

ORDINANCE NO. 1553

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON amending DMMC 12.56.040(6) relating to the phase in schedule for collection of Transportation Impact Fees.

WHEREAS, the City of Des Moines updated its Comprehensive Transportation Plan on June 11, 2009, and

WHEREAS, the City of Des Moines previously adopted transportation impact fee ordinances (Ordinance No. 1322, 2003, and Ordinance No. 1378, 2006, and Ordinance No. 1476, 2010), and

WHEREAS, Ordinance No. 1476 became effective on February 13, 2010, and

WHEREAS, the Transportation Impact Fee in Ordinance No. 1476 was set at 50% of the base rate through December 31, 2011, and

WHEREAS, per Ordinance No. 1476, on January 1, 2012 the Transportation Impact Fee was set to increase to 60% of the base rate, and

WHEREAS, due to economic conditions, in the fall of 2011 the City Council considered an adjustment to the phase in schedule for Transportation Impact Fees, and

WHEREAS, Ordinance No. 1524 became effective on December 3, 2011, which modified the phase in schedule, reducing the January 1, 2012 increase from 60% to 55% and making other adjustments, and

WHEREAS, since the passage of Ordinance No. 1524, the economy has continued to struggle, and

WHEREAS, a request was made for the Council to consider keeping the reduction of the transportation impact fee at the 55% level through 2013, and

WHEREAS, this request was discussed at the November 1, 2012 Public Safety and Transportation Committee meeting, and

WHEREAS, the Public Safety and Transportation Committee recommended to the City Council that the phase in schedule be

held at 55% for 2013, and that adjustments to the future phase in schedule should be modified to reach 100% in 2016, and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 29th day of November, 2012, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary because of the lagging economic recovery; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 12.56.040(6) and section 4 of Ordinance No. 1322, as amended by section 5 of Ordinance No. 1378, as amended by section 7 of Ordinance No. 1476, and as amended by Ordinance No. 1524 are each amended to read as follows:

(6) The transportation impact fee shall be phased in as follows. The base rate identified in subsection (1) of this section shall be at 50 percent through December 31, 2011, as adjusted in accordance with subsection (5) of this section. For the calendar year 2012 and 2013 the transportation impact fee shall be 55 percent of the then-current base rate; for the calendar year 2014 the transportation impact fee shall be 70 percent of the then-current base rate; for the calendar year 2015 the transportation impact fee shall be 85 percent of the then-current base rate; for the calendar year 2016 and thereafter the transportation impact fee shall be 100 percent.

Sec. 2. Severability/Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 3. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 29th day of November, 2012 and signed in authentication thereof this 29th day of November, 2012.

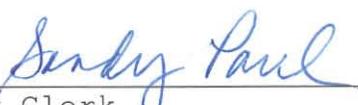

MAYOR

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Effective Date: December 29, 2012

Publication Date: December 4, 2012

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1553, Adopted November 29, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends DMMC 12.56.040(6) relating to the phase in schedule for collection of Transportation Impact Fees.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: December 4, 2012