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ORDINANCE NO. 819

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 3.50 CMC TRANSPORTATION IMPACT FEE PROGRAM; ESTABLISHING AN IMPACT FEE CLASSIFICATION FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 3.50 CMC, the City imposes and collects transportation impact fees to fund new transportation facilities that are necessitated by new development within the City; and

WHEREAS, the City Council desires to amend Chapter 3.50 CMC in order to establish an impact fee classification for accessory dwelling units; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of CMC 3.50.030. Subsection 3.50.030(A) of the Carnation Municipal Code is hereby amended to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Amendment of CMC 3.50.130. Subsection 3.50.130(F)(3) of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

3.50.130 - Calculation of impact fees.

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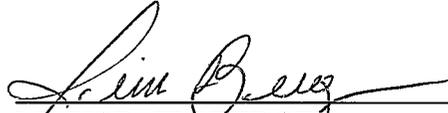
3. For multifamily, duplexes and Accessory Dwelling Units, development, three hundred and ninety-four dollars per dwelling unit.

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Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 20th day of November, 2012.


MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:


CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
J. ZACHARY LELL

FILED WITH THE CITY CLERK: 11/15/2012
PASSED BY THE CITY COUNCIL: 11/20/2012
PUBLISHED: 11/28/2012
EFFECTIVE DATE:..... 12/03/2012
ORDINANCE NO.819

Exhibit A

3.50.030 - Definitions.

A. The following definitions shall apply for purposes of this chapter:

"Accessory Dwelling Unit (ADU)" shall have the same meaning as set forth in Title 15 CMC.

"Act" means the sections of the Washington State Growth Management Act codified at Chapters 36.70A and 82.02 RCW, as may be hereinafter amended.

"Applicant" means a person or entity that has submitted a written application to the city for a building permit.

"Building permit" means the city's written authorization to commence development activity, as further defined by Chapter 15.80 CMC.

"Certificate of occupancy" means the certificate of occupancy required by Chapter 16.01 CMC.

"City" means the city of Carnation, Washington.

"City manager" means the Carnation city manager or his/her designee.

"CMC" means the Carnation Municipal Code.

"Development activity" means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land, that creates significant additional demand on and/or need for transportation facilities. With respect to a change in use or building expansion, "significant additional demand" means a one hundred percent or greater traffic impact increase over the previous use.

"Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.

"Low income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the US Department of Housing and Urban Development.

"Owner" means the owner of record of real property; provided, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

"Project improvements" means 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 the city's adopted capital facilities plan shall be considered a project improvement.

"Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts and needs of new development.

"Public facilities" means transportation facilities that are owned or operated by the city.

"System improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.

"Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities and improvements directly associated therewith.

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