

ORDINANCE NO. 2015-07

AN ORDINANCE of the City of Bainbridge Island, Washington, adopting a new Chapter 15.30, Transportation Impact Fees, of the Bainbridge Island Municipal Code.

WHEREAS, the 2004 Island-wide Transportation Plan identified traffic impact fees as a potential revenue source to provide for transportation improvements to accommodate future growth; and

WHEREAS, in 2014, members of City Council expressed interest in studying transportation impact fees; therefore, this item was added to the City's 2014 Work Plan; and

WHEREAS, at the March 10, 2015 City Council meeting, City staff and Consultant Transportation Solutions, Inc. (TSI) presented an update to the City Council on the *Transportation Impact Fee Rate Analysis* report prepared by TSI; and

WHEREAS, this ordinance is a result of a combination of recommendations by the 2004 Island-wide Transportation Plan and comments received at the March 10, 2015 City Council meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS

Section 1. A new Chapter 15.30 of the Bainbridge Island Municipal Code, Transportation Impact Fees, is hereby adopted to read as follows:

**Chapter 15.30
TRANSPORTATION IMPACT FEES**

Sections:

- 15.30.010 Purpose and intent.
- 15.30.020 Findings and authority.
- 15.30.030 Definitions.
- 15.30.040 Transportation impact fees methodology and applicability.
- 15.30.050 Assessment of transportation impact fees.
- 15.30.060 Independent Fee Calculations.
- 15.30.070 Exemptions.
- 15.30.080 Credits.
- 15.30.090 Adjustments.
- 15.30.100 Establishment of transportation impact fee fund.
- 15.30.110 Administrative guidelines.
- 15.30.120 Refunds.
- 15.30.130 Use of funds.

- 15.30.140 Periodic adjustment of fees.
- 15.30.150 Administrative fees.
- 15.30.160 Reviews by the Director and appeals.
- 15.30.170 Existing authority unimpaired.
- 15.30.180 Relationship to State Environmental Policy Act (SEPA).
- 15.30.190 Relationship to concurrency management.
- 15.30.200 Transportation Impact Fee Schedule.

15.30.010 Purpose and intent

A. The purpose and intent of this chapter is to provide for the collection of a transportation impact fee (“TIF”) for streets and roads, and for certain other matters in connection therewith:

1. Adopt a program for the purpose of jointly funding, from public and private sources, system improvements necessitated in whole or in part by development and growth within the service area.
2. Provide a fair and predictable method for allocating the cost of reasonable and necessary transportation improvements between the public and private sectors.
3. Create a mechanism to charge and collect transportation impact fees from new development.
4. Provide a portion of the funding for reasonable and necessary system improvements to mitigate the cumulative impacts of growth and development in the service area.
5. Create a system for the collection and administration of transportation impact fees.

B. This Chapter 15.30 supplements existing authority of the city to regulate development. This chapter does not supplant the requirements of environmental review and mitigation under the State Environmental Policy Act (SEPA) and Title 16 BIMC. However, a developer required to pay a fee as mitigation under SEPA and Title 16 BIMC for system improvements identified in the rate study shall not be required to pay impact fees under this chapter for those same improvements.

15.30.020 Findings and authority

The City Council finds and determines that development activities, including but not limited to new residential, commercial, retail, office, and industrial development, in the city of Bainbridge Island will create additional demand and need for transportation facilities in the city, and the city council finds that such development activity should pay a proportionate share of the cost of new transportation facilities needed to serve the development activity. The city of Bainbridge Island has conducted extensive research and analysis documenting the procedures for measuring the impact of new development activity on its transportation facilities, and has prepared and relied upon an appropriate TIF rate study relating to the establishment of TIFs. The TIF rate study utilizes a methodology for calculating TIFs that fulfills all of the requirements of RCW 82.02.060(1). A copy of the TIF rate study relied upon by the city shall be kept on file with the

City of Bainbridge Island Public Works department and is available to the public for review. Pursuant to Chapter 82.02 RCW, the City Council adopts this chapter to assess TIFs for streets and roads. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the City Council in establishing the TIF program.

15.30.030 Definitions

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. "Applicant" means a person who applies for a building permit under the BIMC and who is the owner of the subject property or the authorized agent of the property owner.

B. "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.

C. "Capital Facilities Plan" means the capital facilities element of the City's Comprehensive Plan adopted pursuant to Chapter 36.70A RCW and such plan as amended.

D. "Development" means any construction or expansion of a building, structure, or use for which a permit, approval, or other authorization is required that creates additional demand and need for transportation improvements; provided, that such development generates at least one new p.m. peak hour trip, when the permit, approval, or other authorization for the development is processed pursuant to Title 17 BIMC (Subdivision and Boundary Line Adjustments), or in the case of tenant improvement permits, "development" means any proposed new use or expanded existing use that generates additional trips per unit according to the trip generation rates established in the Transportation Impact Fee Rate Schedule in BIMC 15.30.200. Development does not include buildings or structures constructed by a regional transit authority.

E. "Development Approval" means any written authorization from the City which authorizes the commencement of a development activity.

F. "Director" means the director of the department of public works of the City of Bainbridge Island or her/his designee.

G. "Encumber/Encumbered" means to reserve, set aside, or otherwise earmark the TIFs in order to pay for commitments, contractual obligations, or other liabilities incurred for system improvements.

H. "TIF Rate Schedule" means the list of TIF rates per land use category as set forth in BIMC 15.30.200.

I. "Hearing Examiner" means the hearing examiner operating pursuant to the powers and duties set forth by BIMC 2.14.030.

J. “Independent Fee Calculation” means the street and road impact calculation, and/or economic documentation prepared by an applicant, to support the assessment of a TIF other than by the use of the rates listed in the TIF rate schedule, or the calculations prepared by the director where none of the fee categories or fee amounts in the TIF rate schedule accurately describe or capture the impacts of the development activity on the City’s transportation facilities.

K. “P.M. Peak Hour Trips” means the total vehicular trips entering and leaving a place of new development activity on the adjacent public streets or roads during the p.m. peak hour. The p.m. peak hour is the highest volume of traffic for a continuous hour between 4:00 p.m. and 6:00 p.m. on weekdays.

L. “Project Improvements” means site improvements and facilities that are planned and designed to provide service for a particular development activity and are necessary for the use and convenience of the occupants or users of the project and are not system improvements.

M. “RCW” means the Revised Code of Washington or, when followed or preceded by a numerical designation, a provision of the Revised Code of Washington.

N. “Service Area” means a geographic area over which a particular TIF is applied. For the City of Bainbridge Island, the service area encompasses the current city limits.

O. “Square Footage” means the square footage of the gross floor area of the development as defined in the BIMC.

P. “Street” or “Road” means a public right-of-way and all related appurtenances, 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. For purposes of this chapter, public streets and roads are collectively referred to as transportation facilities.

Q. “System Improvements” means transportation improvement projects that are included in the City of Bainbridge Island comprehensive plan transportation element, and such plan as amended, and are designed to provide service to service areas within the community at large, in contrast to project improvements that serve specific development.

R. “Transportation Facilities” means any and all transportation infrastructure of the City constructed pursuant to City design and development standards and requirements, including without limitation roads, bridges, overpasses, sidewalks, curbs, turn lanes, bike lanes, traffic signals, roundabouts, traffic signs, HOV lanes, bus shelters, and associated landscaping. The cost of the transportation improvement shall include any debt service payments, including interest, for any of these improvements.

S. “Transportation Impact Fee (TIF)” means a payment of money imposed by the City on development activity pursuant to this chapter as a condition of granting development approval to pay for transportation improvements needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for transportation improvements, that is a proportionate share of the cost of the transportation improvements, and that is used for improvements that reasonably benefit the new development.

“Transportation impact fee” does not include a building permit fee, administrative fee for collecting and handling TIFs, appeal fee, or independent fee calculation review fee.

T. “TIF Rate Study” means the “Rate Study for Transportation Impact Fees, City of Bainbridge Island” dated May 11, 2015 and other studies relied upon by the City in establishing the TIF methodology and TIF rate schedule.

U. Transportation Impact Fee Fund(s)” means the fund(s) established for the TIFs that are collected. The funds(s) shall be established pursuant to BIMC 15.30.100, and shall comply with the requirements of RCW 82.02.070.

15.30.040 Transportation impact fees methodology and applicability

The TIF rates are generated pursuant to a formula for calculating TIFs set forth in the rate study. Except as otherwise provided for by independent fee calculations in BIMC 15.30.060, exemptions in BIMC 15.30.070, and credits in BIMC 15.30.080, all new development activity in the City will be charged the TIF applicable to the type of development per the TIF rate schedule.

15.30.050 Assessment of Transportation Impact Fees

A. The City shall collect TIFs, based on the land use categories in the rate schedule from any applicant seeking to conduct development activity that includes expansion, replacement, or new accessory building and which requires the issuance of a building permit, including but not limited to, development of residential, commercial, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional system improvements. The public works department is authorized to determine the appropriate land use category found in the TIF rate schedule that applies to the application.

B. All TIFs shall be due and payable prior to issuance of the building permit based on the land use categories in the adopted TIF rate schedule.

Unless the use of an independent fee calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the TIF shall be calculated based on the TIF rate schedule in effect at the time the Building Permit is issued.

C. The public works department shall establish the TIF rate for a land use that is not listed in the TIF rate schedule. The applicant shall submit all information requested by the City for purposes of determining the TIF rate pursuant to BIMC 15.30.060.

D. For a change in use of an existing building or dwelling unit, or portion thereof, that meets the requirements of subsection (A) of this section, except for development activity exempt under BIMC 15.30.070, the TIF shall be the applicable TIF for the land use category of the new use, less the TIF for the land use category of the prior use. For any change in use that includes expansion, replacement, or new accessory building, the TIF shall be the applicable TIF for the land use category of the new gross floor area (or if applicable, gross leasable area), less the TIF for the land use category of the prior gross floor area (or if applicable, gross leasable area). The net TIF shall be calculated by the following equation:

Net TIF = X – Y, where:

X = (new gross floor area and/or dwelling units)*(fee per unit for the new land use category);
and

Y = (prior gross floor area and/or dwelling units)*(fee per unit for the prior land use category).

If the net TIF is a negative number, the applicant will not be required to pay TIFs for the development activity. The applicant will not be compensated by the City for a negative TIF.

E. For mixed use developments, TIFs shall be imposed for the proportionate share of each land use based on the applicable measurement in the TIF rates set forth in the TIF rate schedule.

F. The City shall not issue the required building permit until the TIFs set forth in the TIF rate schedule have been paid as set forth in the TIF rate schedule less any credits allowable under this chapter.

G. The City will assess TIFs based on a single service area encompassing the entire city.

15.30.060 Independent Fee Calculations

A. If in the judgment of the director none of the TIF categories or TIF amounts set forth in the TIF rate schedule accurately describes the impacts resulting from the proposed development activity, the applicant shall provide to the director for review and evaluation an independent fee calculation, prepared by a traffic engineer approved by the director. The director may impose on the proposed development activity an alternative TIF based on this calculation.

B. The applicant may opt not to have the TIFs determined according to the fee structure listed in the TIF rate schedule, in which case the applicant shall prepare and submit to the director an independent fee calculation for the proposed development activity. The documentation submitted shall be prepared using procedures consistent with those established in the current edition of the Institute of Transportation Engineers Trip Generation Manual. An independent fee calculation shall be limited to adjustments in trip generation rates used in the TIF rate study, and shall not include travel demand forecasts, trip distribution, transportation service area zones, costs of street and road projects, or cost allocation procedures.

C. An applicant requesting an independent fee calculation will be required to pay the City an administrative processing fee to cover the cost of reviewing the independent fee calculation. The fee required by the City for conducting an independent fee calculation review shall be as set forth by BIMC 15.30.209. However, if the director initiates the independent fee calculation as set forth by subsection (A) of this section, the applicant shall not be required to pay to the City an administrative processing fee.

D. There is a rebuttable presumption that the calculations set forth in the TIF rate study and the fees set forth in the TIF rate schedule are valid. The director shall consider the documentation submitted by the applicant, but is not required to accept such documentation or analysis which the director reasonably deems to be inapplicable, inaccurate or unreliable. The director may require the applicant to submit additional or different documentation for consideration. The

director is authorized to adjust the TIFs on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development and/or principles of fairness.

E. Determinations made by the director pursuant to this section may be appealed as established in Chapter 2.16 BIMC.

15.30.070 Exemptions

A. The following development activity shall be exempted from the payment of TIFs:

1. Alteration, expansion, or replacement of an existing single family home.
2. Alteration of a nonresidential structure that does not expand the usable space or add any residential units.
3. Any legal accessory dwelling unit approved under Title 18 BIMC, Zoning, because it is considered part of the associated single-family use.
4. Miscellaneous improvements that do not generate increased p.m. peak hour trips including, but not limited to, fences, walls, residential swimming pools, and signs.
5. Demolition or moving of a structure when additional p.m. peak hour trips are not generated.
6. A change of use that does not generate additional trips per unit of development according to the trip generation rates established in the Transportation Impact Fee Rate Schedule in BIMC 15.30.200.
7. Miscellaneous permits for activities that do not generate any new trips.
8. Rezones, comprehensive plan amendments, subdivisions, boundary line adjustment and lot line eliminations, or any other land use permits.
9. Buildings or structures constructed by a regional transit authority pursuant to RCW 82.02.090.
10. Any building permit application that has been submitted to the City before 4:00 p.m. the business day before the effective date of the ordinance codified in this chapter that has been deemed complete based on the information on file as of the effective date of the ordinance codified in this chapter.
11. Affordable housing as defined by BIMC 18.21.020 and 18.36.030(16) or their successors.
12. Pursuant to RCW 82.02.060, the City may provide exemptions for 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 funds. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures established in Chapter 2.16 BIMC.

15.30.080 Credits

A. At an applicant's request, the director may award a credit or credits against TIFs for the total value of system improvements, including dedications of land, improvements and/or construction provided by the applicant. Credits will be given only if the land, improvements, and/or the facility constructed are for one or more of the system improvements listed in the TIF rate study as the basis for calculating the TIF.

B. Each request for a credit or credits shall include a legal description of the dedicated land, a detailed description of improvements or construction provided, and an adequate description of the development activity to which the credit will be applied.

C. For each request for a credit or credits, the applicant shall estimate the value of the dedicated land, improvements, or construction for review and approval by the director. In the event that the director disagrees with the applicant's valuation, the applicant may submit an appraisal of the fair market value of the dedicated land improvements or construction estimate for the director's consideration. The appraisal shall be prepared by a state certified appraiser holding a MAI (Member of the American Institute of Appraisers) designation and/or a construction estimate prepared by a licensed engineer in good standing pursuant to RCW 18.43 F. After receiving and reviewing the appraisal or valuation, the Director will determine the dollar amount of any credit, the basis for the credit, the legal description of the real property dedicated where applicable, and the adequate description of the system improvement to which the credit may be applied with issuance of the building permit. If the total value of any such dedication, improvement or construction cost exceeds the amount of the TIF obligation, the developer will not be entitled to reimbursement of the difference.

D. No credit shall be given for project improvements or right-of-way dedications for direct access improvements to and/or within the subject development activity above and beyond what is proposed in the City of Bainbridge Island comprehensive plan transportation element 20-year list.

E. Any claim for credit must be made before payment of the TIF and prior to the issuance of the building permit.

F. Determinations made by the director pursuant to this section shall be subject to the appeals procedures established in Chapter 2.16 BIMC.

15.30.090 Adjustments

Pursuant to and consistent with the requirements of RCW 82.02.060, the TIF rate study has provided adjustments for future taxes to be paid by the development activity which are earmarked or pro-ratable to the same new system improvements which will serve the new development activity. The TIF rates in the TIF rate schedule have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund public improvements.

15.30.100 Establishment of Transportation Impact Fee Fund

A. The City shall establish a separate TIF fund for the fees collected pursuant to this chapter which shall be designated as the Transportation Impact Fee Fund. Funds withdrawn from the fund must be used in accordance with the provisions of this chapter and applicable state law. Interest earned on the fees shall be retained in the fund and expended for the purposes for which the TIFs were collected.

B. On an annual basis, the finance director shall provide a report to the council on the transportation impact fee fund showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by TIFs.

C. TIFs shall be expended or encumbered within ten years of receipt.

D. In order to comply with RCW 82.02.060(2), TIFs for development activity as specified under exemptions BIMC 15.30.070(A) (10) and (B) shall be paid for with public funds other than from transportation impact fee funds.

15.30.110 Administrative guidelines

A. The finance director is hereby authorized to adopt internal guidelines for the administration of TIFs, which may include the adoption of a procedures guide for the administration of TIFs.

B. The director is hereby authorized to adopt internal guidelines for the calculation of TIFs, which may include the adoption of a procedures guide for the calculation of TIFs.

15.30.120 Refunds

A. If the City fails to expend or encumber the TIFs within ten years of when the fees were paid, the current owner of the property on which TIFs have been paid may receive a refund of such fees. In determining whether TIFs have been expended or encumbered, TIFs 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 of the availability of a refund. A potential claimant or claimants must be the owner of record of the real property against which the TIF was assessed.

C. Property owners seeking a refund of TIFs must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any TIFs for which no application for a refund has been made within this one-year period shall be retained by the City and expended or encumbered on the appropriate system improvements.

E. Refunds of TIFs or offsets against subsequent TIFs under this section shall include any interest earned on the TIFs by the City.

F. When the City seeks to terminate any or all components of the TIF program, all unexpended or unencumbered funds from any terminated component or components, 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 within the City at least two 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 year after the second publication. At the end of one year, any remaining funds shall be retained by the City, but must be expended or encumbered for the appropriate system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the fund or funds being terminated.

G. The City shall also refund to the current owner of property for which TIFs have been paid all TIFs paid, including interest earned on the TIFs, if the development activity for which the TIFs were imposed did not occur; provided, however, that if the City has expended or encumbered the TIFs in good faith prior to the application for a refund, the director can decline to provide the refund. If, within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition the director for an offset in the amount of the fee originally paid and not refunded. The petitioner must provide receipts of TIFs previously paid for a development activity of the same or substantially similar nature on the same real property or some portion thereof. The director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedure established in Chapter 2.16 BIMC.

15.30.130 Use of funds

A. Pursuant to this chapter, transportation impact fees:

1. Shall be used for system improvements that will reasonably benefit the new development activity;
2. Shall not be imposed to make up for deficiencies in existing transportation facilities serving existing development; and
3. Shall not be used for maintenance or operation.

B. TIFs may be spent for system improvements as herein defined and, including, but not limited to, transportation planning, engineering design studies, land survey, right-of-way acquisition, site improvements, necessary off-site improvements, engineering, architectural, permitting, financing, administrative expenses, construction of streets and roads and related facilities such as shoulders, curbs, gutters, sidewalks, bike lanes, storm drainage, streetscapes and installation of traffic signals, roundabouts, signs and street lights, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

C. TIFs may also be used to recoup system improvement costs previously incurred by the City to the extent that new development activity will be served by the previously constructed system improvements or incurred costs, provided such fee shall not be imposed to make up for any deficiencies in the City's existing transportation facilities.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which TIFs may be expended, TIFs 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 and are used to serve the new development activity.

15.30.140 Periodic adjustment of fees

A. The TIFs in the TIF rate schedule shall be indexed to provide for an automatic fee adjustment according to the following schedule every two years beginning January 1, 2017, to reflect changes in project costs due to industry trends. The Washington State Department of Transportation Construction Cost Index (CCI) will be used to determine the adjustment in fees. The adjustment will be based on a two-year simple moving average, the mean of the previous two years' CCI, of the two most recent calendar years' CCI data that is available.

B. The TIF rate study supporting the TIFs in the TIF rate schedule shall be updated periodically, unless the City determines that circumstances have not changed to warrant an update.

15.30.150 Administrative fees

A. There shall be a fee for the administration of the TIF program. Administrative fees shall be used to defray the cost incurred by the City in the administration and update of the TIF program. The administrative fee is not creditable or refundable.

B. The administrative fee, in addition to the TIF, shall be paid by the applicant to the City at the same time as the TIF is paid.

15.30.160 Reviews by the Director and appeals

A. In order to obtain a building permit, any applicant may pay the TIFs imposed by this chapter under protest and file for a review by the director, followed by the option to appeal to the hearing examiner. No building permit shall be issued until the TIFs at issue have been paid.

Alternatively, any applicant may file for a review by the director, followed by the option to appeal to the hearing examiner, without first paying the TIFs, providing the applicant is willing to postpone issuance of the building permit until after the appeal process when the final amount of the TIFs are known.

B. Reviews by the director and appeals regarding the TIF imposed on any development activity may only be filed by the applicant for the development activity at issue.

C. Before an appeal can be filed, the applicant must first file a request for review by the director with the public works department specifying the grounds thereof, 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 14 calendar days after the applicant's payment of the TIF 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. Following the determination issued by the director, the applicant may elect to appeal the director's decision to the hearing examiner. Any determinations which the director is authorized to make pursuant to this chapter may be appealed to the hearing examiner.

E. Appeals to the hearing examiner must be filed within 14 calendar days of the director's issuance of a written determination by filing a letter of appeal with the public works department specifying the grounds thereof, and depositing the necessary appeal fee as set forth by the procedures established in Chapter 2.16 BIMC. The failure to timely file an appeal shall constitute a final bar to later seek such review. 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 city shall fix a time for the hearing of the appeal and give notice to the parties in interest. In those cases where the proposed development activity may require a public hearing under the authority of other chapters of the BIMC, the hearings may be combined. 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 an applicant's development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The hearing examiner's determination shall be final unless appealed to the superior court of Kitsap County in accordance with the procedures in RCW 34.05.510 through 34.05.598, and with the appeal being filed with the city clerk within 30 days after issuance of the decision of the hearing examiner.

H. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the TIFs imposed or the credit awarded.

15.30.170 Existing authority unimpaired

Nothing in this chapter shall preclude the city from requiring the applicant or the proponent of a development activity to mitigate significant probable adverse environmental impacts of a specific development activity pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development

A. Transportation Impact Fee Rate Schedule – Residential

Impact Fee Per Trip Rate:	\$1,632.47
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Land Use Group	ITE Code ¹	ITE Land Use Category ¹	ITE Trip Rate ²	% Pass By Trips ³	Net New Trips per Development Unit	Impact Fee per Development Unit ⁴
Dwelling	210	Single-Family Detached Housing	1.00	0%	1.000	\$1,632.47 per DU
Dwelling	220	Apartment	0.62	0%	0.620	\$1,012.13 per DU
Dwelling	231	Low-Rise Condo / Townhouse	0.78	0%	0.780	\$1,273.33 per DU
Dwelling	240	Mobile Home Park	0.59	0%	0.590	\$963.16 per DU
Dwelling - Group	251	Sr. Housing Detached	0.27	0%	0.270	\$440.77 per DU
Dwelling - Group	252	Sr. Housing Attached	0.25	0%	0.250	\$408.12 per DU
Dwelling - Group	253	Congregate Care Facility	0.17	0%	0.170	\$277.52 per DU
Dwelling - Group	254 ⁶	Assisted Living	0.22	0%	0.220	\$359.14 per Bed
Dwelling - Group	620 ⁶	Nursing Home	0.22	0%	0.220	\$359.14 per Bed

¹ Institute of Transportation Engineers, [Trip Generation Manual \(9th Edition\)](#)

² Trip generation rate per development unit, for PM Peak Hour of the adjacent street traffic (4-6 pm).
Note: Sq. Ft. rate expressed per 1000 SF (KSF).

³ Average Pass-by Rates, per Trip Generation Manual (9th edition) User's Guide and Handbook: an ITE Recommended Practice, 2012. Additional pass-by rate adjusted based on local conditions and engineering judgment.

⁴ DU = Dwelling Unit

B. Transportation Impact Fee Rate Schedule – Non-Residential

Transportation Impact Fee Rate Schedule – Non-Residential			Impact Fee per Trip Rate: \$1,632.47			
Land Use Group	ITE Code ¹	ITE Land Use Category ¹	ITE Trip Rate ²	% Pass By Trips ³	Net New Trips per Development Unit	Impact Fee Per Development Unit ⁴
Education	520	Public Elementary School	1.21	0%	1.210	\$1,975.29 per KSF
Education	522	Public Middle/Junior High School	1.19	0%	1.190	\$1,942.64 per KSF
Education	530	Public High School	0.97	0%	0.970	\$1,583.50 per KSF
Education	534	Private School K-8 (limited data)	3.27	0%	3.270	\$5,338.18 per KSF
Education	536	Private School K-12 (limited data)	2.75	0%	2.750	\$4,489.29 per KSF
Industrial	110	General Light Industrial	0.97	0%	0.970	\$1,583.50 per KSF
Industrial	130	Industrial Park	0.85	0%	0.850	\$1,387.60 per KSF
Industrial	140	Manufacturing	0.73	0%	0.730	\$1,191.70 per KSF
Institutional	566	Cemetery	0.84	0%	0.840	Per acre
Medical	610	Hospital	0.93	0%	0.930	\$1,518.20 per KSF
Medical	630	Clinic (limited data)	5.18	0%	5.180	\$8,456.19 per KSF
Medical	720	Medical/Dental Office	3.57	0%	3.570	\$5,827.92 per KSF
Office	710	General Office	1.49	0%	1.490	\$2,432.38 per KSF
Office	715	Single Tenant Office	1.74	0%	1.740	\$2,840.50 per KSF
Park and Ride	090	Park and Ride with Bus Service	0.62	0%	0.620	\$1,012.13 per Space
Port and Terminal	030	Intermodal Truck Terminal	0.83	0%	0.830	\$1,354.95 per KSF
Recreation	411	City Park	3.50	25%	2.625	\$4,285.23 per Acre
Recreation	420	Marina (limited data)	0.19	25%	0.143	\$232.63 per Slip
Recreation	430	Golf Course	0.30	25%	0.225	\$367.31 per Acre
Recreation	437	Bowling Alley	1.51	25%	1.133	\$1,849.59 per KSF
Recreation	441	Live Theater (limited data)	0.02	25%	0.015	\$24.49 per KSF
Recreation	444	Movie Theater	3.80	25%	2.850	\$4,652.54 per KSF
Recreation	491	Racquet/Tennis Club	0.84	25%	0.630	\$1,028.46 per KSF
Recreation	492	Health Fitness Club	3.53	25%	2.648	\$4,321.96 per KSF
Recreation	493	Athletic Club	5.96	25%	4.470	\$7,297.14 per KSF
Recreation	495	Recreational Community Center	2.74	25%	2.055	\$3,354.73 per KSF
Retail – Automotive	853	Convenience Market w/Gas Pumps	19.07	66%	6.484	\$10,584.61 per VSP
Retail – Automotive	941	Quick Lubrication Vehicle Stop	5.19	42%	3.010	\$4,914.06 per VSP
Retail – Automotive	944	Gasoline/Service Station	13.87	42%	8.045	\$13,132.57 per VSP
Retail – Automotive	945	Gas Station w/Convenience Market	13.51	56%	5.944	\$9,704.05 per VSP
Retail – Automotive	946	Gas Station w/Convenience Market and Car Wash	13.86	56%	6.098	\$13,123.10 per VSP
Retail – Automotive	947	Self-Serve Car Wash	5.54	42%	3.213	\$5,245.45 per VSP
Retail - Large	814	Variety Store	6.82	34%	4.501	\$7,348.07 per KSF
Retail - Large	815	Free Standing Discount Store	4.98	17%	4.133	\$6,747.65 per KSF
Retail - Large	850	Supermarket	9.48	36%	6.067	\$9,904.52 per KSF
Retail - Large	854	Discount Supermarket	8.34	23%	6.422	\$10,483.40 per KSF
Retail - Small	590	Library	7.30	0%	7.300	\$11,917.03 per KSF
Retail - Small	816	Hardware/Paint Store	4.84	26%	3.582	\$4,503.66 per KSF
Retail - Small	826	Specialty Retail Center	2.71	34%	1.789	\$2,920.49 per KSF
Retail - Small	841	Automobile Sales	2.62	0%	2.620	\$4,277.07 per KSF
Retail - Small	843	Automobile Parts Sales	5.98	43%	3.409	\$5,565.09 per KSF
Retail - Small	848	Tire Store	4.15	28%	2.988	\$4,877.82 per KSF
Retail - Small	851	Convenience Market	52.41	61%	20.440	\$33,367.52 per KSF
Retail - Small	876	Apparel Store	3.83	34%	2.528	\$4,126.88 per KSF
Retail - Small	879	Arts and Crafts Store	6.21	34%	4.099	\$6,691.49 per KSF
Retail - Small	880	Pharmacy/Drug Store w/o Drive-Thru	8.40	53%	3.948	\$6,993.50 per KSF
Retail - Small	881	Pharmacy/Drug Store w/Drive-Thru	9.91	49%	5.054	\$7,603.56 per KSF
Retail - Small	890	Furniture Store	0.45	53%	0.212	\$346.08 per KSF
Retail - Small	896	DVD/Video Rental Store	13.60	49%	6.936	\$11,322.81 per KSF
Retail - Small	911	Walk-in Bank (limited data)	12.13	47%	6.429	\$10,494.99 per KSF
Retail - Small	912	Drive-in Bank	24.30	47%	12.879	\$21,024.58 per KSF
Retail - Small	925	Drinking Place	11.34	0%	11.340	\$18,512.21 per KSF
Retail - Small	931	Quality Restaurant	7.49	44%	4.194	\$6,847.23 per KSF
Retail - Small	932	High Turnover Restaurant	9.85	43%	5.615	\$9,165.50 per KSF
Retail - Small	933	Fast Food w/o Drive-Thru	26.15	49%	13.337	\$21,771.44 per KSF
Retail - Small	934	Fast Food w/Drive-Thru	32.65	50%	16.325	\$26,650.07 per KSF
Retail - Small	936	Coffee/Donut Shop w/o Drive-Thru	40.75	49%	20.783	\$37,252.97 per KSF
Retail - Small	942	Automobile Care Center	3.11	28%	2.239	\$3,655.43 per KSF

Land Use Group	ITE Code ¹	ITE Land Use Category ¹	ITE Trip Rate ²	% Pass By Trips ³	Net New Trips per Development Unit	Impact Fee Per Development Unit ⁴
Services	151	Mini Warehouse	0.26	0%	0.260	\$424.44 per KSF
Services	310	Hotel	0.60	0%	0.600	\$979.48 per KSF
Services	320	Motel	0.47	0%	0.470	\$767.26 per KSF
Services	560	Church	0.55	0%	0.550	\$897.86 per KSF
Services	565	Day Care Center	12.34	75%	3.085	\$5,036.17 per KSF
Services	732	US Post Office	11.22	47%	5.947	\$9,707.65 per KSF

- 1 Institute of Transportation Engineers, Trip Generation Manual (9th Edition)
- 2 Trip generation rate per development unit, for PM Peak Hour of the adjacent street traffic (4-6 pm). Note: Sq. Ft. rate expressed per 1000 SF.
- 3 Average Pass-by Rates, per Trip Generation Manual (9th edition) User's Guide and Handbook: an ITE Recommended Practice, 2012. Additional pass-by rate adjusted based on local conditions and engineering judgment.
- 4 Sq. Ft. = Square Feet, VSP = vehicle servicing position

C. Administrative Fee 2%, added to calculated fee total

D. Independent Fee Calculation Review: \$500.00.

Section 2. This ordinance shall take effect and be in force on October 1, 2015.

PASSED BY THE CITY COUNCIL this 8th day of September, 2015.

APPROVED BY THE MAYOR this 8th day of September, 2015.



 Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:



 Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	June 30, 2015
PASSED BY THE CITY COUNCIL:	September 8, 2015
PUBLISHED:	September 11, 2015
EFFECTIVE DATE:	October 1, 2014
ORDINANCE NUMBER:	2015-07