

ORDINANCE NO. 505

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 13.20 OF THE UNIVERSITY PLACE MUNICIPAL CODE TO CLARIFY THE EFFECT OF THE PAYMENT OF A TRAFFIC IMPACT FEE ON CERTAIN TRAFFIC MITIGATION REQUIREMENTS UNDER THE PUBLIC WORKS CODE

WHEREAS, under Chapter 13.20, Public Works Code, a developer may make a payment of the developer's proportional share of traffic improvements for those projects that the City has programmed and funded; and

WHEREAS, on April 16, 2007, the City Council adopted an ordinance imposing a traffic impact fee for development in the City to pay for new traffic infrastructure required to serve new growth; under this ordinance, the City adopted a certain project list detailing the system improvements for which the fee was imposed; and

WHEREAS, this amendment clarifies that the projects on the TIF project list are considered programmed and funded for purposes of the public works code (and thus concurrency) and clarifies that the payment of the TIF satisfies the requirement for payment of the proportional share required under the Public Works Code; and

WHEREAS, without this clarification, a developer could be placed in the position of being required, outside of a direct SEPA mitigation, to pay for a system improvement that is on Project List when the intent of the TIF ordinance was to have those system improvements paid for collectively under the TIF program.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 13.20 of the University Place Municipal Code.

The City Council hereby amends Chapter 13.20 of the University Place Municipal Code by amending 13.20.130(D)(6)(b) to read as follows:


b. On transportation facilities programmed for improvements and funded as part of a City project, the adverse traffic impacts of the development may be considered mitigated by providing a proportionate share contribution of the costs for the proposed improvements. The proportionate share of local costs for the improvements shall be based on the percentage of development traffic generated through the intersection. The percentage shall be based on the total projected peak hour traffic volumes for the horizon year of the transportation facility. For the purposes of this section, transportation facilities included on the Traffic Impact Fee Project list will be considered programmed and funded. For these facilities, payment of the traffic impact fee will satisfy the requirement for providing a proportionate share contribution of the costs for the improvements. If the transportation facility currently operates less than LOS "D", and the Director determines that the impacts of the development will create a safety hazard, the applicant shall be required to make facility improvements to improve the level of service to LOS "D" or better. The cost of the interim improvements will be deducted from the development's proportionate share of costs for the programmed facility improvements only if the cost of the interim improvements is less than the ultimate proportionate share. If the interim improvements cannot be incorporated into the ultimate improvements programmed for the transportation facility, there will be no reimbursement for interim costs incurred.

Section 2. 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 of the remaining portions of this Ordinance or its

application to other persons or circumstances.

Section 3. 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.

PASSED BY THE CITY COUNCIL ON AUGUST 13, 2007.



Gerald Gehring, Mayor

ATTEST:



Elnetta Genetia, Interim City Clerk

APPROVED AS TO FORM:



Janean Parker, City Attorney

Published: 08/15/07

Effective Date: 08/20/07