

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 719

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 12.40 TRANSPORTATION IMPACT FEES TO THE SHORELINE MUNICIPAL CODE TO INCLUDE AN EXEMPTION FOR COMMUNITY-BASED HUMAN SERVICES AGENCIES.**

WHEREAS, on July 21, 2014, the Shoreline City Council adopted Ordinance 690, establishing a transportation impact fee program and adopting a new Chapter 12.40 to Title 12 of the Shoreline Municipal Code; and

WHEREAS, the Revised Code of Washington (RCW) 82.02.060(2) permits the City to exempt development activities with broad public purposes from these impact fees so long as the impact fees for such development activity is paid for from public funds other than impact fee accounts; and

WHEREAS, the City Council has determined that certain community-based human services agencies that provide for employment assistance, food, shelter, clothing, or health services for low and moderate-income residents are broad public purpose worthy of exemption;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. SMC 12.40.070.** A new section, section “H,” of SMC 12.040.070 *Exemption*, is hereby adopted to read as follows:

**12.40.070(H) Community-Based Human Services Agencies.** Development activities of community-based human services agencies which meet the human services needs of the community such as providing employment assistance, food, shelter, clothing, or health services for low- and moderate-income residents may be entitled to an exemption of impact fees under the following conditions:

- (1) An applicant for an exemption must request the exemption no later than the time of application for a building permit. Any request not so made shall be deemed waived.
- (2) To be eligible for an exemption, the applicant shall meet each of the following criteria:
  - (a) The applicant must have secured federal tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) The applicant must provide services and programs to those considered most vulnerable and/or at risk, such as youth, seniors, and those with financial needs, special needs and disabilities and be responsive to the variety of cultures and languages that exist in the City.

(c) The applicant shall certify that no person shall be denied or subjected to discrimination in receipt of the benefit of services and programs provided by the applicant because of sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability.

(d) The applicant must provide direct human services at the premises for which the applicant is seeking exemption.

(3) The city manager, or designee, shall review application for exemptions pursuant to the above criteria and shall advise the applicant, in writing, of the granting or denial of the application. The determination of the city manager shall be the final decision of the city with respect to the applicability of the community-based human services exemption.

(4) Prior to issuance of building permit, the applicant shall execute and record a covenant with the King County Recorder's office at the applicant's sole expense. The covenant shall prohibit using the property for any purpose other than community-based human services for a period of ten (10) years; shall run with the land and apply to subsequent owners and assigns; and must state that if the property is converted to a use other than human services, the applicant must pay the applicable impact fees in effect at the time of conversion.

(5) The amount of impact fees not collected from human services agencies pursuant to this exemption shall be paid from public funds other than the impact fee account.

**Section 2. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 3. Publication.** A summary of this Ordinance consisting of the title shall be published in the official newspaper.


**Section 4. Effective Date and Impact Fee Rate Adjustment.** The provisions of this Ordinance shall become effective five (5) days from its publication and shall be utilized to adjust the impact fee rate for all complete building permit applications received between January 1, 2015 and the effective date of this Ordinance. If an applicant has already paid the impact fee, the applicant must file a written refund request with the City within thirty (30) days of the effective date of this Ordinance or any refund due shall be deemed waived. The City shall refund that portion of the fee affected by this Ordinance, including any interest earned, within thirty (30) days of the written refund request being submitted.

ORIGINAL

PASSED BY THE CITY COUNCIL ON AUGUST 3, 2015.

  
Mayor Shari Winstead

ATTEST:

  
Jessica Simulcik Smith  
City Clerk

APPROVED AS TO FORM:

  
Margaret King  
City Attorney

Date of Publication: August 6, 2015  
Effective Date: August 11, 2015