

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2019-10**

**SUBJECT: Transportation Impact Fee Increase**

### CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 05/09/19
- ☒ Passed by the City Council: 05/15/19
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 05/24/19
- ☒ Effective: 05/29/19
- ☐ Recorded: \_\_\_\_\_

### DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: 05/16/19
- ☒ Code Publishing
- ☐ City Attorney
- ☒ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
- ☐ \_\_\_\_\_

Rhiannon Fernandez  
City Clerk

05/16/19  
Date

## **ORDINANCE NO. 2019-10**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON,  
AMENDING CHAPTER 3.86 OF THE POULSBO MUNICIPAL CODE IN  
ORDER TO UPDATE THE TRANSPORTATION IMPACT FEE AMOUNT;  
PROVIDING CLARIFICATION FOR CREDITS AND ADJUSTMENTS;  
AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN  
EFFECTIVE DATE.

---

**WHEREAS**, the City of Poulsbo has established transportation impact fees in Chapter 3.86 of the Poulsbo Municipal Code; and

**WHEREAS**, pursuant to the Growth Management Act of the State of Washington and RCW 36.70A, the City of Poulsbo recently adopted a periodic update to its Comprehensive Plan, which includes updated provisions for transportation facilities as part of its Capital Facilities Plan; and

**WHEREAS**, RCW 82.02.050 authorizes cities to impose impact fees on development activity as part of the financing for public facilities, including transportation facilities; and

**WHEREAS**, in order that new transportation capital facilities are available when needed, the council has determined that the cost of the transportation capital facilities must be shared by the public and the private sectors, and that a proportionate share of the expense of new transportation capital facilities necessitated by new development should be borne by developers through the City's imposition of transportation impact fees; and

**WHEREAS**, wherever practical, it is the City's intent to apply transportation impact fees collected in the general proximity of the new development project the fees were collected from; and

**WHEREAS**, the transportation impact fee amount identified in subsection 3.86.090 is to be updated based upon the updated transportation capital facilities identified in the City's comprehensive plan periodic update; and

**WHEREAS**, such transportation impact fees shall be calculated, imposed and collected by the City pursuant to procedures and criteria set forth in this ordinance, **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN**  
**AS FOLLOWS:**

**Section 1. Imposition of transportation impact fee.** Subsection 3.86.080

of the Poulsbo Municipal Code is hereby amended to read as follows:

**3.86.080 Imposition of transportation impact fees.**

- A. Transportation impact fees shall be required as a condition of development approval for any and all new development **activity** within the city to which this chapter applies.
- B. The transportation impact fee shall be calculated at the current rate at the time the impact fee becomes due and payable as required in subsection C of this section. The city engineer and planning director are authorized to impose transportation impact fees on any and all new development and to condition, withhold or revoke approval of any such development unless the transportation impact fees are paid when due.

C. Transportation impact fees shall become due and payable to the city at the time of building permit issuance. If a building permit is not required, then the transportation impact fees are due at the time of development approval.

D. For a change in use of an existing building or dwelling unit (which may also include any alteration, expansion, replacement or new accessory building), the impact fee for the new use shall be reduced by an amount equal to an impact fee for the existing use; provided, that the existing use was in effect ~~after November 2006~~ **April 2016**.

E. The building official 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 2. Calculating transportation impact fee amount.** Subsection

3.86.090 of the Poulsbo Municipal Code is hereby amended to read as follows:

**3.86.090 Calculating transportation impact fee amount.**

A. The transportation impact fee to be paid by new development shall be calculated by multiplying ~~three hundred fifty-five dollars~~ **five hundred sixty-four dollars** times the number of average weekday (awd) trips generated by the development that is the subject of the development approval. Average weekday trips shall be determined using the latest version of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use(s) that are the subject of the permit.

1. The methodology by which the transportation impact fee was derived is set forth in the Transportation Impact Fee Technical Document, dated ~~April 2017~~ **March 2019**, a copy of which is on file with the city clerk and which is incorporated herein by this reference as if set forth in full.

2. In the event the latest version of the Trip Generation Manual published by the Institute of Transportation Engineers does not identify an average weekday trip (awdt) for a land use, the city will use the weekday peak hour trips (wdpht) multiplied by ten.

B. If the development land use does not fit into any of the categories specified in the land use table in the latest edition of the ITE Trip Generation Manual, the city engineer shall use the most directly comparable type of land use. For mixed

use developments, impact fees shall be imposed for the proportionate share of each land use.

C. No transportation impact fee shall be collected if the transportation improvements are incapable of being reasonably accomplished because of lack of public funds. No impact fee shall be imposed by the city on a development when mitigation for the same transportation impact of the development is being required by any other governmental agency pursuant to any other local, state, or federal law.

D. The impact fee imposed by this section should be reviewed whenever the transportation system level of service standard is amended, whenever the list of needed improvements is amended in the capital facilities plan, whenever the city's projected new population assumption is updated, but no less than every eight years as part of the Poulsbo comprehensive plan periodic update cycle.

E. Failure of the city to review or amend the fee schedule shall not be a prerequisite to the continued imposition of fees under this chapter.

F. Cost Indexing. At the end of any twelve-month period in which the portion of the city's capital facilities plan listing system improvements that are the basis for transportation impact fees is not updated, the city engineer may adjust the transportation impact fee amount **shall be adjusted** by the same amount as the percentage change in the ~~Washington State Department of Transportation Construction Cost Index~~ **June Seattle-Tacoma-Bellevue CPI-U** for the most recent twelve-month period prior to the date of the adjustment.

**Section 3. Credits.** Subsection 3.86.110 of the Poulsbo Municipal Code

is hereby amended to read as follows:

**3.86.110 Credits.**

A. Pursuant to RCW 82.02.060(3)(4), a reasonable credit shall be allowed for the dedication of land for, improvements to, or new construction of any transportation system improvements provided by a developer, to transportation capital facilities identified in the capital facilities plan of the comprehensive plan and that are the subject of impact fees to be paid by the developer under this chapter as set forth in the transportation impact fee technical document. Any request for a credit against impact fees shall be made no later than the time of the application triggering the imposition of impact fees, **or in the case of platted developments no later than the time of final plat application.**

**Improvements constructed shall be consistent with the project description in the capital facilities plan and the current project design at the time of construction drawing approval.** No credit shall be given for project improvements.

B. The amount of the credit shall be the value of the land and improvements conveyed to the city; provided, that in no case shall the amount of the credit exceed the amount of the impact fee imposed on the development activity. If the value of the land and improvements exceed the total transportation impact fees to be paid by the development, no impact fees shall be due. If the value of the land and improvements is less than the impact fees due, the developer will be required to pay the difference.

C. The value of the land and improvements for which a credit is sought shall be measured as follows:

1. The value of the land will be based upon the assessed value of the land to be conveyed, as shown in the most recent records of the county assessor, unless the developer provides an appraisal of the fair market value of the land completed by a qualified real estate appraiser, in which case the value of the land will be based upon the said fair market value if the planning director and city engineer determine that the appraisal is satisfactory.

2. The value of the improvements will be based upon construction cost estimates for the proposed transportation capital improvements, including any directly related site work, and as approved by the planning director and city engineer. The cost estimate shall not include costs for financing, overhead or other costs not associated with the actual physical construction of the improvement.

D. Credits shall not be transferable from one property, project, or development activity to another.

**Section 4. Adjustments.** Subsection 3.86.120 of the Poulsbo Municipal Code

is hereby amended to read as follows:

**3.86.120 Adjustments.**

The planning director and city engineer are authorized to adjust the impact fees to be calculated under this chapter where the developer demonstrates that unusual circumstances make the standard impact fee applied to such

development unfair or unjust. The circumstances that form the basis for the adjustment shall not be circumstances that are generally applicable to similar land uses or to all development activity in the vicinity. Unusual circumstances may include that the development activity will have substantially less impact on the system improvements than other development activities in the same land use category. Any request for an adjustment shall be made no later than the time of the application triggering imposition of impact fees, **or in the case of platted developments no later than the time of final plat application.** Adjustments granted under this section shall not be transferable from one property, project or development activity to another.

**Section 5. Applicability.** The provisions of this ordinance apply to development approvals occurring after the effective date of the adoption.

**Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 7. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

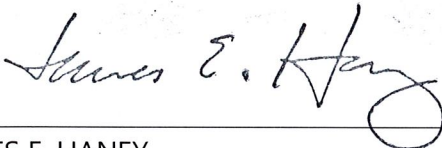
  
\_\_\_\_\_  
REBECCA ERICKSON, MAYOR

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
RHIANNON FERNANDEZ, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY   
\_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 05/09/19

PASSED BY THE CITY COUNCIL: 05/15/19

PUBLISHED: 05/24/19

EFFECTIVE DATE: 05/29/19

ORDINANCE NO. 2019-10



**SUMMARY OF ORDINANCE NO. 2019-10**

of the City of Poulsbo, Washington

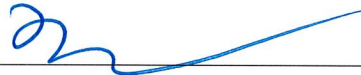
---

On the 15th day of May 2019, the City Council of the City of Poulsbo, passed Ordinance No. 2019-10. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING CHAPTER 3.86 OF THE POULSBO MUNICIPAL CODE IN ORDER TO UPDATE THE TRANSPORTATION IMPACT FEE AMOUNT; PROVIDING CLARIFICATION FOR CREDITS AND ADJUSTMENTS; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 15th day of May, 2019.



---

RHIANNON FERNANDEZ, CITY CLERK