

10/24/05



AGENDA SHEET FOR COUNCIL MEETING OF: October 17, 2005

Submitting Dept.
Engineering Services

Contact Person
Tom Arnold

Phone No.
6307

ADMINISTRATIVE SESSION

- Contract
- Report
- Claims

LEGISLATIVE SESSION

- Emergency Ord
- Resolution
- Final Reading Ord
- First Reading Ord
- Special Consideration
- Hearing

CITY PRIORITY

- Communications
- Economic Development
- Growth Management
- Human Services
- Neighborhoods
- Public Safety
- Quality Service Delivery
- Racial Equity/Cultural Diversity
- Rebuild/Maintain Infrastructure

CLERK'S FILE _____
 RENEWS _____
 CROSS REF _____
 ENG _____

BID _____
 REQUISITION _____

STANDING COMMITTEES

(Date of Notification)

- Finance _____
- Neighborhoods _____
- Planning/Community & Econ Dev _____
- Public Safety _____
- Public Works 9/26/05

Neighborhood/Commission/Committee Notified:

Action Taken: _____

AGENDA WORDING:

An Ordinance repealing Ordinance C33702 and SMC Chapter 17D.030; and declaring an emergency.

BACKGROUND:

(Attach additional sheet if necessary)

On July 18, 2005, the City Council adopted Ordinance C33702, an ordinance establishing interim voluntary transportation impact fees, adopting a new chapter 17D.030 to title 17 of the Spokane Municipal Code. Chapter 36.70A RCW (the Growth Management Act) prohibits the City from approving development if the development will cause the level of service on a locally owned transportation facility to decline below the standards adopted in the City's comprehensive plan. The City has determined that the approach of collecting voluntary impact fees in lieu of traffic studies does not adequately impose on new growth and development a proportionate share of the costs of transportation improvements necessary to serve new growth and development. The City has determined to explore the feasibility of establishing such impact fees as the City is authorized to collect by virtue of the Growth Management Act and RCW 82.02.050-.100. In the mean time, the City has elected to repeal the previously adopted voluntary impact fee ordinance.

RECOMMENDATION:

Fiscal Impact: <input type="radio"/> N/A	Budget Account: <input type="radio"/> N/A
<input type="radio"/> Expenditure: \$	#
<input type="radio"/> Revenue: \$	#
<input type="radio"/> Budget Neutral	

ATTACHMENTS: Include in Packets: Ordinance

SIGNATURES:

K. Brown
 Director, Engineering Services

Jad
 Legal

[Signature]
 Director, Public Works & Utilities

[Signature]
 Deputy Mayor

Finance

Alexander J. Pro Tem
 Council President

DISTRIBUTION:

Public Works – C. Thacker Legal – James Richman
 Engineering Services – S. Decker Planning – Steve Franks

COUNCIL ACTION:

PASSED BY
 SPOKANE CITY COUNCIL:

OCT 17 2005

[Signature]
 CITY CLERK

ORDINANCE NO. C-33753

An ordinance repealing interim voluntary transportation impacts fees; and repealing SMC sections 17D.030.010, 17D.03.020, 17D.030.030, 17D.030.080, 17D.030.090, 17D.030.100, 17D.030.110, 17D.030.130, 17D.030.140, 17D.030.150 and Ordinance C33702; and declaring an emergency.

WHEREAS, on July 18, 2005, the City Council adopted Ordinance C33702, an ordinance establishing interim voluntary transportation impact fees, adopting a new chapter 17D.030 to title 17 of the Spokane Municipal Code, and declaring an emergency; and

WHEREAS, Chapter 36.70A RCW (the Growth Management Act) prohibits the City from approving development if the development will cause the level of service on a locally owned transportation facility to decline below the standards adopted in the City's comprehensive plan; and

WHEREAS, the City has determined that the approach of collecting the voluntary impact fees set forth in SMC 17D.030.150 (Appendix A) in lieu of traffic studies does not adequately impose on new growth and development a proportionate share of the costs of transportation improvements necessary to serve new growth and development; and

WHEREAS, the City has determined to explore the feasibility of establishing such impact fees as the City is authorized to collect by virtue of the Growth Management Act and RCW 82.02.050-.100; and

WHEREAS, the City's adoption of Ordinance C33702 has prompted interest in developing regional transportation impact fees; and

WHEREAS, the City Council finds that repeal of SMC Sections 17D.030.010 through 17D.030.150 and Ordinance C33702 is necessary for the immediate preservation of the public peace, health or safety and for the immediate support of city government and its existing public institutions; -- Now, Therefore

The City of Spokane does ordain:


Section 1 – Findings of Fact. That the preambles to Ordinance No. C33702 (as set forth in SMC 17D.030.010) and to this Ordinance are adopted as the City Council's findings of fact giving rise to the necessity for immediate effectiveness of this Ordinance.

Section 2 – Repeal of SMC 17D.030.010 through 17D.030.150 and Ordinance C33702. That SMC sections 17D.030.010, 17D.03.020, 17D.030.030, 17D.030.080, 17D.030.090, 17D.030.100, 17D.030.110, 17D.030.130, 17D.030.140, 17D.030.150 and Ordinance C33702 are each repealed as of the effective date of this Ordinance.

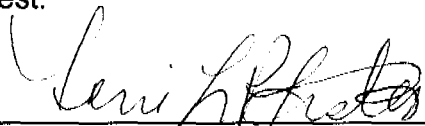
Section 3 - Severability. If any provision of this Ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances, is not effected.

Section 4 - Emergency Ordinance. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the immediate preservation of the public peace, health or safety and/or for the immediate support of city government and its existing public institutions, shall be effective immediately upon its passage.

Passed by the City Council on OCT 17 2005



Council President

Attest:


City Clerk

Approved as to form:


Assistant City Attorney


James E. West, Mayor

10/25/2005
Date

10/17/05
EFFECTIVE DATE

