

ORDINANCE NO. 4845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 14 IMPACT FEES AND AMENDING SECTION 14.04.050 EXEMPTIONS OF THE ELLENSBURG CITY CODE.

WHEREAS, the Growth Management Act of 1995 (GMA), Chapter 36.70A RCW, grants counties and cities the authority to assess impact fees for transportation, or more specifically, “public streets and roads”; and

WHEREAS, the Ellensburg City Code adopted Ordinance 4534 in 2009, implementing Traffic Impact Fees in the City of Ellensburg; and

WHEREAS, Section 82.02.060 of the RCW allows cities and counties to provide exemptions from impact fees for low-income housing; and

WHEREAS, at its regularly scheduled meeting on September 18, 2019 the Affordable Housing Commission recommended amending Ellensburg City Code, Chapter 14.04 to include both options listed in RCW 82.02.060 for exempting impact fees for low-income housing;

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

**Section 1. Chapter 14.04.050 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4808, is hereby amended to read as follows:**

**14.04.050 Exemptions.**

The following development activities are exempt or partially exempt from paying traffic impact fees because they do not have a measurable impact on the city’s transportation facilities, or because the city has chosen to exempt them, pursuant to RCW 82.02.060(2) or (3), as development with broad public purposes, and as provided for in subsection E of this section:

- A. Existing Dwelling Unit. Any alteration, expansion, reconstruction, remodeling, replacement, or demolition/removal of an existing single-family, duplex or multifamily dwelling unit that does not result in the generation of additional peak hour trips.
- B. Existing Nonresidential Building. Any alteration, reconstruction, remodeling, replacement, or demolition/removal of an existing nonresidential building that does not result in the generation of any new peak hour trips.
- C. Any development activity in the central commercial district is considered to be redevelopment, not new development, and therefore is not subject to this chapter.
- D. The director of public works and utilities shall be authorized to determine whether a particular development activity falls within an exemption from traffic impact fees identified in this section or under other applicable law. Determinations of the director of public works and

utilities shall be in writing and shall be subject to appeal to the city council as provided in ECC 14.02.300.

E. Low-income housing, as defined in ECC 14.04.030, shall qualify for an exemption ~~be exempted~~ from the payment of traffic impact fees, subject to the following:-

1. Any claim for an exemption under this section must be made before payment of the traffic impact fee. Any claim not so made shall be deemed waived.

2. The claim for exemption must be accompanied by a draft lien and covenant against the property guaranteeing that the low-income housing will continue for a period of not less than ~~15~~ 12 years. Before final approval of the exemption, the department shall approve the form of the lien and covenant. Within 10 days of exemption approval, the applicant shall execute and record the approved lien and covenant with the county auditor. The lien and covenant shall run with the land.

3. Upon determination by the director that a particular development falls within an exemption for low-income housing, the request will be brought to City Council for a decision on granting a partial or full exemption, as permitted in RCW 82.02.060(2) or (3), based on budget considerations, development activity, affordable housing needs and priorities, and such other considerations as deemed appropriate by the City Council.

34. In the event that the housing unit is not used for low-income housing for the prescribed period, or in the event that other exempted development activity is converted to a nonexempt use during the prescribed period, the current owner shall pay the traffic impact fees then in effect plus interest to the date of the payment.

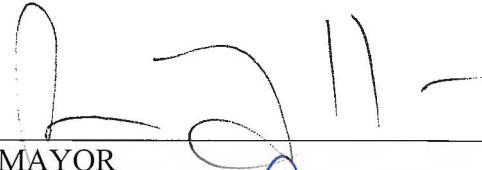
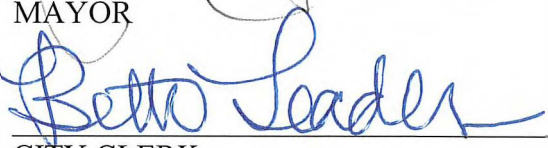
F. Transitional Exemption. This chapter is not applicable to building permits for development projects for which the city's SEPA official has issued a final SEPA determination prior to the effective date of the ordinance codified in this chapter for which a final traffic impact mitigation has been determined. For purposes of this exemption, a SEPA determination will include the issuance of a final declaration of nonsignificance (DNS), final mitigated declaration of nonsignificance (MDNS), and, if an environmental impact statement (EIS) was required, issuance of a final EIS. [Ord. 4808 § 2, 2018; Ord. 4804 § 4, 2018; Ord. 4534 § 1, 2009.]

**Section 2. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 3. Corrections.** Upon the approval of the City Attorney, 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/clerical errors, references, ordinance numbering, sections/subsections numbers and any references thereto.


**Section 4. Effective Date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 2<sup>nd</sup> day of December, 2019.

  
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MAYOR  
  
\_\_\_\_\_  
CITY CLERK

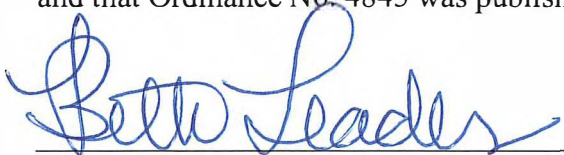
ATTEST:

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

Publish: 12-5-2019

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4845 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4845 was published as required by law.

  
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BETH LEADER