

ORDINANCE NO. 659

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING THE CITY'S TRAFFIC IMPACT FEE AND PARK IMPACT FEE PROGRAMS TO CONFORM TO WASHINGTON STATE LAW**

WHEREAS, the City of University Place adopted a Comprehensive Plan establishing its intent to ensure that new developments pay a proportionate share of the cost of new facilities needed to serve such growth; and

WHEREAS, the Comprehensive Plan contains a complete description of the existing level of service for transportation facilities and the impacts of future growth on that level of service; and

WHEREAS, as authorized in State law, the City Council by ordinance established traffic impact and park impact fee programs; and

WHEREAS, at the time the City created its traffic impact and park impact fee programs, State law mandated that the funds be expended within six (6) years; and

WHEREAS, in 2011, the Washington State Legislature amended the impact fee statute to extend the period for expenditure of impact fees to ten (10) years to allow cities and counties more flexibility in utilizing the impact fees; and

WHEREAS, it is in the City's best interest to revise the traffic impact and park impact fee programs to conform to State law.

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

Section 1. Revised Traffic Impact Fee Ordinance. Sections 4.65.120 A and C of the University Place Municipal Code, Ordinance 602, are hereby amended to read as follows:

4.65.120 A. The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ~~ten~~ six years of their receipt by the City. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis from the date of receipt.

4.65.120 C. Any impact fees that are not expended or encumbered within ~~six~~ ten years of their receipt by the City, and for which no application for a refund has been made within this one-year period, shall be retained by the City and expended consistent with the provisions of this chapter.

Section 2. Revised Park Impact Fee Ordinance. Sections 4.55.100 D and 4.55.110 A of the University Place Municipal Code, Ordinance 539, is hereby amended to read as follows:

4.55.100 D. Impact fees shall be expended or encumbered within ~~six~~ ten years of receipt, unless the City Council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the ~~six~~ ten -year period. ~~Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.~~ A "first in, first out" basis will be used for determining which impact fees have been used or encumbered.

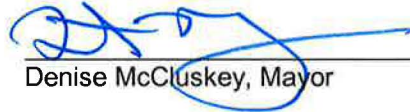
4.55.110 A. If the City fails to expend or encumber the appropriate impact fees within ~~six~~ ten years of when the fees were paid, or within such other time periods as established

pursuant to UPMC [4.55.100](#), the current owner(s) of the property on which impact fees have been paid may receive a refund of such fees.

Section 3. Severability. If any one or more sections, subsections or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. Effective date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON NOVEMBER 16, 2015.**

  
Denise McCluskey, Mayor

**ATTEST:**

  
Emelita Genetia, City Clerk

**APPROVED AS TO FORM:**

  
Steve Victor, City Attorney

Published: 11/18/15  
Effective Date: 11/23/15