

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 718

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 12.40 TRANSPORTATION IMPACT FEES TO THE SHORELINE MUNICIPAL CODE TO INCLUDE A DEFERRAL PROGRAM FOR SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL CONSTRUCTION AND AMENDING CHAPTER 3.01 FEE SCHEDULES TO INCLUDE AN ADMINISTRATIVE FEE.

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, with the adoption of Engrossed Senate Bill (ESB) 5923 in April 2015, the Legislature amended Revised Code of Washington (RCW) 82.02.050 so as to mandate that cities collecting impact fees adopt and maintain a deferral program for the collection of impact fees for single-family detached and attached residential construction; and

WHEREAS, ESB 5923 sets forth specific requirements for the deferral program while also allowing the City certain discretion, including the time for deferral and the collection of an administrative fee; and

WHEREAS, pursuant to this legislative mandate, the City seeks to amend Chapter 12.40 to establish a deferral program and Chapter 3.01 to include an administrative fee for this program;

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

Section 1. SMC 12.40.050. A new section, section “F,” of SMC 12.040.050 *Collection of Impact Fees*, is hereby adopted to read as follows:

12.40.050 (F) Single-Family Residential Deferral Program. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until final inspection or eighteen (18) months from the date of original building permit issuance, whichever occurs first. Deferral of impact fees are considered under the following conditions:

- (1) An applicant for deferral must request the deferral no later than the time of application for a building permit. Any request not so made shall be deemed waived.
- (2) For the purposes of this deferral program, the following definitions apply:
 - (a) “Applicant” includes an entity that controls the applicant, is controlled by the

applicant, or is under common control with the applicant.

(b) "Single-Family Residence" means a permit for a single-family house as set forth in SMC 3.01.015(A) ITE Code 210.

(3) To receive a deferral, an applicant must:

- (a) Submit a deferred impact fee application and acknowledgement form for each single-family attached or detached residence for which the applicant wishes to defer payment of the impact fees;
- (b) Pay the applicable administrative fee;
- (c) Grant and record at the applicant's expense a deferred impact fee lien in a form approved by the City against the property in favor of the City in the amount of the deferred impact fee that:
 - i. includes the legal description, tax account number, and address of the property;
 - ii. requires payment of the impact fees to the City prior to final inspection or eighteen (18) months from the date of original building permit issuance, whichever occurs first;
 - iii. is signed by all owners of the property, with all signatures acknowledged as required for a deed and recorded in King County;
 - iv. binds all successors in title after the recordation; and
 - v. is junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

(4) The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.

(5) Prior to final inspection or eighteen (18) months from the date of original building permit issuance, the applicant may pay the deferred amount in installments, with no penalty for early payment.

(6) The City shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the City shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at his or her expense.

(7) The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection.

(8) If impact fees are not paid in accordance with the deferral and in accordance with the term provisions established herein, the City may institute foreclosure proceedings in accordance with chapter 61.12 RCW.

(9) Each applicant for a single-family attached or detached residential construction permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 21 single-family residential construction building permits.

(10) The City shall collect an administrative fee from the applicant seeking to defer the payment of impact fees under this section as provided in SMC 3.01.015(B).

Section 2. SMC 3.01.015. Section 3.01.015 Transportation Impact Fees B. Administrative Fees is amended to include an administrative fee to be collected from permit applicants who are seeking to defer the payment of impact fees under SMC 12.40.050(F). SMC 3.01.015(B) is amended to add a new section, Section B(4), as follows:

B. Administrative Fees		2015 Fee Schedule
1	Administrative Fee – All applicable projects	\$158.75
2	Administrative Fee – Impact fee estimate/preliminary determination	Hourly rate, 1-hour minimum \$158.75
3	Administrative Fee – Independent fee calculation	Hourly rate, 1-hour minimum \$158.75
4	Administrative Fee – Deferral Program	\$158.75

Section 3. 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 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

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