

**CITY OF MONROE
ORDINANCE NO. 009/2016**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 20.12 MMC
TRANSPORTATION IMPACT FEES; CLARIFYING THE
APPLICABILITY OF TRANSPORTATION IMPACT FEES
TO DEVELOPMENT ACTIVITY INVOLVING CHANGES OF
USE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE AND A FIVE-YEAR
SUNSET PERIOD

WHEREAS, pursuant to Chapter 82.02 RCW, the City of Monroe has adopted and codified at Chapter 20.12 MMC standards and procedures for imposing transportation impact fees on development activity within the City in order to fund transportation system improvements necessary to serve such development; and

WHEREAS, the City Council desires to amend Chapter 20.12 MMC in order to clarify the applicability of the City's transportation impact fee to situations involving a change in land use; and

WHEREAS, the Council finds that the existing provisions in Chapter 20.12 MMC concerning changes of land use are potentially vague, and that a code amendment is necessary in order to clarify the Council's legislative intent and to resolve potential uncertainties regarding the application and enforcement of said provisions; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on May 9, and May 23, 2016, and recommend approval of the proposed amendments; and

WHEREAS, the City Council desires for the amendments set forth in this ordinance to remain effective for a period of five years unless repealed earlier or extended by subsequent Council action.

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

Section 1. Amendment of MMC 20.12.030. Section 20.12.030(A) of the Monroe Municipal Code is hereby amended as follows:

A. The following definitions shall apply for purposes of this chapter:

1. "Act" means the sections of the Washington State Growth Management Act codified at Chapters 36.70A and 82.02 RCW, as may be hereinafter amended.

2. "Applicant" means a person or entity that has submitted a written application to the city for a building permit.
3. "Building permit" means the city's written authorization to commence development activity, as further defined by Chapter 18.02 MMC.
4. "City" means the city of Monroe, Washington.
5. "City engineer" means the Monroe city engineer or his/her designee. Any authority expressly or impliedly granted to the city engineer by this chapter shall supersede conflicting authority granted to the community development director in MMC 21.20.020.
6. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
7. "Development activity" means any construction **of a new building or structure** or expansion of an **existing** building, structure, or use, **or any substantial** change in use of a building or structure, [~~OR ANY CHANGE IN THE USE OF LAND,~~] that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.
8. "Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.
9. "Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.
10. "MMC" means the Monroe Municipal Code.
11. "Owner" means the owner of record of real property; provided, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.
12. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.

13. "Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.

14. "Public facilities" means transportation facilities that are owned or operated by the city.

15. "Substantial change in use" means a change in the use of a building or structure necessitating or otherwise involving issuance of a building permit for improvements, the value of which exceeds fifty percent of the assessed value of the existing building or structure.

[15]16. "System improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.

[16]17. "Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.

[17]18. "Transportation Impact Fee Rate Study Update" means the study prepared by Fehr & Peers in October 2015.

Section 2. Amendment of MMC 20.12.130. Subsection 20.12.130 of the Monroe Municipal Code is hereby amended as follows:

A. The transportation impact fee assessed against a development activity shall be based upon the calculation methodology set forth in the Transportation Impact Fee Rate Study Update, Fehr & Peers (October 2015). This study includes the list of eligible impact fee projects enumerated in the transportation element of the city's comprehensive plan, a calculation of the share of cost related to new growth and development, the determination of an impact fee rate, and the development of an impact fee schedule.

B. Each applicant for development shall pay its share in accordance with the following:

Land Use	Unit of Measure	Impact Fee Rate
Single Family (1 or 2 dwelling units)	Dwelling Unit	\$3,449
Multifamily (3 or more dwelling units)	Dwelling Unit	\$1,966
Senior Housing	Dwelling Unit	\$931
Commercial Services	SF GFA	\$13.73
School	Student	\$448

Land Use	Unit of Measure	Impact Fee Rate
Institutional	SF GFA	\$2.55
Light Industry/ Industrial Park	SF GFA	\$3.14
Warehousing/Storage	SF GFA	\$1.55
Restaurant	SF GFA	\$17.42
General Retail	SF GFA	\$8.45
Supermarket	SF GFA	\$20.93
Administrative Office	SF GFA	\$5.14
Medical Office/Dental Clinic	SF GFA	\$12.31

Exception: Permitted accessory dwelling units (as defined in MMC Title 18) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from transportation impact fees.

C. For uses that are not identified in the fees established by subsection (B) of this section, the city engineer shall calculate the impact fee amount using the methodology employed in the Transportation Impact Fee Rate Study Update.

D. For a **substantial** change in use of an existing building or dwelling unit, ~~[INCLUDING ANY ALTERATION, EXPANSION, REPLACEMENT, OR NEW ACCESSORY BUILDING,]~~ the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee under the current rate schedule of the prior use. ~~[IF NO IMPACT FEE WAS REQUIRED FOR THE PRIOR USE, THE IMPACT FEE FOR THE NEW USE SHALL BE REDUCE BY AN AMOUNT EQUAL TO THE CURRENT IMPACT FEE RATE FOR THE PRIOR USE. THE "PRIOR USE" SHALL BE CONSTRUED AS THE LAST USE OF THE PROPERTY, EXCLUDING ANY INTERVENING PERIODS OF VACANCY EXCEPT AS FURTHER PROVIDED HEREIN. PROPERTIES THAT HAVE BEEN VACANT FOR FIVE YEARS OR MORE SHALL BE CONSIDERED VACANT FOR PURPOSES OF A CHANGE IN USE IMPACT FEE CALCULATION IF ANY IMPROVEMENTS ARE MADE TO THE PROPERTY THAT EXCEED FIFTY PERCENT OF THE VALUE OF EXISTING IMPROVEMENTS.]~~

E. The city engineer may in his/her sole discretion adjust the standard impact fee at the time the fee is imposed in consideration of unusual circumstances, in specific cases, to ensure that impact fees are imposed fairly.

~~[E]~~F. Determinations made by the city engineer pursuant to this section may be appealed to the office of the hearing examiner as set forth in MMC 20.12.080.

~~[F]~~G. The transportation impact fees computed in this section will be adjusted annually in accordance with a five-year rolling average of the Washington State Department of Transportation Construction Cost Index ("CCI"), coinciding with the city's annual

adoption of its six-year street plan.

[G]H. Pursuant to and consistent with the requirements of RCW 82.02.060, impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development.

Section 3. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date; Duration, and Sunset Clause. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law. The duration of this ordinance shall be for five years, and shall automatically sunset five years from the effective date, unless repealed earlier or extended by future Council action.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 14th day of June, 2016.

First Reading: June 21, 2016
Adoption: June 21, 2016
Published: June 28, 2016
Effective: July 3, 2016

CITY OF MONROE, WASHINGTON:



~~Geoffrey Thomas, Mayor~~

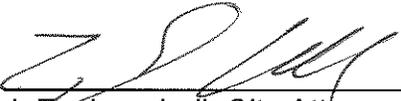
Palma Cedabuck Mayor Pro Tem

(SEAL)

ATTEST:

APPROVED AS TO FORM:


Elizabeth M. Smoot, MMC, City Clerk


J. Zachary Leil, City Attorney