

ORDINANCE O-4761

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARK IMPACT FEES.

1 WHEREAS, the Washington State Legislature passed the
2 Growth Management Act of 1990 and 1991, RCW 36.70A et seq.
3 and RCW 82.02 et seq. (the "Act"), which authorizes the collection
4 of impact fees on development activity to provide for the creation
5 and maintenance of publicly owned parks, open space, and
6 recreation facilities to serve new development (hereinafter
7 referred to as "park impact fees"); and

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9 WHEREAS, by Ordinance O-3703, the City Council of the
10 City of Kirkland adopted its first park impact fee ordinance, which
11 has since been amended; and

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13 WHEREAS, the City Council finds that new development will
14 create additional demand and need for additional publicly owned
15 parks, open space, and recreation facilities, and that the City's
16 current park impact fees should be updated to meet this new and
17 additional demand; and

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19 WHEREAS, the City prepared a study dated December 2020
20 by FCS Group to set the City's new park impact fees. Based on
21 this study the Council determines that the City's park impact fee
22 rate schedule should be increased by the same percentage
23 increase as the assessed value increase, which has increased
24 80.74% since the City last set its rate schedule; and

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26 WHEREAS, Council wishes to phase in the new rate
27 schedule over a three-year period with the first increase being
28 effective on January 1, 2022; the second increase being effective
29 on January 1, 2023; and the third increase being effective on
30 January 1, 2024. A three-year phase-in recognizes that the City
31 will be updating its Comprehensive Plan and the related master
32 plans in 2022-2023. This update will extend the planning horizon
33 to 2043, will recognize growth to date and revised growth targets,
34 and will identify needed public parks, open space and recreation
35 facilities to serve that growth; and

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37 WHEREAS, Council has chosen not to add a non-residential
38 component to the park impact fee at this time as Council has
39 determined it will not materially reduce the residential fees; and

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41 WHEREAS, the City previously included the development of
42 residential suites in the same category as multi-family
43 development, but is including it as a separate category now as the
44 new study calculated a lower fee specific to that use; and

45 WHEREAS, impact fees may only be imposed for "system
46 improvements," meaning public capital facilities in the City's
47 capital facilities plan that are designed to provide service to the
48 community at large (not private facilities), are reasonably related
49 to new development, and will benefit from the new development,
50 WAC 365-196-850; and

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52 WHEREAS, the Act states that impact fees may only be
53 collected for system improvements which are addressed by a
54 capital facilities element of a comprehensive land use plan; and

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56 WHEREAS, the City has prepared a Capital Facilities Plan in
57 compliance with the Act and has plans to update the Capital
58 Facilities Plan in the future to support the phased increases to the
59 park impact fee rate schedule.

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61 NOW, THEREFORE, the City Council of the City of Kirkland
62 do ordain as follows:

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64 Section 1. Kirkland Municipal Code Section 27.06.120 is
65 amended to read as follows:

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67 **27.06.120 Review of schedule and fee increases.**

68 ~~(a) The schedule in Section 27.06.150 will be amended to~~
69 ~~reflect changes to the capital facilities plan in Chapter XIII of~~
70 ~~Title 17 of this code (the comprehensive plan). Amendments to~~
71 ~~the schedule for this purpose shall be adopted by the council.~~

72 (ab) The fees on the schedule in Section 27.06.150 shall
73 may be indexed to provide for an automatic fee increase each
74 January 1st beginning in the year ~~2017~~ 2025. The June to June
75 Seattle-Tacoma-Bremerton-Bellevue Area Consumer Price Index
76 (CPI-W) will be used to determine the increase in fees for each
77 year to reflect increased project costs. In the event that the fees
78 on the schedule in Section 27.06.150 are increased during the
79 preceding calendar year due to ~~changes to the capital facilities~~
80 ~~plan a new rate study~~ pursuant to subsection (ab) of this section,
81 the fees will not be indexed the following January. The finance
82 and administration department shall compute the fee increase and
83 the new schedule shall become effective immediately after the
84 annual fee increase calculation.

85 (be) A new rate study, which establishes the schedule in
86 Section 27.06.150, shall be updated every three years, unless the
87 city determines that circumstances do not warrant an update.

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89 Section 2. Kirkland Municipal Code Section 27.06.150 is
90 amended to read as follows:

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92 **27.06.150 Fee schedule.**

93 The impact fee schedule below is based on the city's latest rate
94 study. The fee for each year is effective as of January 1st of that
95 year. As authorized under Section 27.06.120(b), the schedule may

96 automatically increase each January 1st based on the CPI-W

Park Impact Fee Schedule

Type of Land Use	Impact Fee	Per Unit
Detached unit	\$3,968	Dwelling unit
Attached, stacked, senior or assisted living unit development, and cottage, carriage and two /three-unit homes approved under Chapter 113 KZC	\$3,015	Dwelling unit

97 Index: See the public works department's fee schedule for the
 98 current impact fee.

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<u>Park Impact Fee Schedule</u>	<u>Unit</u>	<u>Current Fee</u>	<u>Year 2022 Fee</u>	<u>Year 2023 Fee</u>	<u>Year 2024 Fee</u>
<u>Single-Family Residential</u>	<u>Per Dwelling Unit</u>	<u>\$4,435</u>	<u>\$5,629</u>	<u>\$6,822</u>	<u>\$8,016</u>
<u>Multifamily</u>	<u>Per Dwelling Unit</u>	<u>\$3,371</u>	<u>\$4,278</u>	<u>\$5,186</u>	<u>\$6,093</u>
<u>Residential Suites</u>	<u>Per Dwelling Unit</u>	<u>\$0</u>	<u>\$2,264</u>	<u>\$2,744</u>	<u>\$3,224</u>

100 Section 3. If any provision of this ordinance or its
 101 application to any person or circumstance is held invalid, the
 102 remainder of the ordinance or the application of the provision to
 103 other persons or circumstances is not affected.

104
 105 Section 4. This ordinance shall be in force and effect five
 106 days from and after its passage by the Kirkland City Council and
 107 publication pursuant to Section 1.08.017, Kirkland Municipal Code
 108 in the summary form attached to the original of this ordinance and
 109 by this reference approved by the City Council.

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Passed by majority vote of the Kirkland City Council in open meeting this 6 day of July, 2021.

Signed in authentication thereof this 6 day of July, 2021.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

Publication Date: 07/12/2021

PUBLICATION SUMMARY
OF ORDINANCE NO. 4761

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PARK
IMPACT FEES.

SECTION 1. Amends Kirkland Municipal Code Section
27.06.120 related to park impact fee schedule review and fee increases.

SECTION 2. Amends Kirkland Municipal Code Section
27.06.150 by amending rates for park impact fees.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by
summary, which summary is approved by the City Council pursuant to
Section 1.08.017 Kirkland Municipal Code and establishes the effective
date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to
any person upon request made to the City Clerk for the City of Kirkland.
The Ordinance was passed by the Kirkland City Council at its meeting
on the 6 day of July, 2021.

I certify that the foregoing is a summary of Ordinance 4761
approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk