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**ORDINANCE NO. 3516**

AN ORDINANCE OF THE CITY OF EDMONDS AMENDING THE EDMONDS COMMUNITY DEVELOPMENT CODE, TITLE 18, TO ADD A NEW CHAPTER TITLE 18.82, TRAFFIC IMPACT FEES, AUTHORIZING THE COLLECTION OF IMPACT FEES FOR ROADS; PROVIDING FINDINGS AND DEFINITIONS; PROVIDING FOR THE TIME OF PAYMENT; PROVIDING EXEMPTIONS AND CREDITS; PROVIDING FOR THE APPEALS OF FEES AND OTHER DETERMINATIONS; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS, REFUNDS, AND THE USE OF FUNDS; PROVIDING FOR REVIEWS AND ANNUAL ADJUSTMENT OF FEE SCHEDULES; PROVIDING THE SCHEDULES FOR IMPACT FEES AND AUTHORIZING INDEPENDENT FEE CALCULATIONS; AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

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

WHEREAS, the City of Edmonds is authorized by Chapter 82.02 RCW to require new growth and development within the City of Edmonds 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 assessed pursuant to Chapter 82.02 RCW 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 the new development; and

WHEREAS, the City of Edmonds is authorized by Chapter 82.02 RCW to impose impact fees for system improvement costs previously incurred by the City of Edmonds to the extent that new growth and development will be served by the previously constructed improvements; 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, RCW 58.17.110 and RCW 58.17.060 require the Council and administrative personnel to make written findings that public facilities such as roads, streets, parks, recreation, open spaces, schools, and school grounds are adequate before approving proposed subdivisions, dedications, short plats, and short subdivisions; and

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

WHEREAS, the City of Edmonds has conducted extensive studies documenting the procedures for measuring the impact of new developments 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 studies into this ordinance by reference:

- A. "Rate Study for Impact Fees for Roads," City of Edmonds, dated April 15, 2003.
- B. "Procedures Guide For Transportation Impact Fees," City of Edmonds dated June 11, 2003.

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

Section 1. The Edmonds Community Development Code Title 18 is hereby  
amended by the addition of a new Chapter 18.82 Traffic Impact Fees to read as follows:

**Chapter 18.82  
TRAFFIC IMPACT FEES**

**Sections:**

**18.82.010 Findings and authority.**

**18.82.020 Definitions.**

**18.82.030 Assessment of impact fees.**

**18.82.040 Exemptions.**

**18.82.050 Credits.**

**18.82.060 Tax adjustments.**

**18.82.070 Appeals.**

**18.82.080 Establishment of impact fee accounts.**

**18.82.090 Refunds.**

**18.82.100 Use of funds.**

**18.82.110 Review.**

**18.82.120 Road impact fee rates.**

**18.82.130 Independent fee calculations.**

**18.82.140 Existing authority unimpaired.**

**Section 18.82.010 Findings and authority.**

The City Council of the City of Edmonds (the "Council") hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, and industrial development, in the City of Edmonds will create additional demand and need for public facilities in the City of Edmonds, and the Council finds that new growth and development should pay a proportionate share of the cost of new facilities needed to serve the new growth and development. The City of Edmonds has conducted extensive studies documenting the procedures for measuring the impact of new developments on public facilities, has prepared the Rate Study and Procedures Guide For Transportation Impact Fees, and hereby incorporates these studies into this title by reference. Therefore, pursuant to Chapter 82.02 RCW, the Council adopts this Chapter 18.82 to assess impact fees for roads. The provisions of Chapter 18.82 shall be

liberally construed in order to carry out the purposes of the Council in establishing the impact fee program. These fees can and will only be applied to projects resulting from city wide development growth. These fees can not be used to mitigate existing short falls of the transportation system.

**Section 18.82.020 Definitions.**

The following words and terms shall have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090 and Title 21 of the Edmonds Community Development Code, or given their usual and customary meaning.

- A. "Accessory Dwelling Unit" is defined in ECDC 21.05.015.
- B. "Building Permit" means an official document or certification which is issued by the Building Official 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 plan element of a comprehensive plan adopted by the City of Edmonds pursuant to Chapter 36.70A RCW, and such plan as amended. There are many references in state statutes to the "capital facilities plan" (CFP) as the basis for projects that are eligible for funding by impact fees. The Transportation Element of the City of Edmonds Comprehensive Plan fulfills the requirements of RCW 82.02.050 et. Seq. pertaining to a "capital facilities plan", and is considered to be the "capital facilities plan" (CFP) for the purpose of Edmonds' impact fees for roads. All references to a CFP in the impact fee ordinance, rate study, and procedures guide are interpreted as referring to the Transportation Element of the City of Edmonds Comprehensive Plan, including the projects eligible for impact fees listed in Appendix C of the Procedures Guide For the Transportation Impact Fees.
- D. "City" means the City of Edmonds.
- E. "Council" means the City Council of the City of Edmonds.
- F. "Department" means the Development Services Department.

G. "Development Activity" means any construction, expansion, or change in the use of a building or structure that creates additional demand and need for public facilities.

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

I. "Director" means the Director of the Development Services Department or the Director's designee.

J. "Dwelling Unit" is defined in ECDC 21.20.050.

K. "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.

L. "Feepayer" is a person, corporation, partnership, an 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.

M. "Gross Floor Area" means the total square footage of any building, structure, or use, including accessory uses.

N. "Hearing Examiner" is defined in ECDC 21.40.010.

O. "Impact fee" means a payment of money imposed by the City of Edmonds on development activity pursuant to this Chapter as a condition of granting development approval in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling school impact fees, the cost of reviewing independent fee calculations or any other charge or fee based upon the administrative costs of processing a development application.

P. "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 ECDC 18.82.080 and 18.82.090 of this chapter, and comply with the requirements of RCW 82.02.070.

Q. "Independent Fee Calculation" means the road impact calculation and/or economic documentation prepared by a feepayer, to support the assessment of an impact fee other than by the use of the rates listed in ECDC 18.82.130, or the calculations prepared by the Director where none of the fee categories or fee amounts in ECDC 18.82.130 accurately describe or capture the impacts of the new development on public facilities.

R. "Interest" means the average interest rate earned in the last fiscal year by the City of Edmonds.

S. "ITE Land Use Code" means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the 6th Edition of Trip Generation or subsequently adopted edition(s).

T. "Occupancy Permit" means the permit issued by the City of Edmonds authorizing the building to be occupied where a development activity results in a change in use of the pre-existing structure, or the creation of a new use where none previously existed.

U. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

V. "Project Improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the Council shall be considered a project improvement.

W. "Public Facilities" means the public streets and roads owned by the City of Edmonds or other governmental entities.

X. "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, and other multifamily development. This also includes the residential portion of mixed-use developments.

Y. "Road" means a right-of-way 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.

Z. "Rate Study" means the "Rate Study for Impact Fees for Roads," City of Edmonds, dated April 15, 2003.

AA. "Service Area" means the entire corporate limits of the City of Edmonds.

AB. "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.

AC. "Square Footage" means the square footage of the gross floor area of the development.

AD. "State" means the State of Washington.

AE. "Street" is defined per in ECDC 21.90.120.

AF. "System Improvements" means public facilities that are included in the City of Edmonds capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

AG. "Usable Space" means any square footage created by or added to a development that increases floor area usable for residential, storage, commercial or business purposes.

**Section 18.82.030 Assessment of impact fees.**

A. The City shall collect impact fees, based on the rates in ECDC 18.82.120, from any applicant seeking development approval from the City for any development activity within the City, where such development activity requires the issuance of a building permit. This shall include, but is not limited to, the development of residential, commercial, retail, office, and industrial land, 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. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee previously paid for the land use category of the prior use. If no impact fee was paid for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use.

C. 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 ECDC 18.82.120.

D. Applicants seeking an occupancy permit for a change in use shall be required to pay a road impact fee if the change in use triggers review under the State Environmental Policy Act, the Edmonds Municipal Code, or increases the trip generation measured in the PM peak hour traffic period by more than 5% or 10 peak hour trips.

E. Impact fees shall be assessed based upon the road impact fee rates in affect at the time an application is deemed complete by the Development Services Department for an ADB design review approval, conditional use permit, change of use permit, PRD, plat, short plat, remodel permit or building permit, which ever occurs first for a development project. Impact fees shall be paid at the time the change of use permit, remodel permit or building permit is issued by the City, and the permit shall not be issued until the fee is paid.

F. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ECDC 18.82.050, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the Director pursuant to ECDC 18.82.050 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 for each unit in the development and no permit shall be issued until the fee is paid.

G. Where the impact fees imposed are determined by the square footage of the development, the Building Official will establish the gross floor area created by the proposed development.

H. The Department shall not issue the required building permit unless and until the impact fees set forth in ECDC 18.82.120 have been paid in the amount that they exceed exemptions or credits provided pursuant to ECDC 18.82.040 or 18.82.050.

**Section 18.82.040 Exemptions.**

A. Except as provided for below, the following shall be exempted from the payment of all impact fees:

1. Alteration of an existing nonresidential structure that does not expand the usable space or add any residential units;

2. Miscellaneous improvements that do not expand usable space or add any residential units, including, but not limited to, fences, walls, swimming pools, and signs;

3. Demolition or moving of a structure;

4. Expansion of an existing structure that results in the addition of one hundred (100) square feet or less of gross floor area;

5. Replacement of a structure with a new 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 structure with a new 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; or

6. Alterations, expansions, enlargement, remodeling, rehabilitation or conversion of an existing dwelling unit where no additional dwelling units are created and the use is not changed [Accessory dwelling units (ADU) are not considered to create additional dwelling units because Section 20.21.020, Community Development Code, does not consider ADUs as increasing the overall density of a single-family residential neighborhood, and because the City's traffic model does not assign additional trips to the network as a result of ADUs.]

7. Any ADB design review approval, conditional use permit, change of use permit, PRD, plat, short plat, remodel permit and building permit application that has been submitted to the City before 4:00 p.m. the business day before the effective date of this

Chapter and subsequently determined to be a complete application, based on the information on file as of the effective date of this Chapter.

B. The Director shall be authorized to determine whether a particular development activity falls within an exemption identified in this Section, in any other Section, or under other applicable law. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in Section 18.82.070 below.

**Section 18.82.050 Credits.**

A. Pursuant to the authority of RCW 82.02.020 and 35A.21.240, 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 and dedicated to public use or benefit (“dedicated”) to, but only to, the extent to which the value exceeds that which may be imposed under the provision of the Washington State and United States Constitution or RCW 82.02.020. Credits will be given only if the land, improvements, and/or the facility constructed are:

1. Included within the capital facilities plan or would serve the goals and objectives of the capital facilities plan; and
2. At suitable sites while being constructed in accordance with adopted City codes.

B. The Director shall determine if requests for credits meet the criteria in subsection A, above.

C. For each request for a credit or credits, the Director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the Director.

D. The appraiser must be pre-qualified by Washington State Department of Transportation Real Estate Section 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.

E. The appraiser shall be directed to determine the total value of the dedicated land, improvements, and/or construction provided by the feepayer on a case-by-case basis.

F. 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 Director may be providing to the feepayer, in the event that a credit is awarded.

G. 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.

H. No credit shall be given for project improvements required of the development by City Code and/or SEPA; only dedications in excess of those required by law are eligible for credit. In no event shall this provision be interpreted to authorize cash payment. Nothing herein shall be interpreted to limit the discretion of the City council to decline to accept any proposed dedication.

I. A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments. For each request for a credit or credits for significant past tax payments for road impact fees, the feepayer shall submit receipts and a calculation of 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 for public road facilities.

J. Any claim for credit must be made no later than twenty (20) calendar days after the 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.

K. Determinations made by the Director pursuant to this Section shall be subject to the appeals procedures set forth in ECDC 18.82.070 below.

L. A feepayer may, in the alternative, appeal an assessment or mitigation requirement which he believes exceeds the total which may lawfully be imposed. See ECDC 18.50.020(C)

**Section 18.82.060 Tax adjustments.**

Pursuant to and consistent with the requirements of RCW 82.02.060, the Rate Study has provided adjustments for future taxes 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 Section 18.82.120 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund public improvements.

**Section 18.82.070 Appeals.**

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

B. Appeals regarding the amount of the impact fee imposed on any development activity may only be filed by the feepayer of the property where such development activity will occur. This provision shall control over any other provisions of City Ordinance.

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 fourteen (14) calendar days of 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. An administrative fee will be imposed for the request for review by the Director; this shall be the same as that imposed for a Request for Reconsideration of a staff decision.

4. The Director shall issue his/her determination in writing within 14 days from the receipt of a request for review.

D. Determinations of the Director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the Director's decision concerning the independent fee calculation which is authorized in ECDC 18.82.130, or the fees imposed by the Director pursuant to ECDC 18.82.120, or any other determination which the Director is authorized to make pursuant to Chapter 18.82, can be appealed to the hearing examiner.

E. The decision of the Director may be appealed to the hearing examiner under the Edmonds Community Development Code 20.105.030.

**Section 18.82.080 Establishment of impact fee accounts.**

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts.

B. There is hereby established a separate impact fee account for the fees collected pursuant to this chapter, the Roads Impact Account. Funds withdrawn from this account must be used in accordance with the provisions of ECDC 18.82.100 of this chapter 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 Director shall provide a report to the Council on the impact fee account 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 impact fees.

D. 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, and prior to the expiration of the six (6) year period, the Council shall establish the period of time within which the impact fees shall be expended or encumbered.

**Section 18.82.090 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, such other time periods as established pursuant to Section 18.82.080, 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 that they are eligible for a traffic impact fee refund. This notification shall be done by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant must be the owner of the property.

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 facilities.

E. Refunds of impact fees under this Section shall include any interest earned on the impact fees by the City.

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 Section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (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 also refund to the current owner of property for which impact fees have been paid, including interest earned on the impact fees, if the development activity for which the 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 can decline to provide the refund. If within a period of three (3) 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. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in 18.82.070 above.

**Section 18.82.100 Use of funds.**

A. Pursuant to this chapter, impact fees:

1. shall be used for public improvements that will reasonably benefit new development; and

2. shall not be imposed to make up for deficiencies in public facilities serving existing developments; and

3. shall not be used for maintenance or operations.

B. Road impact fees may be spent for public improvements, including, but not limited to, planning, engineering, surveying, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

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 Section and are used to serve the new development.

**Section 18.82.110 Review.**

The fee rates set forth in ECDC 18.82.120 may be reviewed and adjusted by the Council as it deems necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan. 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 any adjustment up or down and revise the fee rates set forth in ECDC 18.82.120.

**Section 18.82.120 Road impact fee rates.**

The road impact fee rates in this section are generated from the formula for calculating impact fees set forth in the Rate Study, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in ECDC 18.82.130 of this Chapter, exemptions in ECDC 18.82.040 and credits in ECDC 18.82.050, all new developments in the City will be charged the road impact fee applicable to the type of development as follows:

- A. General light industrial, ITE Land Use Code 110: \$ 1.19 per square foot.
- B. Manufacturing, ITE Land Use Code 140: \$ 0.90 per square foot.
- C. Mini-warehousing, ITE Land Use Code 151: \$ 0.32 per square foot.
- D. Single family detached housing, ITE Land Use Code 210: \$ 840.72 per dwelling unit.
- E. Apartment, ITE Land Use Code 220: \$ 544.49 per dwelling unit.
- F. Condominium/townhouse, ITE Land Use Code 230: \$ 474.24 per dwelling unit.
- G. Mobile home park, ITE Land Use Code 240: \$ 466.14 per dwelling unit.
- H. Hotel, ITE Land Use Code 310: \$ 582.29 per room.
- I. Motel, ITE Land Use Code 320: \$ 448.65 per room.
- J. Marina, ITE Land Use Code 420: \$ 140.74 per berth.

- K. Golf course, ITE Land Use Code 430: \$ 229.10 per acre.
- L. Movie theater, ITE Land Use Code 444: \$ 1.36 per square foot.
- M. Racquet club, ITE Land Use Code 492: \$ 3.58 per square foot.
- N. High school, ITE Land Use Code 530: \$ 0.48 per square foot.
- O. Church/synagogue, ITE Land Use Code 560: \$ 0.58 per square foot.
- P. Hospital, ITE Land Use Code 610: \$ 1.10 per square foot.
- Q. Nursing home, ITE Land Use Code 620: \$ 132.88 per bed.
- R. General office building, ITE Land Use Code 710: \$ 1.81 per square foot.
- S. Medical-dental office building, ITE Land Use Code 720: \$ 4.19 per square foot.
- T. Shopping center, ITE Land Use Code 820: \$ 0.93 per square foot.
- U. Restaurant: sit-down, ITE Land Use Code 832: \$ 4.92 per square foot.
- V. Fast food restaurant without drive through, ITE Land Use Code 833: \$ 6.44 per square foot.
- W. Fast food restaurant with drive through, ITE Land Use Code 834: \$ 8.08 per square foot.
- X. Gas station, ITE Land Use Code 844: \$ 3,535.82 per pump.
- Y. Gas station with convenience store, ITE Land Use Code 845: \$ 2,545.26 per pump.
- Z. Supermarket, ITE Land Use Code 850: \$ 3.14 per square foot.
- AA. Convenience market, ITE Land Use Code 851: \$ 6.40 per square foot.

AB. Drive-in bank, ITE Land Use Code 912: \$ 10.03 per square foot.

**Section 18.82.130 Independent fee calculations.**

A. If in the judgment of the Director, none of the fee categories or fee amounts set forth in ECDC 18.82.120 of this Chapter accurately describe or capture the impacts of a new development on roads the Department may ask the applicant to conduct 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 agreed to by the Director and the feepayer. The documentation submitted shall show the basis upon which the independent fee calculation was made.

B. Any feepayer submitting an independent fee calculation will be required to pay the City of Edmonds a fee to cover the cost of reviewing the independent fee calculation. The fee required by the City for conducting the review of the independent fee calculation shall be two hundred dollars (\$200.00) plus the actual cost of outside consultant review if required by the City, unless otherwise established by the Director, and shall be paid by the feepayer prior to initiation of review.

C. While there is a presumption that the calculations set forth in the Rate Study 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, 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 fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

D. Determinations made by the Director pursuant to this Section may be appealed to the office of the hearing examiner as set forth in ECDC 18.82.070.

**Section 18.82.140 Existing authority unimpaired.**

Nothing in this Chapter shall preclude the City from requiring the feepayer or the proponent of a development activity 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.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	09/03/04
PASSED BY THE CITY COUNCIL:	09/07/04
PUBLISHED:	09/12/04
EFFECTIVE DATE:	09/17/04
ORDINANCE NO. <u>3516</u>	

## **SUMMARY OF ORDINANCE NO. 3516**

of the City of Edmonds, Washington

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On the 7<sup>th</sup> day of September, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3516. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS AMENDING THE EDMONDS COMMUNITY DEVELOPMENT CODE, TITLE 18, TO ADD A NEW CHAPTER TITLE 18.82, TRAFFIC IMPACT FEES, AUTHORIZING THE COLLECTION OF IMPACT FEES FOR ROADS; PROVIDING FINDINGS AND DEFINITIONS; PROVIDING FOR THE TIME OF PAYMENT; PROVIDING EXEMPTIONS AND CREDITS; PROVIDING FOR THE APPEALS OF FEES AND OTHER DETERMINATIONS; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS, REFUNDS, AND THE USE OF FUNDS; PROVIDING FOR REVIEWS AND ANNUAL ADJUSTMENT OF FEE SCHEDULES; PROVIDING THE SCHEDULES FOR IMPACT FEES AND AUTHORIZING INDEPENDENT FEE CALCULATIONS; AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 8<sup>th</sup> day of September, 2004.

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CITY CLERK, SANDRA S. CHASE