

ORDINANCE NO. 733

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 12.40 TRANSPORTATION IMPACT FEES TO THE SHORELINE MUNICIPAL CODE TO ADDRESS ANNUAL INCREASES IN THE FEE AND CLARIFY THE APPEAL PROCESS.**

WHEREAS, on July 21, 2014, the Shoreline City Council adopted Ordinance 690, establishing Chapter 12.40 of the Shoreline Municipal Code, as transportation impact fee program, which became effective January 1, 2015; and

WHEREAS, SMC 12.40.130 states that the fees are to be reviewed and adjusted annually using the same percentage changes as in the most recent annual change of the Washington Department of Transportation's Construction Costs Indices (CCI); and .

WHEREAS, the most recent CCI would result in a fee increase of 34.98 percent; and

WHEREAS, utilizing an average of the CCI over a three year period results in an 11 percent increase in fees, a more equitable result that reflects fluctuations in the CCI over time; and

WHEREAS, SMC 12.40.140 states that impact fee determinations and decisions are to follow the procedures of SMC 20.30, Subchapter 4; and

WHEREAS, following this process, all appeals would need to be filed in the superior court; and

WHEREAS, requiring applicants to present their appeal in superior court is cumbersome, costly, and unnecessary;

WHEREAS, the City seeks to amend SMC 12.40.130 and SMC 12.40.140 to remedy these issues;

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

**Section 1. SMC 12.40.130.** Section 12.40.130 Review and adjustment of rate is amended as shown below:

12.40.130 Review and adjustment of rates

...

B. Annually, and prior to the first day of January, the director shall adjust the fees at a rate adjusted in accordance with by the same percentage change as in the most recent annual change of the Washington Department of Transportation's Construction Cost Indices (CCI). The City shall utilize a three-year CCI average, using the three most recent calendar years' CCI available data, to determine

adjustments to the impact fees.

**Section 2. SMC 12.40.140.** Section 12.40.140 Appeals is amended as shown below:

12.40.140 Appeals.

Determinations and decisions by the director that are appealed by an applicant shall follow the procedures for a Type B Administrative Decision as set forth in ~~of~~ Chapter 20.30 SMC, Subchapter 4.

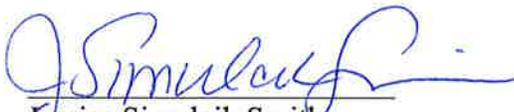
**Section 3. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**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 DECEMBER 14, 2015**

  
Mayor Shari Winstead

ATTEST:

  
Jessica Simulcik Smith  
City Clerk

APPROVED AS TO FORM:

  
Margaret King  
City Attorney

Date of Publication: December 17, 2015

Effective Date: December 22, 2015