CORRECTED 02.25.2011

CITY OF SPOKANE

OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
(509) 625-6350

January 25, 2011

City Clerk File No.:
ORD C34673

COUNCIL ACTION MEMORANDUM

RE: FINAL READING ORDINANCE C34673 RELATED TO TRANSPORTATION IMPACT FEES AND AMENDING ORDINANCE C34305 (deferred from January 18, 2011, Agenda)

During its 6:00 p.m. Legislative Session held Monday, January 24, 2011, the Spokane City Council considered Final Reading Ordinance C34673 related to transportation impact fees and amending Ordinance C34305, with no further public testimony taken and no further Council debate held. The following actions were taken on the matter:

Motion by Council Member Rush, seconded by Council President Shogan, to amend Ordinance C34673 to reflect the change to the correct term "Complete Street" under SMC 17D.030.020 Definitions (thereby deleting reference to "Green Streets" and adding a new definition for "Complete Street" under subsection L), and similarly, under 17D.030.070 Credits, subsection B.4 (and subsection B.3), correct references of "Green Street(s)" to "Complete Street(s);" **carried unanimously (Council Member McLaughlin absent).**

Upon 4-2 Roll Call Vote (Council Members Apple and Corker voting "no" and Council Member McLaughlin absent), the Spokane City Council **passed Final Reading Ordinance C34673, as amended,** related to transportation impact fees and amending Ordinance C34305.

Terri L. Pfister, MMC
Spokane City Clerk

KC
02.11.2011

CITY OF SPOKANE

Agenda Sheet for City Council Meeting of* 11/29/2010
Briefing date

Status: **EXECUTIVE REVIEW**

Date Rec'd (Clerk use only)	11/17/2010
Clerk's File #	ORD C34673
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept*:	CITY COUNCIL	
Contact Name & Phone*:	JOE SHOGAN	625-6255
Contact E-Mail*	JSHOGAN@SPOKANECITY.ORG	
Add'l Docs Attached? ☑	First Reading Ordinance	

Agenda Item Name: Begin with Dept #
0320 TRANSPORTATION IMPACT FEES

Agenda Wording*: 165 character max) ☐ Additional attached?

An ordinance relating to Transportation Impact Fees and amending ordinance No. C34305

Summary (Background)*: 3 character max.) ☑ Additional attached?

On November 17, 2008, the City Council adopted Ordinance No. C34305 establishing transportation impact fee ordinance. Appendix A of Ordinance C-34305, codified under SMC 17D.030.180, established a transportation impact fee schedule for each type of development activity subject to impact fees. As part of the adoption of the Transportation Impact Fee Ordinance, the City commissioned an ongoing Basone Study for the purpose of updating the short and long range transportation project needs, which

Fiscal Impact | **Budget Acc**

Select	$	#
Select	$	#
Select	$	#
Select	$	#

PASSED BY SPOKANE CITY COUNCIL
January 24, 2011
City Clerk

Approvals

Dept Head	SHOGAN, JOE
Division Director	
Finance	DUNIVANT, TIMOTHY
Legal	BURNS, BARBARA
For the Mayor	

Additional Approvals

Purchasing	
Select Dept 1	
Select Dept 2	
Select Dept 3	

Council I

Study Sessio	
Other	

Distribution List (Emails preferred) ☐ Additional?

pmtaylor@spokanecity.org jshogan
ebrown@spokanecity.org
rwright@spokanecity.org
jrichman@spokanecity.org
mpiccolo@spokanecity.org
mlesesne@spokanecity.org
A Rolwes@downtownspokane.net
jwhite@shba.com

Save | Cancel | View Related Documents

FIRST READING OF THE ABOVE ORDINANCE WAS HELD ON
1/10/11
AND FURTHER ACTION WAS DEFERRED
CITY CLERK

First Reading Ordinance C34673

*CORRECTED ORDINANCE NO. C34673

An ordinance relating to transportation impact fees and amending Ordinance C34305.

WHEREAS, pursuant to Ordinance C34305, the City Council, on November 17, 2008, adopted an ordinance establishing impact fees and adopting a new Chapter 17D.030 to Title 17 of the Spokane Municipal Code ("Impact Fee Ordinance"); and

WHEREAS, the Impact Fee Ordinance provided that it shall not become effective until after October 1, 2009, or the date of the second regularly scheduled legislative session of the City Council following its receipt of the findings of a baseline study and adjusting the rate schedule to reflect those findings, if warranted, and the occurrence of the adoption by the Council of a new and additional permanent funding mechanism to supplement the City's ability to eliminate existing deficiencies within a reasonable time; and

WHEREAS, the Impact Fee Ordinance provided an exemption from transportation impact fees for low income housing and a number of other development activities having broad public purposes; and

WHEREAS, the City Council has received the findings of the baseline study and the transportation element of the Comprehensive Plan has been amended to include a new list of projects which the baseline study identified as necessary to accommodate the City's anticipated transportation needs of due to anticipated new growth and development ("Impact Fee Project List"); and

WHEREAS, updated impact fee schedules have been prepared to reflect the estimated cost of the projects included in the Impact Fee Project List (the "Updated Impact Fee Rate Schedule"); and

WHEREAS, on or about October 13, 2010, following a public process involving a number of public workshops and a public hearing, a majority of the City of Spokane Plan Commission voted to recommend approval of an ordinance amending the Impact Fee Ordinance with the amendments relating to (i) the updated Impact Fee Project List; (ii) the Updated Impact Fee Rate Schedule; (iii) elimination of exemptions from transportation impact fees; and (iv) the effective date for purposes of implementation of the Impact Fee Ordinance (the "Amended Transportation Impact Fee Ordinance"); and

WHEREAS, in making its recommendation, the Plan Commission found that, pursuant to the Amended Transportation Impact Fee Ordinance, the impact fee(s) assessed a specific development will be proportionate to and reasonably related to the service area-wide need for new transportation improvements created by the development; and

WHEREAS, the Plan Commission further found that every land use benefits from a smoothly functioning transportation system with adequate capacity; and

WHEREAS, in connection with the original Impact Fee Ordinance, the responsible official issued a Determination of Nonsignificance, dated March 27, 2008 ("DNS"); and

WHEREAS, prior to the Plan Commission's hearing on the Amended Transportation Impact Fee Ordinance, the responsible official issued an addendum to the DNS relating to the Amended Transportation Impact Fee Ordinance, based on a determination that the Amended Transportation Impact Fee Ordinance does not have an environmental impact substantially different from the original impact fee proposal and does not warrant a new threshold determination; and

WHEREAS, the Amended Transportation Impact Fee Ordinance is consistent with the Comprehensive Plan which, in CFU 2.4, recognizes impact fees as a possible mechanism to fund capital improvements so new growth and development activity that has an impact upon public facilities pays a proportionate share of the cost of the relevant facilities; and

WHEREAS, the Comprehensive Plan anticipates the possibility of providing exemptions from impact fees but provides, in CFU 2.5, that such exemptions are contingent on the impact fees for exempt development activity being paid from public funds other than impact fee accounts; and

WHEREAS, the Plan Commission's recommendation to eliminate exemptions from Impact Fee Ordinance is also consistent with the Comprehensive Plan because the City does not have a fund set aside from which to pay the impact fees for exempt development activity; and

WHEREAS, the Comprehensive Plan and the entire legislative record relative to its initial adoption and subsequent amendments thereto, including environmental review documents and transportation studies, are incorporated into this Ordinance by reference; and

WHEREAS, the entire record relative to the City Council's adoption of the Impact Fee Ordinance, the Baseline Study and its supporting documentation, and the entire record relating to the Plan Commission's deliberations and recommendation are incorporated into this Ordinance by reference; and

WHEREAS, the City Council adopts the foregoing, together with the Baseline Study as its findings of fact justifying its adoption of this Ordinance; Now, Therefore

The City of Spokane does ordain:

Section 1. Findings of Fact. That the Baseline Study and the preambles set forth in the Impact Fee Ordinance and this Ordinance are adopted as the City Council's findings of fact in support of its adoption of this Ordinance.

Section 2. Transportation Impact Fees. That Section 2 of Ordinance C34305 is amended and that there is adopted a new Chapter 17D.075 to Title 17 of the Spokane Municipal Code to read as follows:

CHAPTER 17D.075
Transportation Impact Fees

Sections:

17D.075.010	Findings and Authority
17D.075.020	Definitions
17D.075.030	Concurrency
17D.075.040	Assessment of Impact Fees
17D.075.050	Independent Fee Calculations
17D.075.060	Exemptions [RESERVED]
17D.075.070	Credits
17D.075.080	Administrative Costs
17D.075.090	Appeals
17D.075.100	Establishment of Impact Fee Account
17D.075.110	Refunds
17D.075.120	Use of Funds
17D.075.130	Administrative Guidelines
17D.075.140	Review
17D.075.150	Authorization for Interlocal Agreements
17D.075.160	Existing Authority Unimpaired
17D.075.170	Severability
17D.075.180	Appendix A – Impact Fee Schedule
17D.075.190	Appendix B – Service Area Maps
17D.075.200	Appendix C – Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors
17E.075.210	Appendix D – Impact Fee Project List

17D.075.010 Findings and Authority

The City Council finds and ordains as follows:

A. That new growth and development, including but not limited to new residential, commercial, retail, office, industrial and institutional development, in the City of Spokane will create additional demand and need for public transportation facilities (public streets and public roadways) in the City of Spokane.

B. That new growth and development should pay a proportionate share of the cost of new public transportation facilities needed to serve the new growth and development.

C. That transportation impact fees are a lawful and commonly used instrument to aid in meeting capacity related Growth Management Act transportation concurrency requirements.

D. The City has conducted extensive studies documenting the procedures for measuring the impact of new growth and development on public facilities, has prepared the rate study, and has reviewed the rate study, and hereby incorporates these studies into this title by reference. Based on the foregoing, the City has prepared a formula and method of calculating transportation impact fees to serve new development that provides a balance between impact fees and other sources of public funds. The data and method of calculating contained in the rate study is consistent with the data collected as part of the development of the comprehensive plan, the traffic impact analysis' completed for projects since the creation of that data and the studies and data collection accumulated by Spokane Regional Transportation Council and other jurisdictions.

E. That whenever impact fees are imposed, the director of engineering services, or the director's designee shall make the following findings:

1. That the impact fees are imposed for system improvements that are reasonably related to the new development.
2. That the fees do not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and
3. That the fees will be used for system improvements that will reasonably benefit the new development.

Now, therefore, pursuant to chapter 82.02 RCW, the City Council adopts this chapter to authorize appropriate and lawful impact fees for public transportation facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the city council in establishing a transportation impact fee program.

17D.075.020 Definitions

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

A. "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.

B. "Act" means the Growth Management Act, as codified in chapter 36.70A RCW, as now in existence or as hereafter amended.

C. "Applicant" means the owner of real property according to the records of the Spokane County, or the applicant's authorized agent.

D. "Baseline study" means the 2008 transportation baseline study that has been developed by HDR Engineering and Planning, City Project No. 2005155.

E. "Building permit" means the official document or certification that is issued by the building department and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure.

F. "Capital facilities" means the facilities or improvements included in the capital facilities plan.

G. "Capital facilities plan" means the capital facilities plan element of the City's comprehensive plan adopted pursuant to chapter 36.70A RCW, as amended from time to time.

H. "Certificate of occupancy" means the term as defined in the International Building Code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall specifically include certificate of occupancy and for residential development the final inspection, as those permits are defined or required by this code.

I. "City" means the City of Spokane.

J. "City council" means the city council of the City of Spokane.

K. "Comprehensive plan" means the City of Spokane comprehensive plan adopted pursuant to chapter 46.70A RCW, as amended from time to time.

L. "Complete street" means a landscaped, tree-lined street corridor designed for multiple modes of transportation, consistent with SMC 17C.124.035. Complete streets balance the various needs of pedestrian and vehicular use. Some include bicycle and transit improvements as well. Pedestrian amenities on Complete streets may include street furniture, decorative lighting, wide sidewalks with curb extensions (bulb-outs) at street corners, decorative crosswalks, public art, outdoor restaurants, plazas, and improved sidewalk-building interfaces (e.g., awnings, street-oriented retail activity).

M. "Concurrent" or "concurrency" means that the public facilities are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which shall include the impacts fees anticipated to be generated by the development, to complete the public facilities necessary to meet the specified standards of service defined in the comprehensive plan within six years of the time the impacts of development occur.

N. "Department" means the department of engineering services.

O. "Development activity" means any construction or expansion of a building, structure, or use, or 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.

P. "Development approval" means any written authorization from the City that authorizes the commencement of development activity.

Q. "Director" means the director of engineering services, or the director's designee.

R. "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.

S. "Encumbered" means to have reserved, set aside or otherwise earmarked the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

T. "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 that creates the demand for additional public facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.

U. "Gross floor area" is the total square footage of all floors in a structure as defined in chapter 17A.020 SMC.

V. "Hearing examiner" means the person who exercises the authority of chapter 17G.050 SMC.

W. "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 fee, an application fee, or the cost for reviewing independent fee calculations.

X. "Impact fee account" or "account" means the account(s) established for each service area for the system improvements for which impact fees are collected. The accounts shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.

Y. "Independent fee calculation" means the impact fee calculation and or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of schedule set forth in SMC 17D.075.180, or the calculations prepared by the Director where none of the fee categories or fee amounts in the

schedules in this chapter accurately describe or capture the impacts of the new development on public facilities.

Z. "Interest" means the interest rate earned by local jurisdictions in the State of Washington local government investment pool, if not otherwise defined.

AA. "Interlocal agreement" or "agreement" means a transportation interlocal agreement, authorized in this chapter, by and between the City and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this chapter.

AB. "ITE manual" means Institute of Transportation Engineers (ITE) Trip Generation Manual (7th Edition), as amended from time to time.

AC. "Owner" means the owner of real property according to the records of the Spokane County department of records and elections, 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.

AD. "Pass-by trip rates" means those rate study pass-by rates set forth in SMC 17D.075.200.

AE. "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.

AF. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development 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 the City's capital facilities plan shall be considered a project improvement.

AG. "Public facilities" means publicly owned streets and roads, including related sidewalk and streetscape improvements required by the City's comprehensive plan and related development regulations.

AH. "Rate study" means the 2007 transportation impact fee rate study, dated October 26, 2007, as updated and amended from time to time.

AI. "Residential" means housing, such as single-family dwellings, accessory dwelling units, apartments, condominiums, mobile homes, and/or manufactured homes, intended for occupancy by one or more persons and not offering other services.

AJ. "Square footage" means the square footage of the gross floor area of the development as defined chapter 17A.020 SMC.

AK. "Service area" means one of the four geographic areas defined by the City in which a defined set of public facilities provide service to development within each of the identified areas. The City has identified the service areas, based on sound planning and engineering principles. These service areas are generally referred to as the downtown service area, the northwest service area, the northeast service area, and the south service area. Maps depicting the service areas are set forth in SMC 17D.075.190 and shall also be maintained by the director in the offices of the engineering services department and shall be available for public inspection during regular business hours.

AL. "System improvements" means public facilities 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.

AM. "Trip length adjustment factor" means the trip length adjustment factors identified in SMC 17D.075.200.

17D.075.030 Concurrency

A. Pursuant to chapter 36.7A RCW and chapter 17D.010 of the Spokane Municipal Code, development approval is prohibited if the development activity will cause the level of service of public facilities to decline below the standards adopted in the transportation element of the comprehensive plan, unless system improvements or strategies to accommodate the impacts of the development activity are made concurrent with the development activity. The concurrency requirement is satisfied if the required system improvements are in place at the time of development activity, or that a financial commitment is in place, which shall include the impact fees anticipated to be generated by the development, to complete the system improvements or strategies required to meet the specified standards of service defined in the comprehensive plan within six years of development approval. Any combination of the following shall constitute a "financial commitment" for the purposes of this chapter and chapter 17D.010 SMC:

1. The City has received voter approval of and/or has bonding authority.
2. The City has received approval for federal, state, or other funds.
3. The City has received a secured commitment from a feepayer that the feepayer will construct the required public facilities and/or system improvement(s) and the City has found such public facilities and/or system improvement(s) to be acceptable and consistent with its capital facilities plan; and/or
4. The City has other assured funding, including but not limited to impact fees that have been paid or that shall be payable as a result of the development approval.

B. Public facilities financed in part with the impact fees authorized by this chapter shall be designed and constructed to achieve a pedestrian level of service that is consistent with the comprehensive plan and implementing development regulations.

17D.075.040 Assessment of Impact Fees

A. The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation as provided for in SMC 17D.075.050, from any applicant seeking development approval from the City. The impact fees in SMC 17D.075.180 are generated from the formula for calculating impact fees set forth in the rate study, one copy of which shall be kept on file with the office of the city clerk and which is adopted and incorporated herein by reference. Except as otherwise provided in this chapter, all new development approval in the City will be charged the transportation impact fees in SMC 17D.075.180. Subject to the review provisions set forth in SMC 17D.075.140 below, the transportation impact fees in SMC 17D.075.180 will be adjusted annually in accordance with the Washington State department of transportation construction cost index ("CCI"), with the first such increase taking effect within two years of adoption of this chapter and with subsequent increases to coincide with the City's annual adoption of its six-year street plan, provided the impact fees shall never be reduced solely because of a decline in the CCI. Provided further, for purposes of this chapter only, the following shall not constitute development activity:

1. Replacement of a commercial structure with a new structure of the same size and use or a residential structure with the same number of residential units, both at the same site or lot, where demolition of the prior commercial or residential structure occurred after May 2001. Replacement of a commercial structure with a new commercial 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 twenty square feet. It shall be the feepayer's responsibility to establish the existence of a qualifying prior use to the director's reasonable satisfaction.

2. Expansions of existing residential structures that do not add residential dwelling units.

3. Alteration of an existing nonresidential structure that does not expand the usable space, add any residential units, or result in a change in use.

4. Miscellaneous improvements that do not create additional demand and need for public facilities, including, but not limited to, fences, walls, swimming pools, and signs.

5. Demolition or moving of a structure.

6. Re-use or change in use of existing structure.

   a. Re-use or change in use of an existing structure that does not create additional demand and need for public facilities (*i.e.,* where the trip generation

of the re-use is equal to or less than trip generation of prior use) shall not constitute development activity for purposes of this chapter.

b. It shall be the feepayer's responsibility to establish the existence of a qualifying prior use to the Director's reasonable satisfaction.

c. For a change in use of an existing structure that does create additional demand and need for public facilities (*i.e.,* where the trip generation of the re-use is greater than the trip generation of the prior use), the City shall collect impact fees for the new use based on the schedules in SMC 17D.075.180, less the fees that would have been payable as a result of the prior use.

B. The director shall be authorized to determine whether a particular development activity constitutes development activity subject to the payment of impact fees under this chapter. Determinations of the Director shall be in writing issued within fourteen days of submitting a complete application and shall be subject to the appeals procedures set forth in SMC 17D.075.090.

C. Impact fees shall be assessed prior to the issuance of a building permit for each unit in a development, using either the impact fee schedules then in effect or an independent fee calculation, at the election of the applicant and pursuant to the requirements set forth in SMC 17D.075.050. The impact fees shall be paid at the issuance of a building permit or at the completion of construction. To defer the payment of the impact fee to the end of construction, the developer shall provide prior to issuance of a building permit a recorded "certificate of title notice" evidencing an encumbrance on the title for each parcel of land, on forms provided by the city attorney's office, recorded with the Spokane County auditor's office which requires that the impact fee be paid as part of the closing of the construction financing, transfer of title to another party or issuance of a certificate of occupancy, whichever shall first occur. For commercial development involving multiple users, impact fees shall be assessed and collected prior to issuance of building permits that authorize completion of tenant improvements for each use. Furthermore, the City shall not accept an application for a building permit unless, prior to submittal or concurrent with submittal, the feepayer submits complete applications for all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.

D. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 17D.075.070, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to SMC 17D.075.070 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.

E. For mixed use buildings or development, impact fees shall be imposed for the proportionate share of each land use based on the applicable unit of measurement found on the schedule in SMC 17D.075.180.

F. The department shall place a hold on permits for development approval unless and until the impact fees required by this chapter, less any permitted exemptions, credits or deductions, have been paid.

17D.075.050 Independent Fee Calculations

A. If in the reasonable judgment of the director, a proposed development activity does not fall under one of the fee categories set forth in SMC 17D.075.180, the department may prepare independent fee calculations and the director may impose alternative fees on a specific development based on those calculations, provided the director's fee calculations shall be limited as provided in Section (C) below, and shall incorporate applicable rate study pass-by trip rates and trip length adjustment factors as set forth in SMC 17D.075.200. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

B. Alternatively, if an applicant believes that the applicant's proposed development activity does not fall under one of the fee categories set forth in SMC 17D.075.180, the applicant may, at the applicant's option, identify a development activity or land use code in the ITE manual that most closely resembles the applicant's proposed development activity and calculate the applicant's fees based on the number of trips assigned to that development activity by the ITE manual. In calculating such fees, the applicant shall incorporate applicable pass-by trip rates and trip length adjustment factors set forth in SMC 17D.075.200.

C. In addition to the options described in subsections (A) and (B) of SMC 17D.075.050, an applicant may elect to have impact fees determined according to SMC 17D.075.180 or in the alternative, if an applicant opts not to have the impact fees determined according to SMC 17D.075.180, the applicant may elect an independent fee calculation for the development activity for which a building permit is sought. In that event, the applicant may prepare and submit his/her own independent fee calculation. The applicant must make the election between fees calculated under SMC 17D.075.180 and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare its own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made. Provided, independent fee calculations shall use the same formulas and methodology and cost per trip used to establish the impact fees set forth in SMC 17D.075.180 and shall be limited to adjustments in trip generation rates used in the rate study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.

D. Any applicant electing an independent fee calculation pursuant to subsection (C) of SMC 17D.075.050 shall be required to pay the City of Spokane a fee to cover the cost of reviewing the independent fee calculation, as follows: two hundred fifty dollars plus a deposit of two hundred fifty dollars towards the City's actual costs incurred in reviewing the independent fee calculation; no such fee shall apply to

calculations performed under subsections (A) and (B) of this section. The applicant shall remit all remaining actual costs of the City's review of the independent fee calculation prior to and as a precondition of the City's issuance of the building permit. If the City's actual costs are lower than the deposit amount, the difference shall be remitted to the applicant.

E. While there is a presumption that the calculations set forth in the rate study are valid, the director shall consider the documentation submitted by a feepayer pursuant to subsections (B) and (C) of SMC 17D.075.050, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the feepayer.

F. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in chapter 17G.050 SMC.

17D.075.060 Exemptions [RESERVED]
[Reserved]

17D.075.070 Credits

A. A feepayer can request a credit for the total value of dedicated land or public facilities provided by the feepayer if the land and public facilities are identified as system improvements or in cases where the director, in the director's discretion, determines that such dedication of land or public facilities would serve the goals and objectives of the capital facilities plan.

B. The city council finds that certain types of development activity (including development with the City's center and corridor zones) is likely to generate fewer p.m. peak hour vehicle trips than other development activity. Consistent with this finding, a feepayer may request a partial credit for the following:

1. Development within center and corridor zones shall qualify for a partial credit of ten percent of the impact fees otherwise payable as a result of the development activity.
2. Mixed use development incorporating an "active" first floor (e.g. office, retail) and residential shall qualify for a partial credit of ten percent of the impact fees otherwise payable as a result of the development activity.
3. Development of complete streets that provide pedestrian connections to surrounding neighborhoods and districts shall entitle a feepayer to a partial credit

of ten percent of the impact fees otherwise payable as a result of the development activity. The credit provided for in this section shall only apply to the extent a feepayer is developing a complete street on the entire length of the block on which the development activity is occurring. The credit provided for in this section shall be limited to the cost incurred by the feepayer in developing the complete street.

4. The cumulative credits granted in subsections (B)(1) through (B)(3) above for center and corridor development, mixed use development incorporating active first floors, and development of complete streets, shall not exceed twenty percent of the impact fees otherwise payable as a result of the development activity.

5. The director shall be authorized to determine whether a particular development activity falls within a credit identified in this Section B, in any other section, or under other applicable law. Determinations of the director shall be in writing issued within fourteen days of a complete application and shall be subject to the appeals procedures set forth in SMC 17D.075.090.

C. For each request for a credit, under subsection (A) above, if appropriate, the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director. The appraiser must be a Washington State certified appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised.

D. The appraiser shall be directed to determine the total value of the dedicated land and/or public facilities provided by the feepayer on a case-by-case basis.

E. The feepayer shall pay for the cost of the appraisal. The feepayer may 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.

F. After receiving the appraisal, and where consistent with the requirements of this section, 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 calendar days shall nullify the credit. The credit must be used within seventy-two months of the award of the credit.

G. Any claim for credit must be made prior to issuance of a building permit, provided any claim for credit submitted later than twenty calendar days after the submission of

an application for a building permit shall constitute a waiver and suspension of timelines established by state and/or local law for processing of permit applications.

H. In no event shall the credit exceed the amount of the impact fees that would have been due for the proposed development activity.

I. No credit shall be given for project improvements.

J. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in SMC 17D.075.090.

17D.075.080 Administrative Costs

A. All development approvals subject to payment of impact fees under chapter 17D.075 SMC shall pay an administrative fee. The administrative fee shall be the greater of fifty dollars or three percent of the impact fees payable under this chapter as a result of the development approval, not to exceed one thousand dollars, provided the administrative fee for a single family dwelling unit shall be fifty dollars. The administrative fee shall be deposited in an administrative fee account within the impact fee account and shall be used to defray the City's costs of processing and accounting for impact fees and the City's costs in administration and update of the rate study. Payment of the administrative fee does not constitute payment of the fees relating to independent fee calculations as provided in SMC 17D.075.050(C).

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

17D.075.090 Appeals

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit or occupancy permit. Any appeal filed prior to the payment of impact fees shall constitute a waiver and suspension of timelines established by state and/or local law for the processing of permit applications.

B. Appeals regarding the impact fees imposed on any development activity shall only be filed by the feepayer of the property where such development activity will occur.

C. The feepayer must first file a request for review regarding impact fees with the director, as provided herein.

1. The request shall be in writing on the form provided by the City.
2. The request for review by the director shall be filed no later than fourteen calendar days after the feepayer pays the impact fees at issue.
3. No administrative fee will be imposed for the request for review by the director; and
4. The director shall issue a determination in writing.

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, or any other determination which the director is authorized to make pursuant to this title, can be appealed to the hearing examiner subject to the procedures set forth in chapter 17G.050 SMC.

17D.075.100 Establishment of Impact Fee Account

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts for each service area. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.

B. There is hereby established an impact fee account for the fees collected pursuant to this chapter known as the transportation impact account. Except as provided in SMC 17D.075.080, funds withdrawn from this account must be used in accordance with the provisions of SMC 17D.075.120. Interest earned on the fees shall be retained in each of the accounts and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the chief financial officer and director shall provide a report to the council on the account showing the source and amount of all moneys collected, earned, or received, and system improvements that were financed in whole or in part by impact fees and contributions towards meeting concurrency goals and requirements.

D. Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the six-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

17D.075.110 Refunds

A. If the City fails to expend or encumber the impact fees within six years of when the fees were paid, the current owner of the property for which impact fees have been paid may receive a refund of such fees, provided a refund is not required where extraordinary or compelling reasons exist for holding the fees longer than six years, as identified in written findings by the city council. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The City shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of the claimants.

C. Property owners seeking a refund of impact fees 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 impact fees for which no application for a refund has been made within the one-year period shall be retained by the City and expended on the appropriate public facilities.

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

F. A feepayer may request and shall receive a refund, including interest earned on the impact fees, when the feepayer and/or the feepayer's successors and assigns do not proceed with the development activity and there has been no impact to the City's transportation system. A request for a refund pursuant to this section must be accompanied by an acknowledgement that the feepayer's underlying development approval, including any associated permits, has expired and that any application to reinstate the development approval shall be subject to the payment of impact fees pursuant to this chapter.

17D.075.120 Use of Funds

Impact fees may be used only as allowed by chapter 82.02 RCW.

17D.075.130 Administrative Guidelines

The director shall be authorized to adopt forms, applications, brochures, and guidelines for the implementation of this chapter in accordance with City policy which may include the adoption of a procedures guide for impact fees.

17D.075.140 Review

A. The fee schedules set forth in this chapter shall be reviewed by the city council as it may deem necessary and appropriate every two years in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan.

B. A transportation impact fee advisory board consisting of individuals representing the building, real estate, and property development industries, the broader business community, community leaders, community assembly, and citizens shall be appointed by the mayor to review proposed changes to the fee schedules set forth in this chapter prior to their review and adoption by the city council. This review shall occur when the city council may deem it necessary and appropriate every two years in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan. Provided, this section shall not be interpreted as requiring review by an advisory board or city council prior to the automatic fee adjustments contemplated in SMC 17D.075.040(A).

17D.075.150 Authorization for Interlocal Agreements
Consistent with other terms of this chapter, interlocal agreements by and between the City and other government agencies are permissible, as authorized by RCW 36.70A.040(6)(d).

17D.075.160 Existing Authority Unimpaired
Nothing in this chapter shall preclude the City from requiring the applicant for development approval 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 RCW 82.02.050(1)(c). Nothing in this chapter shall preclude the City from entering into a development agreement as authorized in RCW 36.70B.170 *et seq.* addressing, without limitation, the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.

17D.075.170 Severability
If any section or portion of a section of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

17D.075.180 Appendix A – Impact Fee Schedule

17D.075.190 Appendix B – Service Area Map

17E.075.200 Appendix C – Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors

17E.075.210 Appendix D – Impact Fee Project List

Section 3. Effective Date. That Section 3 of Ordinance C34305 is amended as follows:

That this ordinance shall become effective thirty days from the date of enactment pursuant to Section 19(b) of the City Charter.

Adopted by the City Council on this 24th day of January, 2011.

Effective March 12, 2011

*During the Municipal Code update process, it was discovered that Chapter 17D.030 SMC had been repealed in 2005 and, therefore, could not be re-used for the Transportation Impact Fees chapter. After consultation with the City Attorney's Office, it was decided that the chapter could be corrected to Chapter 17D.075 SMC. This correction is considered a clerical correction to be completed by the City Clerk's Office.

I hereby authorize the correction of Chapter 17D.030 SMC, Transportation Impact Fees, enacted by Ordinance C34673, to Chapter 17D.075 SMC.

Barbara Burns
Asst. City Attorney

2-22-11
Date

James Richman
Asst. City Attorney

2/22/11
Date

Continuation of Wording, Summary, and Distribution

Agenda Item Name: 0320 TRANSPORTATION IMPACT FEES

Agenda Wording (630 character max)

Summary (Background) (271 character max)

has been completed and provided to the City Council. Ordinance No. C-34305 will be amended to adopt a new transportation impact fee schedule. Ordinance No. C-34305 also contained an effective date clause providing that the ordinance would go into effect upon the adoption by the City Council of a new and additional permanent funding mechanism to supplement the Citys ability to eliminate existing deficiencies. This ordinance will remove that effective date cluase condition. This ordinance will also remove all of the exemptions from payment of the transportation impact fee under SMC 17D.030.060.

Fiscal Impact	Budget Account
Select $	#
Select $	#
Select $	#
Select $	#

Distribution List

Save Cancel

ORDINANCE NO. C34673

An ordinance relating to transportation impact fees and amending Ordinance C34305.

WHEREAS, pursuant to Ordinance C34305, the City Council, on November 17, 2008, adopted an ordinance establishing impact fees and adopting a new Chapter 17D.030 to Title 17 of the Spokane Municipal Code ("Impact Fee Ordinance"); and

WHEREAS, the Impact Fee Ordinance provided that it shall not become effective until after October 1, 2009, or the date of the second regularly scheduled legislative session of the City Council following its receipt of the findings of a baseline study and adjusting the rate schedule to reflect those findings, if warranted, and the occurrence of the adoption by the Council of a new and additional permanent funding mechanism to supplement the City's ability to eliminate existing deficiencies within a reasonable time; and

WHEREAS, the Impact Fee Ordinance provided an exemption from transportation impact fees for low income housing and a number of other development activities having broad public purposes; and

WHEREAS, the City Council has received the findings of the baseline study and the transportation element of the Comprehensive Plan has been amended to include a new list of projects which the baseline study identified as necessary to accommodate the City's anticipated transportation needs of due to anticipated new growth and development ("Impact Fee Project List"); and

WHEREAS, updated impact fee schedules have been prepared to reflect the estimated cost of the projects included in the Impact Fee Project List (the "Updated Impact Fee Rate Schedule"); and

WHEREAS, on or about October 13, 2010, following a public process involving a number of public workshops and a public hearing, a majority of the City of Spokane Plan Commission voted to recommend approval of an ordinance amending the Impact Fee Ordinance with the amendments relating to (i) the updated Impact Fee Project List; (ii) the Updated Impact Fee Rate Schedule; (iii) elimination of exemptions from transportation impact fees; and (iv) the effective date for purposes of implementation of the Impact Fee Ordinance (the "Amended Transportation Impact Fee Ordinance"); and

WHEREAS, in making its recommendation, the Plan Commission found that, pursuant to the Amended Transportation Impact Fee Ordinance, the impact fee(s) assessed a specific development will be proportionate to and reasonably related to the service area-wide need for new transportation improvements created by the development; and

WHEREAS, the Plan Commission further found that every land use benefits from a smoothly functioning transportation system with adequate capacity; and

WHEREAS, in connection with the original Impact Fee Ordinance, the responsible official issued a Determination of Nonsignificance, dated march 27, 2008 ("DNS"); and

WHEREAS, prior to the Plan Commission's hearing on the Amended Transportation Impact Fee Ordinance, the responsible official issued an addendum to the DNS relating to the Amended Transportation Impact Fee Ordinance, based on a determination that the Amended Transportation Impact Fee Ordinance does not have an environmental impact substantially different from the original impact fee proposal and does not warrant a new threshold determination; and

WHEREAS, the Amended Transportation Impact Fee Ordinance is consistent with the Comprehensive Plan which, in CFU 2.4, recognizes impact fees as a possible mechanism to fund capital improvements so new growth and development activity that has an impact upon public facilities pays a proportionate share of the cost of the relevant facilities; and

WHEREAS, the Comprehensive Plan anticipates the possibility of providing exemptions from impact fees but provides, in CFU 2.5, that such exemptions are contingent on the impact fees for exempt development activity being paid from public funds other than impact fee accounts; and

WHEREAS, the Plan Commission's recommendation to eliminate exemptions from Impact Fee Ordinance is also consistent with the Comprehensive Plan because the City does not have a fund set aside from which to pay the impact fees for exempt development activity; and

WHEREAS, the Comprehensive Plan and the entire legislative record relative to its initial adoption and subsequent amendments thereto, including environmental review documents and transportation studies, are incorporated into this Ordinance by reference; and

WHEREAS, the entire record relative to the City Council's adoption of the Impact Fee Ordinance, the Baseline Study and its supporting documentation, and the entire record relating to the Plan Commission's deliberations and recommendation are incorporated into this Ordinance by reference; and

WHEREAS, the City Council adopts the foregoing, together with the Baseline Study as its findings of fact justifying its adoption of this Ordinance; Now, Therefore

The City of Spokane does ordain:

Section 1. Findings of Fact. That the Baseline Study and the preambles set forth in the Impact Fee Ordinance and this Ordinance are adopted as the City Council's findings of fact in support of its adoption of this Ordinance.

Section 2. Transportation Impact Fees. That Section 2 of Ordinance C34305 is amended and that there is adopted a new Chapter 17D.030 to Title 17 of the Spokane Municipal Code to read as follows:

CHAPTER 17D.030
Transportation Impact Fees

Sections:

17D.030.010	Findings and Authority
17D.030.020	Definitions
17D.030.030	Concurrency
17D.030.040	Assessment of Impact Fees
17D.030.050	Independent Fee Calculations
17D.030.060	Exemptions – RESERVED
17D.030.070	Credits
17D.030.080	Administrative Costs
17D.030.090	Appeals
17D.030.100	Establishment of Impact Fee Account
17D.030.110	Refunds
17D.030.120	Use of Funds
17D.030.130	Administrative Guidelines
17D.030.140	Review
17D.030.150	Authorization for Interlocal Agreements
17D.030.160	Existing Authority Unimpaired
17D.030.170	Severability
17D.030.180	Appendix A – Impact Fee Schedule
17D.030.190	Appendix B – Service Area Maps
17D.030.200	Appendix C – Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors
17E.030.210	Appendix D – Impact Fee Project List

17D.030.010 Findings and Authority

The City Council finds and ordains as follows:

A. That new growth and development, including but not limited to new residential, commercial, retail, office, industrial and institutional development, in the City of Spokane will create additional demand and need for public transportation facilities (public streets and public roadways) in the City of Spokane.

B. That new growth and development should pay a proportionate share of the cost of new public transportation facilities needed to serve the new growth and development.

C. That transportation impact fees are a lawful and commonly used instrument to aid in meeting capacity related Growth Management Act transportation concurrency requirements.

D. The City has conducted extensive studies documenting the procedures for measuring the impact of new growth and development on public facilities, has prepared the rate study, and has reviewed the rate study, and hereby incorporates these studies into this title by reference. Based on the foregoing, the City has prepared a formula and method of calculating transportation impact fees to serve new development that provides a balance between impact fees and other sources of public funds. The data and method of calculating contained in the rate study is consistent with the data collected as part of the development of the comprehensive plan, the traffic impact analysis' completed for projects since the creation of that data and the studies and data collection accumulated by Spokane Regional Transportation Council and other jurisdictions.

E. ((~~That the provision for low-income housing is a factor that should be considered in mitigation of an impact fee.~~))

((~~F.~~)) That whenever impact fees are imposed, the director of engineering services, or the director's designee shall make the following findings:

1. That the impact fees are imposed for system improvements that are reasonably related to the new development.
2. That the fees do not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and
3. That the fees will be used for system improvements that will reasonably benefit the new development.

Now, therefore, pursuant to chapter 82.02 RCW, the City Council adopts this chapter to authorize appropriate and lawful impact fees for public transportation facilities. The provisions of this ((~~title~~)) chapter shall be liberally construed in order to carry out the purposes of the city council in establishing a transportation impact fee program.

17D.030.020 Definitions

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

A. "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.

B. "Act" means the Growth Management Act, as codified in chapter 36.70A RCW, as now in existence or as hereafter amended.

C. "Applicant" means the owner of real property according to the records of the Spokane County, or the applicant's authorized agent.

D. "Baseline study" means the 2008 transportation baseline study that ((~~is being~~)) has been developed by HDR Engineering and Planning, City Project No. 2005155.

E. "Building permit" means the official document or certification that is issued by the building department and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure.

F. "Capital facilities" means the facilities or improvements included in the capital facilities plan.

G. "Capital facilities plan" means the capital facilities plan element of the City's comprehensive plan adopted pursuant to chapter 36.70A RCW, as amended from time to time.

H. "Certificate of occupancy" means the term as defined in the International Building Code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall specifically include certificate of occupancy and for residential development the final inspection, as those permits are defined or required by this code.

I. "City" means the City of Spokane.

J. "City council" means the city council of the City of Spokane.

K. "Comprehensive plan" means the City of Spokane comprehensive plan adopted pursuant to chapter 46.70A RCW, as amended from time to time.

L. "Complete street" means a landscaped, tree-lined street corridor designed for multiple modes of transportation, consistent with SMC 17C.124.035. Complete streets balance the various needs of pedestrian and vehicular use. Some include bicycle and transit improvements as well. Pedestrian amenities on Complete streets may include street furniture, decorative lighting, wide sidewalks with curb extensions (bulb-outs) at street corners, decorative crosswalks, public art, outdoor restaurants, plazas, and improved sidewalk-building interfaces (e.g., awnings, street-oriented retail activity).

M. "Concurrent" or "concurrency" means that the public facilities are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which shall include the impacts fees anticipated to be generated by the development, to complete the public facilities necessary to meet the specified standards of service defined in the comprehensive plan within six years of the time the impacts of development occur.

N. ((~~M.~~)) "Department" means the department of engineering services.

O. ((~~N.~~)) "Development activity" means any construction or expansion of a building, structure, or use, or 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.

P. ((~~O.~~)) "Development approval" means any written authorization from the City that authorizes the commencement of development activity.

Q. ((~~P.~~)) "Director" means the director of engineering services, or the director's designee.

R. ((~~Q.~~)) "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.

S. ((~~R.~~)) "Encumbered" means to have reserved, set aside or otherwise earmarked the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

T. ((~~S.~~)) "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 that creates the demand for additional public facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.

((~~T. "Green Streets" mean well-landscaped, tree-lined corridors designed for both pedestrian and vehicular use as defined in SMC Chapter 11.19.194J.~~))

U. "Gross floor area" is the total square footage of all floors in a structure as defined in chapter 17A.020 SMC.

V. "Hearing examiner" means the person who exercises the authority of ((~~SMC~~)) chapter 17G.050 SMC.

W. "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 fee, an application fee, or the cost for reviewing independent fee calculations.

X. "Impact fee account" or "account" means the account(s) established for each service area for the system improvements for which impact fees are collected. The accounts shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.

Y. "Independent fee calculation" means the impact fee calculation and or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of schedule set forth in SMC 17D.030.180, or the calculations prepared by the Director where none of the fee categories or fee amounts in the schedules in this chapter accurately describe or capture the impacts of the new development on public facilities.

Z. "Interest" means the interest rate earned by local jurisdictions in the State of Washington local government investment pool, if not otherwise defined.

AA. "Interlocal agreement" or "agreement" means a transportation interlocal agreement, authorized in this chapter, by and between the City and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this chapter.

AB. ((~~BB.~~)) "ITE manual" means Institute of Transportation Engineers (ITE) Trip Generation Manual (7th Edition), as amended from time to time.

AC. ((~~CC. "Low-income housing" means any unit of housing where the eligibility requirements for rental or purchase require the renter or purchaser to have certified household income equal to or less than fifty percent (50%) of area median income, adjusted for household size ("AMI"), and where the eligibility requirements for homeownership require the purchaser to have certified household income equal to or less than eighty percent (80%) of AMI. In addition, the developer and/or owner shall have entered into a binding, irrevocable programmatic commitment with one or more of the agencies listed below (as evidenced at the time of qualification for the transportation impact fee exemption by recorded deed restriction or such other documentation as may be reasonably required by the City). The agencies shall include the United States Department of Housing and Urban Development, Washington State Housing Finance Commission, Washington State Department of Community Trade and Economic Development, City of Spokane Community Development Department, Northeast Washington Housing Solutions, and such other Federal, State or local governmental or non-profit agencies which shall offer like programs at the time of exemption application. Development activity that is comprised of a mix of affordable and market rate housing and/or affordable housing and commercial space shall be defined as low-income housing only for those specific units that are set aside as low-income housing with the aforementioned income limits. Programs that may otherwise be defined elsewhere as "low-income housing" and/or "affordable housing", but have income eligibility limits above those described above or no income limits, shall not be defined as low-income housing for purposes of this chapter."~~))

((~~DD.~~)) "Owner" means the owner of real property according to the records of the Spokane County department of records and elections, 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.

AD. ((~~EE.~~)) "Pass-by trip rates" means those rate study pass-by rates set forth in ((~~Section~~)) SMC 17D.030.200.

AE. ((~~FF.~~)) "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.

AF. ((~~GG.~~)) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development 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 the City's capital facilities plan shall be considered a project improvement.

AG. ((~~HH.~~)) "Public facilities" means publicly owned streets and roads, including related sidewalk and streetscape improvements required by the City's comprehensive plan and related development regulations.

AH. ((~~II.~~)) "Rate study" means the 2007 transportation impact fee rate study, dated October 26, 2007, as updated and amended from time to time.

AI. ((~~JJ.~~)) "Residential" means housing, such as single-family dwellings, accessory dwelling units, apartments, condominiums, mobile homes, and/or manufactured homes, intended for occupancy by one or more persons and not offering other services.

AJ. ((~~KK.~~)) "Square footage" means the square footage of the gross floor area of the development as defined chapter 17A.020 SMC.

AK. ((LL.)) "Service area" means one of the ((~~five~~)) four geographic areas defined by the City in which a defined set of public facilities provide service to development within each of the identified areas. The City has identified the service areas, based on sound planning and engineering principles. These service areas are generally referred to as the downtown service area, the northwest service area, the northeast service area, and the south service area. Maps depicting the service areas are set forth in SMC 17D.030.190 and shall also be maintained by the director in the offices of the engineering services department and shall be available for public inspection during regular business hours.

AL. ((~~MM.~~)) "System improvements" means public facilities 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.

AM. ((~~NN.~~)) "Trip length adjustment factor" means the trip length adjustment factors identified in SMC 17D.030.200.

17D.030.030 Concurrency

A. Pursuant to chapter 36.7A RCW and chapter 17D.010 of the Spokane Municipal Code, development approval is prohibited if the development activity will cause the level of service of public facilities to decline below the standards adopted in the transportation element of the comprehensive plan, unless system improvements or strategies to accommodate the impacts of the development activity are made concurrent with the development activity. The concurrency requirement is satisfied if the required system improvements are in place at the time of development activity, or that a financial commitment is in place, which shall include the impact fees anticipated to be generated by the development, to complete the system improvements or strategies required to meet the specified standards of service defined in the comprehensive plan within six (((~~6~~))) years of development approval. Any combination of the following shall constitute a "financial commitment" for the purposes of this chapter and ((~~Section~~)) chapter 17D.010 SMC:

1. The City has received voter approval of and/or has bonding authority.
2. The City has received approval for federal, state, or other funds.
3. The City has received a secured commitment from a feepayer that the feepayer will construct the required public facilities and/or system improvement(s) and the City has found such public facilities and/or system improvement(s) to be acceptable and consistent with its capital facilities plan; and/or
4. The City has other assured funding, including but not limited to impact fees that have been paid or that shall be payable as a result of the development approval.

B. Public facilities financed in part with the impact fees authorized by this chapter shall be designed and constructed to achieve a pedestrian level of service that is consistent with the comprehensive plan and implementing development regulations.

17D.030.040 Assessment of Impact Fees

A. The City shall collect impact fees, based on the schedules in ((~~Section~~)) SMC 17D.030.180 ((~~of this chapter~~)), or an independent fee calculation as provided for in ((~~Section~~)) SMC 17D.030.050 ((~~of this chapter~~)), from any applicant seeking development approval from the City. The impact fees in ((~~Section~~)) SMC 17D.030.180 are generated from the formula for calculating impact fees set forth in the rate study, one copy of which shall be kept on file with the office of the city clerk and which is adopted and incorporated herein by reference. Except as otherwise provided in this chapter, all new development approval in the City will be charged the transportation impact fees in ((~~Section~~)) SMC 17D.030.180. Subject to the review provisions set forth in ((~~Section~~)) SMC 17D.030.140 below, the transportation impact fees in ((~~Section~~)) SMC 17D.030.180 will be adjusted annually in accordance with the Washington state department of transportation construction cost index ("CCI"), with the first such increase taking effect within ((~~2~~)) two years of adoption of this ((~~Ordinance~~)) chapter and with subsequent increases to coincide with the City's

annual adoption of its six-year street plan, provided the impact fees shall never be reduced solely because of a decline in the CCI. Provided further, for purposes of this chapter only, the following shall not constitute development activity:

1. Replacement of a commercial structure with a new structure of the same size and use or a residential structure with the same number of residential units, both at the same site or lot, where demolition of the prior commercial or residential structure occurred after May 2001. Replacement of a commercial structure with a new commercial 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 twenty (((~~120~~))) square feet. It shall be the feepayer's responsibility to establish the existence of a qualifying prior use to the director's reasonable satisfaction.
2. Expansions of existing residential structures that do not add residential dwelling units.
3. Alteration of an existing nonresidential structure that does not expand the usable space, add any residential units, or result in a change in use.
4. Miscellaneous improvements that do not create additional demand and need for public facilities, including, but not limited to, fences, walls, swimming pools, and signs.
5. Demolition or moving of a structure.
6. Re-use or change in use of existing structure.
   a. Re-use or change in use of an existing structure that does not create additional demand and need for public facilities (*i.e.,* where the trip generation of the re-use is equal to or less than trip generation of prior use) shall not constitute development activity for purposes of this chapter.
   b. It shall be the feepayer's responsibility to establish the existence of a qualifying prior use to the Director's reasonable satisfaction.
   c. For a change in use of an existing structure that does create additional demand and need for public facilities (*i.e.,* where the trip generation of the re-use is greater than the trip generation of the prior use), the City shall collect impact fees for the new use based on the schedules in SMC 17D.030.180, less the fees that would have been payable as a result of the prior use.

B. The director shall be authorized to determine whether a particular development activity constitutes development activity subject to the payment of impact fees under this chapter. Determinations of the Director shall be in writing issued within ((~~14~~)) <u>fourteen</u> days of submitting a complete application and shall be subject to the appeals procedures set forth in SMC 17D.030.090.

C Impact fees shall be assessed prior to the issuance of a building permit for each unit in a development, using either the impact fee schedules then in effect or an independent fee calculation, at the election of the applicant and pursuant to the requirements set forth in SMC 17D.030.050. The impact fees shall be paid at the issuance of a building permit or at the completion of construction. To defer the payment of the impact fee to the end of construction, the developer shall provide

prior to issuance of a building permit a recorded "certificate of title notice" evidencing an encumbrance on the title for each parcel of land, on forms provided by the city attorney's office, recorded with the Spokane County auditor's office which requires that the impact fee be paid as part of the closing of the construction financing, transfer of title to another party or issuance of a certificate of occupancy, whichever shall first occur. For commercial development involving multiple users, impact fees shall be assessed and collected prior to issuance of building permits that authorize completion of tenant improvements for each use. Furthermore, the City shall not accept an application for a building permit unless, prior to submittal or concurrent with submittal, the feepayer submits complete applications for all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.

D. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 17D.030.070, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to SMC 17D.030.070 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.

E. For mixed use buildings or development, impact fees shall be imposed for the proportionate share of each land use based on the applicable unit of measurement found on the schedule in SMC 17D.030.180.

F. The department shall place a hold on permits for development approval unless and until the impact fees required by this chapter, less any permitted exemptions, credits or deductions, have been paid.

17D.030.050 Independent Fee Calculations

A. If in the reasonable judgment of the Director, a proposed development activity does not fall under one of the fee categories set forth in ((~~Section~~)) SMC 17D.030.180, the department may prepare independent fee calculations and the director may impose alternative fees on a specific development based on those calculations, provided the director's fee calculations shall be limited as provided in Section C below, and shall incorporate applicable rate study pass-by trip rates and trip length adjustment factors as set forth in ((~~Section~~)) SMC 17D.030.200. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

B. Alternatively, if an applicant believes that the applicant's proposed development activity does not fall under one of the fee categories set forth in ((~~Section~~)) SMC 17D.030.180, the applicant may, at the applicant's option, identify a development activity or land use code in the ITE manual that most closely resembles the applicant's proposed development activity and calculate the applicant's fees based on the number of trips assigned to that development activity by the ITE manual. In calculating such fees, the applicant shall incorporate applicable pass-by trip rates and trip length adjustment factors set forth in ((~~Section~~)) SMC 17D.030.200.

C. In addition to the options described in subsections A and B of ((~~this Section~~)) SMC 17D.030.050, an applicant may elect to have impact fees determined according to ((~~Section~~)) SMC 17D.030.180 or in the alternative, if an applicant opts not to have the impact fees determined according to ((~~Section~~)) SMC 17D.030.180, the applicant may elect an independent fee calculation for the development activity for which a building permit is sought. In that event, the applicant may prepare and submit his/her own independent fee calculation. The applicant must make the election between fees calculated under ((~~Section~~)) SMC 17D.030.180 and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare its own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made. Provided, independent fee calculations shall use the same formulas and methodology and cost per trip used to establish the impact fees set forth in ((~~Section~~)) SMC 17D.030.180 and shall be limited to adjustments in trip generation rates used in the rate study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.

D. Any applicant electing an independent fee calculation pursuant to subsection C of ((~~this Section~~)) SMC 17D.030.050 shall be required to pay the City of Spokane a fee to cover the cost of reviewing the independent fee calculation, as follows: two hundred fifty dollars (((~~$250.00~~))) plus a deposit of two hundred fifty dollars (((~~$250.00~~))) towards the City's actual costs incurred in reviewing the independent fee calculation; no such fee shall apply to calculations performed under subsections A and B of this section. The applicant shall remit all remaining actual costs of the City's review of the independent fee calculation prior to and as a precondition of the City's issuance of the building permit. If the City's actual costs are lower than the deposit amount, the difference shall be remitted to the applicant.

E. While there is a presumption that the calculations set forth in the rate study are valid, the director shall consider the documentation submitted by a feepayer pursuant to subsections B and C of ((~~this Section~~)) SMC 17D.030.050, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the feepayer.

F. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in ((~~SMC~~)) chapter 17G.050 SMC.

17D.030.060 Exemptions – RESERVED

((~~A. Low-income housing, as defined in this chapter, shall be exempted from the payment of impact fees.~~

~~B. The City Council finds that the following development activities have broad public purposes and shall be exempted from the payment of impact fees:~~

~~1. Public transportation facilities;~~

~~2. Public parks and recreational facilities;~~

~~3. Public libraries;~~

~~4. a. Publicly operated schools, colleges, and universities and associated support facilities.~~

~~b. Not for profit schools, colleges, and universities and associated support facilities.~~

~~5. Development activities of community-based human services agencies which meet the human services needs of the community such as providing employment assistance, food, shelter, clothing, or health services for low and moderate-income residents; and~~

~~6. Hospitals for the treatment of humans.~~

~~C. Requests for the exemptions set forth in subsection B of this section 17D.030.060 shall be submitted to the Department on such forms as the Director may provide. The Mayor shall review applications for exemption under subsection B of this Section 17D.030.060 and shall advise the applicant, in writing, of the granting or denial of the application. In addition, the Mayor shall notify the City Council when such applications are granted or denied. The Mayor's determination shall be subject to the appeals procedures set forth in Section 17D.030.090.~~

~~D. Any claim for an exemption under this Section 17D.030.060 must be made before payment of the impact fee. Any claim not so made shall be deemed waived. The claim for exemption must be accompanied by a draft lien and covenant against the property guaranteeing that the low-income housing or other development having a broad public purpose will continue for a period of not less than 15 years. Before final approval of the exemption, the department shall approve the form of the lien and covenant. Within ten days of the approval, the applicant shall execute and record the approved lien and covenant with the Spokane County Auditor. The lien and covenant shall run with the land. In the event that the housing unit is not used for low-income housing for the prescribed period, or in the event that other exempted development activity is converted to a non-exempt use during the prescribed period, the current owner shall pay the impact fees then in effect plus interest to the date of the payment.~~

~~E. The impact fee for an exempt development shall be calculated as provided for in this Chapter and paid with public funds other than the impact fee account. Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area.~~))

17D.030.070 Credits

A. A feepayer can request a credit for the total value of dedicated land or public facilities provided by the feepayer if the land and public facilities are identified as system improvements or in cases where the director, in the director's discretion, determines that such dedication of land or public facilities would serve the goals and objectives of the capital facilities plan.

B. The city council finds that certain types of development activity (including development with the City's center and corridor zones) is likely to generate fewer p.m. peak hour vehicle trips than other development activity. Consistent with this finding, a feepayer may request a partial credit for the following:

1. Development within center and corridor zones shall qualify for a partial credit of ten percent (((~~10%~~))) of the impact fees otherwise payable as a result of the development activity.

2. Mixed use development incorporating an "active" first floor (*e.g.* office, retail) and residential shall qualify for a partial credit of ten percent (((~~10%~~))) of the impact fees otherwise payable as a result of the development activity.

3. Development of complete streets ((~~Green Streets, as defined in the Spokane Municipal Code,~~)) that provide pedestrian connections to surrounding neighborhoods and districts shall entitle a feepayer to a partial credit of ten percent (((~~10%~~))) of the impact fees otherwise payable as a result of the development activity. The credit provided for in this section shall only apply to the extent a feepayer is developing a complete street ((~~Green Street~~)) on the entire length of the block on which the development activity is occurring. The credit provided for in this section shall be limited to the cost incurred by the feepayer in developing the complete street ((~~Green Street~~)).

4. The cumulative credits granted in subsections B1 through B3 above for center and corridor development, mixed use development incorporating active first floors, and development of complete streets ((~~Green Streets~~)), shall not exceed twenty percent (((~~20%~~))) of the impact fees otherwise payable as a result of the development activity.

5. The director shall be authorized to determine whether a particular development activity falls within a credit identified in this Section B, in any other section, or under other applicable law. Determinations of the director shall be in writing issued within ((~~14~~)) fourteen days of a complete application and shall be subject to the appeals procedures set forth in SMC 17D.030.090.

C. For each request for a credit, under subsection A above, if appropriate, the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director. The appraiser must be a Washington State certified appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall

certify that he/she does not have a fiduciary or personal interest in the property being appraised.

D. The appraiser shall be directed to determine the total value of the dedicated land and/or public facilities provided by the feepayer on a case-by-case basis.

E. The feepayer shall pay for the cost of the appraisal. The feepayer may 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.

F. After receiving the appraisal, and where consistent with the requirements of this section, 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. The credit must be used within seventy-two (((~~72~~))) months of the award of the credit.

G. Any claim for credit must be made prior to issuance of a building permit, provided any claim for credit submitted later than twenty (((~~20~~))) calendar days after the submission of an application for a building permit shall constitute a waiver and suspension of timelines established by state and/or local law for processing of permit applications.

H. In no event shall the credit exceed the amount of the impact fees that would have been due for the proposed development activity.

I. No credit shall be given for project improvements.

J. Determinations made by the Director pursuant to this Section shall be subject to the appeals procedures set forth in SMC 17D.030.090.

17D.030.080 Administrative Costs

A. All development approvals subject to payment of impact fees under chapter 17D.030 SMC shall pay an administrative fee. The administrative fee shall be the greater of ((~~$50.00~~)) <u>fifty dollars</u> or three percent (((~~3%~~))) of the impact fees payable under this chapter as a result of the development approval, not to exceed ((~~$1,000.00~~)) <u>one thousand dollars</u>, provided the administrative fee for a single family dwelling unit shall be ((~~$50.00~~)) <u>fifty dollars</u>. The administrative fee shall be deposited in an administrative fee account within the impact fee account and shall be used to defray the City's costs of processing and accounting for impact fees and the City's costs in administration and update of the rate study. Payment of the administrative fee does

not constitute payment of the fees relating to independent fee calculations as provided in SMC 17D.030.050C.

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

17D.030.090 Appeals

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit or occupancy permit. Any appeal filed prior to the payment of impact fees shall constitute a waiver and suspension of timelines established by state and/or local law for the processing of permit applications.

B. Appeals regarding the impact fees imposed on any development activity shall only be filed by the feepayer of the property where such development activity will occur.

C. The feepayer must first file a request for review regarding impact fees with the director, as provided herein.

1. The request shall be in writing on the form provided by the City.
2. The request for review by the director shall be filed no later than fourteen (((~~14~~))) calendar days after the feepayer pays the impact fees at issue.
3. No administrative fee will be imposed for the request for review by the director; and
4. The director shall issue a determination in writing.

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, or any other determination which the director is authorized to make pursuant to this title, can be appealed to the hearing examiner subject to the procedures set forth in chapter 17G.050 SMC.

17D.030.100 Establishment of Impact Fee Account

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts for each service area. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.

B. There is hereby established an impact fee account for the fees collected pursuant to this chapter known as the transportation impact account. Except as provided in ((~~Section~~)) SMC 17D.030.080, funds withdrawn from this account must be used in accordance with the provisions of ((~~Section~~)) SMC 17D.030.120. Interest earned on the fees shall be retained in each of the accounts and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the chief financial officer and director shall provide a report to the council on the account showing the source and amount of all moneys collected, earned, or received, and system improvements that were financed in whole or in part by impact fees and contributions towards meeting concurrency goals and requirements.

D. Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the six-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

17D.030.110 Refunds

A. If the City fails to expend or encumber the impact fees within six years of when the fees were paid, the current owner of the property for which impact fees have been paid may receive a refund of such fees, provided a refund is not required where extraordinary or compelling reasons exist for holding the fees longer than six years, as identified in written findings by the city council. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The City shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of the claimants.

C. Property owners seeking a refund of impact fees 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 impact fees for which no application for a refund has been made within the one-year period shall be retained by the City and expended on the appropriate public facilities.

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

F. A feepayer may request and shall receive a refund, including interest earned on the impact fees, when the feepayer and/or the feepayer's successors and assigns do not proceed with the development activity and there has been no impact to the City's transportation system. A request for a refund pursuant to this section must be accompanied by an acknowledgement that the feepayer's underlying development approval, including any associated permits, has expired and that any application to reinstate the development approval shall be subject to the payment of impact fees pursuant to this chapter.

17D.030.120 Use of Funds

Impact fees may be used only as allowed by chapter 82.02 RCW.

17D.030.130 Administrative Guidelines

The director shall be authorized to adopt forms, applications, brochures, and guidelines for the implementation of this chapter in accordance with City policy which may include the adoption of a procedures guide for impact fees.

17D.030.140 Review

A. The ((~~Rate Study and the~~)) fee schedules set forth in this chapter shall be reviewed by the city council ((~~upon completion of the Baseline Study and~~)) as it may deem necessary and appropriate every two years in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan.

B. A transportation impact fee advisory board consisting of individuals representing the building, real estate, and property development industries, the broader business community, community leaders, community assembly, and citizens shall be appointed by the mayor to review proposed changes to the ((~~Rate Study and the~~)) fee schedules set forth in this chapter prior to their review and adoption by the city council. This review shall occur when the city council may deem it necessary and appropriate every two years in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan. Provided, this section shall not be interpreted as requiring review by an advisory board or city council prior to the automatic fee adjustments contemplated in SMC 17D.030.040(A).

17D.030.150 Authorization for Interlocal Agreements

Consistent with other terms of this chapter, interlocal agreements by and between the City and other government agencies are permissible, as authorized by RCW 36.70A.040(6)(d).

17D.030.160 Existing Authority Unimpaired

Nothing in this chapter shall preclude the City from requiring the applicant for development approval 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 RCW 82.02.050(1)(c). Nothing in this chapter shall preclude the City from entering into a development agreement as authorized in RCW 36.70B.170 *et seq.* addressing, without limitation, the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.

17D.030.170 Severability

If any section or portion of a section of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

17D.030.180 Appendix A – Impact Fee Schedule

17D.030.190 Appendix B – Service Area Map

17E.030.200 Appendix C – Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors

<u>17E.030.210 Appendix D – Impact Fee Project List</u>

Section 3. Effective Date. That Section 3 of Ordinance C34305 is amended as follows:

That this ordinance shall become effective ((~~after October 1, 2009, or the date of the second regularly scheduled legislative session of the City Council following its receipt of the findings of the baseline study and adjusting the rate schedule to reflect those findings, if warranted, and the occurrence of the adoption by the Council of a new and additional permanent funding mechanism to supplement the City's ability to eliminate existing deficiencies with a reasonable time.~~)) thirty days from the date of enactment pursuant to Section 19 (b) of the City Charter.

Adopted by the City Council on this 24th day of January, 2011.

Alexander Joe Shogan, Jr.
Council President

Attest:

City Clerk

Approved as to form:

Pat Dalton
Assistant City Attorney

Mayoral Decision to Return Unsigned

Mayor (SEE NOTE DATED 2/10/2011)

Date

March 12, 2011
Effective Date

Feb. 10, 2011

OFFICE OF THE MAYOR
SPOKANE, WASHINGTON

City of Spokane

I am returning this ordinance without Mayoral signature because I object to the removal of projects from the Impact Fee Project List.

Mary B. Verner

Appendix A

Impact Fee Schedule

Downtown Service Area

Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Residential			
Single Family	210	dwelling	$106.35
Multi Family (2 Levels or Less)	221	dwelling	$68.63
Multi Family (3 Levels or More)	232	dwelling	$42.07
Nursing Home	253	bed	$14.23
Retirement Community	255	dwelling	$24.27
Assisted Living	620	dwelling	$18.41
Commercial - Services			
Hotel (3 Levels or More)	310	room	$70.62
Hotel/Motel	320	room	$56.26
Movie Theater	444	sq ft/GFA	$0.26
Health Club	492	sq ft/GFA	$0.24
Day Care	565	sq ft/GFA	$0.56
Bank	912	sq ft/GFA	$0.51
Commercial - Institutional			
Elementary School/Jr. High School	522	student	$6.75
High School	530	student	$6.27
University/College	550	student	$18.90
Religious Institute	560	sq ft/GFA	$0.06
Library	590	sq ft/GFA	$0.22
Hospital	610	sq ft/GFA	$0.14
Commercial - Restaurant			
Quality Restaurant	931	sq ft/GFA	$0.43
High Turnover Restaurant	932	sq ft/GFA	$0.57
Fast Food Restaurant	934	sq ft/GFA	$1.02
Espresso Stand**	-	sq ft/GFA	$0.61
Drinking Establishment	925	sq ft/GFA	$0.38

BASE RATE PER PM TRIP $90

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	$0.16
Specialty Retail Center	814	sq ft/GLA	$0.09
Hardware/Paint Store	816	sq ft/GFA	$0.17
Nursery/Garden Center	817	sq ft/GFA	$0.17
Shopping Center	820	sq ft/GLA	$0.13
Car Sales - New/Used	841	sq ft/GFA	$0.25
Tire Store	848	Service bay	$183.51
Supermarket	850	sq ft/GFA	$0.46
Convenience Market	851	sq ft/GFA	$1.03
Pharmacy	881	sq ft/GFA	$0.27
Furniture Store	890	sq ft/GFA	$0.01
Video Rental	896	sq ft/GFA	$0.42
Quick Lubrication Vehicle Shop	941	Service Bay	$298.94
Auto Parts & Service Center	943	sq ft/GFA	$0.22
Service Station/Minimart/Carwash	853	VFP	$727.71
Industrial			
Light Industry/High Technology	110	sq ft/GFA	$0.15
Heavy Industrial	120	sq ft/GFA	$0.10
Industrial Park	132	sq ft/GFA	$0.13
Manufacturing	140	sq ft/GFA	$0.11
Warehouse/Storage	150	sq ft/GFA	$0.07
Commercial - Administrative Office			
General Office	710	sq ft/GFA	$0.21
Medical Office / Clinic	720	sq ft/GFA	$0.45
Office Park	750	sq ft/GFA	$0.20

VFP- Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

GLA= Gross Leasible Area

GFA= Gross Floor Area

ITE = Institute of Transportation Engineers

* Fee per Unit are reduced, where applicable, to account for "pass-by" trips

** No ITE rates in ITE Trig Generation Manual, 8th Edition - Referenced Starbucks Study March, 2002.

Northwest Service Area

Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Residential			
Single Family	210	dwelling	$749.20
Multi Family (2 Levels or Less)	221	dwelling	$483.49
Multi Family (3 Levels or More)	232	dwelling	$296.33
Nursing Home	253	bed	$100.24
Retirement Community	255	dwelling	$170.99
Assisted Living	620	dwelling	$129.72
Commercial - Services			
Hotel (3 Levels or More)	310	room	$497.50
Hotel/Motel	320	room	$396.31
Movie Theater	444	sq ft/GFA	$1.86
Health Club	492	sq ft/GFA	$1.73
Day Care	565	sq ft/GFA	$3.97
Bank	912	sq ft/GFA	$3.58
Commercial - Institutional			
Elementary School/Jr. High School	522	student	$47.58
High School	530	student	$44.18
University/College	550	student	$133.14
Religious Institute	560	sq ft/GFA	$0.43
Library	590	sq ft/GFA	$1.55
Hospital	610	sq ft/GFA	$0.97
Commercial - Restaurant			
Quality Restaurant	931	sq ft/GFA	$3.00
High Turnover Restaurant	932	sq ft/GFA	$4.03
Fast Food Restaurant	934	sq ft/GFA	$7.19
Espresso Stand**	-	sq ft/GFA	$4.30
Drinking Establishment	925	sq ft/GFA	$2.70

BASE RATE PER PM TRIP **$634**

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	$1.15
Specialty Retail Center	814	sq ft/GLA	$0.66
Hardware/Paint Store	816	sq ft/GFA	$1.18
Nursery/Garden Center	817	sq ft/GFA	$1.18
Shopping Center	820	sq ft/GLA	$0.93
Car Sales - New/Used	841	sq ft/GFA	$1.76
Tire Store	848	Service bay	$1,292.75
Supermarket	850	sq ft/GFA	$3.26
Convenience Market	851	sq ft/GFA	$7.29
Pharmacy	881	sq ft/GFA	$1.91
Furniture Store	890	sq ft/GFA	$0.08
Video Rental	896	sq ft/GFA	$2.95
Quick Lubrication Vehicle Shop	941	Service Bay	$2,105.89
Auto Parts & Service Center	943	sq ft/GFA	$1.58
Service Station/Minimart/Carwash	853	VFP	$5,126.32
Industrial			
Light Industry/High Technology	110	sq ft/GFA	$1.06
Heavy Industrial	120	sq ft/GFA	$0.73
Industrial Park	132	sq ft/GFA	$0.93
Manufacturing	140	sq ft/GFA	$0.80
Warehouse/Storage	150	sq ft/GFA	$0.51
Commercial - Administrative Office			
General Office	710	sq ft/GFA	$1.45
Medical Office / Clinic	720	sq ft/GFA	$3.16
Office Park	750	sq ft/GFA	$1.44

VFP- Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

GLA= Gross Leasible Area

GFA= Gross Floor Area

ITE = Institute of Transportation Engineers

* Fee per Unit are reduced, where applicable, to account for "pass-by" trips

** No ITE rates in ITE Trig Generation Manual, 8th Edition - Referenced Starbucks Study March, 2002.

South Service Area

Transportation Impact Fee Schedule

BASE RATE PER PM TRIP $587

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Residential			
Single Family	210	dwelling	$693.66
Multi Family (2 Levels or Less)	221	dwelling	$447.65
Multi Family (3 Levels or More)	232	dwelling	$274.36
Nursing Home	253	bed	$92.80
Retirement Community	255	dwelling	$158.31
Assisted Living	620	dwelling	$120.10
Commercial - Services			
Hotel (3 Levels or More)	310	room	$460.62
Hotel/Motel	320	room	$366.93
Movie Theater	444	sq ft/GFA	$1.72
Health Club	492	sq ft/GFA	$1.60
Day Care	565	sq ft/GFA	$3.68
Bank	912	sq ft/GFA	$3.31
Commercial - Institutional			
Elementary School/Jr. High School	522	student	$44.05
High School	530	student	$40.90
University/College	550	student	$123.27
Religious Institute	560	sq ft/GFA	$0.40
Library	590	sq ft/GFA	$1.44
Hospital	610	sq ft/GFA	$0.89
Commercial - Restaurant			
Quality Restaurant	931	sq ft/GFA	$2.78
High Turnover Restaurant	932	sq ft/GFA	$3.73
Fast Food Restaurant	934	sq ft/GFA	$6.65
Espresso Stand**	-	sq ft/GFA	$3.98
Drinking Establishment	925	sq ft/GFA	$2.50

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	$1.06
Specialty Retail Center	814	sq ft/GLA	$0.61
Hardware/Paint Store	816	sq ft/GFA	$1.09
Nursery/Garden Center	817	sq ft/GFA	$1.09
Shopping Center	820	sq ft/GLA	$0.86
Car Sales - New/Used	841	sq ft/GFA	$1.63
Tire Store	848	Service bay	$1,196.92
Supermarket	850	sq ft/GFA	$3.02
Convenience Market	851	sq ft/GFA	$6.75
Pharmacy	881	sq ft/GFA	$1.77
Furniture Store	890	sq ft/GFA	$0.08
Video Rental	896	sq ft/GFA	$2.73
Quick Lubrication Vehicle Shop	941	Service Bay	$1,949.78
Auto Parts & Service Center	943	sq ft/GFA	$1.47
Convenience Market	851	sq ft/GFA	$13.65
Service Station/Minimart/Carwash	853	VFP	$4,746.29
Industrial			
Light Industry/High Technology	110	sq ft/GFA	$0.98
Heavy Industrial	120	sq ft/GFA	$0.68
Industrial Park	132	sq ft/GFA	$0.86
Manufacturing	140	sq ft/GFA	$0.74
Warehouse/Storage	150	sq ft/GFA	$0.47
Commercial - Administrative Office			
General Office	710	sq ft/GFA	$1.34
Medical Office / Clinic	720	sq ft/GFA	$2.92
Office Park	750	sq ft/GFA	$1.33

VFP- Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

GLA= Gross Leasible Area

GFA= Gross Floor Area

ITE = Institute of Transportation Engineers

* Fee per Unit are reduced, where applicable, to account for "pass-by" trips

** No ITE rates in ITE Trig Generation Manual, 8th Edition - Referenced Starbucks Study March, 2002.

Northeast Service Area

Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Residential			
Single Family	210	dwelling	$1,004.45
Multi Family (2 Levels or Less)	221	dwelling	$648.21
Multi Family (3 Levels or More)	232	dwelling	$397.29
Nursing Home	253	bed	$134.39
Retirement Community	255	dwelling	$229.25
Assisted Living	620	dwelling	$173.91
Commercial - Services			
Hotel (3 Levels or More)	310	room	$667.00
Hotel/Motel	320	room	$531.34
Movie Theater	444	sq ft/GFA	$2.49
Health Club	492	sq ft/GFA	$2.32
Day Care	565	sq ft/GFA	$5.32
Bank	912	sq ft/GFA	$4.79
Commercial - Institutional			
Elementary School/Jr. High School	522	student	$63.78
High School	530	student	$59.23
University/College	550	student	$178.50
Religious Institute	560	sq ft/GFA	$0.58
Library	590	sq ft/GFA	$2.08
Hospital	610	sq ft/GFA	$1.29
Commercial - Restaurant			
Quality Restaurant	931	sq ft/GFA	$4.03
High Turnover Restaurant	932	sq ft/GFA	$5.40
Fast Food Restaurant	934	sq ft/GFA	$9.64
Espresso Stand**	-	sq ft/GFA	$5.76
Drinking Establishment	925	sq ft/GFA	$3.62

BASE RATE PER PM TRIP $850

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit*
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	$1.54
Specialty Retail Center	814	sq ft/GLA	$0.89
Hardware/Paint Store	816	sq ft/GFA	$1.58
Nursery/Garden Center	817	sq ft/GFA	$1.58
Shopping Center	820	sq ft/GLA	$1.24
Car Sales - New/Used	841	sq ft/GFA	$2.36
Tire Store	848	Service bay	$1,733.18
Supermarket	850	sq ft/GFA	$4.37
Convenience Market	851	sq ft/GFA	$9.77
Pharmacy	881	sq ft/GFA	$2.56
Furniture Store	890	sq ft/GFA	$0.11
Video Rental	896	sq ft/GFA	$3.95
Quick Lubrication Vehicle Shop	941	Service Bay	$2,823.36
Auto Parts & Service Center	943	sq ft/GFA	$2.12
Convenience Market	851	sq ft/GFA	$19.76
Service Station/Minimart/Carwash	853	VFP	$6,872.83
Industrial			
Light Industry/High Technology	110	sq ft/GFA	$1.42
Heavy Industrial	120	sq ft/GFA	$0.98
Industrial Park	132	sq ft/GFA	$1.24
Manufacturing	140	sq ft/GFA	$1.07
Warehouse/Storage	150	sq ft/GFA	$0.68
Commercial - Administrative Office			
General Office	710	sq ft/GFA	$1.94
Medical Office / Clinic	720	sq ft/GFA	$4.24
Office Park	750	sq ft/GFA	$1.92

VFP- Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

GLA= Gross Leasible Area

GFA= Gross Floor Area

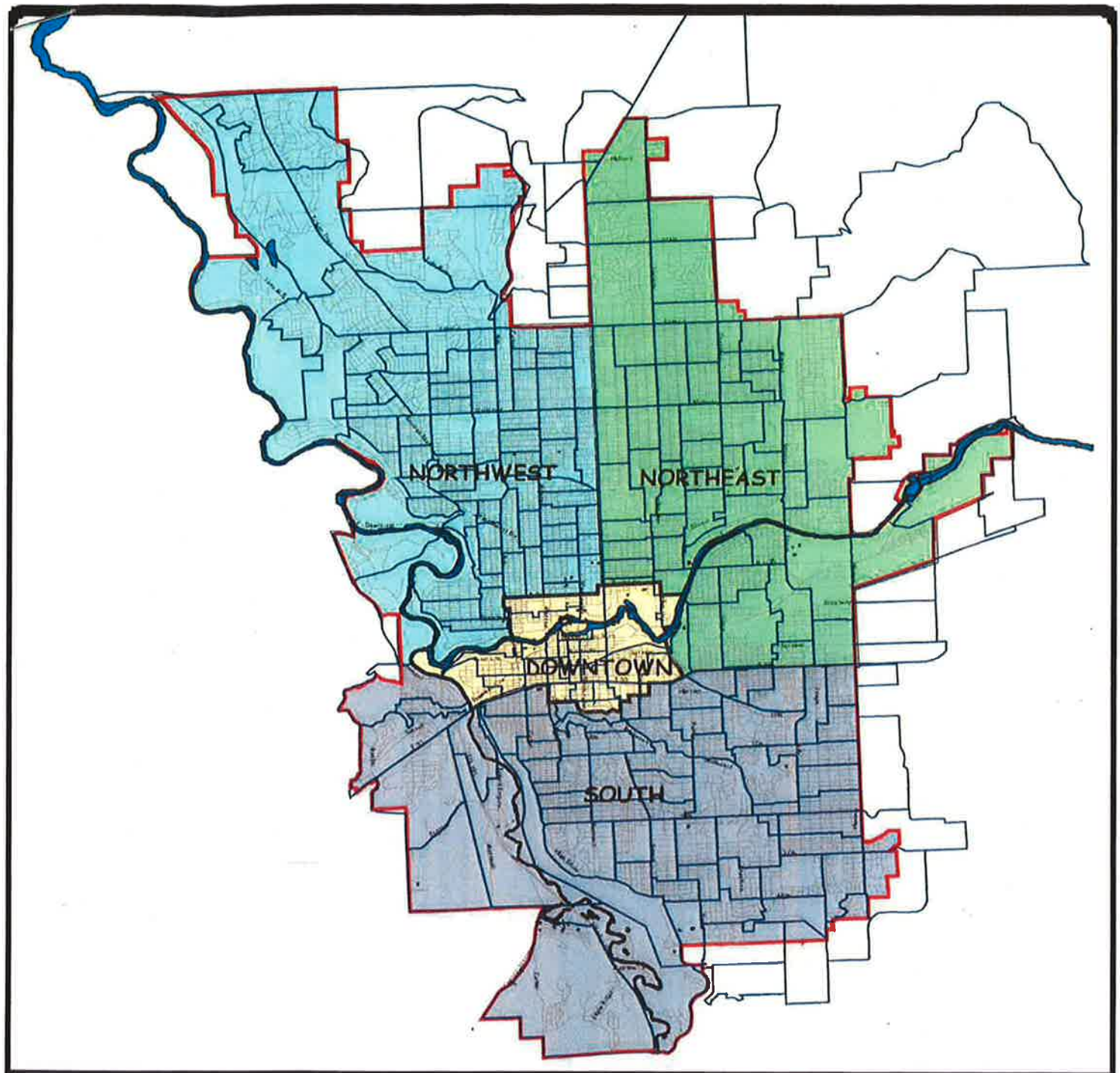
ITE = Institute of Transportation Engineers

* Fee per Unit are reduced, where applicable, to account for "pass-by" trips

** No ITE rates in ITE Trig Generation Manual, 8th Edition - Referenced Starbucks Study March, 2002.

Appendix B

Service Area Map



Four Service Areas for Transportation Impact Fees

Revised: 3/24/2008

Legend

- Dwntwn taz 2-26-07.shp
- Nw taz 2-26-07.shp
- Ne taz 2-26-07.shp
- Sw taz 2-26-07.shp
- Se taz 2-26-07.shp
- Street centerlines dwntwn.shp
- Ne rev streets.shp
- Street centerlines nw.shp
- Se rev streets.shp
- Street centerlines sw.shp
- Nw hydro 2-26-07.shp
- Hydrology_new.shp
- Downtown tsa.shp
- Northeast tsa 5.shp
- Northwest tsa 5.shp
- South serv area.shp

0 4000 Feet

CityGIS

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Digital Orthophoto Data Base © 2001 2002 AVISTA Utilities
All Rights Reserved

SPOKANE

Appendix C

ITE Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors Used in Fee Schedule

Basis for All Options - Pass-By, Trip Rates, Trip Length

Land Use Category	Land Use Code	Unit	ITE Avg. Trip Rate	ITE Pass-by Rate	ITE & OLY Pass-by Rate	Trip Length Adj. Factor*
Residential						
Single Family	210	dwelling	1.01	0%	0%	1.17
Multi Family (2 Levels or Less)	221	dwelling	0.62	0%	0%	1.23
Multi Family (3 Levels or More)	232	dwelling	0.38	0%	0%	1.23
Nursing Home	253	dwelling	0.17	0%	0%	0.93
Assisted Living	254	bed	0.22	0%	0%	0.93
Retirement Community	255	dwelling	0.29	0%	0%	0.93
Commercial Services						
Hotel (3 Levels or More)	310	room	0.59	0%	0%	1.33
Hotel/Motel	320	room	0.47	0%	0%	1.33
Movie Theater***	444	sq ft/GFA	0.0036	0%	0%	0.77
Health Club	492	sq ft/GFA	0.00353	0%	25%	1.03
Day Care	565	sq ft/GFA	0.01246	0%	25%	0.67
Bank	912	sq ft/GFA	0.0282	50%	60%	0.50
Commercial Institutional						
Elementary School/Jr. High School	522	student	0.16	0%	30%	0.67
High School	530	student	0.13	0%	20%	0.67
University/College	550	student	0.21	0%	0%	1.00
Religious Institute	560	sq ft/GFA	0.00055	0%	0%	1.23
Library	590	sq ft/GFA	0.0073	50%	50%	0.67
Hospital	610	sq ft/GFA	0.00114	20%	20%	1.67
Commercial - Restaurant						
Quality Restaurant	931	sq ft/GFA	0.00749	44%	44%	1.13
High Turnover Restaurant	932	sq ft/GFA	0.01115	43%	43%	1.00
Fast Food Restaurant	934	sq ft/GFA	0.03384	50%	50%	0.67
Espresso Stand**	-	**sq ft/GFA**	**0.01687**	0%	40%	0.67
Drinking Establishment	925	sq ft/GFA	0.01134	30%	44%	0.67
Commercial - Retail						
Specialty Retail Center	814	sq ft/GLA	0.00271	40%	45%	0.70
Hardware/Paint Store	816	sq ft/GFA	0.00484	40%	45%	0.70
Nursery/Garden Center	817	sq ft/GFA	0.0038	21.5%	30%	0.70
Shopping Center	820	sq ft/GLA	0.00373	44%	44%	0.70
Car Sales - New/Used	841	sq ft/GFA	0.00259	20%	30%	1.53
Tire Store	848	Service bay	3.54	0%	28%	0.80
Supermarket	850	sq ft/GFA	0.0105	30%	30%	0.70
Convenience Market	851	sq ft/GFA	0.05241	49%	49%	0.43
Pharmacy	881	sq ft/GFA	0.00862	49%	49%	0.57
Furniture Store	890	sq ft/GFA	0.00046	50%	50%	0.57
Video Rental	896	sq ft/GFA	0.0136	40%	40%	0.57
Quick Lubrication Vehicle Shop	941	Service Bay	5.19	20%	20%	0.80
Auto Parts & Service Center	943	sq ft/GFA	0.00446	30%	30%	0.80
Service Station/Minimart/Carwash	853	sq ft/GFA	0.06061	47%	47%	0.80
Industrial						
Light Industry/High Technology	110	sq ft/GFA	0.00098	0%	0%	1.70
Heavy Industrial	120	sq ft/GFA	0.00068	0%	0%	1.70
Industrial Park	130	sq ft/GFA	0.00086	0%	0%	1.70
Manufacturing	140	sq ft/GFA	0.00074	0%	0%	1.70
Warehouse/Storage	150	sq ft/GFA	0.00047	0%	0%	1.70
Commercial - Administrative Office						
General Office	710	sq ft/GFA	0.00149	10%	10%	1.70
Medical Office / Clinic	720	sq ft/GFA	0.00372	10%	10%	1.60
Office Park	750	sq ft/GFA	0.0015	10%	10%	1.70

** Independent Fee Calculation for Starbucks Coffee Stands in W. Wash.
Indicates City of Olympia's Pass-by Rate
Trip Rate Reduction Rates furnished by the City of Olympia, WA

Appendix D

Impact Fee Project List

IMPACT FEE PROJECT LIST

Project Name	Description	Estimated Cost[1]	Region	Project Source		Bicycle Facilities	Approximate Build Timeline		
				6-Year Plan	Baseline Project		5-year	10-year	15-year
8th Avenue/McClellan Street	Re-Stripe intersection to accommodate a westbound thru-left and thru-right lane configuration	$61,000	DTWN		X	No Bike Fac			
Mallon Avenue/Monroe Street Intersection Improvement**	Provide eastbound and westbound protected/permitted phasing and upgrade signal equipment to accommodate vehicle detection and intersection coordination.	$350,000	DTWN		X	No Bike Fac			
Broadway Avenue/Monroe Street Intersection Improvement**	Provide eastbound and westbound protected/permitted phasing and upgrade signal equipment to accommodate vehicle detection and intersection coordination.	$350,000	DTWN		X				
5th Avenue/Sherman Street Intersection	Install new traffic signal.	$350,000	DTWN	X		Bike Lanes on 4th & Sherman, Shared Rdwy on 5th			
2nd Avenue/Monroe Street Intersection Improvement	Provide for separate westbound left-turn lanes and left-thru lane.	$549,000	DTWN		X	No Bike Fac			
Cedar Road/Country Homes Boulevard Intersection	Install new traffic signal.	$650,000	NW	X		Bike Lanes on Country Homes			
NW Boulevard/Monroe Street Intersection Improvement**	Provide new traffic signal equipment to provide traffic signal detection and coordination.	$350,000	NW		X	Bike Lanes on NW Blvd.			
Boone Avenue/Monroe Street Intersection Improvement**	Provide eastbound and westbound protected/permitted phasing and upgrade signal equipment to accommodate vehicle detection and intersection coordination.	$350,000	NW		X	No Bike Fac			
Assembly Street/Francis Avenue Intersection	Construct Roundabout	$1,800,000	NW	X		Bike Lane on Assembly, Driscoll, & 9 Mile			
Wellesley/Driscoll Intersection	Construct Roundabout	$1,591,000	NW	X		Bike Lane on Driscoll, No Bike Fac. On Wellesley			
Northwest Boulevard/Maple Street -Ash Street Intersection Improvement	Re-Stripe the northbound through lane at the NW Blvd/Maple St to accommodate a dedicated left- and thru-left lane configuration (3- NB thru lanes). Adjust signal timing to accommodate split phasing for the northbound thru movement.	$750,000	NW		X	Shared Rdwy on Maple/Ash, Bike Lane on NW			
Boone/Maple-Ash Intersection Improvement	Construct northbound left and right-turn lanes. Install westbound right-turn lanes. Includes modification to traffic signal equipment.	$500,000	NW		X	Shared Rdwy Maple/Ash, Boone No Bike Fac.			
Assembly/Wellesley Intersection	Construct Roundabout	$1,061,000	NW	X		Assembly Bike Lane, Wellesley No Bike Fac.			
North Indian Trail Road Widening Project - Barnes South to Kathleen	Widen North Indian Trail Road with 2 thru lanes each direction and a Two Way Center Turn Lane	$3,000,000	NW	X		Bike Lane - N. Indian Trail Rd.			
SR 291/Rifle Club Intersection	Install new traffic signal.	$350,000	NW	X		Bike Lane @ 9Mile			
Regal/Palouse Intersection	Construct new traffic signal or roundabout.	$550,000	STH	X		No Bike Fac			
29th/Freya Intersection***	Intersection Improvement Project	$0***	STH	X		Shared Rdwy @ Freya			
29th Ave Improvement Project	Construct TWLTL from east of Pittsburg to Southeast Blvd.	$2,925,000	STH	X		No Bike Fac			
◊ 37th/Freya Intersection***	Intersection Improvement Project	$0***	STH	X		Bike Lanes on 37th, Shared Rdwy @ Freya			
37th/Perry Intersection	Realign Intersection	$796,000	STH	X		Bike Lanes on 37th, No Bike Fac @ Perry			
◊ 37th Ave Roadway Project	Widen 37th Ave to 3-lanes and upgrade to arterial standards from Regal Street to Freya Street.	$4,585,000	STH	X		Bike Lanes on 37th			
Regal/Freya Connection	Provide connectivity project to link Regal and Freya on 44th Avenue or 42nd Avenue alignment.	$2,016,000	STH	X		Bike Lanes on Freya, No Bike Fac. along 44th			
Southeast Blvd/Rockwood	Construct Traffic Signal	$350,000	STH	X		Bike Lanes on SE and Rockwood			
Crestline/Rowan Intersection	Realign intersection and install traffic signal.	$1,454,000	NE	X		Marked/Shared Rdwy on Crestline & Rowan			
◊ Havana Street Overpass Project	Construct a grade separation for Havan Street over the UP railroad tracks.	$2,750,000	NE	X		No Bike Fac			
Lincoln Road	Construct new 5-lane cross-section roadway from Nevada to Crestline Street	$1,970,000	NE	X		No Bike Fac on Lincoln, Bike Lane on Crestline			
Perry/Wellesley Intersection	Realign intersection and install traffic signal.	$1,454,000	NE	X		No Bike Fac			
Lincoln/Nevada Intersection Improvements	Construct separate eastbound and westbound left-turn lanes. Includes widening the west leg of Lincoln Avenue and constructing 5-lane cross section on Lincoln Avenue east of Nevada for approximately 1000 Feet.	$1,400,000	NE		X	No Bike Fac			
North Foothills Boulevard/Ruby-Division Street Intersections	Construct traffic signal modification for dual eastbound and westbound left-turn lanes (side-by-side). Split signal phasing.	$550,000	NE		X	Bike Lanes on Buckeye, Shared Rdwy on N. Foothills, No Bike Fac on Div or Ruby			
Francis Avenue/Nevada Street Intersection Improvement	Construct dual eastbound and westbound left-turn-lanes.	$830,000	NE		X	No Bike Fac			
Sprague Avenue/Freya Street Intersection Improvement	Construct dual eastbound and westbound left-turn-lanes.	$823,000	NE	X	X	No Bike Fac on Sprague, Shared Rdwy on Freya			
Wellesley/Freya Intersection	Construct Signal or Roundabout	$562,000	NE	X		Bike Lanes on Freya & Wellesley			
Hamilton Street Corridor Enhancement Project	Construct traffic signal modification to accommodate protected or protected/permitted signal phasing.	$2,800,000	NE		X	No Bike Fac on Hamilton, Shared Rdwy on Mission, Bike Lanes on Sharp			

TOTAL DTWN	$1,660,000
TOTAL NW	$10,402,000
TOTAL STH	$11,222,000
TOTAL NE	$14,593,000
GRAND TOTAL	$37,877,000

** Part of Monroe Street Corridor Enhancement Project

*** In lieu of Ray Freya Cross-over Project

◊ - Projects on the Funded Portion of the Program -