Fees.**

- A. All development permits subject to the Impact Fees pursuant to SMC 14A.15.110 shall pay an administrative processing fee as adopted by the City Council.
- B. All development permits that require an independently determined Impact Fee pursuant to SMC 14A.15.120 shall pay an administrative processing fee as adopted by the City Council.
- A. 14A.15.020 (F).

**14A.15.140 Mitigation of Adverse Environmental Impacts.**

Nothing in this title shall preclude the City from requiring the feepayer or the proponent of a development to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided that the exercise of this authority is consistent with the provisions of Chapter 43.21C RCW and Chapter 82.02 RCW.