

CITY OF LYNNWOOD

ORDINANCE NO. 2850

AN ORDINANCE AMENDING THE LYNNWOOD MUNICIPAL CODE TO ENACT A NEW CHAPTER 3.105 ENTITLED TRANSPORTATION IMPACT FEES; AND PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the City Council of the City of Lynnwood (the "Council") finds that new development in the City of Lynnwood (the "City") creates additional demand and need for public facilities; and

WHEREAS, the City is authorized by Chapter 82.02 RCW to require new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new development activity through the assessment of Transportation Impact Fees ("TrIF"); and

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

WHEREAS, the City is authorized by Chapter 82.02 RCW to impose TrIFs for system improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements provided such fees shall not be imposed to make up for any system improvement deficiencies; and

WHEREAS, TrIFs may be collected and spent for system improvements that are included within a capital facilities plan element of a comprehensive plan; and

WHEREAS, the City has adopted a 20-Year List of transportation capital facilities in the Transportation Element of the Comprehensive Plan; and

WHEREAS, RCW 58.17.110 and RCW 58.17.060 require written findings that public facilities; such as streets and roads, are adequate before approving proposed subdivisions and short subdivisions; and

WHEREAS, to meet these requirements with respect to public streets and roads, the Council finds that it must ensure that public streets and roads are adequate to serve new growth and development; and

WHEREAS, the Council finds that it is in the public interest, and consistent with the intent and purposes of the Growth Management Act, Chapter 36.70A RCW, for the City to adopt TrIFs which are uniform to the greatest extent practicable; and

WHEREAS, the City has conducted extensive research and analysis documenting the procedures for measuring the impact of new growth and development on public streets and roads, and has prepared a report titled "Rate Study for Transportation Impact Fees, City of Lynnwood" dated July 2010 (the "Rate Study") which serves as the basis for the actions taken by the Council; and

WHEREAS, the Rate Study utilizes a methodology for calculating TrIFs which fulfills all of the requirement of RCW 82.02.060(1); and

WHEREAS, based on information in the Rate Study, the Council has determined that the City will assess TrIFs based on two (2) zones referred to as Zone A: City Center and Mall and Zone B: Remainder of the City, the service area boundaries of such zones being formally established by this ordinance; and

WHEREAS, in developing the impact fees for public facilities contained in this ordinance, the City has provided adjustments for past and future taxes paid or to be paid by new growth and development, which are earmarked or proratable to the same new public facilities that will serve the new growth and development; and

WHEREAS, the Planning Commission of the City of Lynnwood considered this code amendment on April 29, 2010; and forwarded a recommendation of approval to the City Council; and

WHEREAS, the City Council of the City of Lynnwood, Washington held public hearings on this code amendment on March 8, 2010 and July 26, 2010 to consider public testimony; and

WHEREAS, this code amendment is consistent with the applicable provisions of the Lynnwood Comprehensive Plan; and

WHEREAS, this code amendment bears a substantial relationship to public health, safety, and welfare because it will create a more systematic way for applying the fees by implementing development regulations to provide predictability for developers during the development review process that is not provided in the current code, and provides clarification in order to increase the efficiency of the development review process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish TrIFs pursuant to Chapter 82.02 RCW.

Section 2. Findings. The recitals of this ordinance are hereby adopted as findings in support of the ordinance's adoption.

Section 3. Creation of New City Code Chapter Providing for Establishment of Transportation Impact Fees. The City of Lynnwood adopts a new chapter of the Lynnwood Municipal Code 3.105 entitled "Transportation Impact Fees," which is set forth as follows:

TRANSPORTATION IMPACT FEES

Sections:

- 3.105.010 Title
- 3.105.020 Purpose and Intent
- 3.105.030 Findings and Authority
- 3.105.040 Definitions
- 3.105.050 Transportation Impact Fees Methodology and Applicability
- 3.105.060 Assessment of Transportation Impact Fees
- 3.105.070 Independent Fee Calculations
- 3.105.080 Exemptions
- 3.105.090 Credits
- 3.105.100 Adjustments
- 3.105.110 Establishment of Transportation Impact Fee Account
- 3.105.120 Administrative Guidelines
- 3.105.130 Refunds
- 3.105.140 Use of Funds
- 3.105.150 Periodic Adjustment of Fees
- 3.105.160 Administrative Fees
- 3.105.170 Reviews by the Director and Appeals
- 3.105.180 Existing Authority Unimpaired
- 3.105.190 Relationship to State Environmental Policy Act (SEPA)
- 3.105.200 Relationship to Concurrency Management
- 3.105.210 Phasing of Fees

3.105.010 Title. This chapter shall be known as the City of Lynnwood Transportation Impact Fee (TrIF).

3.105.020 Purpose and Intent. The purpose and intent of this chapter is to provide for the collection of TrIFs for Streets and Roads, and for certain other matters in connection therewith.

3.105.030 Findings and Authority. The City Council of the City of Lynnwood hereby finds and determines that Development Activities, including but not limited to new residential, commercial, retail, office, and industrial development in the City of Lynnwood will create additional demand and need for Transportation Facilities in the City, and the Council finds that such Development Activity should pay a proportionate share of the cost of new Transportation

Facilities needed to serve the Development Activity. The City of Lynnwood has conducted extensive research and analysis documenting the procedures for measuring the impact of new Development Activity on Public Facilities, has prepared and relied upon an appropriate Rate Study relating to the establishment of TrIFs. The Rate Study utilizes a methodology for calculating TrIFs that fulfills all of the requirements of RCW 82.02.060(1). A copy of the Rate Study relied upon by the City shall be kept on file with the City of Lynnwood Public Works Department and is available to the public for review. Pursuant to Chapter 82.02 RCW, the Council adopts this chapter to assess TrIFs for Streets and Roads. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the Council in establishing the TrIF program.

3.105.040 Definitions. The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. *Applicant* means a person who applies for a Building Permit under the LMC and who is the owner of the subject property or the authorized agent of the property owner.

B. *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.

C. *Capital Facilities Plan* means the capital facilities element of the City's Comprehensive Plan adopted pursuant to Chapter 36.70A RCW and such plan as amended.

D. *City* means the City of Lynnwood.

E. *Council* means the City Council of the City.

F. *Department* means the City's Department of Public Works.

G. *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 for Public Facilities. Development Activity does not include buildings or structures constructed by a regional transit authority.

H. *Development Approval* means any written authorization from the City which authorizes the commencement of a Development Activity.

I. *Director* means the Director of the Department of Public Works of the City of Lynnwood or her/his designee.

J. *Encumber/Encumbered* means to reserve, set aside, or otherwise earmark the TrIFs in order to pay for commitments, contractual obligations, or other liabilities incurred for Public Facilities.

K. *Fee Schedule* means the list of TrIF rates per land use category and per the two (2) zoned service areas adopted by the Council and as set forth by Chapter 3.104 LMC.

L. *Hearing Examiner* means the Hearing Examiner operating pursuant to the powers and duties set forth by Chapter 2.22 LMC.

M. *Independent Fee Calculation* means the Street and Road impact calculation, and/or economic documentation prepared by an Applicant, to support the assessment of a TrIF other than by the use of the rates listed in the Fee Schedule, or the calculations prepared by the Director where none of the fee categories or fee amounts in the Fee Schedule accurately describe or capture the impacts of the Development Activity on Public Facilities.

N. *LMC* means the City of Lynnwood Municipal Code.

O. *P.M. Peak Hour Trips* means the total vehicular trips entering and leaving a place of new Development Activity on the adjacent public Streets or Roads during the P.M. Peak Hour. The P.M. Peak Hour is the highest volume of traffic for a continuous hour between 4:00 p.m. and 6:00 p.m. on weekdays.

P. *Project Improvements* mean site improvements and facilities that are planned and designed to provide service for a particular Development Activity and 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 adopted by the Council shall be considered a Project Improvement.

Q. *Public Facilities*, for purposes of this chapter, means the following capital facilities owned or operated by the City or other governmental entities: public Streets and Roads.

R. *Rate Study* means the rate study or studies relied upon by the City in establishing the TrIF Fee Schedule.

S. *RCW* means the Revised Code of Washington or, when followed or preceded by a numerical designation, a provision of the Revised Code of Washington.

T. *Square Footage* means the square footage of the gross floor area of the development as defined in the LMC.

U. *Street or Road* means a public right-of-way and all related appurtenances, which enables motor vehicles, transit vehicles, bicycles, and pedestrians to travel between destinations, and affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare. For purposes of this chapter, public streets and roads are collectively referred to as Transportation Facilities.

V. *System Improvements* means Public Facilities that are included in the City of Lynnwood Comprehensive Plan Transportation Element 20-Year List, and such plan as amended, and are

designed to provide service to service areas within the community at large, in contrast to Project Improvements.

W. Transportation Facilities means public Streets and Roads and related appurtenances.

X. Transportation Impact Fee (TrIF) means a payment of money imposed by the City of on Development Activity pursuant to this chapter as a condition of granting Development Approval. "Transportation Impact Fee" does not include a Building Permit fee, administrative fee for collecting and handling TrIFs, appeal fee, or Independent Fee Calculation review fee.

Y. Transportation Impact Fee Account(s) means the account(s) established for the TrIFs that are collected. The account(s) shall be established pursuant to LMC 3.105.110, and shall comply with the requirements of RCW 82.02.070.

3.105.050 Transportation Impact Fees Methodology and Applicability. The TrIF rates are generated pursuant to a formula for calculating TrIFs set forth in the Rate Study. Except as otherwise provided for Independent Fee Calculations in LMC 3.105.070, exemptions in LMC 3.105.080, credits in LMC 3.105.090, and phasing in LMC 3.105.210, all new Development Activity in the City will be charged the TrIF applicable to the type of development per the Fee Schedule adopted by the Council and set forth by Chapter 3.104 LMC.

3.105.060 Assessment of Transportation Impact Fees.

A. The City shall collect TrIFs, based on the land use categories in the Fee Schedule, from any Applicant seeking to conduct Development Activity that includes expansion, replacement, or new accessory building and which requires the issuance of a Building Permit, except for development exempt under LMC 3.105.080. This shall include, but is not limited to, the development of residential, commercial, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional System Improvements. The Public Works Department is authorized to determine the appropriate land use category found in the Fee Schedule that applies to the application.

B. All TrIFs shall be due and payable prior to issuance of the Building Permit based on the land use categories in the adopted Fee Schedule.

Unless the use of an Independent Fee Calculation has been approved, or unless a development agreement entered into pursuant to RCW 36.70B.170 provides otherwise, the TrIF shall be calculated based on the Fee Schedule in effect at the time a complete Building Permit application is filed.

C. The Public Works Department shall establish the TrIF rate for a land use that is not listed in the Fee Schedule. The Applicant shall submit all information requested by the City for purposes of determining the TrIF rate pursuant to LMC 3.105.070.

D. For a change in use of an existing building or dwelling unit, or portion thereof, that meets the requirements of Paragraph A above, except for Development Activity exempt under LMC 3.105.080, the TrIF shall be the applicable TrIF for the land use category of the new use, less the

TrIF for the land use category of the prior use. For any change in use that includes expansion, replacement, or new accessory building, the TrIF shall be the applicable TrIF for the land use category of the new gross floor area (or if applicable, gross leasable area), less the TrIF for the land use category of the prior gross floor area (or if applicable, gross leasable area). The net TrIF shall be calculated by the following equation:

Net TrIF = X – Y, where

X = (new gross floor area and/or dwelling units)*(fee per unit for the new land use category),
and

Y = (prior gross floor area and/or dwelling units)*(fee per unit for the prior land use category).

If the net TrIF is a negative number, the Applicant will not be required to pay TrIFs for the Development Activity. The Applicant will not be compensated by the City for a negative TrIF.

E. For mixed use developments, TrIFs shall be imposed for the proportionate share of each land use based on the applicable measurement in the TrIF rates set forth in the Fee Schedule.

F. The City shall not issue the required Building Permit until the TrIFs set forth in the Fee Schedule have been paid as set forth in the Fee Schedule less any credits allowable under this chapter.

G. The City will assess TrIFs based on two (2) zones whose boundaries are shown in Exhibit A attached hereto (Transportation Impact Fee Zones). When combined, these areas encompass the entire City.

3.105.070 Independent Fee Calculations.

A. If in the judgment of the Director, none of the TrIF categories or TrIF amounts set forth in the Fee Schedule accurately describes the impacts resulting from issuance of the proposed Development Activity, the Applicant shall provide to the Director for review and evaluation an Independent Fee Calculation, prepared by a traffic engineer approved by the Director. The Director may impose on the proposed Development Activity an alternative TrIF based on this calculation.

B. The Applicant may opt not to have the TrIFs determined according to the fee structure listed in the Fee Schedule, in which case the Applicant shall prepare and submit to the Director an Independent Fee Calculation for the Development Activity for which a Building Permit is being sought. The documentation submitted shall be prepared by a licensed traffic engineer and shall show the basis upon which the Independent Fee Calculation was made using procedures consistent with those established in the current edition of the Institute of Transportation Engineers Trip Generation Handbook. An Independent Fee Calculation shall use the same methodology used to establish TrIFs set forth in the Fee Schedule, shall be limited to adjustments in trip generation rates and lengths used in the Rate Study, and shall not include travel demand forecasts, trip distribution, transportation service area zones, costs of Street and Road projects, or cost allocation procedures.

C. An Applicant requesting an Independent Fee Calculation will be required to pay the City an administrative processing fee to cover the cost of reviewing the Independent Fee Calculation. The fee required by the City for conducting an Independent Fee Calculation review shall be as set forth by Chapter 3.104 LMC. However, if the Director initiates the Independent Fee Calculation as set forth by LMC 3.105.070(A), the Applicant shall not be required to pay to the City an administrative processing fee.

D. There is a rebuttable presumption that the calculations set forth in the Rate Study and the fees set forth in the Fee Schedule are valid. The Director shall consider the documentation submitted by the Applicant, but is not required to accept such documentation or analysis which the Director reasonably deems to be inapplicable, inaccurate or not reliable. The Director may require the Applicant to submit additional or different documentation for consideration. The Director is authorized to adjust the TrIFs on a case-by-case basis based on the Independent Fee Calculation, the specific characteristics of the development and/or principles of fairness.

E. Determinations made by the Director pursuant to this section may be appealed as set forth in LMC 3.105.170.

3.105.080 Exemptions.

A. The following Development Activity shall be exempted from the payment of TrIFs:

1. The Council has identified the City Center as a Development Activity with broad public purposes. The City of Lynnwood City Center Sub-Area Plan identified the goal for the City Center is to create, within 20 years, a compact, intense and lively City Center that offers Lynnwood new opportunities for culture, commerce and habitation. City Center objectives include restructuring the City Center's growth toward a more concentrated, mixed-use, pedestrian friendly and transit supportive center, developing a distinct, strong identity for the Lynnwood City Center, creating an attractive, functional and comfortable place for Lynnwood residents to live, work and play.

Page 14 of the Sub-Area Plan states: "The City will need to take leadership in encouraging new investments as the City Center will not redevelop without this." Furthermore, page 79 of the Sub-Area Plan cites policy CCE 9: "Attract Investment: Attract private and public investment for new development projects and redevelopment of existing properties." In consideration of the Sub-Area Plan objectives and policies and the broad public benefits of City Center, the following exemption has been established to act as a City Center catalyst:

The first three (3) Development Activities which receive Development Approval following the date this ordinance becomes effective provided that they meet the following criteria:

- a) Located within the City Center Core (CC-C), City Center-West (CC-W), and City Center-North (CC-N) districts as defined in Chapter 21.60 LMC; and
- b) Meets the intent of the City Center Sub-Area Plan and complies with the City Center development regulations outlined in Chapter 21.60 LMC and City Center design guidelines; and
- c) Four (4) stories or more in above grade elevation; and

- d) A minimum of 60 percent of the parking required for the Development Activity must be located in a structure and/or below ground.
- e) Completion of a development agreement between the City and the Applicant for the Development Activity.

Said exemption shall be limited to \$600,000 of TrIF assessments for any one (1) of the three (3) eligible Development Activities. If the TrIF assessment exceeds \$600,000 for any one (1) of the three (3) eligible Development Activities, the Applicant shall be responsible for the amount of TrIF assessment above \$600,000.

2. Alteration or replacement of an existing residential or nonresidential structure that does not expand the usable space or add any residential units.

3. Any legal accessory dwelling unit approved under Title 21 of the LMC (Zoning Code) as it is considered part of the single-family use associated with this fee.

4. Miscellaneous improvements which do not generate increased P.M. Peak Hour Trips including, but not limited to, fences, walls, residential swimming pools, and signs.

5. Demolition or moving of a structure when additional P.M. Peak Hour Trips are not generated.

6. A change of use that does not generate one or more P.M. Peak Hour Trips.

7. Miscellaneous permits for activities which do not generate any new trips.

8. Rezones, Comprehensive Plan amendments, subdivisions, boundary line adjustment and lot line eliminations, or any other land use permits.

9. Buildings or structures constructed by a regional transit authority pursuant to RCW 82.02.90.

10. Any Building Permit application that has been submitted to the City before 5:00 p.m. the business day before the effective date of this chapter that has been deemed complete based on the information on file as of the effective date of this chapter.

B. Pursuant to RCW 82.02.060, the City may provide exemptions for 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. The Director shall be authorized to determine whether a particular Development Activity falls within an exemption identified in this section or under other applicable law. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in LMC 3.105.170.

3.105.090 Credits.

A. An Applicant may request that a credit or credits for TrIFs be awarded for the total value of System Improvements, including dedications of land, improvements and/or construction provided by the Applicant. Credits will be given only if the land, improvements, and/or the facility constructed are for one or more of the System Improvements listed in the Rate Study as the basis for calculating the TrIF.

B. The Director shall determine if a request for credits meets the criteria in subsection A above, or under other applicable law.

C. Each request for a credit or credits shall include a legal description of the dedicated land, a detailed description of improvements or construction provided, and an adequate description of the Development Activity to which the credit will be applied.

D. For each request for a credit or credits, the Director shall determine the value of the dedicated land, improvements, or construction on a case-by-case basis. In the event that the Applicant disagrees with the Director's valuation, the Applicant may submit an appraisal for the Director's consideration prepared by a state certified appraiser holding a MAI (Member of the American Institute of Appraisers) designation and/or a construction estimate prepared by a licensed engineer in good standing pursuant to Chapter 18.43 RCW, in the category for the property to be valued, and who does not have a fiduciary or personal interest in the property being appraised or valued.

E. The appraiser and/or licensed engineer shall be directed to determine the fair market value of the total value of the dedicated land, improvements, and/or construction provided by the Applicant. The Applicant shall pay for the actual costs for the appraisal or valuation.

F. After receiving and reviewing the appraisal or valuation, the Director will determine the dollar amount of any credit, the basis for the credit, the legal description of the real property dedicated where applicable, and the adequate description of the System Improvement to which the credit may be applied with issuance of the Building Permit. If the total value of any such dedication, improvement or construction cost exceeds the amount of the TrIF obligation, the developer will not be entitled to reimbursement of the difference.

G. No credit shall be given for Project Improvements or right-of-way dedications for direct access improvements to and/or within the subject Development Activity above and beyond what is proposed in the City of Lynnwood Comprehensive Plan Transportation Element 20-Year List.

H. Any claim for credit must be made before payment of the TrIF and prior to the issuance of the Building Permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.

I. Determinations made by the Director pursuant to this section shall be subject to the appeals procedures set forth in LMC 3.105.170.

3.105.100 Adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the Rate Study has provided adjustments for future taxes to be paid by the Development Activity which are earmarked or proratable to the same new Public Facilities which will serve the new Development Activity. The TrIF rates in the Fee Schedule have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund public improvements.

The Director shall consider granting a trip generation reduction for developer participation in public transportation and ride-sharing improvements and services, pursuant to Chapter 11.14 LMC.

3.105.110 Establishment of Transportation Impact Fee Account.

A. TrIF receipts shall be earmarked specifically and deposited in a special interest-bearing account.

B. The City shall establish a separate TrIF account for the fees collected pursuant to this chapter which shall be designated as the Transportation Impact Fee Account. Funds withdrawn from the account must be used in accordance with the provisions of this chapter and applicable state law. Interest earned on the fees shall be retained in the account and expended for the purposes for which the TrIFs were collected.

C. On an annual basis, the finance director shall provide a report to the Council on the TrIF account showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by TrIFs.

D. TrIFs shall be expended or Encumbered within six (6) years of receipt.

E. In order to comply with RCW 82.02.060(2), TrIFs for Development Activity as specified under exemptions LMC 3.105.080(A)(1) and LMC 3.105.080(B), shall be paid for with public funds other than from TrIF accounts.

3.105.120 Administrative Guidelines.

The Director is hereby authorized to adopt internal guidelines for the administration of TrIFs, which may include the adoption of a procedures guide for TrIFs.

3.105.130 Refunds

A. If the City fails to expend or Encumber the TrIFs within six (6) years of when the fees were paid, the current owner of the property on which TrIFs have been paid may receive a refund of such fees. In determining whether TrIFs have been expended or Encumbered, TrIFs shall be considered expended or Encumbered on a first in, first out basis.

B. 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 of the availability of a refund. A potential claimant or claimants must be the owner of record of the real property against which the TrIF was assessed.

C. Property owners seeking a refund of TrIFs must submit a written request for a refund of the fees to the Director within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any TrIFs 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 System Improvements.

E. Refunds of TrIFs or offsets against subsequent TrIFs under this section shall include any interest earned on the TrIFs by the City.

F. When the City seeks to terminate any or all components of the TrIF 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 within the City at least two (2) 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 (1) year after the second publication. At the end of one (1) 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.

G. The City shall also refund to the current owner of property for which TrIFs have been paid all TrIFs paid, including interest earned on the TrIFs, if the Development Activity for which the TrIFs were imposed did not occur; provided, however, that, if the City has expended or Encumbered the TrIFs in good faith prior to the application for a refund, the Director can decline to provide the refund. If within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar Development Activity, the owner can petition the Director for an offset in the amount of the fee originally paid and not refunded. The petitioner must provide receipts of TrIFs previously paid for a Development Activity of the same or substantially similar nature on the same real property or some portion thereof. The Director shall determine whether to grant an offset, and the determinations of the Director may be appealed pursuant to the procedure in LMC 3.105.170.

3.105.140 Use of Funds.

A. Pursuant to this chapter, Transportation Impact Fees:

1. Shall be used for System Improvements that will reasonably benefit the new Development Activity;
2. Shall not be imposed to make up for deficiencies in Public Facilities serving existing development; and
3. Shall not be used for maintenance or operation.

B. TrIFs may be spent for public improvements to Streets and Roads as herein defined and, including, but not limited to, transportation planning, engineering design studies, land survey, right-of-way acquisition, site improvements, necessary off-site improvements, engineering, architectural, permitting, financing, administrative expenses, construction of streets and roads and related facilities such as curbs, gutters, sidewalks, bike lanes, storm drainage and installation of traffic signals, signs and street lights, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

C. TrIFs may also be used to recoup System Improvement costs previously incurred by the City to the extent that new Development Activity will be served by the previously constructed System Improvements or incurred costs provided such fee shall not be imposed to make up for any deficiencies in Public Facilities.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which TrIFs may be expended, TrIFs 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 Activity.

3.105.150 Periodic Adjustment of Fees.

A. The TrIFs in the Fee Schedule shall be indexed to provide for an automatic fee adjustment according to the following schedule every two (2) years beginning January 1, 2013 to reflect changes in project costs due to industry trends. The Washington State Department of Transportation Construction Cost Index (CCI) will be used to determine the adjustment in fees. The adjustment will be based on a two (2) year simple moving average, the mean of the previous two (2) years CCI, of the two (2) most recent calendar years CCI data that is available.

B. The Rate Study supporting the TrIFs in the Fee Schedule shall be updated periodically, unless the City determines that circumstances have not changed to warrant an update.

3.105.160 Administrative Fees.

A. There shall be a fee for the administration of the TrIF program. The administrative fee shall be as set forth by Chapter 3.104 LMC. The administrative fee shall be deposited into an administrative fee account within the TrIF funds. Administrative fees shall be used to defray the cost incurred by the City in the administration and update of the TrIF program. The administrative fee is not creditable or refundable.

B. The administrative fee, in addition to the TrIF, shall be paid by the Applicant to the City at the same time as the TrIF is paid.

3.105.170 Reviews by the Director and Appeals.

A. In order to obtain a Building Permit, any Applicant may pay the TrIFs imposed by this chapter under protest and file for a review by the Director, followed by the option to appeal to the Hearing Examiner. No Building Permit shall be issued until the TrIFs at issue have been paid.

Alternatively, any Applicant may file for a review by the Director, followed by the option to appeal to the Hearing Examiner, without first paying the TrIFs, providing the Applicant is willing to postpone issuance of the Building Permit until after the appeal process when the final amount of the TrIFs are known.

B. Reviews by the Director and appeals regarding the TrIF imposed on any Development Activity may only be filed by the Applicant for the Development Activity at issue.

C. Before an appeal can be filed, the Applicant must first file a request for review by the Director with the Public Works Department specifying the grounds thereof, as provided herein:

1. The request shall be in writing on the form provided by the City;
2. The request for review by the Director shall be filed within fourteen (14) calendar days after the Applicant's payment of the TrIF at issue. The failure to timely file such a request shall constitute a final bar to later seek such review;
3. No administrative fee will be imposed for the request for review by the Director; and
4. The Director shall issue his/her determination in writing.

D. Following the determination issued by the Director, the Applicant may elect to appeal the Director's decision to the Hearing Examiner. Any determinations which the Director is authorized to make pursuant to this chapter may be appealed to the Hearing Examiner.

E. Appeals to the Hearing Examiner must be filed within fourteen (14) calendar days of the Director's issuance of a written determination by filing a letter of appeal with the Public Works Department specifying the grounds thereof, and depositing the necessary appeal fee as set forth by Chapter 3.104 LMC. The failure to timely file an appeal shall constitute a final bar to later seek such review. 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.

F. The City shall fix a time for the hearing of the appeal and give notice to the parties in interest. In those cases where the proposed Development Activity may require a public hearing under the authority of other chapters of the LMC, the hearings may be combined. At the hearing, any party may appear in person or by agent or attorney.

G. The Hearing Examiner is authorized to make findings of fact regarding the applicability of the impact fees to an Applicant's Development Activity, the availability or amount of the credit, or the accuracy or applicability of an Independent Fee Calculation. The Hearing Examiner's determination shall be final unless appealed to the superior court of Snohomish County in accordance with the procedures in RCW 34.05.510 through 34.05.598, and with the appeal being filed with the City clerk within thirty (30) days after issuance of the decision of the Hearing Examiner.

H. The Hearing Examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the Director with respect to the amount of the TrIFs imposed or the credit awarded.

3.105.180 Existing Authority Unimpaired.

Nothing in this chapter shall preclude the City from requiring the Applicant or the proponent of a Development Activity to mitigate significant probable adverse environmental impacts of a specific Development Activity 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; so long as the exercise of such authority is consistent with the provisions of Chapter 43.21C RCW and Chapter 82.02 RCW.

3.105.190 Relationship to State Environmental Policy Act (SEPA).

A. Development Activity shall be subject to the environmental review pursuant to SEPA and other applicable City ordinances and regulations.

B. Mitigation in addition to the payment of TrIF shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by a TrIF program.

C. Applicants for projects for new construction or for expansion of a building or structure which have completed SEPA review and received an environmental determination prior to the effective

date of this ordinance but for which the building permit has not been issued shall have the option of either:

1. Implementing the applicable Transportation System Improvement mitigation requirements, if any, of the SEPA determination; or
2. Paying the TrIF under Chapter 3.105 LMC.

This subsection C shall not apply to an application for a subsequent change of use of the building or portions thereof.

3.105.200 Relationship to Concurrency Management.

Neither compliance with this chapter or the payment of any fee hereunder shall constitute a determination of transportation concurrency under this chapter.

3.105.210 Phasing of Fees.

In consideration of the current economic conditions and in an effort to incentivize Development Activity the TrIFs identified in the adopted Fee Schedule, as adjusted per LMC 3.105.150, shall be phased in over a period of two (2) years as follows:

1. From January 1, 2011 to December 31, 2012, the Applicant is required to pay 80% of the TrIF identified in the Fee Schedule.
2. Beginning January 1, 2013, the Applicant is required to pay 100% of the TrIF identified in the Fee Schedule.

Section 4. Fees and Charges. Chapter 3.104 LMC is hereby amended to include the fees and charges set forth in Exhibit B and Exhibit C attached hereto relating to transportation impact fees and charges. The fees and charges shall take effect on January 1, 2011 and January 1, 2013 respectively.

Section 5. 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 or word of this ordinance.

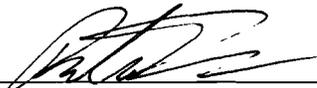
Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in force January 1, 2011 as provided by law.

PASSED this 13th day of September, 2010 and signed in authentication of its passage this 15th day of September, 2010.



Don Gough
Mayor

ATTEST:



Patrick L. Dugan
Interim Finance Director

APPROVED AS TO FORM:



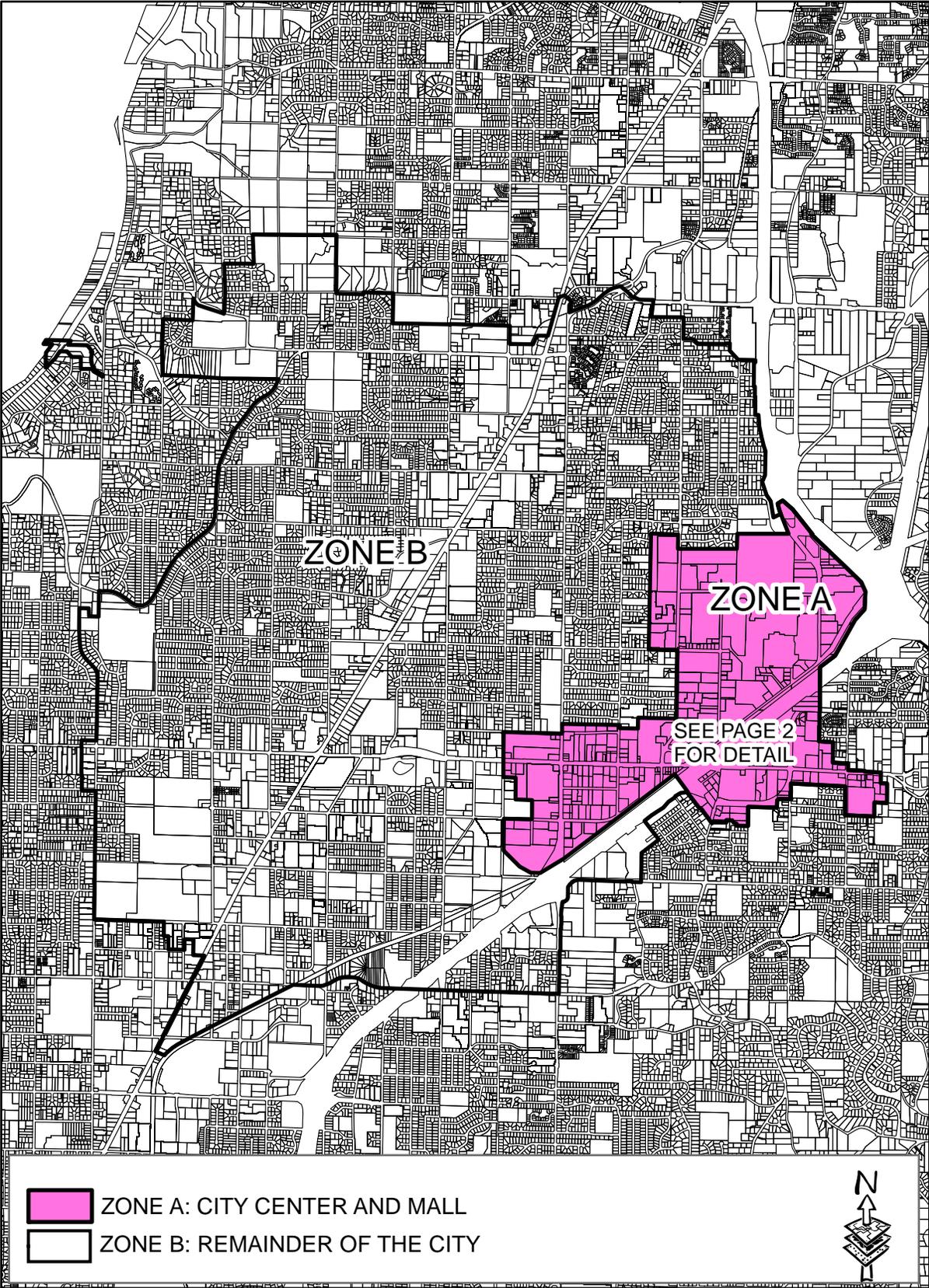
Rosemary Larson
Lynnwood City Attorney

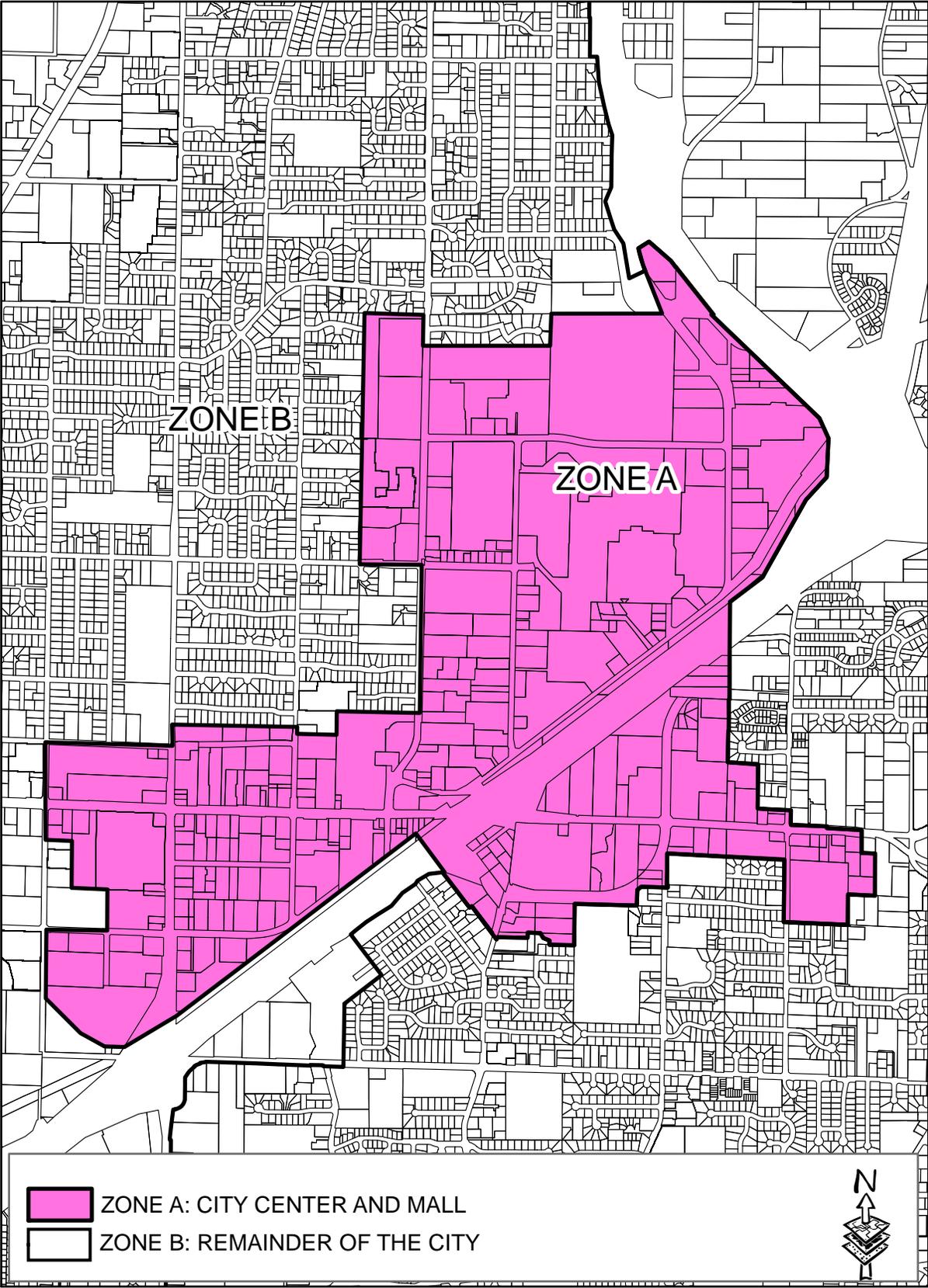
PASSED BY THE CITY COUNCIL: 9-13-10

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: 2850





The following is to be inserted into LMC 3.104.010 Fees and charges on January 1, 2011:

Exhibit B: Fee Schedule (80%)

Title 3: Finance		
Transportation Impact Fee - Miscellaneous Fees		
Independent Fee Calculation Review	cost per calculation	\$ 250.00
Administrative Fee		The greater of \$100 or 3% of the TrIFs payable under this chapter and not to exceed \$3,000
Appeal Fee: Filing of an appeal of code interpretation or acceptable alternates with the hearing examiner	filing fee plus cost of hearing	\$ 286.50
Transportation Impact Fee - Rates Per Land Use Category		
Zone A - City Center and Mall		
(Fee Rate per Peak Hour Trip = \$4,086.00)		
ITE Land Use (Code)	Unit	Fee per Unit
Single-Family (Detached) Dwelling (210)	Dwelling	\$ 4,126.86
Duplex (Detached) Dwelling (210)	Dwelling	\$ 4,126.86
Multi-family - 3 or More Bedrooms (231)	Dwelling	\$ 3,187.08
Multi-family - Under 3 Bedrooms (blend 220,221,230)	Dwelling	\$ 2,451.60
Mobile Home Park (240)	Dwelling	\$ 2,288.16
Self-contained Retirement Community (251)	Dwelling	\$ 1,062.36
Senior Adult Housing - Attached (252)	Dwelling	\$ 449.46
Office Building - Single Building (blend 710,714,715)	Sq. Ft.	\$ 6.13
Office Park - Multiple Buildings (750)	Sq. Ft.	\$ 6.13
Business Park - Multiple Buildings (770)	Sq. Ft.	\$ 5.27
Research & Development Center (760)	Sq. Ft.	\$ 4.41
Manufacturing (140)	Sq. Ft.	\$ 3.02
Industrial Park (130)	Sq. Ft.	\$ 3.51
General Light Industrial (110)	Sq. Ft.	\$ 4.00
General Heavy Industrial (120)	Sq. Ft.	\$ 2.78
Warehousing - Industrial (150)	Sq. Ft.	\$ 1.92
Self Service Storage (151)	Sq. Ft.	\$ 1.06
High-Cube Warehouse (152)	Sq. Ft.	\$ 0.41
Truck Terminal (30)	Acres	\$ 26,763.30
Church (560)	Sq. Ft.	\$ 1.63
School - High (530)	Sq. Ft.	\$ 3.75
School - Elementary and Middle (520)	Sq. Ft.	\$ 0.65
Nursing Home (620)	Beds	\$ 809.03
Congregate Care Facility, Elderly Housing (253)	Living Unit	\$ 625.16

Auto Parts Sales (843)	Sq. Ft.	\$ 12.22
Auto Care Center - Multiple Stores (942)	Sq. Ft.	\$ 11.05
Car Sales - New and Used (841)	Sq. Ft.	\$ 10.30
Tire Store (848,849)	V.S.P.	\$ 6,782.76
Service Station - No Minimart (944)	V.S.P.	\$ 11,898.43
Service Station - with Minimart (945)	V.S.P.	\$ 10,934.14
Quick-Lube Vehicle Servicing (941)	V.S.P.	\$ 10,603.17
Carwash (947)	V.S.P.	\$ 11,318.22
Drinking Place - Pub, Tavern, Bar (936)	Sq. Ft.	\$ 37.07
Restaurant - Fast Food (934)	Sq. Ft.	\$ 28.31
Restaurant - Quality (931)	Sq. Ft.	\$ 24.48
Restaurant - Sit Down (932)	Sq. Ft.	\$ 22.31
Lodge, Fraternal Org., w/ dining facilities (591)	Sq. Ft.	\$ 22.06
Library (590)	Sq. Ft.	\$ 26.07
Health/Fitness Club (492)	Sq. Ft.	\$ 14.89
Bowling Alley (437)	Sq. Ft.	\$ 13.02
Recreational Community Center (495)	Sq. Ft.	\$ 6.03
Racquet/Tennis Club (491)	Sq. Ft.	\$ 3.09
Bank - Walk-In (911)	Sq. Ft.	\$ 47.41
Bank - Drive-In (912)	Sq. Ft.	\$ 46.72
Convenience Market (851-853)	Sq. Ft.	\$ 30.65
Hardware/Paint Store (816)	Sq. Ft.	\$ 14.83
Shopping Ctr, under 65,000 sq. ft. (820)	Sq. Ft.	\$ 9.81
Building Materials & Lumber Store (812)	Sq. Ft.	\$ 14.68
Apparel Store (870)	Sq. Ft.	\$ 12.52
Video Rental Store (896)	Sq. Ft.	\$ 25.01
Supermarket - Discount (850,854)	Sq. Ft.	\$ 24.72
Pharmacy/Drug Store (880,881)	Sq. Ft.	\$ 24.37
Specialty Retail Center - Strip Mall (814)	Sq. Ft.	\$ 8.86
Discount Club - Membership Warehouse Store (861)	Sq. Ft.	\$ 13.86
Electronics Superstore (863)	Sq. Ft.	\$ 12.87
Freestanding Discount Store (815)	Sq. Ft.	\$ 14.47
Toy / Children's Superstore (864)	Sq. Ft.	\$ 14.27
Free-Standing Discount Superstore (813)	Sq. Ft.	\$ 12.65
Home Improvement Superstore (862)	Sq. Ft.	\$ 9.01
Factory Outlet Center (823)	Sq. Ft.	\$ 8.42
Furniture Store (890)	Sq. Ft.	\$ 1.69
Nursery - Garden Center (817)	Acres	\$ 27,654.05
Nursery - Wholesale (818)	Acres	\$ 1,949.02
State Motor Vehicles / Licensing Agency (731)	Sq. Ft.	\$ 48.88
US Post Office (732)	Sq. Ft.	\$ 17.80
Medical/Dental Office or Clinic (630,720)	Sq. Ft.	\$ 13.46
Hospital (610)	Sq. Ft.	\$ 4.34
Day Care (565)	Sq. Ft.	\$ 10.77
Hotel/Motel - No Convention Facilities (310-312,320)	Room	\$ 1,949.02

Zone B - Remainder of the City

(Fee Rate per Peak Hour Trip = \$6,310.00)

ITE Land Use (Code)	Unit	Fee per Unit
Single-Family (Detached) Dwelling (210)	Dwelling	\$ 6,373.10
Duplex (Detached) Dwelling (210)	Dwelling	\$ 6,373.10
Multi-family - 3 or More Bedrooms (231)	Dwelling	\$ 4,921.80
Multi-family - Under 3 Bedrooms (blend 220,221,230)	Dwelling	\$ 3,786.00
Mobile Home Park (240)	Dwelling	\$ 3,533.60
Self-contained Retirement Community (251)	Dwelling	\$ 1,640.60
Senior Adult Housing - Attached (252)	Dwelling	\$ 694.10
Office Building - Single Building (blend 710,714,715)	Sq. Ft.	\$ 9.47
Office Park - Multiple Buildings (750)	Sq. Ft.	\$ 9.47
Business Park - Multiple Buildings (770)	Sq. Ft.	\$ 8.14
Research & Development Center (760)	Sq. Ft.	\$ 6.81
Manufacturing (140)	Sq. Ft.	\$ 4.67
Industrial Park (130)	Sq. Ft.	\$ 5.43
General Light Industrial (110)	Sq. Ft.	\$ 6.18
General Heavy Industrial (120)	Sq. Ft.	\$ 4.29
Warehousing - Industrial (150)	Sq. Ft.	\$ 2.97
Self Service Storage (151)	Sq. Ft.	\$ 1.64
High-Cube Warehouse (152)	Sq. Ft.	\$ 0.63
Truck Terminal (30)	Acres	\$ 41,330.50
Church (560)	Sq. Ft.	\$ 2.52
School - High (530)	Sq. Ft.	\$ 5.79
School - Elementary and Middle (520)	Sq. Ft.	\$ 1.01
Nursing Home (620)	Beds	\$ 1,249.38
Congregate Care Facility, Elderly Housing (253)	Living Unit	\$ 965.43
Auto Parts Sales (843)	Sq. Ft.	\$ 18.87
Auto Care Center - Multiple Stores (942)	Sq. Ft.	\$ 17.06
Car Sales - New and Used (841)	Sq. Ft.	\$ 15.90
Tire Store (848,849)	V.S.P.	\$ 10,474.60
Service Station - No Minimart (944)	V.S.P.	\$ 18,374.72
Service Station - with Minimart (945)	V.S.P.	\$ 16,885.56
Quick-Lube Vehicle Servicing (941)	V.S.P.	\$ 16,374.45
Carwash (947)	V.S.P.	\$ 17,478.70
Drinking Place - Pub, Tavern, Bar (936)	Sq. Ft.	\$ 57.24
Restaurant - Fast Food (934)	Sq. Ft.	\$ 43.72
Restaurant - Quality (931)	Sq. Ft.	\$ 37.81
Restaurant - Sit Down (932)	Sq. Ft.	\$ 34.45
Lodge, Fraternal Org., w/ dining facilities (591)	Sq. Ft.	\$ 34.07
Library (590)	Sq. Ft.	\$ 40.26
Health/Fitness Club (492)	Sq. Ft.	\$ 23.00
Bowling Alley (437)	Sq. Ft.	\$ 20.10
Recreational Community Center (495)	Sq. Ft.	\$ 9.31
Racquet/Tennis Club (491)	Sq. Ft.	\$ 4.77

Bank - Walk-In (911)	Sq. Ft.	\$	73.21
Bank - Drive-In (912)	Sq. Ft.	\$	72.15
Convenience Market (851-853)	Sq. Ft.	\$	47.33
Hardware/Paint Store (816)	Sq. Ft.	\$	22.91
Shopping Ctr, under 65,000 sq. ft. (820)	Sq. Ft.	\$	15.14
Building Materials & Lumber Store (812)	Sq. Ft.	\$	22.67
Apparel Store (870)	Sq. Ft.	\$	19.33
Video Rental Store (896)	Sq. Ft.	\$	38.62
Supermarket - Discount (850,854)	Sq. Ft.	\$	38.18
Pharmacy/Drug Store (880,881)	Sq. Ft.	\$	37.63
Specialty Retail Center - Strip Mall (814)	Sq. Ft.	\$	13.68
Discount Club - Membership Warehouse Store (861)	Sq. Ft.	\$	21.40
Electronics Superstore (863)	Sq. Ft.	\$	19.88
Freestanding Discount Store (815)	Sq. Ft.	\$	22.35
Toy / Children's Superstore (864)	Sq. Ft.	\$	22.04
Free-Standing Discount Superstore (813)	Sq. Ft.	\$	19.54
Home Improvement Superstore (862)	Sq. Ft.	\$	13.91
Factory Outlet Center (823)	Sq. Ft.	\$	13.00
Furniture Store (890)	Sq. Ft.	\$	2.61
Nursery - Garden Center (817)	Acres	\$	42,706.08
Nursery - Wholesale (818)	Acres	\$	3,009.87
State Motor Vehicles / Licensing Agency (731)	Sq. Ft.	\$	75.49
US Post Office (732)	Sq. Ft.	\$	27.49
Medical/Dental Office or Clinic (630,720)	Sq. Ft.	\$	20.79
Hospital (610)	Sq. Ft.	\$	6.70
Day Care (565)	Sq. Ft.	\$	16.63
Hotel/Motel - No Convention Facilities (310-312,320)	Room	\$	3,009.87

Note 1: The above fees will increase by 20% on January 1, 2013 per 3.105.210 Phasing of Fees.

Note 2: The above fees will be further adjusted on January 1, 2013 per 3.105.150 Periodic Adjustment of Fees.

Note 3: If a Development Activity is located within the City Center Core (CC-C), City Center-West (CC-W), and City Center-North (CC-N) districts as defined in Chapter 21.60 LMC, than the trip generation (as determined by the ITE Trip Generation Manual) can be reduced 15% for said Development Activity.

The following is to be inserted into LMC 3.104.010 Fees and charges on January 1, 2013:

Exhibit C: Fee Schedule (100%)

Title 3: Finance		
Transportation Impact Fee - Miscellaneous Fees		
Independent Fee Calculation Review	cost per calculation	\$ 250.00
Administrative Fee		The greater of \$100 or 3% of the TrIFs payable under this chapter and not to exceed \$3,000
Appeal Fee: Filing of an appeal of code interpretation or acceptable alternates with the hearing examiner	filing fee plus cost of hearing	\$ 286.50
Transportation Impact Fee - Rates Per Land Use Category		
Zone A - City Center and Mall		
(Fee Rate per Peak Hour Trip = \$5,107.00)		
ITE Land Use (Code)	Unit	Fee per Unit
Single-Family (Detached) Dwelling (210)	Dwelling	\$ 5,158.07
Duplex (Detached) Dwelling (210)	Dwelling	\$ 5,158.07
Multi-family - 3 or More Bedrooms (231)	Dwelling	\$ 3,983.46
Multi-family - Under 3 Bedrooms (blend 220,221,230)	Dwelling	\$ 3,064.20
Mobile Home Park (240)	Dwelling	\$ 2,859.92
Self-contained Retirement Community (251)	Dwelling	\$ 1,327.82
Senior Adult Housing - Attached (252)	Dwelling	\$ 561.77
Office Building - Single Building (blend 710,714,715)	Sq. Ft.	\$ 7.66
Office Park - Multiple Buildings (750)	Sq. Ft.	\$ 7.66
Business Park - Multiple Buildings (770)	Sq. Ft.	\$ 6.59
Research & Development Center (760)	Sq. Ft.	\$ 5.52
Manufacturing (140)	Sq. Ft.	\$ 3.78
Industrial Park (130)	Sq. Ft.	\$ 4.39
General Light Industrial (110)	Sq. Ft.	\$ 5.01
General Heavy Industrial (120)	Sq. Ft.	\$ 3.47
Warehousing - Industrial (150)	Sq. Ft.	\$ 2.40
Self Service Storage (151)	Sq. Ft.	\$ 1.33
High-Cube Warehouse (152)	Sq. Ft.	\$ 0.51
Truck Terminal (30)	Acres	\$ 33,450.85
Church (560)	Sq. Ft.	\$ 2.04
School - High (530)	Sq. Ft.	\$ 4.69
School - Elementary and Middle (520)	Sq. Ft.	\$ 0.82
Nursing Home (620)	Beds	\$ 1,011.19
Congregate Care Facility, Elderly Housing (253)	Living Unit	\$ 781.37

Auto Parts Sales (843)	Sq. Ft.	\$ 15.27
Auto Care Center - Multiple Stores (942)	Sq. Ft.	\$ 13.81
Car Sales - New and Used (841)	Sq. Ft.	\$ 12.87
Tire Store (848,849)	V.S.P.	\$ 8,477.62
Service Station - No Minimart (944)	V.S.P.	\$ 14,871.58
Service Station - with Minimart (945)	V.S.P.	\$ 13,666.33
Quick-Lube Vehicle Servicing (941)	V.S.P.	\$ 13,252.67
Carwash (947)	V.S.P.	\$ 14,146.39
Drinking Place - Pub, Tavern, Bar (936)	Sq. Ft.	\$ 46.33
Restaurant - Fast Food (934)	Sq. Ft.	\$ 35.38
Restaurant - Quality (931)	Sq. Ft.	\$ 30.60
Restaurant - Sit Down (932)	Sq. Ft.	\$ 27.88
Lodge, Fraternal Org., w/ dining facilities (591)	Sq. Ft.	\$ 27.58
Library (590)	Sq. Ft.	\$ 32.59
Health/Fitness Club (492)	Sq. Ft.	\$ 18.62
Bowling Alley (437)	Sq. Ft.	\$ 16.27
Recreational Community Center (495)	Sq. Ft.	\$ 7.54
Racquet/Tennis Club (491)	Sq. Ft.	\$ 3.86
Bank - Walk-In (911)	Sq. Ft.	\$ 59.25
Bank - Drive-In (912)	Sq. Ft.	\$ 58.40
Convenience Market (851-853)	Sq. Ft.	\$ 38.30
Hardware/Paint Store (816)	Sq. Ft.	\$ 18.54
Shopping Ctr, under 65,000 sq. ft. (820)	Sq. Ft.	\$ 12.26
Building Materials & Lumber Store (812)	Sq. Ft.	\$ 18.34
Apparel Store (870)	Sq. Ft.	\$ 15.65
Video Rental Store (896)	Sq. Ft.	\$ 31.25
Supermarket - Discount (850,854)	Sq. Ft.	\$ 30.90
Pharmacy/Drug Store (880,881)	Sq. Ft.	\$ 30.46
Specialty Retail Center - Strip Mall (814)	Sq. Ft.	\$ 11.07
Discount Club - Membership Warehouse Store (861)	Sq. Ft.	\$ 17.32
Electronics Superstore (863)	Sq. Ft.	\$ 16.09
Freestanding Discount Store (815)	Sq. Ft.	\$ 18.09
Toy / Children's Superstore (864)	Sq. Ft.	\$ 17.84
Free-Standing Discount Superstore (813)	Sq. Ft.	\$ 15.81
Home Improvement Superstore (862)	Sq. Ft.	\$ 11.26
Factory Outlet Center (823)	Sq. Ft.	\$ 10.53
Furniture Store (890)	Sq. Ft.	\$ 2.11
Nursery - Garden Center (817)	Acres	\$ 34,564.18
Nursery - Wholesale (818)	Acres	\$ 2,436.04
State Motor Vehicles / Licensing Agency (731)	Sq. Ft.	\$ 61.10
US Post Office (732)	Sq. Ft.	\$ 22.25
Medical/Dental Office or Clinic (630,720)	Sq. Ft.	\$ 16.82
Hospital (610)	Sq. Ft.	\$ 5.42
Day Care (565)	Sq. Ft.	\$ 13.46
Hotel/Motel - No Convention Facilities (310-312,320)	Room	\$ 2,436.04

Zone B - Remainder of the City

(Fee Rate per Peak Hour Trip = \$7,887.00)

ITE Land Use (Code)	Unit	Fee per Unit
Single-Family (Detached) Dwelling (210)	Dwelling	\$ 7,965.87
Duplex (Detached) Dwelling (210)	Dwelling	\$ 7,965.87
Multi-family - 3 or More Bedrooms (231)	Dwelling	\$ 6,151.86
Multi-family - Under 3 Bedrooms (blend 220,221,230)	Dwelling	\$ 4,732.20
Mobile Home Park (240)	Dwelling	\$ 4,416.72
Self-contained Retirement Community (251)	Dwelling	\$ 2,050.62
Senior Adult Housing - Attached (252)	Dwelling	\$ 867.57
Office Building - Single Building (blend 710,714,715)	Sq. Ft.	\$ 11.83
Office Park - Multiple Buildings (750)	Sq. Ft.	\$ 11.83
Business Park - Multiple Buildings (770)	Sq. Ft.	\$ 10.17
Research & Development Center (760)	Sq. Ft.	\$ 8.52
Manufacturing (140)	Sq. Ft.	\$ 5.84
Industrial Park (130)	Sq. Ft.	\$ 6.78
General Light Industrial (110)	Sq. Ft.	\$ 7.73
General Heavy Industrial (120)	Sq. Ft.	\$ 5.36
Warehousing - Industrial (150)	Sq. Ft.	\$ 3.71
Self Service Storage (151)	Sq. Ft.	\$ 2.05
High-Cube Warehouse (152)	Sq. Ft.	\$ 0.79
Truck Terminal (30)	Acres	\$ 51,659.85
Church (560)	Sq. Ft.	\$ 3.15
School - High (530)	Sq. Ft.	\$ 7.24
School - Elementary and Middle (520)	Sq. Ft.	\$ 1.26
Nursing Home (620)	Beds	\$ 1,561.63
Congregate Care Facility, Elderly Housing (253)	Living Unit	\$ 1,206.71
Auto Parts Sales (843)	Sq. Ft.	\$ 23.58
Auto Care Center - Multiple Stores (942)	Sq. Ft.	\$ 21.33
Car Sales - New and Used (841)	Sq. Ft.	\$ 19.88
Tire Store (848,849)	V.S.P.	\$ 13,092.42
Service Station - No Minimart (944)	V.S.P.	\$ 22,966.94
Service Station - with Minimart (945)	V.S.P.	\$ 21,105.61
Quick-Lube Vehicle Servicing (941)	V.S.P.	\$ 20,466.77
Carwash (947)	V.S.P.	\$ 21,846.99
Drinking Place - Pub, Tavern, Bar (936)	Sq. Ft.	\$ 71.55
Restaurant - Fast Food (934)	Sq. Ft.	\$ 54.64
Restaurant - Quality (931)	Sq. Ft.	\$ 47.26
Restaurant - Sit Down (932)	Sq. Ft.	\$ 43.06
Lodge, Fraternal Org., w/ dining facilities (591)	Sq. Ft.	\$ 42.59
Library (590)	Sq. Ft.	\$ 50.33
Health/Fitness Club (492)	Sq. Ft.	\$ 28.75
Bowling Alley (437)	Sq. Ft.	\$ 25.13
Recreational Community Center (495)	Sq. Ft.	\$ 11.64
Racquet/Tennis Club (491)	Sq. Ft.	\$ 5.96

Bank - Walk-In (911)	Sq. Ft.	\$	91.51
Bank - Drive-In (912)	Sq. Ft.	\$	90.19
Convenience Market (851-853)	Sq. Ft.	\$	59.15
Hardware/Paint Store (816)	Sq. Ft.	\$	28.63
Shopping Ctr, under 65,000 sq. ft. (820)	Sq. Ft.	\$	18.93
Building Materials & Lumber Store (812)	Sq. Ft.	\$	28.33
Apparel Store (870)	Sq. Ft.	\$	24.17
Video Rental Store (896)	Sq. Ft.	\$	48.27
Supermarket - Discount (850,854)	Sq. Ft.	\$	47.72
Pharmacy/Drug Store (880,881)	Sq. Ft.	\$	47.04
Specialty Retail Center - Strip Mall (814)	Sq. Ft.	\$	17.10
Discount Club - Membership Warehouse Store (861)	Sq. Ft.	\$	26.75
Electronics Superstore (863)	Sq. Ft.	\$	24.84
Freestanding Discount Store (815)	Sq. Ft.	\$	27.94
Toy / Children's Superstore (864)	Sq. Ft.	\$	27.55
Free-Standing Discount Superstore (813)	Sq. Ft.	\$	24.42
Home Improvement Superstore (862)	Sq. Ft.	\$	17.39
Factory Outlet Center (823)	Sq. Ft.	\$	16.26
Furniture Store (890)	Sq. Ft.	\$	3.27
Nursery - Garden Center (817)	Acres	\$	53,379.22
Nursery - Wholesale (818)	Acres	\$	3,762.10
State Motor Vehicles / Licensing Agency (731)	Sq. Ft.	\$	94.35
US Post Office (732)	Sq. Ft.	\$	34.36
Medical/Dental Office or Clinic (630,720)	Sq. Ft.	\$	25.98
Hospital (610)	Sq. Ft.	\$	8.38
Day Care (565)	Sq. Ft.	\$	20.79
Hotel/Motel - No Convention Facilities (310-312,320)	Room	\$	3,762.10

Note 1: The above fees will become effective January 1, 2013 per 3.105.210 (2) LMC.

Note 2: The above fees will be adjusted on January 1, 2013 per 3.105.150 Periodic Adjustment of Fees.

Note 3: If a Development Activity is located within the City Center Core (CC-C), City Center-West (CC-W), and City Center-North (CC-N) districts as defined in Chapter 21.60 LMC, than the trip generation (as determined by the ITE Trip Generation Manual) can be reduced 15% for said Development Activity.