

Clerk File No. 30882

C. F. No. 308882

Initiative No. 94, relating to an impact fee for new development to finance parks and open space within the development area.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition:

Aug. 2, 2007
Date Filed with City Clerk
Emilia M. Sanchez
By

Law Department

The City of Seattle – Legis

Clerk File sponsored by: _____

Committee

Date

Recommendation

This file is complete and ready for present

Full Council

Date

Decision

The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Committee Action:

Date	Recommendation	Vote
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This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
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fee for
open

Clerk

2

Law Department

SEATTLE CITY ATTORNEY
THOMAS A. CARR

CF 308882

MEMORANDUM

TO: Emilia Sanchez, City Clerk's Office

FROM: Ted Inkley, Assistant City Attorney
Gary Smith, Assistant City Attorney

SUBJECT: Ballot Title for Initiative Measure No. 94 (Clerk's File 308882)

DATE: August 9, 2007

Via e-mail

In response to your memorandum of August 2, 2007, regarding proposed Initiative Measure Number 94, this office has established the following ballot title:

City of Seattle Initiative Measure Number 94 concerns fees on new development to fund parks and open space.

If enacted, the measure would impose fees of \$0.24 to \$2.72 per square foot on most new development within Downtown and surrounding neighborhoods, Northgate, and the University District. The fees would be spent with other public money to buy or improve parks and open space in those areas. The City Council also could impose fees on new development in other areas. The Council could change the amount of the fees. The measure would also create an oversight committee.

Should this measure be enacted into law?

Yes.....

No.....

cc: Thomas Carr, City Attorney

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RECEIVED
CITY OF SEATTLE
AUG 14 AM 11:11
CITY CLERK



**Legislative Department
Office of City Clerk
Memorandum**

Date: August 2, 2007
To: The Honorable Thomas Carr
City Attorney
From: Ernie Dornfeld, Acting City Clerk *Ernie Dornfeld*
By: Emilia M. Sanchez *EMS*
Subject: Proposed Initiative Petition - **Initiative No. 94**

I am forwarding with this memo Clerk File No. 308882, which contains Initiative No. 94, a proposed ordinance relating to imposing an impact development fee for new development to finance parks and open space within the development area.

The proposed initiative was filed with the Office of the City Clerk on Thursday, August 2, 2007, at 1:27 p.m. and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The initiative is sponsored by Alfred "Al" Runte.

The title of the Clerk File (CF) is:

"Initiative No. 94, relating to an impact fee for new development to finance parks and open space within the development area."

The file is transmitted to you for preparation of a ballot title.

attachment (CF 308882)

cc: Mayor Gregory J. Nickels
City Councilmembers
Executive Director, Ethics and Elections Commission

600 4th Avenue Floor 3, PO Box 94728, Seattle, Washington 98124-4728
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@seattle.gov

Accommodations for people with disabilities provided upon request. An equal opportunity employer

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Alfred Runte, Ph.D.
7716 34th Avenue, N.E.
Seattle, Washington 98115
Telephone (206) 525-3608

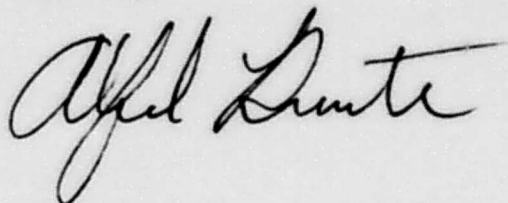
August 2, 2007

The Honorable Judith Pippin
City Clerk
City of Seattle
600 4th Avenue, Floor 3
P. O. Box 94728
Seattle, Washington 98124-4728

Dear Ms. Pippin:

Attached is a proposed Initiative measure that I am filing with your office today. I believe it meets all Charter requirements and codified specifications as to form (SMC 2.08.010). I am the contact person for this initiative and may be reached at the above address and phone number. Thank you for your consideration.

Sincerely,



FILED
CITY OF SEATTLE
AUG -2 PM 1:27
CITY CLERK

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Yes! I want to h o p :

I need _____ more petitions.

Signature _____

Phone _____

Email _____

SELF MAILER INSTRUCTIONS – (1) Do not cut. (2) Fill in return address. (3) Sign on the line above. (4) Fold in half, top to bottom, then fold in half top to bottom again. Then fold in half, left to right, so mailing address shows. (5) Staple on open edge. (6) Place 41 cent stamp in the corner.

(6) Mail all petitions in every Monday.*

* Partially or fully completed.

All petitions must be received

by October 15, 2007.

FOLD HERE. DO NOT CUT PETITION

Return Address:

PLACE
39 CENT
STAMP
HERE

Dr. AL RUNTE, sponsor
PO Box 51008
Seattle, WA 98115

MAKE DEVELOPERS PAY FOR PARKS YES ON

The complete text of Emerald Initiative Measure ###:

An Ordinance amending the Seattle Municipal Code (SMC) that if enacted would impose a one-time fee on new development to help pay for new parks and open space within designated impact service areas.

WHEREAS, the state Growth Management Act (RCW 82.02.050.100) authorizes the City of Seattle to charge on a one-time basis development impact fees for new development to help finance parks and open space needed to serve that new development in the area it is located; and

WHEREAS, development impact fees for parks and open space are imposed by other municipalities; and

WHEREAS, the City has identified needs and demands for more public open space and parks facilities requiring additional funding to serve city areas experiencing the most residential population and employment growth;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE as follows:

SECTION 1. Legislative Findings

(a) Development Impact Fees would enable the city to obtain more land and develop more parks and open space to meet needs and demands of people living and working in new developments in areas of the city where future growth is most concentrated and such new public facilities are most needed.

(b) New development should be required to pay a proportionate share of the impact it creates to help meet planning goals of one (1) acre per 1,000 households and one (1) acre per 10,000 jobs (see city's Comprehensive, Department of Neighborhoods Neighborhood Plan Implementation (NPI), departmental Capital Improvement Plans) for parks and open space identifying needed projects; and

(c) After considerable study city administration policy analysts and planners have determined appropriate formula and methodology for calculating impact fee amounts within specific impact service areas (ISA) (see November, 2006 document entitled, "Park, Open Space and Recreation Facilities - Impact Fee Program - Impact Fee Methodology and Tables."

SECTION 2. Definitions

(1) The terms used herein shall have the same meaning as defined and used in the Seattle Comprehensive Plan, Chapter 23.84. Where such definitions need clarification, the Department of Planning and Development may supplement or clarify the definitions of terms contained herein as part of its rule making process.

SECTION 3. Applicability and Exemptions

(1) This chapter shall apply to all new development in designated impact service areas (ISAs). The following types of new development are exempt from paying to the city park impact fees imposed under this chapter although the city shall be responsible for its proportionate share of the impact caused by such exempt development within an ISA:

(a) Low-income housing, or low income, elderly, or disabled multi-family structures defined by the city as "Affordable Workforce Housing" owned or occupied by households at or below 80% of the median family income, adjusted by household size.

(b) Improvements by an owner occupant of an existing residential dwelling that owner has occupied for at least the 24 months prior to an application being submitted to DPD.

SECTION 4. Amounts of Impact Fees

(1) New development in a designated impact service area, as a condition of building permit approval, shall pay a parks and recreation impact fee. This Development Impact fee will be based on use and shall be collected for new development in designated service areas at the time an application is submitted. The impact fee amounts shall be initially established based on the methodology employed by city policy analysts (in November, 2006 document referenced above or an updated version of same) for the following development purposes at the following rates:

SERVICE AREA	Residential (per sq. ft.)	Office (per sq. ft.)	Commercial/Residential (per sq. ft.)	Manufacturing/Hi-Tech, R&D (per sq. ft.)
Center City Seattle	\$ 2.72	\$ 2.19	\$ 2.01	\$ 1.34
University District	\$ 2.53	\$ 1.27	\$ 1.16	\$ 0.77
Northgate	\$ 1.17	\$ 0.39	\$ 0.35	\$ 0.24

(2) Payment of a park impact fee is required prior to building permit issuance and shall be subject to the same administrative procedures applicable to the imposition and collection of other development or building permit-related fees. Administration of fees shall be consistent with the Director's Rule and "Fee Subtitle" as set forth in SMC 22.900A. Disputes over imposition of this impact fee shall be resolved in the manner proscribed for resolution of other fee disputes. The amount of the fee shall be based upon the rate in effect at the time of filing an application for development; provided, however, that those applications are deemed complete before the adoption of this GMA-based impact fee contained in this section shall not be required to pay this fee but only such fees as were in effect at the time the application was deemed complete and further provided that if the building permit is not issued within five years after the application is deemed complete the fee shall be based upon the rate in effect at the time of building permit issuance.

(3) The Council shall review the rates or amounts of the impact fees annually and make adjustments it deems appropriate to meet the parks and open space development impact goals of the city. To achieve fairness and accuracy the Council may review and adjust the fee schedule provided herein within six months after the effective date of this measure.

SECTION 5. Establishment of Impact Service Areas

(1) The Council shall adopt Parks and Open Space Service "Impact Service Areas" (ISAs) within the city that comply with state law and which address the need for such areas in that they are the fastest growing areas in the city. The boundary of these service areas shall be based on input from the Departments of Neighborhoods, Parks and Recreation, and Planning and Development.

(2) The Department of Neighborhoods shall propose to the Council a map delineating the boundaries for the initial impact fee service areas (ISAs) including Center City, University District, and Northgate.

(3) The Department of Planning and Development shall publish maps defining the boundaries of designated Impact Service Areas that conform with the city's GMA planning goals.

(4) The Council may add new service areas that meet GMA planning criteria for imposition of development impact fees. Service areas and fees shall be charged to new development in designated ISAs provided there is a nexus

between those paying the fees and receiving the benefits to ensure that those developments paying impact fees receive substantial benefits. Additional or revised service areas may be designated by the City Council.

(5) Overlay service areas (ISAs) or subareas may be established for identified system improvements designed to serve geographic areas whose boundaries are not generally contiguous with established service areas.

SECTION 6. Parks and Open Space Fees Appropriated and Allocated

A. Goals:

To: Department of Planning and Development, Department of Neighborhoods, and Parks and Recreation Department shall jointly propose projects to be funded by impact fees in designated service areas to help meet impact service fee program goals of achieving (1) one acre per 1,000 residents and (1) one acre per 10,000 jobs. Such projects shall meet the goals for park and open space of each service area and shall attempt to meet the demand for each service area. Fees may be used for these goals and objectives:

(1) Acquire and develop park and open space land to serve new development within a service area.

(2) Enhance existing park and open space to meet demands caused by new developments.

(3) Reimburse for previous costs incurred, provided that impact fee revenue is not used to make up for existing deficiencies.

(4) Acquire land for future use as park and open space that will serve new development within an ISA.

B. Proportionality:

Developers of a new development are not required to fund 100 percent of required park, open space, and recreation facility improvement within a specific Impact Service Area. Before assessing the appropriate parks or open space impact fee funds imposed under this Chapter, Council shall determine the source(s) for additional funding of the difference between the amount of the developer contribution and the cost of acquisition and/or development costs using public or other private non-developer funds.

B. Appropriation Authority:

(1) Decisions allocating or dispersing funds generated from development impact fees authorized by this measure shall be made by the Council in a lawful manner and shall be made after (1) Decisions allocating or dispersing funds generated from development impact fees authorized by this measure shall be made by the Council in a lawful manner and shall be made after considering the aforementioned recommendations of city departments.

(2) A Parks and Open Space Impact Fee Fund shall be established by the Council. Rules shall be promulgated by the Department of Finance for dispersing fee funds within one hundred-eighty (180) days following the effective date of this measure.

(3) The City may seek supplemental, matching or additional funds from other sources to pay all or part of the cost of a project and, if successful, may apply such funds to accomplishment thereof or to complement or enlarge a project funded in part by these Impact Fees.

SECTION 7. Oversight Committee Created

The Parks and Open Spaces Impact Fee Oversight Committee ("Oversight Committee") is hereby established to review the expenditure of the fee proceeds and resultant interest earnings, to advise the Mayor and Council as to expenditures and allocations of development impact fees for the following year, and to make recommendations on the implementation of particular projects and programs and on any reallocations. The Committee will meet quarterly with the Parks and Recreation Superintendent or his/her designee, beginning in the calendar quarter following the effective date of this measure. The Oversight Committee shall consist of sixteen (16) members appointed for three year staggered terms: ten (10) residents of the City who are members of the Neighborhood Council, one (1) member of the Board of Park Commissioners, and the balance to include representation from the diverse constituencies served by and interested in the projects and programs to be funded by the additional taxes raised through this levy bid lift. The Mayor and the City Council respectively shall appoint eight members each. The Oversight Committee may adopt rules for its own procedures, including quorum requirements and the frequency of meetings. This Oversight Committee will make annual reports to the Mayor and City Council and within 180 days following the effective date of this measure will prepare a preliminary, initial report to the Mayor and City Council which identifies emergent and initial impact fee project funding priorities. The Department of Parks and Recreation and the Department of Neighborhoods shall provide staff and logistical support for this Oversight Committee. The Oversight Committee shall continue in existence through December 31, 2020, and thereafter if so provided by ordinance.

SECTION 8. Credits

(1) The Council shall adopt fair and equitable policies related to criteria for DPD to issue credits which developers may request against park and recreation impact fees established under this chapter for the dedication of land, or improvement to or construction of any capital facilities identified in plans jointly approved by the Parks Commission, Department of Parks and Recreation, and Department of Neighborhoods. Credit may be made against an impact fee based on the present value of the developer-dedicated land, contributions or construction of public park and public open space. Excess credits may be banked as accumulated credits and applied to other projects within one impact service area.

(2) All credit requests must be submitted to the Department of Planning and Development concurrently with the development application and accompanied by supporting documentation, unless a pre-existing agreement made before the effective date of this ordinance with the City provides for such a credit and is consistent with the purposes of the ordinance.

(3) The director of the Department of Planning and Development shall review a credit request to determine whether the proposed in-kind contribution is eligible for credit based on eligibility criteria adopted by the Council.

(4) No other city open space or parks mitigation requirement, fee or charge may be made for a development that is subject to the open space and parks development impact fee imposed by the City under this Chapter.

SECTION 9. Prohibitions

The City of Seattle is prohibited from using public funds generated from the impact fees authorized by this measure for capital improvements that would detract from recreational uses of parkland by building, developing, or re-developing existing facilities for commercial moneymaking purposes. This shall not include seating or other facilities to accommodate spectators at sports, musical or theatrical entertainment events or performances; nor shall any funds be used for facilities that would park or accommodate automotive vehicles. Nothing in this measure shall discourage the construction or placement of affordable workforce housing within the City of Seattle. Fees may not be used to correct deficiencies within a service area or for operations and maintenance of parks, open space, or recreational facilities. Impact fees may not be used for improvements to park, open space, or recreational facilities that do not benefit or serve the occupants of the new development within the service area for which the fee was imposed.

SECTION 10. Effective Date and Severability

This ordinance measure shall become effective on the date and manner proscribed by the Seattle Charter and SMC 2.08. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect any other provision of this ordinance or the imposition of impact fees authorized herein, but this ordinance and the authority to levy those fees shall be construed and enforced as if such invalid provisions had not been contained herein; and any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

MAKE DEVELOPERS PAY FOR PARKS YES ON ### IMPOSES FEES ON DEVELOPERS

- > Preserves open space to reduce greenhouse gases and effects of global warming.
- > Developers pay fees for new public parks to serve needs of a growing population.
- > New parks to be funded based on neighborhood input.
- > Park impact fees are authorized by state law and imposed by other cities.
- > Impact fees are fair and reasonable – based on professional analysis.

INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL – To the City Council of The City of Seattle: We, the undersigned registered voters of the City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure know as Initiative Measure No. ### entitled: **Seattle Initiative Measure No.### concerns imposing one-time fees on new developments in high growth areas to pay for additional parks and open space.** If enacted this measure would require that new development proportionately pay the costs of meeting added demands that the new development creates for city parks and open space in designated service areas, by paying a one-time development impact fee to the City of Seattle. SHOULD THIS MEASURE BE ENACTED INTO LAW? YES _____ NO _____

An ordinance to
impose park impact fees

Please return signed petitions to:

**Dr. AL RUNTE, sponsor / PO Box 51008, Seattle, WA 98115
by October 15, 2007**

The complete text of this initiative appears on reverse side

Only Seattle residents may sign. Must be a registered voter:

Petitioner's Signature Registered voter	sig	Print Name Here For positive identification	Residence Address, & Zip Code	Date	St	Phone Number Optional	Email Address Optional
1.							
2.							
3.							
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MAKE DEVELOPERS PAY FOR PARKS FOR IMPACT ON PUBLIC SPACES

Warning: Ordinance 942891 provides: Section 1: It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him/her to sign or not sign a petition for a City initiative; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not sign a petition for a City initiative by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle. Section 2: Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months or by such fine and imprisonment.

**THE COMPLETE TEXT of the EMERALD INITIATIVE
MEASURE NO: ##**

An Ordinance amending the Seattle Municipal Code (SMC) that if enacted would impose a one-time fee on new development to help pay for new parks and open space within designated impact service areas.

WHEREAS, the state Growth Management Act (RCW82.02.050.100) authorizes the City of Seattle to charge on a one-time basis development impact fees for new development to help finance parks and open space needed to serve that *new* development in the area it is located; and

WHEREAS, development impact fees for parks and open space are imposed by other municipalities, and

WHEREAS, the City has identified needs and demands for more public open space and parks facilities requiring additional funding to serve city areas experiencing the most residential population and employment growth;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE
as follows:

SECTION 1. Legislative Findings

(a) Development Impact Fees would enable the city to obtain more land and develop more parks and open space to meet needs and demands of people living and working in new developments in areas of the city where future growth is most concentrated and such new public facilities are most needed.

(b) New development should be required to pay a proportionate share of the impact it creates to help meet planning goals of one (1) acre per 1,000 households and one (1) acre per 10,000 jobs (see city's Comprehensive, Department of Neighborhoods *Neighborhood Plan Implementation (NPI)*, departmental *Capital Improvement Plans*) for parks and open space identifying needed projects; and

(c) After considerable study city administration policy analysts and planners have determined appropriate formula and methodology for calculating impact fee amounts within specific impact service areas (ISA) (see November, 2006 document entitled, "*Park, Open Space and Recreation Facilities - Impact Fee Program - Impact Fee Methodology and Tables.*"

SECTION 2. Definitions

(1) The terms used herein shall have the same meaning as defined and used in the Seattle Comprehensive Plan, Chapter 23.84. Where such definitions need clarification, the Department of Planning and Development may supplement or clarify the

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CITY OF SEATTLE

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definitions of terms contained herein as part of its rule making process.

SECTION 3. Applicability and Exemptions

(1) This chapter shall apply to all *new* development in designated impact service areas (ISAs). The following types of new development are exempt from paying to the city park impact fees imposed under this chapter although the city shall be responsible for its proportionate share of the impact caused by such exempt development within an ISA:

(a) Low-income housing, or low income, elderly, or disabled multi-family structures defined by the city as "Affordable Workforce Housing" owned or occupied by households at or below 80% of the median family income, adjusted by household size.

(b) Improvements by an owner occupant of an existing residential dwelling that owner has occupied for at least the 24 months prior to an application being submitted to DPD.

SECTION 4. Amounts of Impact Fees

(1) New development in a designated impact service area, as a condition of building permit approval, shall pay a parks and recreation impact fee. This Development Impact fee will be based on use and shall be collected for *new* development in designated service areas at the time an application is submitted. The impact fee amounts shall be initially established based on the methodology employed by city policy analysts (in November, 2006 document referenced above or an updated version of same) for the following development purposes at the following rates:

SERVICE AREA	Residential (per sq. ft.)	Office (per sq. ft.)	Commercial/ Retail (per sq. ft.)	Manufacturing/ Hi-Tech, R&D (per sq. ft.)
Center City Seattle	\$2.72	\$2.19	\$2.01	\$1.34
University District	\$2.53	\$1.27	\$1.16	\$0.77
Northgate	\$1.17	\$0.39	\$0.35	\$0.24

(2) Payment of a park impact fee is required prior to building permit issuance and shall be subject to the same administrative procedures applicable to the imposition and collection of other development or building permit-related fees. Administration of fees shall be consistent with the Director's Rule and "Fee Subtitle" as set forth in SMC 22.900A. Disputes over imposition of this impact fee shall be resolved in the manner

proscribed for resolution of other fee disputes. The amount of the fee shall be based upon the rate in effect at the time of filing an application for development; provided, however, that those applications are deemed complete before the adoption of this GMA-based impact fee contained in this section shall not be required to pay this fee but only such fees as were in effect at the time the application was deemed complete and further provided that if the building permit is not issued within five years after the application is deemed complete the fee shall be based upon the rate in effect at the time of building permit issuance.

(3) The Council shall review the rates or amounts of the impact fees annually and make adjustments it deems appropriate to meet the parks and open space development impact goals of the city. To achieve fairness and accuracy the Council may review and adjust the fee schedule provided herein within six months after the effective date of this measure.

SECTION 5. Establishment of Impact Service Areas

(1) The Council shall adopt Parks and Open Space Service "Impact Service Areas" (ISAs) within the city that comply with state law and which address the need for such areas in that they are the fastest growing areas in the city. The boundary of these service areas shall be based on input from the Departments of Neighborhoods, Parks and Recreation, and Planning and Development.

(2) The Department of Neighborhoods shall propose to the Council a map delineating the boundaries for the initial impact fee service areas (ISAs) including Center City, University District, and Northgate.

(3) The Department of Planning and Development shall publish maps defining the boundaries of designated Impact Service Areas that conform with the city's GMA planning goals.

(4) The Council may add new service areas that meet GMA planning criteria for imposition of development impact fees. Service areas and fees shall be charged to new development in designated ISAs provided there is a nexus between those paying the fees and receiving the benefits to ensure that those developments paying impact fees receive substantial benefits. Additional or revised service areas may be designated by the City Council.

(5) Overlay service areas (ISAs) or sub areas may be established for identified system improvements designed to serve geographic areas whose boundaries are not generally contiguous with established service areas.

SECTION 6. Parks and Open Space Fees Appropriated and Allocated

A. Goals:

The Department of Planning and Development, Department of Neighborhoods, and Parks and Recreation Department shall jointly propose projects to be funded by impact fees in designated service areas to help meet impact service fee program goals of achieving (1) one acre per 1,000 residents and (1) one acre per 10,000 jobs. Such projects shall meet the goals for park and open space of each service area and shall attempt to meet the demand for each service area. Fees may be used for these goals and objectives:

- (1) Acquire and develop park and open space land to serve new development within a service area.
- (2) Enhance existing park and open space to meet demands caused by new developments.
- (3) Reimburse for previous costs incurred, provided that impact fee revenue is *not* used to make up for existing deficiencies.
- (4) Acquire land for future use as park and open space that will serve new development within an ISA.

B. Proportionality:

Developers of a new development are not required to fund 100 percent of required park, open space, and recreation facility improvement within a specific Impact Service Area. Before assessing the appropriate parks or open space impact fee funds imposed under this Chapter, Council shall determine the source(s) for additional funding of the difference between the amount of the developer contribution and the cost of acquisition and/or development costs using public or other private non-developer funds.

C. Appropriation Authority:

- (1) Decisions allocating or dispersing funds generated from development impact fees authorized by this measure shall be made by the Council in a lawful manner and shall be made after considering the aforementioned recommendations of city departments.
- (2) A Parks and Open Space Impact Fee Fund shall be established by the Council. Rules shall be promulgated by the Department of Finance for dispersing fee funds within one hundred-eighty (180) days following the effective date of this measure.
- (3) The City may seek supplemental, matching or additional funds from other sources to pay all or part of the cost of a project and, if successful, may apply such funds to accomplishment thereof or to complement or enlarge a project funded in part by these Impact Fees.

D. Disbursements of fee funds:

- (1) Impact fees from development that are not expended shall accrue interest, which shall be deposited in the Fee Fund Account for later dispersal or allocation to projects by the Council.
- (2) Park and open space impact fees shall be used for acquisition of parkland and integrated open space with parks located or to be located in the Impact District as defined by the Council. These fees shall not be used for system improvements or facility maintenance.
- (3) Park and recreation impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital parks facilities or open space acquired or constructed after January 1, 2005. Park and recreation impact fees shall not be imposed to make up for existing parks system deficiencies, including maintenance or operational costs.

SECTION 7. Oversight Committee Created

The Parks and Open Spaces Impact Fee Oversight Committee ("Oversight Committee") is hereby established to review the expenditure of the fee proceeds and resultant interest earnings, to advise the Mayor and Council as to expenditures and allocations of development impact fees for the following year, and to make recommendations on the implementation of particular projects and programs and on any reallocations. The Committee will meet quarterly with the Parks and Recreation Superintendent or his/her designee, beginning in the calendar quarter following the effective date of this measure. The Oversight Committee shall consist of sixteen (16) members appointed for three year staggered terms: ten (10) residents of the City who are members of the Neighborhood Council, one (1) member of the Board of Park Commissioners, and the balance to include representation from the diverse constituencies served by and interested in the projects and programs to be funded by the additional taxes raised through this levy lid lift. The Mayor and the City Council respectively shall appoint eight members each. The Oversight Committee may adopt rules for its own procedures, including quorum requirements and the frequency of meetings. This Oversight Committee will make annual reports to the Mayor and City Council and within 180-days following the effective date of this measure will prepare a preliminary, initial report to the Mayor and City Council which identifies emergent and initial impact fee project funding priorities. The Department of Parks and Recreation and the Department of Neighborhoods shall provide staff and logistical support for this Oversight Committee. The

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Oversight Committee shall continue in existence through December 31, 2020, and thereafter if so provided by ordinance.

SECTION 8. Credits

(1) The Council shall adopt fair and equitable policies related to criteria for DPD to issue credits which developers may request against park and recreation impact fees established under this chapter for the dedication of land, or improvement to or construction of any capital facilities identified in plans jointly approved by the Parks Commission, Department of Parks and Recreation, and Department of Neighborhoods. Credit may be made against an impact fee based on the present value of the developer-dedicated land, contributions or construction of public park and public open space. Excess credits may be banked as accumulated credits and applied to other projects within one impact service area.

(2) All credit requests must be submitted to the Department of Planning and Development concurrently with the development application and be accompanied by supporting documentation, unless a pre-existing agreement made before the effective date of this ordinance with the City provides for such a credit and is consistent with the purposes of the ordinance.

(3) The director of the Department of Planning and Development shall review a credit request to determine whether the proposed in-kind contribution is eligible for credit based on eligibility criteria adopted by the Council.

(4) No other city open space or parks mitigation requirement, fee or charge may be made for a development that is subject to the open space and parks development impact fee imposed by the City under this Chapter.

SECTION 9. Prohibitions

The City of Seattle is prohibited from using public funds generated from the impact fees authorized by this measure for capital improvements that would detract from recreational uses of parkland by building, developing, or re-developing existing facilities for commercial moneymaking purposes. This shall not include seating or other facilities to accommodate spectators at sports, musical or theatrical entertainment events or performances; nor shall any funds be used for facilities that would park or accommodate automotive vehicles. Nothing in this measure shall discourage the construction or placement of affordable workforce housing within the City of Seattle. Fees may not be used to correct deficiencies within a service area or for operations and maintenance of parks, open space, or recreational facilities. Impact fees may not be used for improvements to park, open space, or recreational facilities that do not benefit or serve the occupants of the new development within the service area for which the fee was imposed.

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SECTION 10. Effective Date and Severability

This ordinance measure shall become effective on the date and manner proscribed by the Seattle Charter and SMC 2.08. In the event that any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect any other provision of this ordinance or the imposition of impact fees authorized herein, but this ordinance and the authority to levy those fees shall be construed and enforced as if such invalid provisions had not been contained herein; and any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

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