

ORDINANCE NO. 1013

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CHAPTER 3.70 IMPACT FEES FOR PARKS, OPEN SPACE, AND RECREATION FACILITIES OF THE SHORELINE MUNICIPAL CODE TO PROVIDE FOR AN UPDATED RATE STUDY AND METHODOLOGY FOR FEES PROPORTIONAL TO SQUARE FOOTAGE, TO ADD AN EXEMPTION FOR ADULT FAMILY HOMES, AND TO ADOPT NEW PARK IMPACT FEES EFFECTIVE JULY 1, 2025.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, in 2017, the City Council established a park impact fee program pursuant to Chapter 82.02 RCW, now codified as Chapter 3.70 SMC; and

WHEREAS, on November 18, 2024, the City Council adopted Ordinance No. 1022 establishing the 2025 park impact fees based on a construction cost index increase of the 2024 park impact fees as provided in SMC 3.70.130(B); and

WHEREAS, in 2023, the Washington State Legislature adopted Senate Bill 5258, 2023 c 337, amending RCW 82.02.060(1) to require that impact fees reflect the proportionate impact of new housing units based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units and that such proportional fees be in effect six months after the City's next periodic comprehensive plan update; and

WHEREAS, the City has completed a new rate study for the park impact fee program, entitled *Rate Study for Impact Fees for Parks, Open Space and Recreation Facilities*, dated November 12, 2024 (Rate Study), documenting the procedures for measuring the impact of new growth and development on park, open space, and recreation facilities that utilizes methodologies for calculating the maximum allowable impact fees that are consistent with the requirements of RCW 82.02.060(1), including adjusting rates proportionally based on finished square footage; and

WHEREAS, the City has utilized the new methodologies to calculate proportional park impact fees to be effective six months after its periodic comprehensive plan update consistent with Senate Bill 5258, 2023 c 337; and

WHEREAS, RCW 82.02.060 authorizes the City to permit certain uses to be exempt from the payment of impact fees, including those that the City has determined serve a broad public purpose provided that the impact fees for such uses be paid from public funds other than the impact fee account; and, on April 8, 2024, the City Council adopted Ordinance No. 1008, amending SMC Chapter 3.80 to provide an exemption for adult family homes, as that term is defined in Chapter 70.128 RCW, from the payment of park impact fees based on a finding that providing an exemption for adult family homes serves a broad public purpose by allowing applicants to provide a single-family style housing option for seniors and disabled individuals; and

WHEREAS, the City Council considered the proposed amendments at its December 9, 2024, regular meeting and, based on that discussion, the Rate Study was updated to provide additional information about persons per dwelling unit data and fee methodology, resulting in an updated study dated January 3, 2025; and

WHEREAS, based on information gained from the December 9, 2024, meeting and City Council direction, Staff prepared alternative amendments which, the City Council considered at its January 27, 2025, regular meeting; and

WHEREAS, the City Council determined that the rate structure should be based on a square footage rate structure with four (4) ranges and provide for a 25 percent reduction for the maximum allowable rate established in the Rate Study, finding that this rate structure is appropriate and in the best interests of the City and its residents;

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

Section 1. Amendment to Shoreline Municipal Code Chapter 3.70 Impact Fees for Parks, Open Space, and Recreation Facilities. Chapter 3.70 is amended as follows:

A. SMC 3.70.010(B) is amended to read as follows:

B. The rate study “Rate Study for Impact Fees for Parks, Open Space, and Recreation Facilities,” city of Shoreline, dated ~~July 2017~~ January 3, 2025 (“rate study”), documents the extensive research concerning the procedures for measuring the impact of new developments on public park facilities. The rate study, city clerk’s Recording Number ~~8874~~ 10990, as amended from time to time, is fully incorporated by reference.

B. The following definitions in SMC 3.70.020 are amended to read as follows:

“Director” means the director or designee of the department of parks, recreation, and ~~cultural~~ community services, or its successor department.

“Rate study” means the “Rate Study for Impact Fees for Parks, Open Space, and Recreation Facilities,” city of Shoreline, dated ~~June 23, 2017~~ January 3, 2025.

C. A new definition, Finished Square Footage, is added to SMC 3.70.020 and shall read as follows:

“Finished square footage” means all livable space in a dwelling unit, including finished and unfinished basements, but excluding unfinished attics, carports, attached garages, porches that are not protected from weather (such as screened porches), and manufactured/mobile home hitches.

D. SMC 3.70.070(A) is amended to read as follows:

- A. Alteration or replacement of an existing residential structure that does not ~~create an additional dwelling unit or change the type of dwelling unit~~ increase finished square footage.

E. A new section, section G, is added to SMC 3.70.070 and shall read as follows:

G. Adult Family Homes - licensed, as defined in RCW 70.128, shall be exempt from the payment of impact fees subject to the following:

1. Any claim for an exemption by an applicant must be made no later than the time of application for a building permit or it shall be deemed waived.
2. Prior to permit issuance, the applicant shall either pay the amount of impact fees due for the use or execute and record, at the applicant's expense, an impact fee lien in a form approved by the city against the property in favor of the city for the exempted amount of the impact fees. The city will reimburse the applicant for fees paid or release the lien upon demonstration that the applicant has obtained a state-issued license for the adult family home pursuant to chapter 70.128 RCW. If the applicant recorded a lien and fails to obtain a license, then impact fees shall be due and payable immediately for the use that will be occurring on the property and, the city may proceed with any remedy to secure payment of such fees.
3. Prior to reimbursement or release of the lien, the applicant shall execute and record a covenant acceptable to the city that prohibits using the property for any purpose other than for an adult family home for a period of at least 10 years from the issuance date of the first certificate of occupancy, temporary or permanent. The covenant shall, at the minimum:
 - a. State that if the property is converted to a use other than an adult family home or the license is voluntarily surrendered or revoked, the then-current property owner must pay the applicable impact fees in effect at the time of conversion;
 - b. Run with the land and be binding on all subsequent property owners and/or lessees;
 - c. Contain language that provides the city with the ability to enforce the terms and conditions of the covenant; and
 - d. Submit a notarized declaration no later than January 31st of each year in a form acceptable to the city that affirms compliance with the terms and conditions of the covenant.
4. The amount of impact fees not collected pursuant to this exemption shall be paid from public funds other than the impact fee account.as provided in RCW 82.02.060(2).

D. SMC 3.70.080(A) shall be amended to read as follows:

- A. An applicant may request that a credit or credits for impact fees be awarded to them for the total value of system improvements, including dedications of land and improvements, and/or construction provided by the applicant. The application for credits shall be presented by the applicant on forms to be provided by the director and shall include the content designated in such forms. Credits will be given only if the land, improvements, and/or the facility constructed are:

1. Included within the capital facilities plan;

2. Determined by the city to be at suitable sites and constructed at acceptable quality;
3. Serve to offset impacts of the development authorized by the applicant's building permit; and
4. Part of one or more of the projects listed in ~~Exhibit B1~~ Exhibit B of the rate study as the basis for calculating the parks, open space, and recreation impact fee; however, frontage improvements for those projects are not eligible for credits unless the director determines that the frontage improvements will not be replaced or significantly changed when the project is constructed.

Section 2. Amendment to Park Impact Fee Schedule.

The 2025 Park Impact Fee Schedule adopted by Ordinance No. 1022 is deleted in its entirety and replaced with a new 2025 Park Impact Fee Schedule as set forth below:

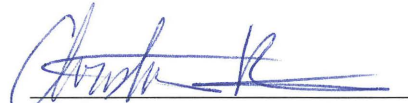
		2025	
A. Rate Table			
Type of Development Unit by Finished Square Footage	Impact Fee		
Less than 500	\$2,549	per dwelling unit	
500 to 1,499	\$4,534	per dwelling unit	
1,500 to 2,499	\$6,519	per dwelling unit	
2,500 or more	\$7,056	per dwelling unit	
Accessory Dwelling Unit (ADU)	50% of the park impact fee that would be charged to the principal unit on the lot or the rate by square footage of the ADU, whichever is less		
Additions and remodels that add finished square footage	Calculated difference in park impact fee rates between the rate that would be charged based on the total square footage of the dwelling unit including the addition or remodel and the rate that would have been charged based on the total square footage of the dwelling unit prior to the addition or remodel		
B. Administrative Fees - See Planning and Community Development			

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

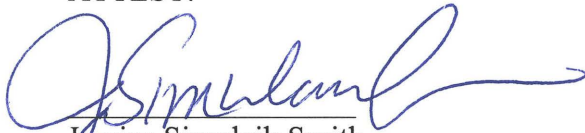
Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall become effective July 1, 2025.

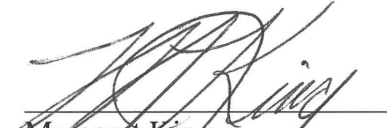
ADOPTED BY THE CITY COUNCIL ON JANUARY 27, 2025.


Christopher Roberts, Mayor

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:


Margaret King
City Attorney

Date of Publication: January 30, 2025
Effective Date: July 1, 2025