

CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. 02006-206

**AN ORDINANCE OF THE CITY OF SAMMAMISH REVISING AND
AMENDING SECTION 14A.05.010 OF CHAPTER 14A.05 OF TITLE 14A
REGARDING DEFINITIONS RELATED TO 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 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; and

WHEREAS, the City is authorized by RCW 82.02.050 through RCW 82.02.090 to ensure that adequate public facilities are available to serve new growth and development; 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 adequate public facilities should be provided to serve the demand generated from new growth and development in the City; and

WHEREAS, this ordinance relating to definitions in Title 14A is being enacted concurrent with Ordinance No.O2006-208 relating to impact fees for streets and Ordinance No.O2006-207 relating to impact fees for parks and recreational facilities;

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. Definitions. The revisions and amendments to Section 14A.05.110 of the Sammamish Municipal Code, shown in Attachment A to this ordinance, are hereby adopted.

Section 2. 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.

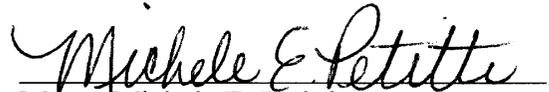
Section 3. Interpretation. The City Council authorizes the applicable Director to administratively interpret these provisions as necessary to implement the intent of the City Council.

Section 4. 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 preempted by State or federal law or regulation, such decision or preemption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. 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 21ST 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
Passed by the City Council:	November 21, 2006
Date of Publication:	November 26, 2006
Effective Date:	December 1, 2006

ATTACHMENT “A”

14A.05.010 – Definitions.

The following words and terms are defined pursuant to RCW 82.02.090 and shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. The following words, terms, and definitions shall apply to all portions of this title, except as specifically superseded by definitions set forth elsewhere in this title.

“Development activity” means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

“Development approval” means any written authorization from the City which authorizes the commencement of development activity.

“Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit or application fee.

“Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

“Proportionate share” means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

“Project improvements” mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the City Council shall be considered a project improvement.

“Public facilities” means the following capital facilities owned or operated by government entities: (a) public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

“Service area” means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

“System improvements” mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

The following words and terms shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. The following words, terms, and definitions shall apply to all portions of this title, except as specifically superseded by definitions set forth elsewhere in this title. Terms otherwise not defined herein shall be given their usual and customary meaning.

“Accessory dwelling unit” is defined for the purposes of this title the same as the term “Dwelling unit, accessory” in SMC 21A.15.350.

“Affordable Housing” means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the household’s monthly income. Based on the King County Income and Affordability Guidelines, housing affordability levels include:

1. “Low income” means a family earning between zero (0) and fifty (50) percent (0-50%) of the King County Median Household Income.
2. “Moderate income” means a family earning between fifty-one (51) and eighty (80) percent (51-80%) of the King County Median Household Income.
3. “King County Median Household Income” means the median income of the Seattle Metropolitan Statistical Area (“SMSA”), adjusted for household size, as determined by the United States Department of Housing and Urban Development (“HUD”). In the event that HUD no longer publishes median income figures for King County, the City may determine such other method as it may choose to determine the King County Median Household Income, adjusted for household size.

“Applicant” means a property owner or a public agency or public or private utility that owns a right of way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

“Building permit” means an official document or certification which is issued by the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

“Capital facilities plan” means the capital facilities plan element of a comprehensive plan adopted by the City of Sammamish pursuant to Chapter 36.70A RCW, and such plan as amended.

“Certificate of Concurrency” means the document issued by the City indicating the location or other description of the property on which the development is proposed, the type of development permit for which the certificate is issued, the number and type of units, square footage, and/or

maximum trip generation approved, the public facilities that are available and reserved for the property described in the certificate, any conditions attached to the approval, and the date of issuance.

“City” means the City of Sammamish.

“Concurrency” means adequate public facilities that meet the level of service standard are, or will be, available no later than the impact of development.

“Concurrency test” means a comparison of an applicant’s impact on public facilities to the capacity of public facilities that are, or will be, available no later than the impacts of development.

“Concurrency test deferral affidavit” means a document signed by an applicant which defers the application for a certificate of concurrency and the concurrency test, acknowledges that future rights to develop the property are subject to the deferred concurrency test, and acknowledges that no vested rights concerning concurrency have been granted by the City or acquired by the applicant without such a test.

“Council” means the City Council of the City of Sammamish.

“Department,” when referenced in Chapter 14A.15, means the department of public works, or when referenced in Chapter 14A.XX, means the department of parks and recreation.

“Development permit” means any order, permit or other official action of the City granting, or granting with conditions, an application for development, including specifically:

- (a) Comprehensive plan amendment proposing a change of property designation;
- (b) Zone reclassifications;
- (c) Planned action, as that term is defined in RCW 43.21C.031(2);
- (d) Subdivision, including preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation;
- (e) Mobile home park;
- (f) Master site plan, including urban planned developments;
- (g) Conditional use permit;
- (h) Site development permit;
- (i) Building permit;
- (j) Certificate of occupancy for a change in use.

“Director,” when referenced in this Title means the director of the department of public works or the director’s designee;, or the director of the department of parks and recreation or the director’s designee,or the director of the department of community development or the director’s designee, as appropriate.

“Dwelling unit” means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.

“Encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

“Feepayer” means a person, corporation, partnership, incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

“Gross floor area” means the total square footage of any building, structure, or use, including accessory uses.

“Hearing examiner” means the examiner who acts on behalf of the City in considering and applying land use regulatory codes as provided under the Sammamish Municipal Code. Where appropriate, “hearing examiner” also refers to the office of the hearing examiner.

“Impact fee account” or “account” means the account(s) established for each type of public facility for which impact fees are collected. The accounts shall be established pursuant to SMC 14A.15.070, 14A.15.080, 14.XX.070 and 14.XX.080, and comply with the requirements of RCW 82.02.070.

“Independent fee calculation” means the street impact calculation or park and recreational impact fee and/or economic documentation prepared by a Feepayer to support the assessment of an impact fee calculation other than by the use of the rates listed in SMC 14A.15.110 or SMC 14A.XX.110, or the calculations prepared by the director where none of the fee categories or fee amounts in SMC 14A.15.110 or SMC 14A.XX.110 accurately describe or capture the impacts of the new development on public facilities.

“ITE land use code” means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the current edition of Trip Generation.

“Level of service standard” means the number of units of capacity per unit of demand, or similar objective measure of the extent or degree of service provided by a public facility.

“Peak hour” means the single hour with the greatest traffic volume between 4:00 p.m. and 6:00 p.m. for the p.m. peak hour and between 7:00 a.m. and 9:00 a.m. for the a.m. peak hour.

“Planned action” means a project action as that term is defined in RCW 43.21C.031(2).

“Rate Study for Impact Fees for Parks and Recreational Facilities” means the rate study completed by Henderson, Young and Company, dated November 2, 2006 for the City of Sammamish.

“Reserve” means to document in the City’s concurrency records in a manner that assigns the capacity or other measure of public facilities to the applicant and prevents the same capacity or other measure being assigned to any other applicant.

“Residential” or “Residential development” means all types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, townhouse and other multifamily development.

“Significant past tax payment” means taxes exceeding five percent of the amount of the impact fee, and which were paid prior to the date the impact fee is assessed and were earmarked or proratable to the same system improvements for which the impact fee is assessed.

“Square footage” means the square footage of the gross floor area of the development.

“State” means the state of Washington.

“Street” means an urban right of way, paving and associated improvements which enables motor vehicles, transit vehicles, bicycles and pedestrians to travel between destinations, and affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

“Street Impact Fee Rate Study” means the “Rate Study for Impact Fees for Streets,” City of Sammamish, dated September 27, 2006.