

ORDINANCE 3770

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ROAD IMPACT FEES AND AMENDING SECTIONS 27.04.020 AND 27.04.030 OF THE KIRKLAND MUNICIPAL CODE.

Whereas, by Ordinance No. 3685, passed on April 6, 1999 the City Council established a Road Impact Fee; and

Whereas, the City Council desires to amend the Road Impact Fee Ordinance to clarify the administration and collection of road impact fees; now therefore,

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

Section 1. Kirkland Municipal Code Section 27.04.020 is hereby amended to read as follows:

A new subsection (21) is hereby added as follows and the subsequent subsections are renumbered:

(21) "Prior Use" means the use with the highest impact fee per unit since January 1, 1998, based on the schedule in Appendix A.

Section 2. Kirkland Municipal Code Section 27.04.030 is hereby amended to read as follows:

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, or portion thereof, 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 leasable area), less the impact fee for the land use category of the prior gross floor area (or if applicable, gross leasable area).

(e) ~~For building permits for~~ mixed use buildings or 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) For existing or new mixed use buildings or developments, the impact fee for any building permit, or certificate of occupancy if a building permit is not required, shall be determined by multi-tenant averaging, if the owner has entered into a multi-tenant averaging agreement with the City. The Public Works Director is authorized to prepare and execute the agreement. For purposes of this subsection, "multi-tenant averaging" shall be determined as follows:

- (1) Concurrent with execution of the agreement, determine the total impact fee for all land use categories, based on the schedule in Appendix A ("total impact fee").
- (2) For a proposed change of use, determine the total impact fee for the continuing and new uses, based on the schedule in Appendix A ("new total impact fee").
- (3) If the new total impact fee is greater than the total impact fee, then an impact fee is due and owing for the difference between the two impact fees. If the opposite is true, no impact fee is due and owing.
- (4) When an impact fee is due and owing due to a change in use, the amount of the total impact fee shall be increased to the amount of the new total impact fee for purposes of determining future impact fees.

(fg) 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.

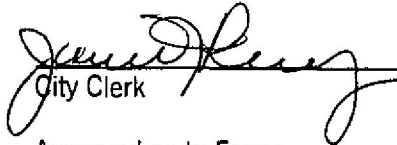
Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting
this 21st day of November, 2000.


Signed in authentication thereof this 21st day of
November, 2000.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

RJ:impact fees-ordinance from cao.doc