

ORDINANCE NO. 43-21

AN ORDINANCE of the City of Richland amending Chapter 12.03 of the Richland Municipal Code related to road impact fees.

WHEREAS, on November 1, 2004, Richland City Council adopted Ordinance No. 39-04, creating Richland Municipal Code (RMC) Chapter 12.03 – Road Impact Fees; and

WHEREAS, RMC 12.03.140 provides that changes to the City’s impact fees will be reviewed and approved by City Council via ordinance; and

WHEREAS, the boundary of the area within the City covered by road impact fees is being expanded to include the Horn Rapids area; and

WHEREAS, impact fees assessed pursuant to Chapter 82.02 RCW must be based upon a showing that new development creates additional demand and need for public streets and roads, that the impact fees do not exceed a proportionate share of the costs of such additional public streets and roads, and that the impact fees are spent for public streets and roads that are reasonably related to the new development; and

WHEREAS, new developments in the Horn Rapids area will generate the need for street improvements, specifically improvements to SR-240 and its intersections with city streets; and

WHEREAS, impact fees imposed by this Ordinance will be used for public streets improvements that are reasonably related to, and will provide benefit for, new development; and

WHEREAS, impact fees will be collected and spent for public streets and roads that are identified in the Richland Municipal Code; and

WHEREAS, the impact fee program will provide a predictable and fair assessment related to traffic impacts for new developments, thus streamlining the approval process for these developments; and

WHEREAS, an analysis of required projects and associated costs has been completed by professional staff, and a rate study has been provided to serve as the basis for the actions taken by Richland City Council.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 12.03 of the Richland Municipal Code, entitled Road Impact Fees, as enacted by Ordinance No. 39-04 and last modified by Ordinance 36-18, is hereby amended to read as follows:

Chapter 12.03 ROAD IMPACT FEES

Sections:

- 12.03.010 Authority and purpose.**
- 12.03.020 Definitions.**
- 12.03.030 Imposition of transportation impact fees.**
- 12.03.040 Calculation of impact fees.**
- 12.03.060 Credits.**
- 12.03.070 Applicability.**
- 12.03.080 Time of payment of impact fees.**
- 12.03.085 Deferral of impact fee payment.**
- 12.03.090 Adjustments.**
- 12.03.100 Establishment of impact fee account.**
- 12.03.120 Refunds.**
- 12.03.130 City use of collected funds.**
- 12.03.140 Plan and fee update.**
- 12.03.150 Appeals.**
- 12.03.160 Existing authority unimpaired.**
- 12.03.170 Relationship to SEPA.**
- 12.03.180 Relationship to concurrency.**
- 12.03.190 Project list.**
- 12.03.200 Options for implementation.**
- 12.03.220 Grant funds.**

12.03.010 Authority and purpose.

The ~~South~~ Richland traffic impact fee program has been developed pursuant to the city of Richland police powers, the Growth Management Act as codified in Chapter 36.70A RCW, the enabling authority in Chapter 82.02 RCW, Chapter 58.17 RCW relating to platting and subdivisions and the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.

The purpose of the traffic impact fee program is to:

- A. Develop a program consistent with Richland's comprehensive plan, the six-year transportation improvement program (TIP) and the capital improvement plan (CIP), for joint public and private financing of transportation improvements necessitated in whole or in part by development within the program boundary;
- B. Ensure adequate levels of transportation and traffic service consistent with the level of transportation service identified in the comprehensive plan and this title;
- C. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site transportation facilities directly necessitated by new development; and

D. Ensure fair collection and administration of such transportation impact fees.

The provisions of the ~~South~~ Richland traffic impact fee program shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare.

12.03.020 Definitions.

For the purposes of this chapter the following terms, phrases and words shall have the meaning given herein:

“Developer” means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person undertaking development and their successors and assigns.

“Development” means the subdivision or short platting of land or the construction or expansion of commercial, industrial, public, or any other nonresidential building, building space, or land that generates additional vehicular trips.

“Development permit” means a building permit, special use or other city-issued permit required to develop property that will generate additional vehicular trips.

“Equivalent single-family residential unit” means a unit of development that generates 10 vehicle trips per day as defined by the latest edition of the ITE Trip Generation Manual.

“Fair market value” means the price that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to local government of land or improved transportation facilities.

“Off-site transportation improvements” means those transportation capital improvements designated in the comprehensive plan or capital improvement plan adopted by the city that serve the transportation needs of more than one development and that are located outside the boundary of the permitted project.

“Traffic impact zone” means an identified traffic shed boundary as depicted on the official plan map with similar travel patterns that will benefit from a group of planned improvement projects.

“Transportation impact fee” means a monetary charge imposed on new development for the purpose of mitigating off-site transportation impacts that are a direct result of the proposed development.

12.03.030 Imposition of transportation impact fees.

Transportation impact fees imposed in this program:

A. Shall only be imposed for system improvements that are reasonably related to the new

development;

B. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;

C. May be collected and spent only for system improvements, which are provided for in the transportation element of the capital improvement plan and comprehensive land use plan;

D. Shall not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to the State Environmental Policy Act (SEPA) or any other law;

E. Shall not be used to correct existing transportation system deficiencies as of the date of adoption of this plan; and

F. Shall be collected only once for each development, unless changes or modifications to the development are proposed which result in greater direct impacts on transportation facilities than were considered when the development was first approved.

12.03.040 Calculation of impact fees.

The method of calculating the transportation impact fees in this program incorporates, among other things, the following:

A. The cost of public streets and roads necessitated by new development;

B. An adjustment to the costs of the public streets and roadways for past or future SEPA mitigation payments made by previous development to pay for particular system improvements that were prorated to the particular system improvement;

C. The availability of other means of funding public street and roadway improvements; and

D. The methods by which public street and roadway improvements were financed.

Each single-family residence unit in Traffic Impact Zone 1 shall be subject to a fee amounting to \$1,991.25. Each single-family residence unit in Traffic Impact Zone 2 shall be subject to a fee amounting to \$854.81. Each single-family residential unit in Traffic Impact Zone 3 shall be subject to a fee amounting to \$2,229.09. Each single-family residential unit in Traffic Impact Zone 4 shall be subject to a fee amounting to \$2,222.43. Fees for commercial, industrial, and/or multifamily developments will be calculated based on their peak hour trip generation rates as determined by the city engineer applying the latest version of the ITE Trip Generation Manual. Pass-by and internally captured trips will be deducted from the total trip generation in determining new development trips. As an example, a commercial building in Traffic Impact Zone 2 generating 150 trips with 50 being pass-by and/or internally captured trips resulting in 100 new peak hour trips will have an impact fee of \$85,481.

12.03.060 Credits.

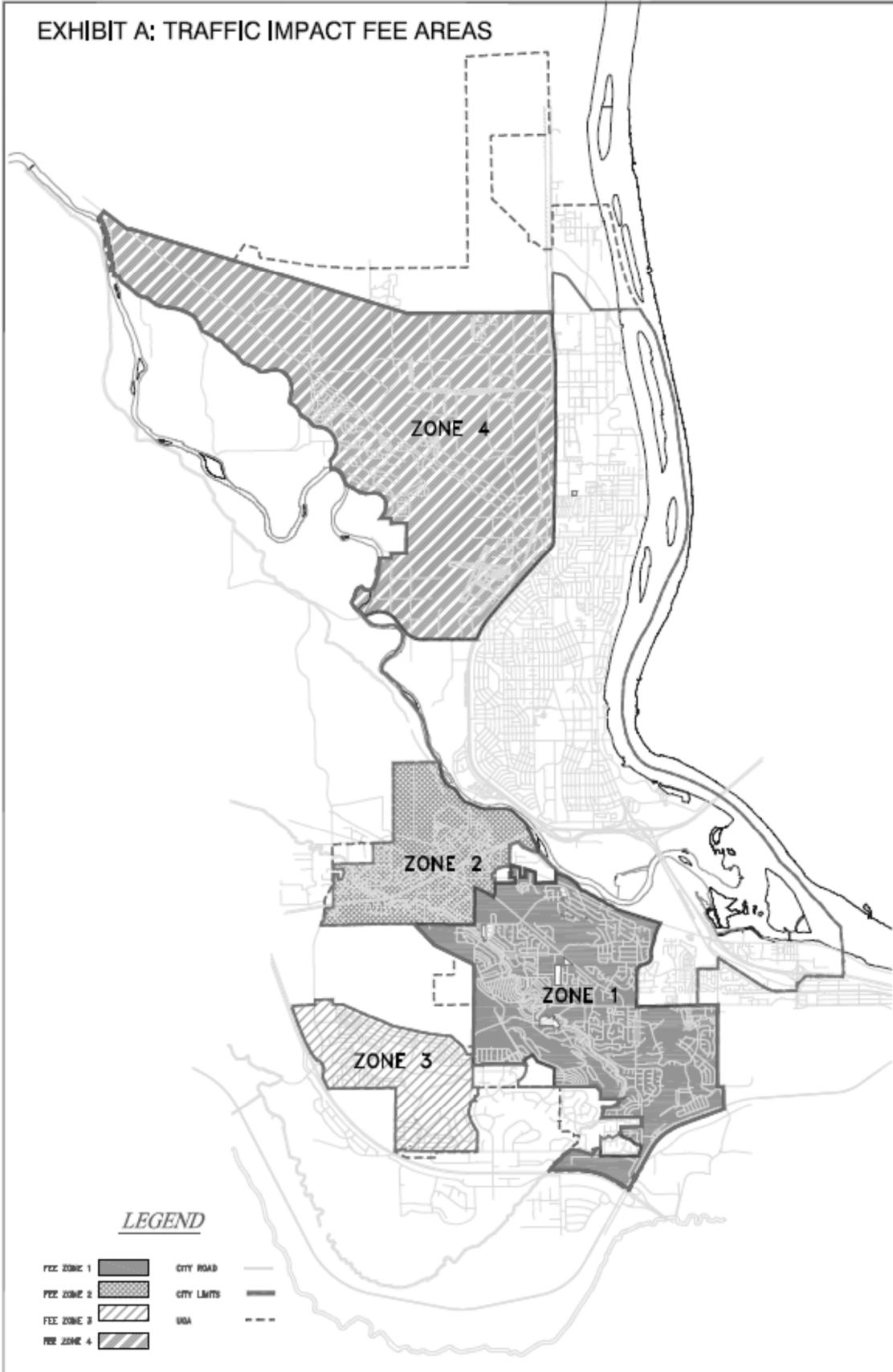
A credit, not to exceed the impact fee otherwise payable, shall be provided for the fair market value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the financing plan. The determination of “value” shall be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs. For land dedications, the value of land dedicated after January 1, 2018, shall be \$4.50 per square foot. For land dedications dedicated before January 1, 2018, the value shall be established based on a determination of fair market value at the time of dedication.

12.03.070 Applicability.

The requirements of this chapter apply to all development activity located within the boundaries of an identified traffic impact fee zone as depicted on the map titled Exhibit A. The requirements of this chapter do not apply outside the boundaries of the City or within unincorporated properties within the exterior boundary of the City. Unincorporated areas located inside of a traffic impact fee zone as depicted in Exhibit A are not considered to establish the fee levels. An unincorporated area that is annexed into the City will be assigned to the appropriate fee area and shall participate in the program prior to approval of any development proposal. ~~The requirements of the South Richland traffic impact fee program apply to all development activity in the city of Richland as depicted on the map titled Exhibit A that is attached to the ordinance codified in this chapter. Unincorporated areas within the boundary will not be used in the fee calculations and once annexed into the city will be assigned to the appropriate fee area and shall participate in the program prior to approval of any development proposal.~~

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EXHIBIT A: TRAFFIC IMPACT FEE AREAS



12.03.080 Time of payment of impact fees.

All new development within the program boundary shall pay a transportation impact fee in accordance with the provisions of this plan at the time that the applicable development permit is ready for issuance; except that permit applications for detached or attached single-family residences may defer impact fee payment, as authorized under RMC 12.03.085. The fee paid shall be the amount in effect as of the date of the permit issuance.

The impact fee amount shall be set as of the date of the development permit application. No development permit shall be issued until the impact fee is paid, except as authorized under RMC 12.03.085.

A developer may obtain a preliminary determination of the impact fee before application for a development permit.

Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

12.03.085 Deferral of impact fee payment.

Impact fees required for a detached or attached single-family residence shall be paid either prior to the issuance of a building permit for a single-family residence or, if the applicant chooses, the impact fee can be deferred until the time that the city approves the final building inspection for the single-family residence. If an applicant chooses to defer payment of an impact fee, the following process shall be followed:

A. The amount of the impact fee shall be determined at the time the applicant applies for deferral of the impact fee.

B. The applicant shall grant a deferred impact fee lien against the property in favor of the city of Richland in the amount of the deferred impact fee. The deferred impact fee lien shall include the legal description of the property, the county assessor tax parcel number, and the property address on a form approved by the city and containing the signatures of all owners of the property.

C. The deferred impact fee lien shall be recorded by the city. The applicant shall be responsible for providing all recording fees for the deferred impact fee lien.

D. Once the impact fee has been paid, the city shall execute a release of deferred impact fee lien. The applicant shall be responsible for recording the release of deferred impact fee lien.

The city shall not approve the final inspection or issue a certificate of occupancy for any building until the impact fee has been paid in full.

12.03.090 Adjustments.

The amount of fee to be imposed on a particular development may be adjusted by the public works director giving consideration to studies and other data available to the

director or submitted by the developer demonstrating to the satisfaction of the director that an adjustment should be made in order to carry out the purposes of this chapter.

12.03.100 Establishment of impact fee account.

Impact fee receipts for the **South** Richland traffic impact fee program shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established and maintained for each traffic impact zone. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

12.03.120 Refunds.

A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted.

The owner must submit a request for a refund to the city in writing within one year of the date the right to claim the refund arises. Any transportation impact fees that are not expended or encumbered within the time limitations established, and for which no application for a refund has been made within this one-year period, shall be retained and expended on any project identified in the South Richland traffic impact fee program.

In the event that transportation impact fees must be refunded for any reason, they shall be refunded with interest earned to the owners as they appear of record with the Benton County assessor at the time of refund.

When the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds 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 to the last known address of claimants. Claimants shall request refunds as in this section. 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 on projects identified within the **South** Richland traffic impact fee program. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

12.03.130 City use of collected funds.

The city will establish a separate account for each traffic impact zone in the **South** Richland traffic impact fee program into which developer contributions will be deposited. The only eligible costs that would be allowed to draw upon these funds would be for right-of-way acquisition, design engineering, construction, construction management and inspection, or reimbursement of funds expended on approved improvements within the plan area boundaries. Eligible expenditures would be prioritized based on:

A. Right-of-way acquisition for a project to reduce the traffic load on a street at or over capacity as defined in the municipal code.

B. Construction costs for a project to reduce the traffic load on a street at or over capacity as defined in the municipal code.

C. Right-of-way acquisition for a project projected to reduce the traffic load on a street projected to exceed the code capacity based on approved preliminary plats.

D. Construction costs for an approved improvement that will reduce the traffic load on a collector street projected to exceed the code capacity based on approved preliminary plats.

E. Reimbursement of private developer construction costs for an approved street improvement included in an approved latecomer agreement.

F. Reimbursement of private developer right-of-way acquisition costs for an approved street improvement included in an approved latecomer agreement.

Transportation impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The public works director may recommend to the council that the city hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

The finance director shall prepare an annual report on the transportation impact fee account showing the source and amount of all monies collected, earned or received and projects that were financed in whole or in part by transportation impact fees.

The city council will approve expenditures of **South** Richland traffic impact fee program funds in accordance with the above priorities.

12.03.140 Plan and fee update.

This plan may be updated annually to evaluate the consistency of development density assumption, estimated project costs and adjust for awarded grant funding, if any. Plan updates that result in a change in impact fees will be reviewed by city council. Impact fee changes will only occur through an ordinance requiring council action.

12.03.150 Appeals.

A developer may appeal the amount of an impact fee determined by the city. The appeal shall be submitted in writing to the public works director. No appeal shall be permitted until the impact fees at issue have been paid.

A. The developer shall bear the burden of proving:

1. That the city committed an error in calculating the developer's proportionate share, as determined by an individual fee calculation; or

2. That the fee was based upon incorrect data.

Appeals regarding the impact fees imposed on any development activity shall only be filed by the fee payer of the property where such development activity will occur.

B. The fee payer must first file the appeal and request a review regarding impact fees as provided herein:

1. The request shall be in writing stating the specific reasons for the appeal;
2. The appeal and request for review shall be filed no later than 14 calendar days after the fee payer pays the impact fees at issue;
3. The public works director shall issue a determination in writing within 14 calendar days after the receipt of the appeal;
4. The developer may appeal the public works director's determination to the city council.

12.03.160 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the applicant for a building permit, or certificate of occupancy if no building permit is required, 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 RCW 82.02.050(1)(c).

12.03.170 Relationship to SEPA.

All development shall be subject to environmental review pursuant to SEPA and other applicable city ordinances and regulations.

Payment of the impact fee shall constitute satisfactory mitigation of those traffic impacts related to the specific improvements identified on the project list.

Further mitigation in addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.

Nothing in this chapter shall be construed to limit the city's authority to deny development permits when a proposal would result in significant adverse traffic impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

12.03.180 Relationship to concurrency.

Development proposals that are submitted in general conformance with the assumptions made for land uses and scale/density will be deemed to meet the concurrency requirements of the Growth Management Act by paying the appropriate transportation impact fee. A development proposal not meeting such may require additional review and

studies to determine concurrency.

12.03.190 Project list.

The improvements included in the traffic impact fee program are:

A. Traffic Impact Zone 1.

1. Queensgate Drive (Phase 1) – Keene Road to Shockley.
2. Queensgate Drive/Keene Road intersection improvements.
3. Shockley Road – Keene Road to Columbia Park Trail.
4. Center Parkway Extension – Leslie Road to Clearwater Creek.
5. Center Parkway/Leslie Road intersection improvements.
6. Leslie Road/Columbia Park Trail intersection improvements.
7. Leslie Road/Reata Road intersection improvements.
8. ~~Road B-C~~ [Gage Boulevard](#) – Corvina Street to Queensgate.
9. Queensgate Drive (Phase 2) – Westcliffe Heights to city limits.
10. Gage Boulevard – Morency Drive to Queensgate.
11. Gage Boulevard/Queensgate Boulevard/~~Road B-C~~ [Gage Boulevard](#) intersection improvements.
12. Center Parkway extension – Steptoe Street to west side of Clearwater Creek.
13. Bellerive Drive – Claybell Park to Center Parkway.

B. Traffic Impact Zone 2.

1. Queensgate and Eastbound I-182 ramps improvements.
2. Queensgate and Westbound I-182 ramps improvements.
3. Queensgate and Duportail intersection improvements.
4. Duportail/Kennedy intersection improvements.
5. Duportail/driveway intersection improvements.
6. Duportail/Keene intersection improvements.
7. Queensgate Drive – Truman Avenue to city limits.

C. Traffic Impact Zone 3.

1. Trowbridge Boulevard – Dallas Road to Ava Way (half road constructed).
2. Trowbridge Boulevard – Ava Way to ~~Road B-C~~ [Gage Boulevard](#).
3. Ava Way – Extension to Trowbridge Boulevard.
4. Dallas Road widening (four lanes).
5. Bella Coola Lane – Trowbridge Boulevard to ~~Road B-C~~ [Gage Boulevard](#).
6. ~~Road B-C~~ [Gage Boulevard](#) – Reata Road to Trowbridge Boulevard.
7. ~~Road B-C~~ [Gage Boulevard](#) – Trowbridge Boulevard to Corvina Street.
8. ~~Road B-C~~ [Gage Boulevard](#)/Trowbridge intersection improvements.
9. Dallas Rd/Trowbridge Boulevard intersection improvements.
10. Dallas Road/Ava Way intersection improvements.
11. Trowbridge/Ava Way intersection improvements.
12. Trowbridge/Bella Coola Lane intersection improvements.
13. Dallas Road/I-82 EB ramps intersection improvements.
14. Dallas Road/I-82 WB ramps intersection improvements.

D. Traffic Impact Zone 4.

1. SR-240/Logston Road intersection improvements.
2. SR-240/Village Parkway intersection improvements.
3. SR-240/Twin Bridges Road intersection improvements.
4. SR-240/Beardsley Road intersection improvements.
5. SR-240 widening – west of Stevens Dr to 1,000' west of Hagen Road.
6. SR-240 widening – 1,000' west of Hagen Road to 1,000' west of Kingsgate Way.
7. SR-240 widening – 1,000' west of Kingsgate Way to Village Parkway.
8. SR-240 widening – Village Parkway to Beardsley Road.
9. SR-240 widening – Beardsley Road to Vantage Properties western access.
10. Kingsgate Way – Clubhouse Lane to Van Giesen Avenue

12.03.200 Options for implementation.

A. As defined in the ~~South~~ Richland traffic impact fee program, the impact fee will be designed to accomplish the following scope of work:

1. Right-of-way acquisition.
2. Traffic signal and intersection improvements.
3. Street improvements including asphalt pavement, curb, gutter, sidewalk, street lighting, and storm drainage. Roadside landscaping is excluded from the impact fee scope of work. In Zones 1 and 2, pavement width beyond 32 feet, curb, gutter, sidewalk, street lighting and storm drainage are excluded from the fee-covered scope of work and remain the responsibility of the underlying property owner.

B. Improvement costs are divided into two elements:

1. Right-of-way acquisition; and
2. Design and construction of city standard collector street section, including storm drain system, street lights, curb, gutter, sidewalks, and listed intersection improvements. Roadside landscaping is excluded from the impact fee scope of work. In Zones 1 and 2, pavement width beyond 32 feet, curb, gutter, sidewalk, street lighting and storm drainage are excluded from the fee-covered scope of work and remain the responsibility of the underlying property owner.

12.03.220 Grant funds.

Grant funds acquired for identified improvements in the program will be applied to the public share of the project, if any, and then to the new development share and may result in a reassessment of required plan funding, with properties developing after the grant was acquired benefiting from lower per-trip costs.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

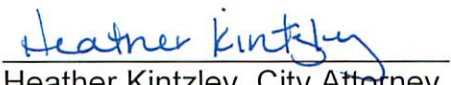
Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 4th day of January, 2022.


Michael Alvarez, Mayor

Attest:

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley, City Attorney

First Reading: December 21, 2021
Second Reading: January 4, 2022
Date Published: January 9, 2022