

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, MODIFYING ALLOWED CREDITS FOR EARLY DEDICATION OF NECESSARY RIGHTS OF WAY ON TRAFFIC IMPACTS FEES TO BE IMPOSED FOR FUTURE DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE.

WHEREAS, the City Council wishes to ensure that the transportation facilities necessary to support growth shall be adequate to serve the development at the time the development is available for occupancy and use, or shortly thereafter, without decreasing current service levels below established minimum standards for the City; and

WHEREAS, the adopted Comprehensive Plan directs staff to impose impact fees, authorized by RCW 82.02.050 as one of several methods to fund transportation facilities in a manner that fairly distributes costs and benefits; and

WHEREAS, the City Council adopted Ordinance No. 356, Transportation Impact Fees on September 20, 2004 to ensure that new developments pay a proportionate share of the cost of new facilities needed to serve such growth; and

WHEREAS, the City Council adopted Ordinance No. 527, Transportation Impact Fees on September 11, 2012, clarifying when transportation impacts fees are due and refining what projects the impact fees support and their costs; and

WHEREAS, the City Council desires to provide an incentive to property owners within the Central Business District Zone of the City to dedicate the necessary rights of way to facilitate the early and orderly construction of the grid roads within this district;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.39.110(1) of the Woodinville Municipal Code is hereby revised to read in its entirety as follows:

3.39.110 Impact fee credits.

(1) A developer shall be entitled to a credit against the transportation impact fee collected under the fee schedule adopted by this chapter in any of the following situations:

(a) Whenever a project is approved subject to a condition that the developer actually provide a particular system improvement; or

(b) Whenever a developer has agreed, pursuant to the terms of a voluntary agreement with the City, to provide a particular system improvement.

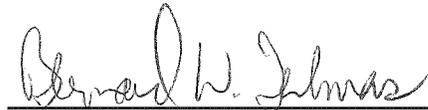
(c) Whenever a developer or property owner ("developer") dedicates, conveys or contributes land, right-of-way and/or improvements for use by the City for a system improvement, separate from or in advance of filing a land use application or a development application, that otherwise qualifies for a credit against the transportation impact fee adopted by this chapter.

(d) Any credits authorized and approved in compliance with WMC 3.39.110 may be used by the developer as provided in this section or may be transferred by the developer to another developer for use against a transportation impact fee collected against the development of the transferee's real property. The transfer of any credits by the developer or subsequent party shall be recorded with the Director of Public Works and the King County Dept. of Records, within thirty days of the transfer on a form provided by the City executed by both the developer and the transferee.

Section 2. 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 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS
PASSAGE THIS 19th DAY OF MARCH, 2013.**



Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:



Jennifer L. Kuhn, CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 3-19-2013
PUBLISHED: 3-25-2013
EFFECTIVE DATE: 4-01-2013
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