Title 14A
PUBLIC FACILITIES

Chapters:

Chapter 14A.01
PUBLIC WORKS STANDARDS ADOPTED

Sections:

14A.01.010 Public works standards adopted.

(1) The City hereby adopts by reference the design standards and specifications set forth in the document entitled “City of Sammamish 2016 Public Works Standards” as now or hereafter amended as the public works standards for the City, which includes but is not limited to transportation standards and street standards. Pursuant to RCW 35A.13.180, a copy of the most current City of Sammamish public works standards is available on the City’s website at www.sammamish.us.

(2) The public works director is hereby authorized to administratively interpret and apply the standards in a manner consistent with their terms in order to better implement the standards or allow for changes in street design and construction technology and methods. (Ord. O2018-465 § 2 (Att. A))

14A.01.020 Resolution of conflicts.

In case of inconsistency or conflict between other provisions of the Sammamish Municipal Code and the City of Sammamish public works standards adopted in this chapter, the most restrictive provision shall apply. (Ord. O2018-465 § 2 (Att. A))

14A.01.030 Appeals.

Any person or agency aggrieved by an act or decision of the City pursuant to the public works standards may appeal said act or decision to the City of Sammamish pursuant to the appeal provisions for the underlying development permit application as contained in Chapter 20.05 SMC. (Ord. O2018-465 § 2 (Att. A))

Chapter 14A.05
DEFINITIONS

Sections:

14A.05.010 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 The following words, terms, and definitions shall apply to all portions of this title, except as specifically superseded by definitions set forth elsewhere in this title.

“Accessory dwelling unit” is defined for the purposes of this title the same as the term “Dwelling unit, accessory” in SMC 21A.15.350.

“Affordable housing” or “low-income housing” means residential housing that is rented or owned by a person or household whose monthly housing expenses, including utilities other than telephone, do not exceed 30 percent of the applicable median family income listed below and adjusted for household size. Based on the King County Income and Affordability Guidelines, housing affordability levels include:

(a) “Low income” means a family earning between zero and 50 percent of the King County median household income.

(b) “Moderate income” means a family earning between 51 and 80 percent of the King County median household income.

(c) “King County median household income” means the median income of the Seattle Metropolitan Statistical Area (“SMSA”), adjusted for household size, as determined by the United States Department of Housing and Urban Development (“HUD”). In the event that HUD no longer publishes median income figures for King County, the City may determine such other method as it may choose to determine the King County median household income, adjusted for household size.

“Applicant” means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

“Building permit” means an official document or certification which is issued by the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

"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.

"Capital improvement program (CIP)" means the expenditures programmed by the City of Sammamish for capital purposes over the next six-year period in the CIP most recently adopted by the City council.

"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.

"City" means the City of Sammamish.

"City's traffic model a.m. peak hour" is from 7:00 to 8:00 a.m., which accommodates many schools' peak hour.

"City's traffic model p.m. peak hour" is from 4:45 to 5:45 p.m., which reflects the afternoon's average system peak hour.

"Concurrency" means that a development does not cause the level of service on a locally owned 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 the development are made concurrent with the development. For the purposes of this title, "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

"Concurrency test" means the determination of an applicant's impact on transportation facilities by the comparison of the City's adopted level of service standards to the projected level of service at intersections or road corridors, or road segments with the proposed development.

"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.

"Council" means the City council of the City of Sammamish.

"Department" means the department of public works, department of community development, or, when

referenced in Chapter 14A.20 SMC, means the department of parks and recreation.

“Development” means specified improvements or changes in use designed or intended to permit a use of land that will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings/improvements on the land, and that require a development permit from the City of Sammamish. The rezoning of land is not development.

“Development activity” means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

“Development approval” means any written authorization from the City which authorizes the commencement of development activity.

“Development permit” means any order, permit or other official action of the City granting, or granting with conditions, an application for development, including specifically:

(a) Planned action, as that term is defined in RCW 43.21C.031(2);

(b) Subdivision, including preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation;

(c) Mobile home park;

(d) Unified zone development plan (UZDP);

(e) Conditional use permit;

(f) Site development permit;

(g) Building permit; or

(h) Certificate of occupancy for a change in use.

“Director,” when referenced in this title, means the director of the department of public works or the director’s designee, or the director of the department of parks and recreation or the director’s designee, or the director of the department of community development or the director’s designee, as appropriate.

“Dwelling unit” means a residential location such as a house, apartment, condominium, townhouse, mobile home, or manufactured home in which people may live.

“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.

“Feepayer” means a person, corporation, partnership, 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.

“Financial commitment” consists of the following:

“Financial commitment” means that sources of public or private funds or combinations thereof have been identified which will be sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

(a) Revenue designated in the most currently adopted CIP for transportation facilities or strategies needed in the committed network for the transportation adequacy measure to test for concurrency. The financial plan underlying the adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period that can be reasonably expected. Projects to be used in defining the committed network shall represent those projects that are anticipated to be constructed in the six years of the CIP. This commitment is reviewed annually through the budget process;

(b) Unanticipated revenue from federal or state grants for which the City has received notice of approval;

(c) Revenue that is assured by an applicant in a form approved by the City in a voluntary agreement;

(d) Grants from federal, state or private sources if the grant has been awarded for specific projects;

(e) Appropriations in state biennial budget for specific projects;

(f) Revenues that can be imposed or expended at the discretion of the City, including, but not limited to, impact fees, SEPA mitigation payments, property taxes, real estate excise taxes, user fees, charges, intergovernmental entitlements, and bonds;

(g) Revenue from special assessment districts created by the City;

(h) Irrevocable commitments from developers in a form acceptable to the City including:

(i) Performance or surety bonds from Washington State financial institutions;

(ii) Letters of credit from Washington State financial institutions; or

(iii) Assignments of assets in Washington State (i.e., interests in real property, savings

certificates, bank accounts, or negotiable securities); or

(i) Payments by special districts if such payments are similar in character and reliability to those listed in subsections (a) through (e) of this definition.

“Gross floor area” means the total square footage of any building, structure, or use, including accessory uses.

“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.

“Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit or application fee.

“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, 14A.15.080, 14A.20.070 and 14A.20.080, and comply with the requirements of RCW 82.02.070.

“Independent fee calculation” means the street impact calculation or park and recreational impact fee and/or economic documentation prepared by a feepayer to support the assessment of an impact fee calculation other than by the use of the rates listed in SMC 14A.15.110 or 14A.20.110, or the calculations prepared by the director where none of the fee categories or fee amounts in SMC 14A.15.110 or 14A.20.110 accurately describe or capture the impacts of the new development on public facilities.

“ITE land use code” means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the current edition of Trip Generation Manual.

“Level of service standards” means the City’s defined performance standards for its adopted concurrency intersections, road corridors, and road segments, as defined in SMC 14A.10.050.

“Occupancy” means that a space is being lived in, rented, or used and therefore not vacant.

“Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

“Peak hour” means the hour during the morning or afternoon with the highest traffic volumes for a

particular roadway or intersection.

“Planned action” means a project action as that term is defined in RCW 43.21C.031(2).

“Preapplication meeting” for the purposes of this title means a meeting between the applicant for a transportation concurrency certificate or its extension and the staff of the department, according to that department’s rules and administrative procedures held for the purpose of determining the requirements to file a development permit application.

“Project improvements” mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the City council shall be considered a project improvement.

“Proportionate share” means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

“Public facilities” means the following capital facilities owned or operated by government entities: (a) public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

“Rate Study for Impact Fees for Parks and Recreational Facilities” means the rate study completed by Henderson, Young and Company, dated November 2, 2006, for the City of Sammamish.

“Reservation” and “reserve” mean development units are set aside in the City’s concurrency records in a manner that assigns the units to the applicant and prevents the same units being assigned to any other applicant.

“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.

“Service area” means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

“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.

“Square footage” means the square footage of the gross floor area of the development.

"State" means the state of Washington.

"Street" means a public thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

"Street Impact Fee Rate Study" means the "Rate Study for Impact Fees for Streets," City of Sammamish, dated September 27, 2006, or the most current update.

"System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

"Trip" is a single or one-direction person or vehicle movement. A trip has an origin and a destination at its respective ends (known as trip ends). (Ord. O2019-484 § 2 (Att. A); Ord. O2018-465 § 2 (Att. A); Ord. O2014-366 § 1 (Att. A); Ord. O2006-206 § 1; Ord. O2004-138 § 1)

Chapter 14A.10
CONCURRENCY

Sections:

14A.10.010 Concurrency requirement.

(1) In accordance with RCW 36.70A.070(6)(b), the City must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards defined in SMC 14A.10.050, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of the City's concurrency requirement, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(2) The City shall not issue a development permit until:

(a) A certificate of concurrency has been issued; or

(b) The applicant has executed a concurrency test deferral affidavit where specifically allowed; or

(c) The applicant has been determined to be exempt from the concurrency test as provided in SMC 14A.10.030(1). (Ord. O2019-484 § 2 (Att. A); Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.020 Application for certificate of concurrency.

(1) Each applicant requesting a Comprehensive Plan site-specific land use map amendment or zone reclassification, except as provided in SMC 14A.10.030(1), shall elect one of the following options:

(a) Apply for a certificate of concurrency; or

(b) Execute a concurrency test deferral affidavit.

(2) Each applicant for a planned action, subdivision (including a preliminary plat, short plat, or binding site plan and revisions or alterations which increase the number of dwelling units or trip generation), mobile home park, unified zone development plan, conditional use permit, or site development permit shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with a Comprehensive Plan site-specific land use map amendment or zone reclassification, or except as provided in SMC 14A.10.030(1).

(3) Each applicant for a building permit or certificate of occupancy for a change in use shall apply for a certificate of concurrency, unless a certificate has been issued for the same parcel in conjunction with subsection (1) or (2) of this section, or except as provided in SMC 14A.10.030(1).

(4) Each applicant filing under subsections (1) and (2) of this section shall contact the department to schedule a preapplication conference as defined in SMC 14A.05.010 and 20.05.030, that shall be held prior to filing an application for a certificate of concurrency. The director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application.

(5) Applicants for a certificate of concurrency may designate the density and intensity of development to be tested for concurrency, provided such density and intensity shall not exceed the maximum allowed for the parcel. If the applicant designates the density and intensity of development, the concurrency test will be based on and applicable to only the applicant's designated density and intensity. If the applicant does not designate density and intensity, the concurrency test will be based on the maximum allowable density and intensity. (Ord. O2019-484 § 2 (Att. A); Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.030 Exemptions from concurrency test.

(1) The following developments are exempt from this chapter, and applicants may submit applications, obtain development permits and commence development without a certificate of concurrency:

(a) Any development permit for the following development because it creates insignificant and/or temporary additional impacts on any public facility:

(i) Right-of-way use;

(ii) Street improvements, including new streets constructed by the City of Sammamish;

(iii) Street use permits;

(iv) Utility facilities which do not impact public facilities, such as pump stations, transmission or collection systems, and reservoirs;

(v) Expansion of an existing nonresidential structure that results in the addition of 100

square feet or less of gross floor area and does not add residential units or accessory dwelling units as defined in SMC 21A.15.345 to 21A.15.370;

(vi) Expansion of a residential structure provided the expansion does not result in the creation of an additional dwelling unit or accessory dwelling unit as defined in SMC 21A.15.345 to 21A.15.370;

(vii) Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;

(viii) Demolition or moving of a structure; or

(ix) Tenant improvements that do not generate additional trips. (Ord. O2019-484 § 2 (Att. A); Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.040 Concurrency test.

(1) The City shall perform a concurrency test for each application for a certificate of concurrency. The public works director, or his/her designee, shall use the following methods to conduct the concurrency test:

(a) For individual single-family residential building permit applications on existing lots, or other land use permits that generate less than 10 trips during an individual peak hour, the City will run a concurrency test after permit applications have been received that collectively result in 10 or more trips during an individual peak hour; provided, however, that a concurrency certificate can be issued without conducting the concurrency test when fewer than 10 accumulated trips have been generated since the last concurrency test. The City may run the concurrency test when less than 10 accumulated trips have been generated since the last test when there are existing public transportation facility circumstances that necessitate the concurrency test be performed in the order received for single-family residential building permit applications on existing lots.

(b) For all other development, review of each application as received in subsection (4) of this section.

(2) If the impact of the development does not cause the level of service to decline below the standards set forth in SMC 14A.10.050, the concurrency test is passed, and the applicant shall receive a certificate of concurrency.

(3) If the impact of the development will cause the level of service to decline below the standards set forth in SMC 14A.10.050, the concurrency test is not passed, and the applicant may select one of the following options:

(a) Accept a 90-day reservation of public facilities that are available, and within the same 90-day

period amend the application to meet the level of service standard set forth in SMC 14A.10.050; or

(b) Appeal the denial of the application for a certificate of concurrency, pursuant to the provisions of SMC 14A.10.080; or

(c) Arrange to provide for public facilities that are not otherwise available and that cause the level of service to rise to the standards set forth in SMC 14A.10.050.

(4) The City shall conduct the concurrency test, as needed, in the order that completed applications are received and proposed trip generation estimates are approved by the City.

(5) A concurrency test, and any resulting certificate of concurrency, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act. (Ord. O2019-484 § 2 (Att. A); Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.050 Level of service standards.

(1) In conducting the concurrency test in accord with this chapter, the intersection LOS standards adopted in the Transportation Element of the Comprehensive Plan are LOS D for intersections that include principal arterials and LOS C for intersections that include minor arterials or collector arterials. The LOS for intersections with principal arterials may be reduced to E for intersections that require more than three approach lanes in any direction. The intersection standards shall be applied to both the morning and afternoon peak hours. The LOS standard for the higher road classification shall be the standard applied.

(2) *Repealed by Ord. O2020-524.*

(3) In conducting the concurrency test in accord with this chapter, the City shall apply the level of service standards for the concurrency intersections as designated in subsection (1) of this section. If any intersection operates at or better than the level of service standards, the concurrency certificate shall be granted. If any concurrency intersection operates worse than the level of service standards, the concurrency certificate will be denied, or the applicant may select one of the options described in SMC 14A.10.040(3).

(4) In conducting the concurrency test, the City shall find that the impact of development occurs, and therefore the level of service standards for intersections, corridors and segments shall be achieved and maintained, no later than six years from the date of the development.

(5) In the event that the applicant is required to construct a public facility, the development cannot be occupied until the public facility is completed, or the applicant provides the City with a performance bond that is acceptable to the City.

(6) The City shall determine which additional public facilities are needed to be included in the Capital Facilities Plan Element of the Comprehensive Plan to achieve the adopted level of service standards. Such additional public facilities shall be underwritten by a financial commitment. (Ord. O2020-524 §§ 1, 2; Ord. O2019-484 § 2 (Att. A); Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.060 Certificate of concurrency.

(1) A certificate of concurrency shall be issued by the public works director or his/her designee after the concurrency test is passed.

(2) Upon issuance of a certificate of concurrency, the City shall reserve capacity on behalf of the applicant, and indicate the reservation on the certificate of concurrency.

(3) A certificate of concurrency shall expire if the development permit for which the concurrency is reserved is not applied for within 180 days of issuance of the certificate of concurrency.

(4) A certificate of concurrency shall be valid for the development permit application period and subsequently for the same period of time as the development permit for which it was issued.

(5) A certificate of concurrency may be extended according to the same terms and conditions as the underlying development permit. If a development permit is granted an extension, the certificate of concurrency, if any, shall also be extended. Certificates of concurrency shall not be extended beyond the expiration of the underlying development permit, or any extensions thereof.

(6) A certificate of concurrency is valid only for the uses and intensities authorized for the development permit for which it is issued. Any change in use or intensity that increases the impact of development on public facilities is subject to an additional concurrency test of the incremental increase in impact on public facilities. Any change in use or intensity that decreases the impact of development on public facilities is not subject to an additional concurrency test and any capacity that is not required as a result of the decrease in impact shall be available for other applications.

(7) A certificate of concurrency is valid only for the development permit with which it is issued, and for subsequent development permits for the same parcel, as long as the applicant obtains the subsequent development permit prior to the expiration of the earlier development permit. A certificate of concurrency transfers automatically to subsequent development permits for the parcel for which the certificate was issued; provided, that the use or intensity has not changed, and the previous development permit has not expired. The transfer of validity of a certificate of concurrency from one development permit to a subsequent development permit shall not extend or otherwise change the expiration of the certificate of concurrency.

(8) A certificate of concurrency runs with the land and cannot be transferred to a different parcel. A

certificate of concurrency transfers automatically with ownership of the parcel for which the certificate was issued. Upon final subdivision approval of a parcel that has obtained a certificate of concurrency, the City shall replace the certificate of concurrency by issuing a separate certificate of concurrency to each subdivided parcel, assigning to each a pro rata portion of the public facility capacity or other measure that was reserved for the original certificate. The issuance of pro rata certificates of concurrency to subdivided parcels shall not extend or otherwise change the expiration of the certificates of concurrency. (Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.070 Fees.

(1) The City shall charge each applicant an administrative fee and a concurrency test fee in an amount to be established by resolution by the City council. The concurrency test fee shall not be refundable after the concurrency test has been performed.

(2) The City shall charge a processing fee to any individual who requests an informal analysis of capacity if the requested analysis requires substantially the same research as a concurrency test. The processing fee shall be nonrefundable and nonassignable to a concurrency test. The amount of the processing fee shall be the same as the concurrency test fee authorized by subsection (1) of this section. (Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

14A.10.080 Appeals.

(1) An applicant may appeal a denial of a certificate of concurrency on the following grounds:

(a) A technical or mathematical error;

(b) The applicant provided alternative data that was rejected by the City; or

(c) Unwarranted delay in review of the application that allowed capacity to be given to another applicant.

(2) Appeal of denial of a certificate of concurrency shall be to the hearing examiner in accordance with procedures in SMC Title 20. (Ord. O2018-465 § 2 (Att. A); Ord. O2006-208 § 1; Ord. O2004-139 § 1)

Chapter 14A.15
STREET IMPACT FEES

Sections:

14A.15.010 Findings and authority.

The council hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, and office development in the City, will create additional demand and need for public facilities in the City, and the council finds that new growth and development should pay a proportionate share of the cost of system improvements reasonably related to and that will reasonably benefit the new growth and development. The City has conducted extensive studies documenting the procedures for measuring the impact of new development on public facilities, has prepared the street impact fee analysis, and hereby incorporates this study into this title by reference. Therefore, pursuant to RCW 82.02.050 through 82.02.090, the council adopts this chapter to assess impact fees for streets ("impact fee"). The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.020 Assessment of impact fees.

(1) The City shall collect impact fees, based on the rates in SMC 14A.15.110, from any applicant seeking development approval from the City for any development within the City, where such development requires the issuance of a building permit. This shall include, but is not limited to, the development of residential, commercial, retail, and office uses, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in existing use that creates a demand for additional public facilities.

(2) An impact fee shall not be assessed for the following types of development activity because the activity either does not create additional demand as provided in RCW 82.02.050 and/or is a project improvement (as opposed to a system improvement) under RCW 82.02.090:

(a) Miscellaneous non-traffic generating improvements, including, but not limited to, fences, walls, swimming pools, sheds, and signs;

(b) Demolition or moving of a structure;

(c) Expansion of an existing nonresidential structure that results in the addition of 100 square feet or less of gross floor area;

(d) Expansion of a residential structure provided the expansion does not result in the creation of any additional dwelling units as defined in SMC 21A.15.345 through 21A.15.370;

(e) Replacement of a residential structure with a new residential structure at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. For the terms of this requirement, “replacement” is satisfied by submitting a complete building permit application;

(f) Replacement of a nonresidential structure with a new nonresidential structure of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. Replacement of a nonresidential structure with a new nonresidential structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than 100 square feet. For the terms of this requirement, “replacement” is satisfied by submitting a complete building permit application.

(3) For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use; provided, that the applicant has previously paid the required impact fee for the original use.

(4) For mixed use developments, impact fees shall be imposed for the proportionate share of each land use based on the applicable measurement in the impact fee rates set forth in SMC 14A.15.110.

(5) Applicants seeking a building permit for a change in use shall be required to pay an impact fee if the change in use increases the existing trip generation by the lesser of five percent or 10 peak hour trips.

(6) Except as provided in SMC 14A.25.030, impact fees shall be assessed and collected, at the option of the applicant, either:

(a) At the time of final plat (for platted development) or building permit application (for nonplatted development); or

(b) At the time of building permit issuance;

which option shall be declared at the time of final plat (for platted development) or building permit application (for nonplatted development) in writing on a form or forms provided by the City.

(7) Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 14A.15.040 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to SMC 14A.15.040 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued by the City for each unit in the development.

(8) Where the impact fees imposed are determined by the square footage of the development, a deposit shall be due from the feepayer pursuant to subsection (6) of this section. Deposit and installment percentages shall be based on an estimate, submitted by the feepayer, of the size and type of structure proposed to be constructed on the property. In the absence of an estimate provided by the feepayer, the department shall calculate percentages based on the maximum allowable density/intensity permissible on the property. If the final square footage of the development is in excess of the initial estimate, any difference in the amount of the impact fee will be due prior to the issuance of a building permit, using the same impact fee rate previously assessed. The feepayer shall pay any such difference plus interest, calculated at the statutory rate. If the final square footage is less than the initial estimate, the department shall give a credit for the difference, plus interest at the statutory rate.

(9) The department shall not issue the required building permit unless and until the impact fees required by this chapter, less any permitted exemptions or credits provided pursuant to SMC 14A.15.030 or 14A.15.040, have been paid, unless a deferral has been granted pursuant to Chapter 14A.25 SMC.

(10) The service area for impact fees shall be a single City-wide service area.

(11) In accordance with RCW 82.02.050, the City shall collect and spend impact fees only for the public facilities defined in this title and RCW 82.02.090 which are addressed by the capital facilities plan element of the City's Comprehensive Plan. The City shall base continued authorization to collect and expend impact fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070 and on the capital facilities plan identifying: (a) deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; (b) additional demands placed on existing public facilities by new development; and (c)

additional public facility improvements required to serve new development.

(12) In accordance with RCW 82.02.050, if the City's capital facilities plan is complete other than for the inclusion of those elements which are the responsibility of a special district, the City may impose impact fees to address those public facility needs for which the City is responsible.

(13) Applicants for single-family attached or single-family detached residential construction may request deferral of all impact fees due under this chapter in accordance with the provisions of Chapter 14A.25 SMC. (Ord. 2016-412 § 2 (Att. B); Ord. O2012-339 § 1 (Att. A); Ord. O2010-294 § 1 (Att. A); Ord. O2009-263 § 1 (Att. A); Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.030 Exemptions.

(1) Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes; provided, that the impact fees from such development activity shall be paid from public funds other than impact fee accounts if the waiver is greater than 80 percent of the impact fee. The director shall be authorized to determine whether a particular development falls within an exemption identified in this chapter. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.15.060.

(2) Except as provided in subsection (3) of this section, the following development activities are exempt from the requirements of this chapter. An impact fee shall not be assessed for:

(a) Any development activity undertaken by the City of Sammamish;

(b) Public schools;

(c) Accessory dwelling units approved by the City.

(3) Except as provided above, the provision of affordable housing as defined in SMC 14A.05.010 may be exempted from some or all of the required impact fees as shown in Table 1:

Table 1: Impact Fee Reductions for Affordable Housing Units

Affordable Housing	Impact Fee Reduction*	Maximum Number of Affordable Housing Units per Development
Low-Income	Up to 100%	4 units
	50% to 80%	5 units or more (including the first 4) subject to recommendation by the community development director in consultation with the public works director

Moderate-Income	Up to 80%	4 units
	0% to 50%	5 units or more (including the first 4) subject to recommendation by the community development director in consultation with the public works director
*The % fee reduction is expressed as a maximum amount per unit.		

(a) As a condition of receiving an exemption or percentage fee reduction under this subsection, prior to any development approval, the owner shall execute and record in the King County real property title records a City-prepared lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain affordable to those families/households for a period of not less than 30 years. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event that the housing unit(s) no longer meets the definition of affordable housing set forth in Table 1 during the term of the life of the lien, covenant or contractual provision, then the owner(s) shall pay to the City the amount of impact fees from which the housing unit(s) was exempted into the City's account for impact fees plus 12 percent interest per year.

(b) In determining the impact fee reductions for development(s) containing five or more affordable housing units, the community development director in consultation with the public works director should consider the following:

(i) The proposed housing units meet the provisions set forth by the City's housing strategy plan adopted by the City council.

(ii) The proposed housing units will assist the City in meeting Sammamish's affordable housing targets.

(iii) The location of the units meets the City's comprehensive plan policies for the proposed housing type and density.

(iv) Approval of the proposed housing units and the associated impact fee reduction does not exempt the proposed housing units from meeting the City's concurrency requirements and public works standards.

(c) The impact fee amounts waived in excess of 80 percent shall be paid from public funds from sources other than impact fees or interest on impact fees, and budgeted for this purpose.

(d) Determinations of the community development director in consultation with the public works director regarding the reduction of impact fees shall be in writing and shall be subject to the

appeals procedures set forth in SMC 14A.15.060. (Ord. O2014-366 § 1 (Att. A); Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.040 Credits.

(1) A feepayer can request that a credit or credits for impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:

(a) For one or more of the system improvements identified in the capital facilities plan, which are included in the street impact fee analysis as the basis of the impact fee, and that are required by the City as a condition of approving the development activity; and

(b) At suitable sites and constructed at acceptable quality as determined by the City.

(2) The director shall determine if requests for credits meet the criteria in subsection (1) of this section.

(3) The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is being charged.

(4) The value of a credit for land, including right-of-way and easements, shall be established on a case-by-case basis by an appraiser selected by or acceptable to the director. The appraiser must be licensed in good standing by the state of Washington for the category of the property appraised. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the director.

(5) The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the City may be providing to the feepayer, in the event that a credit is awarded.

(6) If a credit is due, after receiving the appraisal the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will

be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

(7) No credit shall be given for project improvements as defined in SMC 14A.05.010.

(8) A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments as defined in SMC 14A.05.010. For each request for a credit or credits for significant past tax payments, the feepayer shall submit receipts and a calculation of significant past tax payments earmarked for or proratable to the particular system improvement. The director shall determine the amount of credits, if any, for significant past tax payments.

(9) Any claim for credit must be made prior to or at the time of submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.

(10) A feepayer shall receive a credit for all impact fee deposits paid pursuant to SMC 14A.15.020.

(11) Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in SMC 14A.15.060. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.050 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the street impact fee analysis provides adjustments for past and future taxes and other sources of revenue to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee rates in SMC 14A.15.110 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these system improvements. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.060 Appeals.

(1) Any feepayer may pay the impact fees imposed by this title under protest in order to obtain a building permit or occupancy permit. No appeal shall be permitted until the impact fees at issue have been paid.

(2) Appeals regarding the impact fees imposed on any development may only be filed by the feepayer of the property where such development will occur.

(3) The feepayer must first file a request for review regarding impact fees with the director, as provided herein:

(a) The request shall be in writing on the form provided by the City;

(b) The request for review by the director shall be filed within 21 calendar days after the feepayer's payment of the impact fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;

(c) No administrative fee will be imposed for the request for review by the director; and

(d) The director shall issue his/her determination in writing.

(4) The following decisions may be appealed to the hearing examiner: determinations of the director with respect to the applicability of the impact fees to a given development; the director's determination regarding the availability or value of a credit; the director's decision concerning the independent fee calculation which is authorized in SMC 14A.15.120; fees imposed by the director pursuant to SMC 14A.15.110; or any other determination which the director is authorized to make pursuant to this title.

(5) Appeals to the hearing examiner shall be taken within 21 calendar days of the director's issuance of a written determination by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary administrative fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

(6) The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the Sammamish Municipal Code. At the hearing, any party may appear in person or by agent or attorney.

(7) The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.

(8) The hearing examiner may, so long as such action is in conformance with the provisions of this title, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.070 Establishment of impact fee accounts.

(1) Impact fee receipts shall be earmarked specifically and deposited in a special interest-bearing impact fee account maintained by the City.

(2) There is hereby established the street impact fee account for the fees collected pursuant to this title. Funds withdrawn from this account must be used in accordance with the provisions of SMC 14A.15.090 and applicable state law. Interest earned on the fees shall be retained in the account and

expended for the purposes for which the impact fees were collected.

(3) On an annual basis, the finance department shall provide a report to the City council on the street impact fee account showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

(4) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the City's Comprehensive Plan.

(5) Impact fees shall be expended or encumbered within 10 years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the 10-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. O2013-341 § 1 (Att. A); Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.080 Refunds.

(1) If the City fails to expend or encumber the impact fees within 10 years of when the fees were paid, or where extraordinary or compelling reasons exist and the council has established other time periods pursuant to SMC 14A.15.070, the current owner of the property on which impact fees have been paid may receive a refund of such fees. 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.

(2) The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fee was paid.

(3) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(4) Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the appropriate public capital facilities.

(5) Refunds of impact fees under this section shall include any interest paid at the statutory rate.

(6) When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund

shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(7) The City shall refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees pursuant to RCW 82.02.080(3), if the development for which the impact fees were imposed did not occur; provided, that if the City has expended or encumbered the impact fees in good faith prior to the application for a refund, the director shall determine whether an impact has resulted and whether all or a portion of the impact fees paid shall be refunded. (Ord. O2013-341 § 1 (Att. A); Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.090 Use of funds.

(1) Pursuant to this title, impact fees:

(a) Shall be used for system improvements that will reasonably benefit the new growth and development; and

(b) Shall not be imposed to make up for any system improvement deficiencies serving existing developments; and

(c) Shall not be used for maintenance or operation.

(2) Impact fees may be spent for public improvements, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, and any other expenses which can be capitalized pertaining to transportation improvements.

(3) Impact fees may also be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(4) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.100 Review.

(1) The fee rates set forth in SMC 14A.15.110 may be reviewed and adjusted by the council as it

deems necessary and appropriate to meet City needs, including but not limited to addressing the impact of inflation on labor, materials, and real property costs. The fee rates may be adjusted 12 months after the effective date of the ordinance codified in this chapter, or 12 months after the most recent review by the council. The council may determine the amount of the adjustment and revise the fee rates set forth in SMC 14A.15.110. If the council does not determine the amount of the adjustment, the adjustment shall be administratively adjusted by the same amount that the five-year average Washington State Department of Transportation Construction Cost Index changed for the most recent 12-month period prior to the date of the adjustment.

(2) In the last quarter of each calendar year, the community development director, together with the public works director, shall prepare a report to the planning commission for the year to date, including the following:

(a) The number of requests for impact fee exemptions pursuant to SMC 14A.15.030;

(b) The total number of residential units and dollar amounts of the exemptions approved by the community development director in consultation with the public works director;

(c) A copy of the hearing examiner decision, if any of the decisions of the community development director, in consultation with the public works director, were appealed to the hearing examiner.

Based on this annual review, the planning commission shall recommend to the City council any revision to SMC 14A.15.030 deemed appropriate. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.110 Street impact fee rates.

In accordance with RCW 82.02.060, the street impact fees are based upon a schedule of impact fees which is adopted for each type of development activity that is subject to impact fees and which specifies the amount of the impact fee to be imposed for each type of system improvement. The schedule is based upon a formula and/or method of calculating the impact fees. In determining proportionate share, the formula and/or method of calculating the fees incorporates, among other things, the following: (a) the cost of public facilities necessitated by new development; (b) an adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement; (c) the availability of other means of funding public facility improvements; (d) the cost of existing public facilities improvements; and (e) the methods by which public facilities improvements were financed.

The street impact fee rates in this section are generated from the formula for calculating impact fees

set forth in the street impact fee analysis, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in SMC 14A.15.120, exemptions in SMC 14A.15.030, and credits in SMC 14A.15.040, all new developments in the City will be charged the impact fee applicable to the type of development:

Street Impact Fee Rates per Unit of Development

ITE Code[1]	ITE Land Use Category[1]	ITE Trip Rate[2]	Percent New Trips[3]	Trip Length Factor[4]	Net New Trips per Development Unit	Impact Fee per Unit @ $14,063.63	per Trip
090	Park and Ride with Bus Service	0.75	75%	1.00	0.563	7,910.79	per Space
110	Light Industrial	0.98	100%	1.22	1.196	16.81	per Sq. Ft.
130	Industrial Park	0.86	100%	1.22	1.049	14.76	per Sq. Ft.
140	Manufacturing	0.74	100%	1.22	0.903	12.70	per Sq. Ft.
151	Mini Warehouse	0.26	75%	0.29	0.057	0.80	per Sq. Ft.
210	Single-Family House	1.01	100%	1.00	1.010	14,204.27	per DU
220	Apartment	0.62	100%	1.00	0.620	8,719.45	per DU
231	Low-Rise Condo/Townhouse	0.78	100%	1.00	0.780	10,969.63	per DU
240	Mobile Home	0.56	100%	1.00	0.560	7,875.63	per DU
251	Sr. Housing Detached	0.26	75%	1.00	0.195	2,742.41	per DU
252	Sr. Housing Attached	0.11	75%	1.00	0.083	1,160.25	per DU
253	Congregate Care Facility	0.18	75%	0.29	0.039	550.59	per DU
254	Assisted Living (limited data)	0.22	75%	0.29	0.048	672.94	per Bed

310	Hotel	0.59	75%	0.29	0.128	1.80	per Sq. Ft.
320	Motel	0.94	75%	0.29	0.204	2.88	per Sq. Ft.
420	Marina (limited data)	0.19	75%	0.29	0.041	581.18	per Slip
430	Golf Course	0.30	75%	0.29	0.065	917.65	per Acre
441	Live Theater (limited data)	1.00	75%	0.29	0.218	3.06	per Sq. Ft.
445	Multiplex Movie Theater	5.22	75%	0.29	1.135	15.97	per Sq. Ft.
491	Racquet Club	0.64	50%	0.29	0.093	1.31	per Sq. Ft.
492	Health Fitness Club	4.05	50%	0.29	0.587	8.26	per Sq. Ft.
495	Recreational Community Center	1.64	50%	0.29	0.238	3.34	per Sq. Ft.
520	Public Elementary School	1.19	75%	0.29	0.259	3.64	per Sq. Ft.
522	Public Middle School	1.19	75%	0.29	0.259	3.64	per Sq. Ft.
530	Public High School	0.97	75%	0.29	0.211	2.97	per Sq. Ft.
534	Private School K-8 (limited data)	3.40	75%	0.29	0.740	10.40	per Sq. Ft.
536	Private School K-12 (limited data)	2.75	75%	0.29	0.598	8.41	per Sq. Ft.
560	Church over 20,000 Sq. Ft.	0.66	75%	0.29	0.144	2.02	per Sq. Ft.
560	Church under 20,000 Sq. Ft.	0.66	50%	0.29	0.096	1.35	per Sq. Ft.
565	Day Care Center	13.18	25%	0.29	0.956	13.44	per Sq. Ft.
590	Library	7.09	40%	0.29	0.822	11.57	per Sq. Ft.

610	Hospital	1.18	75%	0.29	0.257	3.61	per Sq. Ft.
620	Nursing Home	0.22	75%	0.29	0.048	672.94	per Bed
630	Clinic (limited data)	5.18	75%	0.29	1.127	15.84	per Sq. Ft.
710	General Office	1.49	100%	1.22	1.818	25.56	per Sq. Ft.
715	Single Tenant Office	1.73	100%	1.22	2.111	29.68	per Sq. Ft.
720	Medical/Dental Office	3.72	75%	0.29	0.809	11.38	per Sq. Ft.
732	U.S. Post Office	25.00	25%	0.29	1.813	25.49	per Sq. Ft.
750	Office Park	1.50	100%	1.22	1.830	25.74	per Sq. Ft.
813	Freestanding Discount Super Store	3.87	43%	1.00	1.664	23.40	per Sq. Ft.
814	Specialty Retail Center	2.71	75%	0.29	0.589	8.29	per Sq. Ft.
815	Freestanding Discount Store	5.06	54%	0.29	0.792	11.14	per Sq. Ft.
816	Hardware/Paint Store	4.84	43%	0.29	0.604	8.49	per Sq. Ft.
820	Shopping Center < 1 million Sq. Ft.	3.75	43%	1.00	1.613	22.68	per Sq. Ft.
848	Tire Store	4.15	40%	0.29	0.481	6.77	per Sq. Ft.
849	Tire Super Store	2.11	40%	0.29	0.245	3.44	per Sq. Ft.
850	Supermarket	10.45	34%	0.29	1.030	14.49	per Sq. Ft.
851	Convenience Market	52.41	24%	0.29	3.648	51.30	per Sq. Ft.
853	Convenience Market	19.22	14%	0.29	0.780	10,974.30	per

	w/Gas Pumps						VSP
854	Discount Supermarket	8.90	54%	0.29	1.394	19.60	per Sq. Ft.
861	Discount Club	4.24	43%	1.00	1.823	25.64	per Sq. Ft.
862	Home Improvement Super Store	2.45	32%	1.00	0.784	11.03	per Sq. Ft.
863	Electronics Super Store	4.50	27%	1.00	1.215	17.09	per Sq. Ft.
867	Office Supply Super Store	3.40	32%	1.00	1.088	15.30	per Sq. Ft.
880	Pharmacy/Drug Store	8.42	38%	0.29	0.928	13.05	per Sq. Ft.
881	Pharmacy/Drug Store w/Drive-up	8.62	38%	0.29	0.950	13.36	per Sq. Ft.
896	Video Rental Store	13.60	20%	0.29	0.789	11.09	per Sq. Ft.
911	Walk-in Bank (limited data)	33.15	27%	0.29	2.596	36.50	per Sq. Ft.
912	Drive-in Bank	45.74	27%	0.29	3.581	50.37	per Sq. Ft.
931	Quality Restaurant	7.49	38%	0.29	0.825	11.61	per Sq. Ft.
932	High Turnover Restaurant	10.92	37%	0.29	1.172	16.48	per Sq. Ft.
933	Fast Food	26.15	30%	0.29	2.275	32.00	per Sq. Ft.
934	Fast Food w/Drive-up	34.64	30%	0.29	3.014	42.38	per Sq. Ft.
936	Drinking Place	11.34	38%	0.29	1.250	17.57	per Sq. Ft.
941	Quick Lube	5.19	14%	0.29	0.211	2,963.40	per VSP
942	Auto Care	3.38	30%	0.29	0.294	4.14	per Sq. Ft.
944	Gas Station	13.86	14%	0.29	0.563	7,913.83	per

							VSP
945	Gas Station w/Conven Mkt	13.38	14%	0.29	0.543	7,639.76	per VSP
946	Gas Station w/Conven Mkt & Car Wash	13.33	14%	0.29	0.541	7,611.21	per VSP
947	Self-Serve Car Wash	5.54	14%	0.29	0.225	3,163.25	per VSP

[1] Institute of Transportation Engineers, Trip Generation (7th Edition).

[2] Trip generation rate per development unit, for p.m. peak hour of the adjacent street traffic (4:00 – 6:00 p.m.).

Note: Sq. Ft. rate expressed per 1,000 SF.

[3] Omits linked/diverted and pass-by trips, per Trip Generation Handbook: an ITE Recommended Practice, March, 2001.

[4] Average trip length relative to single-family trip.

[5] DU = dwelling unit, Sq. Ft. = square feet, VSP = vehicle servicing position.

If an applicant proposes a land use that is not identified above, the impact fee shall be an amount equal to $14,063.63 for each p.m. peak hour trip generated, adjusted for trip length and percentage of new trips using methods and data comparable to those in the street study. (Ord. O2014-366 § 1 (Att. A); Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.120 Independent fee calculations.

(1) If, in the judgment of the director, none of the fee categories or fee amounts set forth in SMC 14A.15.110 accurately describe or capture the impacts of a new development on streets and roads, the department may prepare independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

(2) If a feepayer opts not to have the impact fees determined according to SMC 14A.15.110, then the feepayer shall prepare and submit to the director an independent fee calculation for the development for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

(3) Any feepayer submitting an independent fee calculation shall be required to pay the City a fee to cover the cost of reviewing the independent fee calculation. The amount of the fee required by the City for conducting the review of the independent fee calculation shall be in accordance with the adopted fee resolution by the City council and shall be paid by the feepayer prior to initiation of review.

(4) While there is a presumption that the calculations set forth in the street impact fee analysis are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the feepayer.

(5) Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner as set forth in SMC 14A.15.060. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.130 Administrative fees.

(1) All development permits subject to the impact fees pursuant to SMC 14A.15.110 shall pay an administrative processing fee as adopted by the City council.

(2) All development permits that require an independently determined impact fee pursuant to SMC 14A.15.120 shall pay an administrative processing fee as adopted by the City council. (Ord. O2006-208 § 2; Ord. O2004-140 § 1; Ord. O2004-136 § 1)

14A.15.140 Mitigation of adverse environmental impacts.

Nothing in this title shall preclude the City from requiring the feepayer or the proponent of a development to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW. (Ord. O2006-208 § 2)

Chapter 14A.20
IMPACT FEES FOR PARKS AND RECREATIONAL FACILITIES

Sections:

14A.20.010 Findings and authority.

The council hereby finds and determines that new growth and development, including but not limited to new residential development in the City, will create additional demand and need for public facilities in the City, and the council finds that new growth and development should pay a proportionate share of the cost of system improvements reasonably related to and that will reasonably benefit the new growth and development. The City has conducted extensive studies documenting the procedures for measuring the impact of new development on public facilities, has prepared the Rate Study for Impact Fees for Parks and Recreational Facilities, Henderson, Young and Company, dated November 2, 2006, and the Park Impact Fee Update Summary Memorandum by FCS Group dated October 14, 2015 (collectively referred to hereafter as the "rate study"), and hereby incorporates the rate study into this title by reference. Therefore, pursuant to RCW 82.02.050 through 82.02.090, the council adopts this chapter to assess impact fees for parks and recreational facilities ("impact fee"). The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. O2015-400 § 1 (Att. A); Ord. O2006-207 § 1)

14A.20.020 Assessment of impact fees.

(1) The City shall collect impact fees, based on the rates in SMC 14A.20.110, from any applicant seeking development approval from the City for any residential development within the City, where such development requires the issuance of a building permit. This shall include, but is not limited to, the expansion or change of use of existing uses that creates a demand for additional public facilities.

(2) An impact fee shall not be assessed for the following types of development activity because the activity either does not create additional demand as provided in RCW 82.02.050 and/or is a project improvement (as opposed to a system improvement) under RCW 82.02.090:

(a) Miscellaneous improvements to residential dwelling units that will not create additional park use demand, including, but not limited to, fences, signs, walls, swimming pools, sheds, and residential accessory uses as defined in SMC 21A.15.020;

(b) Demolition or moving of a residential structure;

(c) Expansion or alteration of a residential structure provided the expansion or alteration does not result in the creation of any additional dwelling units as defined in SMC 21A.15.345 through 21A.15.370;

(d) Replacement of a residential structure with a new residential structure at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.

(3) For a change in use of an existing structure or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use; provided, that the applicant has previously paid the required impact fee for the original use.

(4) For mixed use developments, impact fees shall be imposed for the proportionate share of each residential land use based on the applicable measurement in the impact fee rates set forth in SMC 14A.20.110.

(5) Applicants seeking development approval for a change in use shall be required to pay an impact fee if the change in use increases the number of dwelling units.

(6) Except as provided in SMC 14A.25.030, impact fees shall be assessed and collected, at the option of the applicant, either:

(a) At the time of final plat (for platted development) or building permit application (for nonplatted development); or

(b) At the time of building permit issuance;

which option shall be declared at the time of final plat (for platted development) or building permit application (for nonplatted development) in writing on a form or forms provided by the City.

(7) Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 14A.20.040 shall submit, along with the complete building permit

application, a copy of the letter or certificate prepared by the director pursuant to SMC 14A.20.040 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued by the City for each residential dwelling unit in the development.

(8) The department shall not issue the required building permit unless and until the impact fees required by this chapter, less any permitted exemptions or credits provided pursuant to SMC 14A.20.030 or 14A.20.040, have been paid, unless a deferral has been granted pursuant to Chapter 14A.25 SMC.

(9) The service area for impact fees shall be a single City-wide service area.

(10) In accordance with RCW 82.02.050, the City shall collect and spend impact fees only for the public facilities defined in this title and RCW 82.02.090 which are addressed by the capital facilities plan element of the City's Comprehensive Plan. The City shall base continued authorization to collect and expend impact fees on revising its Comprehensive Plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying: (a) deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; (b) additional demands placed on existing public facilities by new development; and (c) additional public facility improvements required to serve new development.

(11) In accordance with RCW 82.02.050, if the City's capital facilities plan is complete other than for the inclusion of those elements which are the responsibility of a special district, the City may impose impact fees to address those public facility needs for which the City is responsible.

(12) Applicants for single-family attached or single-family detached residential construction may request deferral of all impact fees due under this chapter in accordance with the provisions of Chapter 14A.25 SMC.

(13) If, prior to February 12, 2016, an applicant submits a copy of a fully executed purchase and sale agreement with an affidavit from the applicant attesting that the agreement was fully executed prior to November 11, 2015, the residential dwelling unit that is the subject of that agreement will be subject to the parks and recreational facilities impact fee in effect on the date of execution of that agreement, as provided in SMC 14A.20.110. (Ord. O2016-412 § 3 (Att. C); Ord. O2015-400 § 1 (Att. A); Ord. O2012-339 § 1 (Att. A); Ord. O2010-294 § 1 (Att. A); Ord. O2009-263 § 1 (Att. A); Ord. O2006-207 § 1)

14A.20.030 Exemptions.

(1) Pursuant to RCW 82.02.060, the City may provide exemptions for low-income housing and other development activities with broad public purposes; provided, that the impact fees from such development activity shall be paid from public funds other than impact fee accounts if the waiver is greater than 80 percent of the impact fee. The director shall be authorized to determine whether a

particular development falls within an exemption identified below. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.20.060. The following development activities are exempt from the requirements of this chapter. A parks impact fee shall not be assessed for:

(a) Any development activity undertaken by the City of Sammamish;

(b) Accessory dwelling units approved by the City.

(2) Except as provided above, the provision of affordable housing as defined in SMC 14A.05.010 may be exempted from some or all of the required impact fees as shown in Table 1:

Table 1: Impact Fee Reductions for Affordable Housing Units

Affordable Housing	Impact Fee Reduction*	Maximum Number of Affordable Housing Units per Development
Low-Income	Up to 100%	4 units
	50% to 80%	5 units or more (including the first 4) subject to decision by the director of the department of community development in consultation with the director of the department of parks and recreation
Moderate-Income	Up to 80%	4 units
	0% to 50%	5 units or more (including the first 4) subject to approval by the director of the department of community development in consultation with the director of the department of parks and recreation
*The % fee reduction is expressed as a maximum amount per unit.		

(a) As a condition of receiving an exemption or percentage fee reduction under this section, prior to any development approval, the owner shall execute and record in the King County real property title records a City-prepared lien, covenant, or other contractual provision against the property that provides that the proposed housing unit or development will continue to be used for low- or moderate-income housing and remain affordable to those families/households for a period of not less than 30 years. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns. In the event that the housing unit(s) no longer meets the definition of affordable housing set forth in Table 1 during the term of the life of the lien, covenant or contractual provision, then the owner(s) shall pay to the City the amount of impact fees from which the housing unit(s) was exempted into the City's account for park impact

fees plus 12 percent interest per year.

(b) In determining the impact fee reductions for development(s) containing five or more affordable housing units, the community development director in consultation with the parks and recreation director should consider the following:

(i) The proposed housing units meet the provisions set forth by the City's housing strategy plan adopted by the City council.

(ii) The proposed housing units will assist the City in meeting Sammamish's affordable housing targets.

(iii) The location of the units meets the City's Comprehensive Plan policies for the proposed housing type and density.

(iv) Approval of the proposed housing units and the associated impact fee reduction would not result in a significant adverse impact on the level of service provided by the parks system.

(c) The impact fee amounts waived in excess of 80 percent shall be paid from public funds from sources other than impact fees or interest on impact fees.

(d) Determinations of the community development director in consultation with the parks and recreation director regarding the exemption or reduction of impact fees shall be in writing and shall be subject to the appeals procedures set forth in SMC 14A.20.060. (Ord. O2014-367 § 1 (Att. A); Ord. O2006-207 § 1)

14A.20.040 Credits.

(1) A feepayer can request that a credit or credits for impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:

(a) For one or more of the system improvements identified in the capital facilities plan for parks and recreational facilities which are included in the rate study as the basis of the impact fee, and that are required by the City as a condition of approving the development activity; and

(b) At suitable sites and constructed at acceptable quality as determined by the City.

(2) The director shall determine if requests for credits meet the criteria in subsection (1) of this section.

(3) The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for

which the impact fee is being charged.

(4) The value of a credit for land, including right-of-way and easements, shall be established on a case-by-case basis by an appraiser selected by, or acceptable to, the director. The appraiser must be licensed in good standing by the state of Washington for the category of the property appraised.

The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the director.

(5) The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the City may be providing to the feepayer, in the event that a credit is awarded.

(6) If a credit is due, after receiving the appraisal the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

(7) No credit shall be given for project improvements as defined in SMC 14A.05.010.

(8) A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments as defined in SMC 14A.05.010. For each request for a credit or credits for significant past tax payments, the feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular system improvement. The director shall determine the amount of credits, if any, for significant past tax payments.

(9) Any claim for credit must be made prior to or at the time of submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.

(10) Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in SMC 14A.20.060. (Ord. O2006-207 § 1)

14A.20.050 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study provides adjustments for past and future taxes and other sources of revenue to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee rates in SMC 14A.20.110 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these system improvements. (Ord. O2006-207 § 1)

14A.20.060 Appeals.

(1) Any feepayer may pay the impact fees imposed by this title under protest in order to obtain a building permit. No appeal shall be permitted until the impact fees at issue have been paid.

(2) Appeals regarding the impact fees imposed on any development may only be filed by the feepayer of the property where such development will occur.

(3) The feepayer must first file a request for review regarding impact fees with the director, as provided herein:

(a) The request shall be in writing on the form provided by the City;

(b) The request for review by the director shall be filed within 21 calendar days after the feepayer's payment of the impact fees at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;

(c) No administrative fee will be imposed for the request for review by the director; and

(d) The director shall issue his/her determination in writing.

(4) The following decisions may be appealed to the hearing examiner: determinations of the director with respect to the applicability of the impact fees to a given development; the director's determination regarding the availability or value of a credit; the director's decision concerning the independent fee calculation which is authorized in SMC 14A.20.120; fees imposed by the director pursuant to SMC 14A.20.110; or any other determination which the director is authorized to make pursuant to this title.

(5) Appeals to the hearing examiner shall be taken within 21 calendar days of the director's issuance of a written determination by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary administrative fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

(6) The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the Sammamish Municipal Code. At the hearing, any

party may appear in person or by agent or attorney.

(7) The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.

(8) The hearing examiner may, so long as such action is in conformance with the provisions of this title, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded. (Ord. O2006-207 § 1)

14A.20.070 Establishment of impact fee accounts.

(1) Impact fee receipts shall be earmarked specifically and deposited in a special interest-bearing impact fee account maintained by the City.

(2) There is hereby established the parks and recreational facilities impact fee account for the fees collected pursuant to this title. Funds withdrawn from this account must be used in accordance with the provisions of SMC 14A.20.090 and applicable state law. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.

(3) On an annual basis, the finance director shall provide a report to the City council on the parks and recreational facilities impact fee account showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

(4) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the City's Comprehensive Plan.

(5) Impact fees shall be expended or encumbered within 10 years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the 10-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. O2013-342 § 1 (Att. A); Ord. O2006-207 § 1)

14A.20.080 Refunds.

(1) If the City fails to expend or encumber the impact fees within 10 years of when the fees were paid, or where extraordinary or compelling reasons exist and the council has established other time periods pursuant to SMC 14A.20.070, the current owner of the property on which impact fees have been paid may receive a refund of such fees. 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.

(2) The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fee was paid.

(3) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(4) Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the City and expended on the appropriate public capital facilities.

(5) Refunds of impact fees under this section shall include interest paid at the statutory rate.

(6) When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the City, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(7) The City shall refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, pursuant to RCW 82.02.080(3), if the development for which impact fees were imposed did not occur; provided, that if the City has expended or encumbered the impact fees in good faith prior to the application for a refund, the director shall determine whether an impact has resulted and whether all or a portion of the impact fees paid shall be refunded. (Ord. O2013-342 § 1 (Att. A); Ord. O2006-207 § 1)

14A.20.090 Use of funds.

(1) Pursuant to this title, impact fees:

(a) Shall be used for system improvements that will reasonably benefit the new growth and development;

(b) Shall not be imposed to make up for any system improvement deficiencies serving existing developments; and

(c) Shall not be used for maintenance or operation.

(2) Impact fees may be spent for system improvements, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, and any other expenses which can be capitalized pertaining to parks and recreational facility improvements.

(3) Impact fees may also be used to recoup public improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(4) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. O2006-207 § 1)

14A.20.100 Review.

(1) The fee rates set forth in SMC 14A.20.110 may be reviewed and adjusted by the council as it deems necessary and appropriate to meet City needs, including, but not limited to, addressing the impact of inflation on labor, materials, and real property costs. The fee rates may be adjusted 12 months after the effective date of the ordinance codified in this chapter, or 12 months after the most recent review by the council. The council may determine the amount of the adjustment and revise the fee rates set forth in SMC 14A.20.110. If the council does not determine the amount of the adjustment, the adjustment shall be administratively adjusted by the same amount that the five-year average Washington State Department of Transportation Construction Cost Index changed for the most recent 12-month period prior to the date of the adjustment.

(2) In the last quarter of each calendar year, the community development director together with the parks and recreation director shall prepare a report to the planning commission, for the year to date, including the following:

(a) The number of requests for impact fee exemptions or waivers pursuant to SMC 14A.20.030(2);

(b) The total number of residential units and dollar amounts of the exemptions or waivers approved by the community development director in consultation with the parks and recreation director;

(c) A copy of the hearing examiner decision, if any of the decisions of the community development director, in consultation with the parks and recreation director, were appealed to the hearing examiner.

Based on this annual review, the planning commission shall recommend to the City council any revision to SMC 14A.20.030 deemed appropriate. (Ord. O2006-207 § 1)

14A.20.110 Park and recreational facilities impact fee rates.

In accordance with RCW 82.02.060, the park and recreational facilities impact fees are based upon a schedule of impact fees which is adopted for each type of development activity that is subject to impact fees and which specifies the amount of the impact fee to be imposed for each type of system improvement.

The park and recreational facilities impact fee rates in this section are generated from the formula for calculating impact fees set forth in the rate study which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in SMC 14A.20.120, exemptions in SMC 14A.20.030, and credits in SMC 14A.20.040, all new residential developments in the City will be charged the following park and recreational facilities impact fee applicable to the type of development:

Unit Type	**Fee per Dwelling Unit**		
	For qualifying residences under SMC 14A.20.020(13) only	Through January 31, 2016	February 1, 2016, and later
Single-Family	$2,697.28	$5,526.00	$6,739.00 per dwelling unit, or
Multifamily	$1,558.19	$3,521.00	$4,362.00 per dwelling unit

(Ord. O2015-400 § 1 (Att. A); Ord. O2013-342 § 1 (Att. A); Ord. O2006-207 § 1)

14A.20.120 Independent fee calculations.

(1) If, in the judgment of the director, none of the fee categories or fee amounts set forth in SMC 14A.20.110 accurately describe or capture the impacts of a new development on parks and recreational facilities, the department may prepare independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

(2) If a feepayer opts not to have the impact fees determined according to SMC 14A.20.110, then the feepayer shall prepare and submit to the director an independent fee calculation for the development for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

(3) Any feepayer submitting an independent fee calculation shall be required to pay the City a fee to

cover the cost of reviewing the independent fee calculation. The amount of the fee required by the City for conducting the review of the independent fee calculation shall be in accordance with the adopted fee resolution approved by the City council and shall be paid by the feepayer prior to initiation of review.

(4) While there is a presumption that the calculations set forth in the rate study are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The director's decision shall be set forth in writing and shall be mailed to the feepayer.

(5) Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in SMC 14A.20.060. (Ord. O2006-207 § 1)

14A.20.130 Administrative fees.

(1) All development permits subject to the park and recreational facilities impact fees pursuant to SMC 14A.20.110 shall pay an administrative processing fee as adopted by the City council.

(2) All development permits that require an independently determined park and recreational facilities impact fee pursuant to SMC 14A.20.120 shall pay an administrative processing fee as adopted by the City council. (Ord. O2006-207 § 1)

14A.20.140 Mitigation of adverse environmental impacts.

Nothing in this title shall preclude the City from requiring the feepayer or the proponent of a development to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters 43.21C and 82.02 RCW. (Ord. O2006-207 § 1)

Chapter 14A.25
IMPACT FEE DEFERRAL

Sections:

14A.25.010 Purpose.

The purpose of this chapter is to comply with the requirements of RCW 82.02.050, as amended by ESB 5923, Chapter 241, Laws of 2015, to provide an impact fee deferral process for single-family residential construction, in order to promote economic recovery in the construction industry. (Ord. O2016-412 § 1 (Att. A))

14A.25.020 Applicability.

(1) The provisions of this chapter shall apply to all impact fees established and adopted by the City pursuant to Chapter 82.02 RCW, including street impact fees assessed under Chapter 14A.15 SMC, impact fees for parks and recreational facilities assessed under Chapter 14A.20 SMC, and school impact fees assessed under Chapter 21A.105 SMC.

(2) Subject to the limitations imposed in SMC 14A.25.060, the provisions of this chapter shall apply to all building permit applications for single-family detached and single-family attached residential construction. For the purposes of this chapter, an “applicant” includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant. (Ord. O2016-412 § 1 (Att. A))

14A.25.030 Impact fee deferral.

(1) Deferral Request Authorized. Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until the sooner of:

(a) Final inspection; or

(b) The closing of the first sale of the property occurring after the issuance of the applicable building permit;

which request shall be granted so long as the requirements of this chapter are satisfied.

(2) Method of Request. A request for impact fee deferral shall be declared at the time of preliminary

plat application (for platted development) or building permit application (for nonplatted development) in writing on a form or forms provided by the City. Any request for impact fee deferral must be accompanied by an administrative fee in an amount equal to one hour at the City's hourly rate for planning as stated in the City's current fee schedule.

(3) Calculation of Impact Fees. The amount of impact fees to be deferred under this chapter shall be determined as of the date the request for deferral is submitted. (Ord. O2016-412 § 1 (Att. A))

14A.25.040 Deferral term.

The term of an impact fee deferral granted under this chapter may not exceed 18 months from the date the building permit is issued ("deferral term"). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the deferral term, then full payment of the impact fees shall be due on the last date of the deferral term. (Ord. O2016-412 § 1 (Att. A))

14A.25.050 Deferred impact fee lien.

(1) Applicant's Duty to Record Lien. An applicant requesting a deferral under this chapter must grant and record a deferred impact fee lien, in an amount equal to the deferred impact fees as determined under SMC 14A.25.030(3), against the property in favor of the City in accordance with the requirements of RCW 82.02.050(3)(c).

(2) Satisfaction of Lien. Upon receipt of final payment of all deferred impact fees for the property, the City shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release. (Ord. O2016-412 § 1 (Att. A))

14A.25.060 Limitation on deferrals.

The deferral entitlements allowed under this chapter shall be limited to the first 20 single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per year. (Ord. O2016-412 § 1 (Att. A))

Chapter 14A.30
RIGHT-OF-WAY USE PERMITS

Sections:

14A.30.010 Purpose – Permit required.

The purpose of this chapter is to establish minimum rules and regulations for controlling and enforcing right-of-way uses to assure that proposed uses are consistent with the public health, safety, and welfare of the community, and that harm or nuisance which may result from a proposed right-of-way use is prevented.

It shall be unlawful for anyone to make private use of any public right-of-way without a right-of-way use permit issued by the City, or to use any public right-of-way without complying with all provisions of a permit issued by the City. (Ord. O2018-465 § 2 (Att. A))

14A.30.015 Definitions.

The following words and phrases, wherever used in this chapter, shall have the meanings ascribed to them in this section except where otherwise defined or unless the context shall clearly indicate to the contrary.

(1) “Abutting property” means and includes property bordering upon and contiguous to a public right-of-way as defined herein.

(2) “Applicant” means any person, company, corporation, enterprise, or entity applying for the issuance or renewal of a right-of-way use permit or any person, company, corporation, enterprise, or entity that has been issued a right-of-way use permit.

(3) “Application” means, for the purposes of this chapter, the collection of papers or electronic data necessary to initiate a right-of-way use permit request and shall include an application in the form approved by the City, and other submittals consistent with the purposes of this chapter.

(4) “Private use” means use of the public right-of-way for the benefit of a person, partnership, group, organization, company, corporation, entity or outside jurisdiction other than as a public thoroughfare for any type of vehicle, pedestrian, bicycle or equestrian travel.

(5) “Right-of-way” or “ROW” means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, landscape (parking) strips, squares, triangles, easements and other rights-of-way open to the use of the public, including the space above or beneath the surface of same. This definition specifically does not include streets, alleys, ways, landscape strips, sidewalks, easements, etc., which have not been deeded, dedicated, or otherwise permanently appropriated to the City for public use.

(6) “Special event” means an event which will generate or invite public participation, and/or spectators, for a particular and limited purpose and time including, but not limited to, fun runs/walks, roadway foot races, fundraising walks, bike-a-thons, parades, block parties, carnivals, shows, exhibitions and fairs. (Ord. O2018-465 § 2 (Att. A))

14A.30.020 Right-of-way use permit application process and fee.

(1) The City engineer or designee, herein referred to as “the City,” shall establish policies and procedures to administer the permit program.

(2) Applicants may be required to submit, in addition to the application form, any documents the City deems necessary for the City to perform an accurate evaluation of the right-of-way use permit application.

(3) Decisions regarding issuance, renewal, denial, or termination of any such permits shall be subject to insurance requirements, bond requirements, indemnification and hold harmless agreements, the capacity of the rights-of-way to accommodate the applicant’s proposed facilities or use, evaluation of competing public interests, and any other administrative requirements applicable to the permit.

(4) As part of a complete right-of-way use permit application, the applicant shall submit to the City, at the time of application, right-of-way use permit fees, including a nonrefundable application fee, as set forth in the most current City of Sammamish fee schedule.

(5) If insurance is required, the insurance guidelines in City policy shall apply unless otherwise established by the City.

(6) Conditions of approval will be identified during the City’s review of the application and may include a certificate of insurance, indemnification and hold harmless agreement, traffic control plan, performance bond, time and use restrictions, video data, status reports, restoration of disturbed right-of-way features, or any other requirements the City deems necessary to protect the right-of-way and public health, safety, and welfare. (Ord. O2018-465 § 2 (Att. A))

14A.30.025 Right-of-way use permit types.

(1) Type A, ROW special use permit, is a short-term permit and allows the use of the right-of-way for nonconstruction activities as described in SMC 14A.30.030.

(2) Type B, ROW construction permit, is a permit that allows the use of the right-of-way for construction activities as described in SMC 14A.30.040.

(3) Type C, ROW utility permit, is a permit that allows for the use of the right-of-way to construct or maintain utilities as described in SMC 14A.30.050.

(4) Type D, ROW lease permit, is a permit that allows long-term usage of public right-of-way for nonconstruction activities as described in SMC 14A.30.060. (Ord. O2018-465 § 2 (Att. A))

14A.30.030 Type A right-of-way special use permit.

(1) Type A ROW special use permit is required for any special event that is held within the public right-of-way or creates significant traffic impacts within the public right-of-way.

(2) Type A ROW special use permit may be required for uses that are nonconstruction uses but not defined as a special event by this chapter.

(3) Proof of insurance may be required with the City listed as an additional insured to protect the public and the City against liability for injury to persons or property. (Ord. O2018-465 § 2 (Att. A))

14A.30.040 Type B right-of-way construction permit.

(1) Type B ROW construction permits are required before any person, firm, corporation, company, enterprise or entity shall commence or permit any other person, firm, corporation, company, enterprise or entity to commence any work within the public right-of-way. Types of activities that would fall under a Type B ROW construction permit include but are not limited to driveways, curbs, stormwater infrastructure, sidewalks, retaining walls, cutting or maintaining trees and haul routes. Construction work associated with a franchised utility provider or a telecommunications provider shall obtain a Type C ROW utility permit as described in SMC 14A.30.050.

(2) Proof of insurance shall be required, with the City listed as an additional insured, on all work within the right-of-way to address liability for injury to persons or property. Insurance amounts shall be those identified in Section 1-07.18 (Public Liability and Property Damage Insurance) of the Standard Specifications for Road, Bridge and Municipal Construction (current version) published by the Washington State Department of Transportation, and City amendments thereto. These insurance requirements may be modified at the discretion of the City.

(3) A current City business license is required for any person performing work in the City right-of-way.

(4) It is unlawful for any person to perform any work in City right-of-way unless operating under a valid state of Washington general contractor's license, or a valid state of Washington specialty contractor's license applicable to the type of work being performed.

(5) Contractors are responsible for traffic control, work area protection/security and street maintenance to protect the life, health and safety of the public during any permitted work within the right-of-way, and all methods and equipment used will be subject to the approval of the City.

(6) All streets, sidewalks, alleys, parkways, and other public rights-of-way disturbed in the course of work performed under any permit shall be restored in accordance with the City of Sammamish public works standards or as required and approved by the City engineer.

(7) All work within City right-of-way must be pursued to completion with due diligence, and if work is not completed within a reasonable length of time, as determined by the City engineer, the City shall cause the work to be completed at the applicant's expense.

(8) Any costs incurred by the City for right-of-way restoration will be charged to the property owner and/or developer employing the contractor. (Ord. O2018-465 § 2 (Att. A))

14A.30.050 Type C right-of-way utility permit.

(1) Type C ROW utility permits are required before any person, firm, corporation, company, enterprise or entity shall commence or permit any other person, firm, or corporation to commence any work within the public right-of-way associated with providing or maintaining franchised utilities or telecommunication facilities within the City right-of-way.

(2) Proof of insurance shall be required, with the City listed as an additional insured, on all work within the right-of-way to address liability for injury to persons or property. Insurance amounts shall be those identified in Section 1-07.18 (Public Liability and Property Damage Insurance) of the Standard Specifications for Road, Bridge and Municipal Construction (current version) published by the Washington State Department of Transportation, and City amendments thereto. These insurance requirements may be modified at the discretion of the City.

(3) A current City business license is required for any person performing work in the City right-of-way.

(4) It is unlawful for any person to perform any work in City right-of-way unless operating under a valid state of Washington general contractor's license, or a valid state of Washington specialty contractor's license applicable to the type of work being performed.

(5) Contractors are responsible for traffic control, work area protection/security and street maintenance to protect the life, health and safety of the public during any permitted work within the right-of-way, and all methods and equipment used will be subject to the approval of the City.

(6) All streets, sidewalks, alleys, parkways, and other public rights-of-way disturbed in the course of work performed under any permit shall be restored in accordance with the City of Sammamish public works standards or as required and approved by the City engineer.

(7) All work within City right-of-way must be pursued to completion with due diligence, and if work is not completed within a reasonable length of time, as determined by the City engineer, the City shall cause the work to be completed at the applicant's expense.

(8) Any costs incurred by the City for right-of-way restoration will be charged to the property owner and/or developer employing the contractor. (Ord. O2018-465 § 2 (Att. A))

14A.30.060 Type D right-of-way lease permit.

(1) Type D ROW lease permits are required before any person, firm, corporation, company, enterprise or entity shall commence or permit any other person, firm, or corporation to commence any work within the ROW or utilize the unopened or unused public ROW for long-term private benefit or use. Types of activities that fall under a Type D ROW lease permit include, but are not limited to, construction of fences, landscaping, private irrigation, sheds, private nonfranchised utilities, and garages. Infrastructure associated with a franchised utility provider or a telecommunications provider shall obtain a Type C ROW utility permit as described in SMC 14A.30.050.

(2) Proof of insurance may be required with the City listed as an additional insured to protect the public and the City against liability for injury to persons or property.

(3) At any time the City deems the area being leased is necessary for public benefit, the ROW lease permit may be terminated and the applicant will be required, at their expense, to move their facilities from the public ROW. (Ord. O2018-465 § 2 (Att. A))

14A.30.070 Revocation or suspension of permit.

All permits issued pursuant to this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be revoked by the City as follows:

(1) The permit may be immediately revoked by the City in the event of a violation of any of the terms or conditions of the permit; or

(2) The permit may be immediately revoked by the City in the event the permitted special event or street use shall become dangerous to persons or property, or if any structure, site condition or obstruction permitted becomes insecure or unsafe; or

(3) The permit may be revoked by the City upon 30 days' notice if the permit was not for a specified period of time and is not covered by either of the preceding subsections.

(4) If any event, use or occupancy for which the permit has been revoked is not immediately

discontinued, the City may remove any structure, site condition or obstruction, or cause to be made such repairs upon the structure, site condition or obstruction as may be necessary to render the same secure and safe, or to adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all fees and costs associated with enforcement of the collection of same, including attorney's fees. (Ord. O2018-465 § 2 (Att. A))

14A.30.080 Enforcement.

The City engineer is authorized to enforce or seek enforcement of the provisions of this chapter, and ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23. (Ord. O2018-465 § 2 (Att. A))