

**DRAFT**

**CITY OF MONROE  
ORDINANCE NO. 002/2016**

AN INTERIM ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 20.12 MMC TRANSPORTATION IMPACT FEES; CLARIFYING THE APPLICABILITY OF TRANSPORTATION IMPACT FEES TO DEVELOPMENT ACTIVITY INVOLVING CHANGES OF USE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, pursuant to Chapter 82.02 RCW, the City of Monroe has adopted and codified at Chapter 20.12 MMC standards and procedures for imposing transportation impact fees on development activity within the City in order to fund transportation system improvements necessary to serve such development; and

WHEREAS, the City Council desires to amend Chapter 20.12 MMC in order to clarify the applicability of the City's transportation impact fee to situations involving a change in land use; and

WHEREAS, the Council finds that the existing provisions in Chapter 20.12 MMC concerning changes of land use are potentially vague, and that a code amendment is immediately necessary in order to clarify the Council's legislative intent and to resolve potential uncertainties regarding the application and enforcement of said provisions.

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

Section 1. Amendment of MMC 20.12.030. Subsection 20.12.030(7) of the Monroe Municipal Code is hereby amended as follows:

7. "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 generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.

Section 2. Amendment of MMC 20.12.130. Subsection 20.12.130(D) of the Monroe Municipal Code is hereby amended as follows:

D. ~~[FOR A CHANGE IN USE OF AN EXISTING BUILDING OR DWELLING UNIT, INCLUDING ANY ALTERATION, EXPANSION, REPLACEMENT, OR NEW ACCESSORY BUILDING, THE IMPACT FEE SHALL BE THE APPLICABLE IMPACT FEE FOR THE LAND USE CATEGORY OF THE NEW USE, LESS THE IMPACT FEE UNDER THE CURRENT RATE SCHEDULE OF THE PRIOR USE. IF NO IMPACT FEE WAS REQUIRED FOR THE PRIOR~~

USE, THE IMPACT FEE FOR THE NEW USE SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE CURRENT IMPACT FEE RATE FOR THE PRIOR USE. THE "PRIOR USE" SHALL BE CONSTRUED AS THE LAST USE OF THE PROPERTY, EXCLUDING ANY INTERVENING PERIODS OF VACANCY EXCEPT AS FURTHER PROVIDED HEREIN. PROPERTIES THAT HAVE BEEN VACANT FOR FIVE YEARS OR MORE SHALL BE CONSIDERED VACANT FOR PURPOSES OF A CHANGE IN USE IMPACT FEE CALCULATION IF ANY IMPROVEMENTS ARE MADE TO THE PROPERTY THAT EXCEED FIFTY PERCENT OF THE VALUE OF EXISTING IMPROVEMENTS.]**Where (i) a certificate of occupancy has been issued for a use, and (ii) the impact fees for said use have been paid, and (iii) the land use category is subsequently changed before the underlying space is occupied, the applicant shall further remit payment for the impact fee amount that applies to the new land use category, less the amount of impact fee already paid.**

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby schedules a post-adoption public hearing on May 3, 2016, at 7:00 p.m. in order to take public testimony concerning the interim regulations set forth in Sections 1 and 2 above.

Section 4. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Declaration of Emergency; Effective Date; Duration. Based upon the above recitals, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately and shall remain effective for a period of three months unless renewed as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council. The City Clerk is directed to publish a summary of this ordinance at the earliest possible date.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Adoption: April 5, 2016  
Published: April 12, 2016  
Effective: April 5, 2016

CITY OF MONROE, WASHINGTON:

(SEAL)

\_\_\_\_\_  
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

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Elizabeth M. Smoot, MMC, City Clerk

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J. Zachary Lell, City Attorney