

ORDINANCE NO. 3685

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE COLLECTION OF IMPACT FEES FOR STREETS AND ROADS; PROVIDING FINDINGS AND DEFINITIONS; PROVIDING FOR THE TIME OF PAYMENT; PROVIDING EXEMPTIONS AND CREDITS; AUTHORIZING INDEPENDENT FEE CALCULATIONS; PROVIDING FOR THE ESTABLISHMENT OF AN IMPACT FEE ACCOUNT, REFUNDS, AND THE USE OF FUNDS; AUTHORIZING INTERLOCAL AGREEMENTS BETWEEN THE CITY AND OTHER STATE AND LOCAL GOVERNMENTS; PROVIDING THE SCHEDULE FOR IMPACT FEES; AND PROVIDING FOR APPEALS OF FEES AND OTHER DETERMINATIONS; AND ADDING Chapter 27.04 TO THE KIRKLAND MUNICIPAL CODE (FILE CC-98-6)

WHEREAS, the City Council of the City of Kirkland finds that new development will create additional demand and need for public streets and roads; and

WHEREAS, the City is authorized by Chapter 82.02 RCW to require new growth and development within the City to pay a proportionate share of the cost of new public streets and roads that serve such new growth and development; and

WHEREAS, impact fees assessed pursuant to Chapter 82.02 RCW must be based upon a showing that new development creates additional demand and need for public streets and roads, that the impact fees do not exceed a proportionate share of the costs of such additional public streets and roads, and that the impact fees are spent for public streets and roads reasonably related to the new development; and

WHEREAS, the City Council has determined that the impact fees imposed in this ordinance do not make up for deficiencies in public streets and roads serving existing developments and are not used for maintenance or operation; and

WHEREAS, the impact fees imposed in this ordinance will be used for public streets and roads (system improvements) that will reasonably benefit new development; and

WHEREAS, impact fees may be collected and spent for public streets and roads that are included within the Capital Facilities Plan of the Comprehensive Plan identifying such needed streets and roads; and

WHEREAS, the Council finds that it is in the public interest and consistent with the Comprehensive Plan and other public policy of the City to promote the construction and preservation of low-income housing; and

WHEREAS, the City and other state and local governments are authorized by Chapter 39.42 RCW to enter into interlocal agreements for cooperative action, and the City and the other state and local governments may decide to enter into interlocal agreements for the collection, expenditure, and reporting of impact fees; and

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

WHEREAS, the City has conducted extensive studies documenting the procedures for measuring the impact of new developments on public streets and roads, and has prepared a rate study which serves as the basis for the actions taken by the City Council; and

WHEREAS, the City Council has considered the "Transportation Impact Fee Rate Study," City of Kirkland, by BRW. Inc., dated March 1999; and has accepted the methodology and data contained in the rate study; and now therefore

THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON DO
ORDAIN AS FOLLOWS:

Section 1. There is hereby created a new Chapter 27.04 of the
Kirkland Municipal Code entitled "Road Impact Fees" as follows:

As set forth in Attachment A which by this reference is incorporated
herein.

SECTION 2. If any section, subsection, sentence, clause or phrase,
part or portion of this ordinance, including those parts adopted by reference, is
for any reason held to be invalid or unconstitutional by any court of competent
jurisdiction, such decision shall not affect the validity of the remaining portions
of this ordinance.

SECTION 3. This ordinance shall be in full force and effect as of June
14, 1999, after its passage by the City Council and publication, pursuant to
Section 1.08.017, Kirkland Municipal Code, in summary form attached to the
original of the ordinance and by reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open
meeting this 6th day of April 1999.

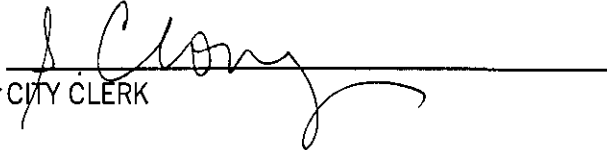
SIGNED IN AUTHENTICATION thereof this 6th day of April
1999.

APPROVED:



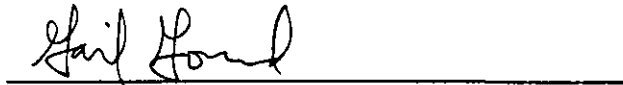
MAYOR

ATTEST:



Deputy CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

CHAPTER 27.04
ROAD IMPACT FEES

Section 27.04.010 Findings and Authority.

The city council finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, industrial and institutional development, in the city will create additional demand and need for public facilities (public streets and roads) in the city and finds that new growth and development should pay a proportionate share of the cost of new public facilities needed to serve the new growth and development. The city has conducted an extensive study documenting the procedures for measuring the impact of new developments on public facilities and has prepared a rate study. The city council accepts the methodology and data contained in the rate study. Therefore, pursuant to Chapter 82.02 RCW, the city council adopts this chapter to assess impact fees for public facilities.

Section 27.04.020 Definitions.

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. "Act" means the Growth Management Act, Chapter 36.70A RCW.
- B. "Applicant" means the owner of real property according to the records of the King County Department of Records and Elections, or the applicant's authorized agent.

C. "Building permit" means the official document or certification that is issued by the building division of the fire and 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.

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

E. "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.

F. "Certificate of occupancy" means the term as defined in the Uniform Building Code adopted in Title 21 of this 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.

G. "City" means the City of Kirkland, Washington.

H. "Council" means the city council of the city.

I. "Department" means the public works department.

J. "Director" means the director of the public works department, or the director's designee.

K. "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

L. "Gross floor area" is the total square footage of all floors in a structure as defined in Chapter 5 of Title 23 of this code (zoning code).

M. "Hearing examiner" means the person who exercises the authority of Chapter 3.34 of this code.

N. "Impact fee" means a payment of money imposed by the city on an applicant prior to issuance of a building permit, or a certificate of occupancy if a building permit is not required, pursuant to this chapter as a condition of granting a building permit, or certificate of occupancy permit if no building permit is required, in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee or application fee.

O. "Impact fee account " or "Account" means the account established for the system improvement for which impact fees are collected. The account shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.

P. "Independent fee calculation" means the study or data submitted by an applicant to support the assessment of an impact fee other than the fee in the schedule attached as Appendix A to this chapter.

Q. "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

R. "Interlocal agreement" or "Agreement" means a roads interlocal agreement, authorized in this chapter, by and between the city and other governments 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.

S. "Low-income housing" means (1) an owner-occupied housing unit affordable to households whose household income is less than 80% of the King County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30% of the household income is paid for housing expenses or (2)

a renter-occupied housing unit affordable to households whose income is less than 60% of the King County median income, adjusted for household size, as determined by HUD, and no more than 30% of the household income is paid for housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use or determine such other method as it may choose to determine the King County median income, adjusted for household size. The director will make a determination of sales prices or rents which meet the affordability requirements of this section. An applicant for a low income housing exemption may be a public housing agency, a private non-profit housing developer or a private developer.

T. "Owner" means the owner of real property according to the records of the King 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.

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

V. "Public facilities" means the public streets and roads of the city or other governmental entities.

W. "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. For this purpose of this chapter, an accessory dwelling unit, as defined in Chapter 5 and regulated in Chapter 115 of Title 23 of this

code (zoning code), is considered an adjunct to the associated single family dwelling unit and is not charged a separate impact fee.

X. "Rate study" means the "Transportation Impact Fee Rate Study," City of Kirkland, by BRW. Inc., dated March 1999.

Y. "Road" means a right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

Z. "Square footage" means the square footage of the gross floor area of the development as defined in Chapter 5 of Title 23 of this code (zoning code).

AA. "System improvements" means public facilities included in the capital facilities plan and designed to provide service to service areas within the community at large, in contrast to project improvements.

Section 27.04.030 Assessment of Impact Fees.

A. The city shall collect impact fees, based on the schedule in Appendix A, from any applicant seeking a building permit from the city, or certificate of occupancy permit if a building permit is not required.

B. All impact fees shall be collected from the applicant prior to issuance of the building permit, or certificate of occupancy permit if no building permit is required, using the impact fee schedule then in effect or pursuant to an independent fee calculation accepted by the director pursuant to Section 27.04.040.

C. The department shall establish the impact fee rate for a land use that is not listed on the rate schedule in Appendix A. The applicant shall submit all information requested by the department for purposes of determining the impact fee rate pursuant to Section 27.04.040. The adopted

cost per trip in Appendix A shall be the basis for establishing the impact fee rate.

D. For a change in use of an existing building or dwelling unit, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee for the land use category of the prior use. For any change in use that includes an alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new gross floor area (or if applicable, gross leasible area), less the impact fee for the land use category of the prior gross floor area (or if applicable, gross leasible area).

E. For building permits for mixed use developments, 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 Appendix A.

F. The building division of the fire and building department shall not issue any building permit, or certificate of occupancy if no building permit is required, unless and until the impact fee has been paid.

Section 27.04.040 Independent Fee Calculations.

A. If in the judgment of the director, none of the fee categories or fee amounts set forth in the schedule in Appendix A accurately describes the impacts resulting from issuance of the proposed building permit, or certificate of occupancy if no building permit is required, the applicant shall provide to the department for its review and evaluation an independent fee calculation, prepared by a traffic engineer approved by the director. The director may impose on the proposed building permit, or certificate of occupancy if no building permit is required, an alternative impact fee based on this calculation.

With the independent fee calculation, the applicant shall pay to the department an administrative processing fee of \$100.00 per calculation.

B. If an applicant requests not to have the impact fees determined according to the schedule in Appendix A, then the applicant shall submit to the director an independent fee calculation, prepared a traffic engineer approved by the director and paid for by the applicant, for the building permit, or certificate of occupancy if no building permit is required. The independent fee calculation shall show the basis upon which it was made and shall include, but not be limited, to trip generation characteristics. With the request, the applicant shall pay to the department an administrative processing fee of \$200.00 per fee calculation.

C. While there is a presumption that the calculations set forth in the rate study are correct, the director shall consider the documentation submitted by the applicant, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the applicant to submit additional or different documentation. The director is authorized to adjust the impact fee on a case-by-case basis based on the independent fee calculation, the specific characteristics of the building permit, or certificate of occupancy permit if no building permit is required, and/or principles of fairness.

D. Determinations made by the director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in Section 27.04.130 of this code.

Chapter 27.04.050 Exemptions.

A. The following building permit applications, or certificate of occupancy if no building permit is required, shall be exempt from impact fees:

1. Any building permit application, or certificate of occupancy application if no building permit is required, that has been submitted to the building division of the fire and building department before 5 p.m. the business day before the effective date of this chapter and subsequently determined to be a complete application by the public works department, the fire and building department and the planning department based on the information on file as of the effective date of this chapter.

2. Replacement of a structure with a new structure of the same gross floor area and use at the same site or lot when such replacement occurs within twelve consecutive months of the demolition or destruction of the prior structure.

3. Replacement, alteration, expansion, enlargement, remodeling, rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.

4. Alteration of an existing non-residential structure that does not expand the useable space or change the use.

5. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, mechanical units, and signs.

6. Demolition or moving of a structure.

7. 1.) Construction or creation of low-income housing. Any claim for an exemption 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 will continue. Before approval of the

exemption, the department shall approve the form of the lien and covenant. Within ten days of approval, the applicant shall execute and record the approved lien and covenant with the King County Department of Records and Elections. The lien and covenant shall run with the land. In the event that the housing unit is no longer used for low-income housing, the current owner shall pay the current impact fee plus interest to the date of the payment.

2.) The amount of impact fees not collected from low-income housing pursuant to this exemption shall be paid from public funds other than the impact fee account.

B. The director shall be authorized to determine whether a particular development for a proposed building permit, or certificate of occupancy if no building permit is required, falls within an exemption of this chapter or in this code. Determinations of the director shall be subject to the appeals procedures set forth in Section 27.04.130.

Section 27.04.060 Credits.

A. An applicant may request a credit or credits for the value of dedicated land, improvements, or construction if the land and/or the facility constructed are included within the capital facilities plan or the director makes the finding that such land and/or facility would serve the goals and objectives of the capital facilities plan.

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

C. For each request for a credit or credits, the director shall determine the value of the dedicated land, improvements, or construction on a case-by-case basis. In the event that the applicant disagrees with the

director's valuation, the applicant may submit an appraisal for the director's consideration, prepared by a state-certified real estate appraiser who has a MAI or SRA designation from the Appraisal Institute, establishing the fair market value of the dedicated land, improvements, or construction. The applicant shall pay the cost of the appraisal.

D. After the director has determined the amount of the credit, the department shall include the determination with issuance of the building permit, or occupancy permit if no building permit is required, a statement setting forth the dollar amount of the credit, the basis for the credit, where applicable, the description of the land donated to which the credit is applied and the date of the determination.

E. Any claim for credit must be made before payment of the impact fee and prior to issuance of the building permit, or certificate of occupancy if no building permit is required. Any claim not so made shall be deemed waived.

F. No credit shall be given for project improvements or right-of-way dedications for direct access improvements to and/or within the subject development.

G. Determinations made by the director pursuant to this chapter shall be subject to the appeals procedures set forth in Section 27.04.130.

Section 27.04.070 Adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study has provided adjustments for past and future taxes paid or to be paid by the new development which are earmarked or proratable to the same new system improvements that will serve the new development. The schedule in Appendix A has been reasonably adjusted for taxes and other revenue sources that are anticipated to be available to fund system improvements.

Section 27.04.080 Establishment of Impact Fee Account.

A. An impact fee account is established for the fees collected pursuant to this chapter and shall be entitled: the "roads impact fee account." Impact fees shall be earmarked specifically and deposited in the special interest-bearing account and shall be prudently invested in a manner consistent with the investment policies of the city. Funds withdrawn from this account shall be used in accordance with the provisions of Section 27.04.110. Interest earned on impact fees shall be retained in the account and expended for the purpose for which the impact fees were collected.

B. On an annual basis, the finance 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.

C. 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.

Section 27.04.090 Authorization for Interlocal Agreements.

A. The city manager is authorized to execute, on behalf of the city, an interlocal agreement with other state and local governments for the collection, expenditure, and reporting of impact fees.

Section 27.04.100 Refunds.

A. If the city fails to expend or encumber the impact fees within six years of payment, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to Section 27.04.080, the current owner of the property for which impact fees have been paid may receive a refund of the fee. 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 such 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. When the city terminates of the impact fee program, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this chapter. The City shall publish notice of the termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year after the second publication. At the end of

one year, any remaining funds shall be retained by the city, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account.

G. The city shall also refund the impact fee paid plus interest to the current owner of property for which the impact fee had been paid, if the development was never completed or occupied; provided, that if the city expended or encumbered the impact fee in good faith prior to the application for a refund, the director may decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development, the owner can petition the director for an offset. The petitioner shall provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. The director shall determine whether to grant an offset, and the determinations of the director may be appealed pursuant to the procedures in Section 27.04.130.

Chapter 27.04.110 Use of Funds.

A. Impact fees may be spent for system improvements, including but not limited to transportation planning, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, financing, administrative expenses, construction of streets and roads and related facilities such as curbs, gutters, sidewalks, bike lanes, storm drainage and installation of traffic signals, signs and street lights.

B. Impact fees may be used to recoup cost for system improvement previously incurred by the city to the extent that new growth and development will be served by the previously constructed system improvements.

C. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that system improvements provided are consistent with the requirements of this chapter and are used to serve the new development.

Section 27.04.120 Review of Schedule.

A. The schedule in Appendix A shall be reviewed by the council no later than three years after the effective date of this chapter, and every three years thereafter.

B. The schedule in Appendix A may be reviewed by the council as it deems appropriate in conjunction with the update of the capital facilities plan.

Section 27.04.130 Appeals.

A. An appeal of an impact fee imposed on a building permit, or certificate of occupancy if no building permit is required, may only be filed by the applicant of the subject property. An applicant may either file an appeal and pay the impact fee imposed by this chapter under protest, or appeal the impact fee before issuance of the building permit or certificate of occupancy if no building permit is required. No appeal may be filed after the impact fee has been paid and the building permit or certificate of occupancy has been issued.

B. An appeal shall be filed with the hearing examiner on the following determinations of the director:

1. The applicability of the impact fees to a given building permit or certificate of occupancy found in Sections 27.04.030 and 27.04.050;

2. The decision on an independent fee calculation in Section 27.04.040;
3. The availability or value of a credit in Section 27.04.060;. or
4. Any other determination which the director is authorized to make pursuant to this chapter.

C. An appeal, in the form of a letter of appeal, along with the required appeal fee, shall be filed with the department for all determinations by the director, prior to issuance of a building permit, or certificate of occupancy if no building permit is required. The letter must contain the following:

1. A basis for and arguments supporting the appeal; and
2. Technical information and specific data supporting the appeal.

D. The fee for filing an appeal shall be \$250.00.

E. Within twenty-eight days of the filing of the appeal, the director shall mail to the hearing examiner the following:

1. The appeal and any supportive information submitted by the appellant;
2. The director's determination along with the record of the impact fee determination and, if applicable, the independent fee calculation; and
3. A memorandum from the director analyzing the appeal.

F. The hearing examiner shall review the appeal from the applicant, the director's memorandum, and the record of determination from the director. No oral testimony shall be given, although legal arguments may be made. The determination of the director shall be accorded substantial weight.

G. The hearing examiner is authorized to make findings of fact and conclusions of law regarding the decision. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the determination of the director, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter. The hearing examiner's decision shall be final.

H. The hearing examiner shall distribute a written decision to the director within fifteen working days.

I. The department shall distribute a copy of the hearing examiner decision to the appellant within five working days of receiving the decision.

J. In the event the hearing examiner determines that there is a flaw in the impact fee program, that a specific exemption or credit should be awarded on a consistent basis, or that the principles of fairness require amendments to this chapter, the hearing examiner may advise the council as to any question or questions that the hearing examiner believes should be reviewed as part of the council's review of the fee schedule in Appendix A as provided by Section 27.04.120.

Section 27.04.140 Existing Authority Unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant for a building permit, or certificate of occupancy if no building permit is required, 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).

APPENDIX A
ROAD IMPACT FEE SCHEDULE

<u>Type of Land Use</u>	<u>Impact Fee</u>	<u>Per Unit</u>
<i>Cost per Trip</i>	<i>\$877.00</i>	
<i>Residential</i>		
Single Family Dwelling	\$ 966.00	Dwelling Unit
Multi Family Dwelling	586.00	Dwelling Unit
<i>Commercial - Residential</i>		
Retirement Community	207.00	Dwelling Unit
Nursing Home	153.00	Bed
Assisted Living	130.00	Dwelling Unit
<i>Commercial - Services</i>		
Drive-in Bank	13.46	Square Foot/GFA
Walk-in Bank	10.87	Square Foot/GFA
Day Care	5.41	Square Foot/GFA
Library	2.47	Square Foot/GFA
Post Office	3.76	Square Foot/GFA
Hotel/Motel	645.00	Room
Extended Stay Motel	382.00	Room
Service Station	2,704.00	Vehicle Fuel Pump
Service Station/Minimart	1,864.00	Vehicle Fuel Pump
Service Station/Minimart/Car wash	2,756.000	Vehicle Fuel Pump
Movie Theater	23,780.00	Screen
Carwash	23,010.00	Site
Health Club	2.73	Square Foot/GFA
Racquet Club	1.16	Square Foot/GFA
Marina	144.00	Berth
<i>Commercial - Institutional</i>		
Elementary, Mid/Jr. High	114.00	Student

High School	76.00	Student
University/College	156.00	Student
Church	0.67	Square Foot/GFA
Hospital	1.01	Square Foot/GFA
<i>Commercial - Restaurant</i>		
Restaurant	5.56	Square Foot/GFA
Fast Food Restaurant w/o drive thru	7.14	Square Foot/GFA
Fast Food Restaurant w/ drive thru	9.15	Square Foot/GFA
<i>Commercial - Retail Shopping Center</i>		
Up to 9,999 Square Feet	2.43	Square Foot/GLA
10,000 Square Feet - 49,999 Square Feet	2.13	Square Foot/GLA
50,000 Square Feet - 99,999 Square Feet	1.56	Square Foot/GLA
100,000 Square Feet - 199,999 Square Feet	1.52	Square Foot/GLA
200,000 Square Feet - 299,999 Square Feet	1.39	Square Foot/GLA
300,000 Square Feet - 399,999 Square Feet	1.65	Square Foot/GLA
Over to 400,000 Square Feet	1.85	Square Foot/GLA
Supermarket	4.95	Square Foot/GFA
Convenience Market	8.59	Square Foot/GFA
Nursery/Garden Center	1.24	Square Foot/GFA
Miscellaneous Retail Sales	0.84	Square Foot/GFA
Furniture Store	0.13	Square Foot/GFA
Car Sales - New/Used	2.81	Square Foot/GFA
Auto Care Center	1.10	Square Foot/GLA
Quick Lubrication Vehicle Shop	964.00	Service Bay
Auto Parts Sales	1.94	Square Foot/GFA
Pharmacy (with Drive Through)	2.41	Square Foot/GFA
Free Standing Discount Store	1.70	Square Foot/GFA
Hardware/Paint Store	1.44	Square Foot/GFA
Discount Club	2.91	Square Foot/GFA
Video Rental	2.17	Square Foot/GFA
Home Improvement Superstore	1.15	Square Foot/GFA
Tire Store	1,128.00	Service Bay
Electronic Superstore	1.81	Square Foot/GFA
<i>Commercial - Administrative Office</i>		
Up to 9,999 Square Feet	4.71	Square Foot/GFA
10,000 Square Feet - 49,999 Square Feet	4.71	Square Foot/GFA
50,000 Square Feet - 99,999 Square Feet	2.73	Square Foot/GFA
100,000 Square Feet - 199,999 Square Feet	2.07	Square Foot/GFA
200,000 Square Feet - 299,999 Square Feet	1.81	Square Foot/GFA
Over to 300,000 Square Feet	1.69	Square Foot/GFA
Medical Office/Clinic	4.01	Square Foot/GFA

Commercial - Industrial

Light Industry/Manufacturing/High Technology	1.37	Square Foot/GFA
Industrial Park	1.28	Square Foot/GFA
Warehousing/Storage	0.71	Square Foot/GFA

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

GLA= Gross Leasible Area

GFA= Gross Floor Area

Notes:

Mixed use developments shall be assessed impact fees based on the proportionate share for each land use on the subject property.

For a use not listed in this schedule, contact the Public Works Department's Traffic Section.

PUBLICATON SUMMARY OF ORDINANCE NO. 3685

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE COLLECTION OF IMPACT FEES FOR STREETS AND ROADS; PROVIDING FINDINGS AND DEFINITIONS; PROVIDING FOR THE TIME OF PAYMENT; PROVIDING EXEMPTIONS AND CREDITS; AUTHORIZING INDEPENDENT FEE CALCULATIONS; PROVIDING FOR THE ESTABLISHMENT OF AN IMPACT FEE ACCOUNT, REFUNDS, AND THE USE OF FUNDS; AUTHORIZING INTERLOCAL AGREEMENTS BETWEEN THE CITY AND OTHER STATE AND LOCAL GOVERNMENTS; PROVIDING THE SCHEDULE FOR IMPACT FEES; AND PROVIDING FOR APPEALS OF FEES AND OTHER DETERMINATIONS; AND ADDING CHAPTER 27.04 TO THE KIRKLAND MUNICIPAL CODE (FILE CC-98-6)

Section 1. Adds a new Chapter 27.04, Road Impact Fees, to the Kirkland Municipal Code as follows

Section 27.04.010	Findings and Authority
Section 27.04.020	Definitions
Section 27.04.030	Assessments of Impact Fees
Section 27.04.040	Independent Fee Calculations
Section 27.04.050	Exemptions
Section 27.04.060	Credits
Section 27.04.070	Adjustments
Section 27.04.080	Establishment of Impact Fee Account
Section 27.04.090	Authorization of Road Interlocal Agreement
Section 27.04.100	Refunds
Section 27.04.110	Use of Funds
Section 27.04.120	Review of Fee Schedule
Section 27.04.130	Appeals
Section 27.04.140	Existing Authority Unimpaired

Section 2. Provides a savings clause.

Section 3. 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 June 14, 1999 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 regular meeting on the 6th day of April, 1999.

I certify that the foregoing is a summary of Ordinance No. 3685
approved by the Kirkland City Council for summary publication.


Deputy City Clerk