CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2004-138

AN ORDINANCE OF THE CITY OF SAMMAMISH ADDING
CHAPTER 14A.05 TO DEFINE TERMS FOR
CONCURRENCE, IMPACT FEES AND TRAFFIC IMPACT
ANALYSIS; PROVIDING AN EFFECTIVE DATE

WHEREAS, the State of Washington Growth Management Act, RCW Chapter 36.70A
and related sections, (the "GMA"), requires the City to adopt a Comprehensive Plan that
provides adequate public facilities to serve development; and

WHEREAS, the City adopted a Comprehensive Plan, effective September 25, 2003, that
includes a capital facilities plan and other elements that plan for adequate public facilities; and

WHEREAS, RCW 36.70A.070(6) specifically requires adoption of an ordinance which
prohibits development approval if the development causes the level of service on a transportation
facility to decline below the standards adopted in the transportation element of the
comprehensive plan unless transportation improvements or strategies to accommodate the
impacts of development are made concurrent with the development; and

WHEREAS, State of Washington Growth Management Act, RCW Chapter 36.70A,
Chapter 82.02 and related sections, (the "GMA"), authorizes the City to adopt impact fees; and

WHEREAS, the GMA requires that regulations be adopted to implement the
Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DO ORDAIN AS FOLLOWS;

Section 1. The following new Chapter 14A.05 is added to Title 14A of the Sammamish
Municipal Code:

Chapter 14A.05 Definitions

The following words and terms shall have the following meanings for the purposes of this
title, unless the context clearly requires otherwise. The following words, terms and definitions
shall apply to all portions of Title 14A, except as specifically superseded by definitions set forth
elsewhere in this title: Terms otherwise not defined herein shall be defined pursuant to RCW
82.02.090, or given their usual and customary meaning.

A. "Accessory Dwelling Unit" means a Dwelling Unit that has been added onto,
created within, or separated from a single-family detached dwelling, located on the same lot, for
use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.

B. "Applicant" means a person who applies to the City for a Development Permit.
C. "Building Permit" means an official document or certification which is issued by the Building Official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.
D. "Capital Facilities Plan" means the capital facilities plan element of a comprehensive plan adopted by the City of Sammamish pursuant to Chapter 36.70A RCW, and such plan as amended.
E. "Certificate of Concurrency" means the document issued by the City indicating the location or other description of the property on which the Development is proposed, the type of Development Permit for which the Certificate is issued, the number and type of units, Square Footage, and/or maximum trip generation approved, the Public Facilities that are available and Reserved for the property described in the Certificate, any conditions attached to the approval, and the date of issuance.
F. "City" means the City of Sammamish.
G. "Concurrency" means adequate Public Facilities that meet the Level of Service Standard are, or will be, available no later than the impact of Development.
H. "Concurrency Test" means a comparison of an Applicant's impact on Public Facilities to the capacity of Public Facilities that are, or will be, available no later than the impacts of Development.
I. "Concurrency Test Deferral Affidavit" means a document signed by an Applicant which defers the application for a Certificate of Concurrency, and the Concurrency Test, acknowledges that future rights to develop the property are subject to the deferred Concurrency Test, and acknowledges that no Vested rights concerning Concurrency have been granted by the City or acquired by the Applicant without such a test.
J. "Council" means the City Council of the City of Sammamish.
K. "Department" means the Department of Public Works.
L. "Development" means improvements or changes in use designed or intended to permit a use of land which will contain more Dwelling Units or buildings than the existing use of the land, or to otherwise change the use of the land, buildings or improvements on the land in a manner that increases the impact on Public Facilities, and that requires a Development Permit from the City. Development includes redevelopment, remodeling, or refurbishment that increases the impact on Public Facilities.
M. "Development Permit" means any order, permit or other official action of the City granting, or granting with conditions an application for Development, including specifically:

1. Comprehensive plan amendment proposing a change of property designation;

2. Zone reclassifications;

3. Planned action, as that term is defined in RCW 43.21C.031(2);
4. Subdivision, including preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of Dwelling Units or trip generation;

5. Mobile home park

6. Master site plan, including urban planned developments;

7. Conditional Use permit;

8. Site development permit;

9. Building permit;

10. Certificate of Occupancy for a change in use; and

N. "Director" means the Director of the Department of Public Works or the Director's designee.

O. "Dwelling Unit" means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.

P. "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.

Q. "Feepayer" means a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land Development activity which creates the demand for additional capital facilities, and which requires the issuance of a Building Permit. "Feepayer" includes an Applicant for an Impact Fee credit.

R. "Gross Floor Area" means the total Square Footage of any building, structure, or use, including accessory uses.

S. "Hearing Examiner" means the Examiner who acts on behalf of the City in considering and applying land use regulatory codes as provided under the Sammamish Municipal Code. Where appropriate, "Hearing Examiner" also refers to the office of the Hearing Examiner.

T. "Impact Fee" means a payment of money imposed by the City of Sammamish on Development activity pursuant to RCW 82.02.050 et. seq, and this title as a condition of granting Development approval in order to pay for a portion or all of the capital cost of the Public Facilities needed to serve new growth and Development. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling Impact Fees, or the cost of reviewing Independent Fee Calculations.

U. "Impact Fee Account" or "Account" means the account(s) established for each type of public facility for which Impact Fees are collected. The Accounts shall be established pursuant to SMC 14A.15.070 and 14A.15.080, and comply with the requirements of RCW 82.02.070.

V. "Independent Fee Calculation" means the Road impact calculation and/or economic documentation prepared by a Feepayer, to support the assessment of an Impact Fee
other than by the use of the rates listed in SMC 14A.15.110, or the calculations prepared by the Director where none of the fee categories or fee amounts in SMC 14A.15.110 accurately describe or capture the impacts of the new Development on Public Facilities.

W. "Interest" means the average interest rate earned in the last fiscal year by the City of Sammamish.

X. "ITE Land Use Code" means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the 6th Edition of Trip Generation.

Y. "Level of Service Standard" means the number of units of capacity per unit of demand, or similar objective measure of the extent or degree of service provided by a Public Facility.

Z. "Occupancy Permit" means the permit issued by the City of Sammamish where a Development activity results in a change in use of the pre-existing structure, or the creation of a new use where none previously existed.

AA. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; 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.

AB. "Peak Hour" means the single hour with the greatest traffic volume between 4:00 p.m. and 6:00 p.m. for the p.m. peak hour

AC. "Planned Action" means a project action as that term is defined in RCW 43.21C.031(2).

AD. "Project Improvements" means site improvements and facilities that are planned and designed to provide service for a particular Development or users of the project, and are not System Improvements. No improvement or facility included in a Capital Facilities Plan adopted by the Council shall be considered a project improvement.

AE. "Public Facilities" means the public streets and Roads classified as arterial or collector, including intersections of such streets or Roads.

AF. "Reserve" means to note in the City's Concurrency records in a manner that assigns the capacity or other measure of Public Facilities to the Applicant and prevents the same capacity or other measure being assigned to any other Applicant.

AG. "Residential" or "Residential Development" means all types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, townhouse and other multifamily Development.

AH. "Road" means a right-of-way, paving and associated improvements which enables motor vehicles, transit vehicles, bicycles and pedestrians to travel between destinations, and affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

AI. "Road Study" means the "Rate Study for Impact Fees for Roads," City of Sammamish, dated November 17, 2003.

AJ. "Significant Past Tax Payment" means taxes exceeding five percent of the amount of the Impact Fee, and which were paid prior to the date the Impact Fee is assessed and were earmarked or proratable to the same System Improvements for which the Impact Fee is assessed.

AK. "Square Footage" means the square footage of the Gross Floor Area of the Development.

AL. "State" means the State of Washington.
AM. "System Improvements" means Public Facilities that are included in the City of Sammamish's Capital Facilities Plan and are designed to provide service to service areas within the community at large, in contrast to Project Improvements.

AN. "Vested" means having the right to develop or continue Development notwithstanding the Concurrency Test because of vested rights to obtain a Building Permit pursuant to RCW 19.27.095.

Section 3. Captions. The Chapter and Section captions used in this title are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this title.

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. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


CITY OF SAMMAMISH

[Signature]
Mayor Kathleen Huckabay

ATTEST:

Melonie Anderson, City Clerk

APPROVED AS TO FORM:

[Signature]
Bruce L. Disend, City Attorney
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