

## ORDINANCE NO. 1078

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION IMPACT FEES, AMENDING THE FORMULA USED BY THE CITY TO CALCULATE TRANSPORTATION IMPACT FEES, ADOPTING A NEW PROJECT LIST AS REQUIRED BY GHMC SECTION 19.12.120 FOR THE CALCULATION OF TRANSPORTATION IMPACT FEES AND ESTABLISHING A NEW SCHEDULE OF TRANSPORTATION IMPACT FEES FOR USE BEGINNING ON JUNE 1, 2007; AMENDING APPENDICES A AND B TO ORDINANCES No. 828 AND 962.**

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WHEREAS, the City has adopted a transportation impact fee program (chapter 19.12 of the Gig Harbor Municipal Code); and

WHEREAS, the City's code requires that the project list for transportation projects be updated on a regular basis (GHMC Section 19.12.120); and

WHEREAS, as a result of recent court decisions, the City has also decided to update its transportation impact fee formula (*Drebick v. Olympia*); and

WHEREAS, an update to the City's impact fee formula and project list results in the calculation of a new transportation impact fee schedule (which is attached as an appendix to the previous City ordinance); and

WHEREAS, the City's SEPA Responsible Official issued a threshold determination of non significance for this Ordinance on November 8, 2006; and

WHEREAS, the City Council held a public hearing and first reading on this Ordinance during its regular City Council meeting of April 9, 2007, and a second reading during its regular City Council meeting of April 23, 2007; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The Project List attached hereto as Appendix A-1 is hereby adopted as the City Transportation Impact Fee Project List, which is a list of projects on the City's 6-year Road Plan and the City's Comprehensive Plan, Transportation Element, which are growth-related and that should be funded with forecast public moneys and the impact fees already paid. This Project List shall supersede the previous transportation Project List, and all such previously-adopted transportation Project Lists are repealed.

Section 2. The formula attached hereto as Appendix A-2 is hereby adopted as the City's Transportation Impact Fee Formula, which incorporates the requirements of RCW 82.02.050 through 82.02.090 and all other applicable provisions of chapter 19.12 GHMC. All previously-adopted transportation impact fee formulas are hereby repealed.

Section 3. The schedule of transportation impact fees attached hereto as Appendix A-3 is hereby adopted as the City's Transportation Impact Fee Schedule, which has been calculated according to the City's Transportation Impact Fee Formula and incorporating the City's Transportation Impact Fee Project List. This Transportation Impact Fee Schedule shall supersede the previous transportation impact fee schedule, and all such previously-adopted transportation impact fee schedules are repealed.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title. The City shall collect transportation impact fees according to the schedule set forth in Appendix A-3 beginning on June 1, 2007.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 23<sup>rd</sup> day of April, 2007.

CITY OF GIG HARBOR

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CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 04/04/07  
PASSED BY THE CITY COUNCIL: 04/23/07  
PUBLISHED: 05/02/07  
EFFECTIVE DATE: 05/07/07  
ORDINANCE NO: 1078