

CITY OF KENNEWICK
ORDINANCE NO. 5736

AN ORDINANCE RELATING TO IMPACT FEES FOR PARKS AND
ADDING A NEW CHAPTER 3.90 TO THE KENNEWICK MUNICIPAL
CODE

WHEREAS, the City of Kennewick is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, chapter 36.7A RCW; and

WHEREAS, the Kennewick City Councils finds that new growth and development in the City of Kennewick will create additional demand and need for park, open space, and recreation facilities; and

WHEREAS, pursuant to RCW 82.02.050, the City is allowed to require that new growth and development pay a proportionate share of the cost of system improvements to serve such new development activity through the assessment of impacts fees for such system improvements; and

WHEREAS, RCW 82.02.090(3) defines “impact fee” as a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development; and

WHEREAS, RCW 82.02.050(1)(b) and RCW 82.02.060 provide that the City may enact an ordinance providing for park, open space, and recreation impact fees and the limitations and/or extent that the ordinance can provide for the impact fees; and

WHEREAS, RCW 82.02.070(2) provides that the impact fees shall be expended only in conformance with the Capital Facilities Plan Element of the Comprehensive Plan; and

WHEREAS, the City Council finds that building permits issued by the City are the specific development approval of a development activity in the City that can create additional demand and need for park, open space, and recreation facilities; and

WHEREAS, the City Council finds that development activities authorized by building permits for, new residential in the City will create additional demand and need for system improvements to park, open space, and recreation facilities; and

WHEREAS, the City Council finds that such new growth and development should pay a proportionate share of the cost of the system improvements needed to serve the new growth and development; and

WHEREAS, the City 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, and consistent with RCW

82.02.060(1), for the City to adopt impact fees which are uniform to the greatest extent practicable; and

WHEREAS, the City has conducted extensive research documenting the procedures for measuring the impact of new growth and development on park, open space, and recreation facilities and, has prepared the “Park Impact Fee Rate Study, dated November 22, 2017” which utilizes methodologies for calculating the maximum allowable impact fees that are consistent with the requirements of RCW 82.02.060(1); and

WHEREAS, the purpose and intent of this new chapter is to authorize the collection of impact fees for park, open space, and recreation facilities; NOW, THEREFORE,

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

Section 1. There is hereby added a new Chapter 3.90 to the Kennewick Municipal Code, to read as follows:

CHAPTER 3.90

IMPACT FEES FOR PARKS, OPEN SPACE, AND RECREATION FACILITIES

SECTION:

- 3.90.010: Authority and Incorporation by Reference
- 3.90.020: Definitions
- 3.90.030: Establishment of Service Area
- 3.90.040: Impact Fees Methodology and Applicability
- 3.90.050: Collection of Impact Fees
- 3.90.060: Independent Fee Calculations
- 3.90.070: Exemptions
- 3.90.080: Credits for Dedications, Construction of Improvements, and Past Tax Payments
- 3.90.090: Adjustments for Future Tax Payments and Other Revenue Sources
- 3.90.100: Establishment of Impact Fee Accounts
- 3.90.110: Refunds and Offsets
- 3.90.120: Use of Impact Fees
- 3.90.130: Review and Adjustment of Rates
- 3.90.140: Review by Director and Appeals
- 3.90.150: Existing Authority Unimpaired
- 3.90.160: Impact Fees

3.90.010: Authority and Incorporation by Reference:

- (1) Pursuant to RCW 82.02.050 through 82.02.100, the City adopts impact fees for parks, open space, and recreation facilities (“park facilities”).
- (2) The rate study “The Park Impact Fee Rate Study,” dated November 22, 2017 (“rate study”) documents the procedures for measuring the impact of new developments on

public park facilities. The rate study is fully incorporated by reference.

(3) The council adopts this chapter to assess impact fees for park facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in providing for the assessment of impact fees. (Ord. 5736 Sec. 1 (part), 2017)

3.90.020: Definitions: For purposes of this chapter, if not defined below, the definitions of words and phrases set forth RCW 82.02.090 shall apply to this chapter or they shall be given their usual and customary meaning.

(1) “Applicant” is any person, collection of persons, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation obtaining a building permit. “Applicant” includes an applicant for an impact fee credit.

(2) “Building permit” means written permission issued by the City empowering the holder thereof to construct, erect, alter, enlarge, convert, reconstruct, remodel, rehabilitate, repair, or change the use of all or portions of a structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(3) “Capital facilities plan” means the capital facilities element of the City’s park comprehensive plan adopted pursuant to Chapter 36.70A RCW and such plan as amended.

(4) “Director” means the director or designee of the department of parks, recreation, and cultural services.

(5) “Encumbered” means to reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for system improvements.

(6) “Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for park facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for park facilities, that is a proportionate share of the cost of such facilities, and that is used for such facilities that reasonably benefit the new development. An impact fee does not include a reasonable permit fee or application fee. An impact fee does not include the administrative fee for collecting and handling impact fees or the fee for reviewing independent fee calculations.

(7) “Impact fee account” means the separate accounting structure within the City’s established accounts which shall identify separately earmarked funds and which shall be established for the impact fees that are collected. The account shall be established pursuant to KMC 3.90.100, and shall comply with the requirements of RCW 82.02.070.

(8) “Independent fee calculation” means the impact fee calculation, studies and data submitted by an applicant to support the assessment of a parks, open space, and recreation impact fee other than by the use of the rates published in KMC 3.90.160, or the calculations prepared by the director where none of the fee categories or fee amounts in KMC 3.90.160 accurately describe or capture the impacts on park facilities of the development authorized by the building permit.

(9) “Multi-Family Residential” for the purpose of this chapter has the same meaning as set forth in KMC 18.09.1350 for Multi-Family Residential Development.

(10) “Open space” means undeveloped public land that is permanently protected from development, except for the development of trails or other passive public access and uses.

(11) “Owner” means the owner of record of real property, although when real property

is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(12) “Parks facilities” means parks, open space, and recreational facilities, including but not limited to ball fields, athletic fields, soccer fields, swimming pools, tennis courts, regional parks, urban parks, community parks, neighborhood parks, pocket parks, natural areas, special use facilities, and trail corridors owned or operated by the City of Kennewick or other governmental entities.

(13) “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 a capital facilities plan adopted by the council shall be considered a project improvement.

(14) “Rate study” means the “Park Impact Fee Rate Study,” for the City of Kennewick, dated November 22, 2017.

(15) “Single family residential” for the purpose of this chapter has the same meaning as set forth in KMC 18.09.590, 18.09.592, 18.09.594, 18.09.605, 18.09.610 for Dwelling, Single-Family Attached and Dwelling, Single-Family Detached.

(16) “System improvements” means park facilities that are included in the City’s park capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements. (Ord. 5736 Sec. 1 (part), 2017)

3.90.030: Establishment of Service Area:

(1) The City hereby establishes Service Area 1 which encompasses all property located within the corporate city limits west of Hwy 395 and Service Area 2 which encompasses all property within the corporate city limits east of Hwy 395 as the service areas for impact fees.

(2) The scope of the two service areas is hereby found to be reasonable and established on the basis of sound planning and engineering principles, and consistent with RCW 82.02.060, as described in the rate study. (Ord. 5736 Sec. 1 (part), 2017)

3.90.040: Impact Fees Methodology and Applicability: The parks, open space, and recreation impact fees in KMC 3.90.160 are generated from the formulae for calculating parks, open space, and recreation impact fees set forth in the rate study. Except as otherwise provided for independent fee calculations in KMC 3.90.060, exemptions in KMC 3.90.070, and credits in KMC 3.90.080, all building permits issued by the City will be charged impact fees applicable to the type of development listed in the fee schedule adopted pursuant to KMC 3.90.160. (Ord. 5736 Sec. 1 (part), 2017)

3.90.050: Collection of Impact Fees:

(1) The City shall collect impact fees for parks, open space, and recreation, based on the rates in KMC 3.90.160, from any applicant seeking a building permit from the City unless specifically exempted in KMC 3.90.070.

(2) When an impact fee applies to a building permit for a change of use of an existing building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee paid for the immediately preceding use. The preceding use shall be determined by the most recent legally established use based on a locally owned business license and development permit documents.

(a) For purposes of this provision, a change of use should be reviewed based on the

land use category provided in the rate study that best captures the broader use or development activity of the property under development or being changed. Changes of use and minor changes in tenancies that are consistent with the general character of the building or building aggregations, or the previous use, shall not be considered a change of use that is subject to an impact fee.

- (b) If no impact fee was paid for the immediately preceding use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the immediately preceding use.
- (c) If the calculated impact fee is a negative amount, the applicant will not be required to pay impact fees nor will the applicant be compensated by the City for a negative impact fee.

(3) For mixed use developments, impact fees shall be imposed for the proportionate share of each land use, based on the applicable measurement in the impact fee rates in KMC 3.90.160

(4) Impact fees shall be determined at the time the complete application for a building permit is submitted using the impact fees then in effect. Except as provided in Section 3.90.050(6) impact fees shall be due and payable before the certificate of occupancy is issued by the City.

(5) Applicants allowed credits prior to the submittal of the complete building permit application shall submit, along with the complete application, a copy of the letter prepared by the Director setting forth the dollar amount of the credit allowed.

(6) Single-Family Residential Deferral Program. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until final inspection or 18 months from the date of original building permit issuance, whichever occurs first. Deferral of impact fees are considered under the following conditions:

- (a) An applicant for deferral must request the deferral no later than the time of application for a building permit. Any request not so made shall be deemed waived.
- (b) For the purposes of this deferral program, the following definitions apply:
 - (i) "Applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.
 - (ii) "Single-family residence" means a permit for a single-family dwelling unit, attached or detached, as defined in KMC 3.90.020.
- (c) To receive a deferral, an applicant must:
 - (i) Submit a deferred impact fee application and acknowledgment form for each single-family attached or detached residence for which the applicant wishes to defer payment of the impact fees;
 - (ii) Pay the applicable administrative fee;
 - (iii) Grant and record at the applicant's expense a deferred impact fee lien in a form approved by the City against the property in favor of the City in the amount of the deferred impact fee that:
 - (A) Includes the legal description, tax account number, and address of the property;
 - (B) Requires payment of the impact fees to the City prior to final inspection or 18 months from the date of original building permit issuance, whichever occurs first;
 - (C) Is signed by all owners of the property, with all signatures

acknowledged as required for a deed and recorded in Benton County;

- (D) Binds all successors in title after the recordation; and
 - (E) Is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.
- (d) The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.
 - (e) Prior to final inspection or 18 months from the date of original building permit issuance, the applicant may pay the deferred amount in installments, with no penalty for early payment.
 - (f) The City shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the City shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at his or her expense.
 - (g) The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection.
 - (h) If impact fees are not paid in accordance with the deferral and in accordance with the term provisions established herein, the City may institute foreclosure proceedings in accordance with Chapter 61.12 RCW.
 - (i) Each applicant for a single-family attached or detached residential building permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 21 single-family residential construction building permits. (Ord. 5736 Sec. 1 (part), 2017)

3.90.060: Independent Fee Calculations:

(1) If, in the judgment of the director, none of the fee categories set forth in KMC 3.90.160 accurately describes or captures the impacts of a new development on park facilities, the director may conduct independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the applicant.

(2) An applicant may opt not to have the impact fees determined according to the fee structure in KMC 3.90.160, in which case the applicant shall prepare and submit to the director an independent fee calculation for the development for which a building permit is being sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. An independent fee calculation shall use the same methodology used to establish impact fees adopted pursuant to KMC 3.90.160.

(3) There is a rebuttable presumption that the calculations set forth in the rate study 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, incomplete, or unreliable. The director may require the applicant to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the

specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations therefor shall be set forth in writing and shall be mailed to the applicant. (Ord. 5736 Sec. 1 (part), 2017)

3.90.070: Exemptions: Except as provided for below, the following shall be exempted from the payment of all parks, open space, and recreation impact fees:

- (1) Alteration or replacement of an existing residential structure that does not create an additional dwelling unit or change the type of dwelling unit.
- (2) Miscellaneous improvements which do not generate increased need for park facilities, including, but not limited to, fences, walls, residential swimming pools, and signs.
- (3) Demolition or moving of a structure.
- (4) Properties that have undergone prior State Environmental Policy Act (SEPA), Chapter 43.21C RCW, review and received a final decision that includes mitigation requirements on the condition that the SEPA mitigation obligation has or will be fulfilled by the time the impact fees, if applicable, would be due.
- (5) Any development that creates insignificant and/or temporary additional impacts on any parks, open space, and recreation facility, including, but not limited to:
 - (a) Home occupations that do not generate any additional demand for park facilities;
 - (b) Special events permits;
 - (c) Temporary structures not exceeding a total of 30 days. (Ord. 5736 Sec. 1 (part), 2017)

3.90.080: Credits for Dedications, Construction of Improvements, and Past Tax Payments:

- (1) An applicant may request that a credit or credits for impact fees be awarded to him/her for the total value of system improvements, including dedications of land and improvements, and/or construction provided by the applicant. The application for credits shall be presented by the applicant on forms to be provided by the director and shall include the content designated in such forms. Credits will be given only if the land, improvements, and/or the facility constructed are:
 - (a) Included within the capital facilities plan;
 - (b) Determined by the City to be at suitable sites and constructed at acceptable quality; and
 - (c) Serve to offset impacts of the development authorized by the applicant's building permit.
- (2) For credits for dedications of real property, the procedures of KMC 17.100 shall be followed if applicable. If the procedures of KMC 17.100 are not applicable, the following procedures shall be followed:
 - (a) For each request for a credit or credits, the director shall select an appraiser or, in the alternative, the applicant may select an independent appraiser acceptable to the director.
 - (b) Unless approved otherwise by the director, the appraiser must be a member of the American Institute of Appraisers and be licensed in good standing pursuant under Chapter 18.40 RCW et seq. in the category for the property to be appraised, and shall not have a fiduciary or personal interest in the property being appraised.
 - (c) The applicant shall pay the actual costs for the appraisal and an independent review, if required.
 - (d) After considering the appraisal the director shall provide the applicant with a

written determination setting forth the dollar amount of any credit, the reason for the credit, a description of the real property dedicated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such determination accepting the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days of the date of the determination shall nullify the credit. If credit is denied, the applicant shall be notified in a letter that includes the reasons for denial.

(e) No credit shall be given for project improvements.

(3) An applicant may request a credit for past tax for past payments made for the particular system improvements listed in the rate study as the basis for the impact fee. For each request for a credit for past payments the applicant shall submit receipts and a calculation of past payments earmarked for or proratable to the particular system improvement for which credit is requested. The director shall determine the amount of credits, if any, for past payments for system improvements.

(4) Any claim for credit must be received by the City prior to issuance of the building permit. The failure to timely file such a claim shall constitute an absolute bar to later request any such credit. (Ord. 5736 Sec. 1 (part), 2017)

3.90.090: Adjustments for Future Tax Payments and Other Revenue Sources: 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 authorized by the building permit which are earmarked or proratable to the same new park facilities which will serve the new development. The impact fees in KMC 3.90.160 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund parks, open space, and recreation improvements. (Ord. 5736 Sec. 1 (part), 2017)

3.90.100: Establishment of Impact Fee Accounts:

(1) The City shall establish a separate impact fee account for the parks, open space, and recreation impact fees collected pursuant to this chapter. Funds appropriated or otherwise withdrawn from the impact fees received 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 accounts and expended for the purposes for which the impact fees were collected.

(2) On an annual basis, the director or designee shall provide a report to the council on the impact fee accounts showing the source and amount of all moneys collected, earned, or received, and the parks, open space, and recreation improvements that were financed in whole or in part by impact fees.

(3) Impact fees shall be expended or encumbered within 10 years of receipt, unless the council identifies in written findings extraordinary and compelling reasons for the City to hold the fees beyond the 10-year period, pursuant to RCW 82.02.070(3). (Ord. 5736 Sec. 1 (part), 2017)

3.90.110: Refunds and Offsets:

(1) If the City fails to expend or encumber the impact fees within 10 years of the date the fees were paid, unless extraordinary or compelling reasons are established pursuant to this section, the current owner of the property on which impact fees have been paid may receive a

refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

(2) The City shall notify potential claimants of the refund by first-class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant must be the current owner of record of the real property against which the impact fees were assessed.

(3) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(4) Any impact fees 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 system improvements for which they were collected.

(5) Refunds of impact fees under this section shall include any interest earned on the impact fees by the City.

(6) When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this chapter. 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 at the last known address of the claimants. 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 for the park facilities for which the impact fees were collected. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(7) The City shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development for which the impact fees were imposed did not occur; provided, however, that, if the City has expended or encumbered the impact fees in good faith prior to the application for a refund, the director may decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar building permit, 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 impact fees previously paid for a building permit of the same or substantially similar nature on the same real property or some portion thereof. The director's determinations shall be in writing and shall be subject to the appeals procedures set forth in KMC 3.90.140. (Ord. 5736 Sec. 1 (part), 2017)

3.90.120: Use of Impact Fees:

- (1) Pursuant to this chapter, impact fees:
 - (a) Shall be used for system improvements that will reasonably benefit the new development authorized by the building permit;
 - (b) Shall not be imposed to make up for deficiencies in park facilities; and
 - (c) Shall not be used for maintenance or operation.
- (2) Impact fees may be spent for system improvements including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative

expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

(3) Impact fees may also be used to recoup system improvement costs previously incurred by the City to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(4) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, such impact fees 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 chapter. (Ord. 5736 Sec. 1 (part), 2017)

3.90.130: Review and Adjustment of Rates:

(1) The fees and rates set forth in the rate study may be reviewed and adjusted by the council as it deems necessary and appropriate in conjunction with the annual budget process so that adjustments, if any, will be effective at the first of the calendar year subsequent to budget period under review.

(2) The fees and rates set forth in the rate study may be amended to reflect changes to the twenty-year park project list as part of adoption of amendments to the capital facilities element of the City's Comprehensive Plan. Amendment to the schedule for this purpose shall be adopted by the council

(3) Annually, and prior to the first day of January, the Director shall adjust the fees by the same percentage changes as in the most recent annual change of the Construction Cost Index published in the Engineering News Record (ENR) for the Kennewick area. (Ord. 5736 Sec. 1 (part), 2017)

3.90.140: Review by Director and Appeals:

(1) The applicant may pay the impact fees imposed by this chapter under protest so that the Certificate of Occupancy, or a change in use when no building permit is required, can be issued. No appeal shall be permitted until the impact fees at issue have been paid.

(2) Requests for review regarding the impact fees imposed on any development activity may be filed only by the applicant for the development activity at issue.

(3) The applicant must first file a request for review regarding impact fees with the Director, as provided herein:

(a) The request shall be in writing on the form provided by the City;

(b) The request for review by the Director shall be filed within fourteen (14) calendar days after the applicant's payment of the impact fee at issue.

(c) The failure to timely file such a request shall constitute a final bar to later seek such review;

(d) No administrative fee will be imposed for the request for review by the Director;

(e) The Director shall issue his/her determination in writing.

(4) Determinations of the Director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the Director's decision concerning the independent fee calculation which is authorized in Section 3.90.060, or any other determination which the Director is authorized to make pursuant to this chapter, may be appealed by the applicant or owner to the Hearing Examiner per KMC 4.02. The appeal, in the form of a letter of appeal, must be delivered to the Community Planning Department within 14 calendar

days after issuance of the decision of the Director. The failure to timely file an appeal shall constitute a final bar to later seek such review. In those cases where the proposed development activity may require a public hearing under the authority of other chapters of the KMC the hearings may be combined. For example, if the underlying development permit application is a preliminary plat, the appeal shall be heard at the preliminary plat public hearing. The Hearing Examiner may conduct an open record appeal hearing. The Hearing Examiner only determines whether the fee is reasonable, but does not make adjustment thereto. The Hearing Examiner may remand the matter to the Parks and Recreation Director for further consideration consistent with the Hearing Examiner's findings and decision. (Ord. 5736 Sec. 1 (part), 2017)

3.90.150: Existing Authority Unimpaired: Nothing in this chapter shall preclude the City from requiring the applicant or the proponent of a development authorized by a building permit to mitigate adverse environmental impacts of a specific development pursuant to the SEPA, Chapter 43.21C RCW, based on the environmental documents accompanying the building permit process, and/or Chapter 58.17 RCW, governing plats and subdivisions. Such mitigation shall not duplicate the impact fees charged under this chapter. (Ord. 5736 Sec. 1 (part), 2017)

3.90.160: Impact Fees:

<u>Unit Type</u>	<u>Impact Fee/Unit</u>
Service Area 1	
Single-Family Units	\$920
Multi-Family Units	\$540
Mobile Home Units	\$660
Service Area 2	
Single-Family Units	\$760
Multi-Family Units	\$450
Mobile Home Units	\$550

(Ord. 5736 Sec. 1 (part), 2017)

Section 2. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 5th day of December, 2017, and signed in authentication of its passage this 5th day of December, 2017.

Attest:

STEVE C. YOUNG, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5736 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6th day of December, 2017.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____