

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No.'s 716, 718, 719 and 720 - Transportation Impact Fee Amendments
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Julie Ainsworth-Taylor
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On July 21, 2014, the City Council adopted Ordinance No. 690, establishing a transportation impact fee program for the City of Shoreline. This program became effective January 1, 2015. Some minor amendments to the program are needed to respond to a few administrative items that have arisen since the effective date, the potential inclusion of a new public purpose exemption, and the inclusion of a single family residential deferral program mandated by a newly enacted state law. The four (4) amendments, each addressing a unique subject, were discussed by Council on July 13, and Council provided direction to bring these four ordinances back for adoption. The amendments are attached to this staff report as proposed Ordinance No.'s 716, 718, 719, and 720 (Attachments A-D).

RESOURCE/FINANCIAL IMPACT:

In regards to deferral program and exemption, the impact on resources and finances will be in direct relationship to the volume of exemptions and deferrals sought. Staff will need to administer and manage the deferral program. Other City funds will be needed to cover impact fees exempted for public purposes, but given the limited application of the proposed exemption, financial impact should be minimal. Financial impacts can be estimated for the statutorily-mandated single family deferral program based on the current volume of permits for single family construction (\$361,881.70 per year on average).

Revenue is not lost under the deferral program; just delayed. The Community-Based Services exemption will eliminate Hopelink's impact fee of \$26,158.44 for its proposed facility. Removal of the vacancy provision and its retrospective application will result in refunds of fees already paid of almost \$88,000 (Swedish Medical and Edward Jones). The vacancy provisions and the addition of a rate for assisted living will result in adjustments to calculations when building permits are issued for pending applications.

RECOMMENDATION

Staff recommends that Council move adoption of Ordinance No. 716, Ordinance No. 718, Ordinance No. 719, and Ordinance No. 720.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

On July 21, 2014, the City Council adopted Ordinance No. 690, establishing a transportation impact fee program. This program became effective January 1, 2015. With the adoption of Ordinance No. 690, Shoreline Municipal Code (SMC) Chapter 12.40 Transportation Impact Fees (TIF) was established, and Section 3.01.015 Impact Fee Rate Table was added to Title 3 of the SMC.

Some minor amendments in response to a few administrative items that have arisen are needed for SMC 12.40 and SMC 3.01.015, along with the potential inclusion of another public purpose exemption in addition to the low-income housing exemption, and a single-family residential deferral program mandated by a newly enacted state law.

Since each of the proposed amendments has a unique subject matter, separate ordinances were presented to Council for discussion on July 13, 2015. The Staff Report for this discussion can be found at:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport071315-9b.pdf>.

DISCUSSION

During the July 13 study session, Council directed staff to bring back four of the five ordinances that were initially proposed for adoption. The ordinance pertaining to a small business deferral program (proposed Ordinance No. 717) was deferred for further study and discussion. Council did not direct staff to make any changes to the four ordinances being presented to the Council at this time. The ordinances attached here for adoption, proposed Ordinance Nos. 716, 718, 719 and 720 (Attachments A-D), are explained below in greater detail:

Proposed Ordinance 716 – Change of Use and Vacancy Requirements

SMC 12.40.050(B) states that if a building permit application for a change of use is submitted, that the applicable fee is calculated based on the proposed land use less any impact fee paid for the immediately preceding use. If no impact fee was paid, then the fee for the preceding use is determined based on the current fee for that use. For example, if the Key Bank at N 175th Street and Aurora Avenue N (across the street from City Hall) closed and Starbucks sought to open a new store in that building, the impact fee would be the current rate for a coffee shop less the current rate for a bank. However, SMC 12.40.050(B) modifies this methodology for structures that have been vacant for more than twelve (12) months. In that situation, no offsetting credit is granted, the full impact fee must be paid.

Staff reviewed the provisions of other jurisdictions and found most did not address vacancy at all and of those that did, they had a much longer vacancy requirement. The City of Redmond requires a structure to be vacant for a period of three (3) years before it loses any right to a credit for the preceding use (RMC 3.10.130(5)), Pierce County sets five (5) years as the required vacancy period (PCC 4A.10.010(B)), and the City of Des Moines sets ten (10) years as the required vacancy period (DMMC 12.40.100(8)).

Staff believes the twelve (12) month vacancy limitation creates a disincentive for the redevelopment of existing structures. The language proposed by staff in proposed Ordinance No. 716 eliminates the vacancy language in its entirety. In addition, it makes clear to an applicant that a credit is not applied if the resulting calculation of impact fees is a negative number.

As noted below, at the July 13 study session, Council directed staff to provide retroactive language in this ordinance so that applicants who were subject to the vacancy provision could benefit for this amendment.

Proposed Ordinance 718 – Single Family Deferral Program

In April 2015, the Washington State Legislature adopted ESB 5923. With this bill, the Legislature amended RCW 82.02.050, mandating that cities enact a payment deferral program for the collection of impact fees for single-family detached and attached residential construction. The deferral program being presented to Council allows for the payment of impact fees to be delayed from the time of building permit issuance, the current point of collection, until final inspection of the residence or 18 months from building permit issuance, whichever occurs first. This program is similar to the one presented to the City by the Master Builders' Association when Ordinance No. 690 was originally being considered.

The proposed amendment would add a new section to SMC 12.40.060 to establish this statutorily mandated single-family residential deferral program.

While ESB 5923 delineates the mandatory requirements of the program, the Legislature did give the City flexibility as to the time of collection – final inspection, certificate of occupancy, or time of closing of first sale. The only limitation on this flexibility is that deferral may not be in excess of 18 months from the date of building permit issuance. For ease of administration, the City's Planning and Community Development Department has selected "final inspection" as the time of collection for this deferral program.

While the Legislature requires the City to have the deferral program, the program is optional for a developer. If a developer would like to receive a deferral, the developer must make the request no later than the time of application for a building permit. If the developer fails to make such a request, deferral is deemed waived. This is consistent with optional exemptions the City offers, such as the low-income housing exemption.

As provided for in the legislation, the City is charging an administrative fee for the deferral program.

As to the financial impact of this program, this is a deferral, not an exemption. Over the past three years (2012 – 2014), the City has issued 194 permits for single family residential units; an average of 65 permits a year. The current impact fee for single family is \$5,567.41 per unit. Thus, on average, the City would be deferring \$361,881.70 per year. City permitting records denote that the average time from building permit issuance to completion of construction (final inspection) is eight (8) months for a contractor and 12 months for the construction of a residence by a homeowner. In other

words, the City should expect to capture the deferral amounts in an 8-12 month time period.

ESB 5923 also provides that the City has until September 1, 2016, to adopt this deferral program. However, since ESB 5923 is a mandate and staff is presenting several other amendments to SMC 12.40, staff believes that presenting this potential amendment now was prudent.

At the July 13 study session, the Council determined that the availability of this program should be immediate and directed staff to make it available as provided by law – five (5) days from publication of the adopted ordinance.

Proposed Ordinance 719 – Community-Based Human Service Agency Exemption

This proposed amendment was submitted by the City Manager's Office. The origin of this submittal came to light as part of the relocation of Hopelink to the Ronald Commons facility. This relocation requires the payment of impact fees as there is no exemption in SMC 12.40 that precludes collection. Hopelink proposes a new food bank at Ronald Commons, relocating the one operated at Aurora Square. There is no ITE land use code, the basis for calculating fees, for a food bank. The City Traffic Engineer has determined that the ITE land use code most reasonable is mini warehouse, which sets \$2.09/square foot as the impact fee. Based on Hope Link's proposal, this would mean an impact fee of \$26,158.44 for its relocated food bank. These fees impose a substantial burden on a non-profit community service agency such as Hopelink.

RCW 82.02 060(2) provides that the City may establish exemptions for development activities that provide a broad public purpose. Staff believes that agencies providing community services to those in need serve a broad public purpose worthy of exemption. In reviewing other jurisdictions code provisions, few had an exemption for community service agencies. The City of Bellevue exempts privately operated not-for-profit social service facilities recognized by the Internal Revenue Service under Internal Revenue Code Section 501(c)(3) (BMC 22.16.070(B)(5)). Staff believes this exemption was too general and based the amendment it is proposing on the City of Kirkland's exemption of community-based human services (KMC 27.04.050(8)). Thus, under staff's proposed amendment, before the exemption applies, the service agency must not only be an IRS 501(c)(3) organization but it must provide essential human services within the Shoreline community to vulnerable populations within a variety of cultures and languages that exist within Shoreline.

In addition to the qualifying criteria, which would be reviewed by the City Manager, staff has proposed that an applicant record a covenant prohibiting the use of the property for any purpose other than community-based human services for a period of ten (10) years so as to ensure long-time commitment. Staff selected ten (10) years because this is the period of time the City has to expend or encumber an impact fee. If the applicant breaches this covenant, they must pay the applicable impact fee in effect at the time of conversion.

Council must remember that pursuant to RCW 82.02.060(2), any impact fees not collected under this type of exemption must be paid for from public funds other than the

impact fee account. This can be at the time of the project. If the City was not collecting impact fees, then 100% of the project costs would be paid from public funds.

As noted below, at the July 13 study session, the Council direct staff to prepare this ordinance with retroactive language so that Hopelink could benefit from the exemption.

Proposed Ordinance 720 – Assisted Living Land Use Code

Impact fees are calculated utilizing ITE land use codes. These codes are based on vehicle trip generation for the type of development proposed. Shoreline uses these codes to establish the impact fee set forth in SMC 3.01.015.

The City's Traffic Engineer has proposed to include ITE Code 254 – Assisted Living - to SMC 3.01.015 since the uses set forth in the rate table do not adequately cover this use. The City Traffic Engineer calculated the rate based on a per bed unit for a Continuing Care Retirement facility but adjusting it for reduced trip generation and trip length, a methodology utilized by other jurisdictions in Washington. The proposed rate for Assisted Living is \$545.71/bed.

As noted below, at the July 13 study session, the Council direct staff to prepare this ordinance with retroactive language so that applications received since January 1 could benefit from this amendment.

Effective Application Time of Vacancy and Social Service Exemption

At the July 13 study session, the Council was advised that it could legislatively, through the inclusion of specific language in the ordinances, provide for retrospectively application so that those who have applied for building permits and/or paid impact fees since January 1, 2015 could benefit from the amendments. The ordinances that continue this language are Ordinance Nos. 716 (Change of Use/Vacancy); 719 (Community-Based Agencies); and 720 (Assisted Living Rate). At the study session, Council directed staff to include the retrospective language in these ordinances.

RESOURCE/FINANCIAL IMPACT

In regards to deferral program and exemption, the impact on resources and finances will be in direct relationship to the volume of exemptions and deferrals sought. Staff will need to administer and manage the deferral program. Other City funds will be needed to cover impact fees exempted for public purposes, but given the limited application of the proposed exemption, financial impact should be minimal. Financial impacts can be estimated for the statutorily-mandated single family deferral program based on the current volume of permits for single family construction (\$361,881.70 per year on average).

Revenue is not lost under the deferral program; just delayed. The Community-Based Services exemption will eliminate Hopelink's impact fee of \$26,158.44 for its proposed facility. Removal of the vacancy provision and its retrospective application, will result in refunds of fees already paid of almost \$88,000 (Swedish Medical and Edward Jones). The vacancy provisions and the addition of a rate for assisted living will result in adjustments to calculations when building permits are issued for pending applications.

RECOMMENDATION

Staff recommends that Council move adoption of Ordinance No. 716, Ordinance No. 718, Ordinance No. 719, and Ordinance No. 720.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 716
Attachment B – Proposed Ordinance No. 718
Attachment C – Proposed Ordinance No. 719
Attachment D – Proposed Ordinance No. 720 and Exhibit A

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 716

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
AMENDING CHAPTER 12.40 TRANSPORTATION IMPACT FEES TO
THE SHORELINE MUNICIPAL CODE TO ADDRESS CHANGE OF USE
IN OCCUPIED AND VACANT STRUCTURES.**

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

WHEREAS, SMC 12.40.050(B) states that an existing structure that has been vacant for less than 12 months is entitled to a credit for the previous use, a structure that has been vacant for more than 12 months must pay the full impact fee for the new impact fee; and

WHEREAS, the administration of this provisions has been problematic and may unduly burden structures and/or the types of business that have a high turn-over rate; creating a disincentive to their redevelopment; and

WHEREAS, the City seeks to amend SMC 12.40.050(B) to resolve this issue;

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

Section 1. SMC 12.40.050(B). Section 12.40.050(B) Collection of Impact Fees is amended as shown below:

12.40.050 Collection of impact fees.

B. When an impact fee applies to a building permit for a change of use of an existing building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee paid for the immediately preceding use. The preceding use shall be determined by the most recent legally established use based on a locally owned business license and development permit documents.

1. For purposes of this provision, a change of use should be reviewed based on the land use category provided in the rate study that best captures the broader use or development activity of the property under development or being changed. Changes of use and minor changes in tenancies that are consistent with the general character of the building or building aggregations (i.e., “industrial park,” or “specialty retail”), or the previous use shall not be considered a change of use that is subject to an impact fee.

2. If no impact fee was paid for the immediately preceding use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the immediately preceding use.

~~3. Buildings vacant for less than 12 months shall be assessed with a reduction based on the most recent legally established use as shown on a locally owned business license. If the calculated impact fee is a negative amount, the applicant will not be required to pay impact fees nor will the applicant be compensated by the City for a negative impact fee.~~

~~4. Buildings vacant for 12 months or more shall pay the full impact fee for the new use.~~

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.

PASSED BY THE CITY COUNCIL ON AUGUST 3, 2015.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2015
Effective Date: _____, 2015

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	<u>Administrative Fee – Deferral Program</u>	<u>\$158.75</u>

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:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2015
Effective Date: _____, 2015

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.

PASSED BY THE CITY COUNCIL ON AUGUST 3, 2015.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2015

Effective Date: _____, 2015

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO.720

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
AMENDING SECTION 3.01.015 TRANSPORTATION IMPACT FEES TO
THE SHORELINE MUNICIPAL CODE TO INCLUDE “ASSISTED
LIVING” AS A LAND USE CATEGORY IN THE TRANSPORTATION
IMPACT FEE RATE TABLE.**

WHEREAS, on July 21, 2014, the Shoreline City Council adopted Ordinance 690, establishing a transportation impact fee program and adopting a new Section 3.01.015 to Title 3 of the Shoreline Municipal Code; and

WHEREAS, the Institute of Transportation Engineers (ITE) has established land use codes based on vehicle trip generation for various types of development; and

WHEREAS, permits for facilities most closely related to the ITE land use code 254 for Assisted Living are frequently submitted to the City but the current Transportation Impact Fee rate table does not include a similar land use category with equivalent units of measurement; and

WHEREAS, the City seeks to amend Section 3.01.015 to include Assisted Living as a land use category in the Transportation Impact Fee rate table;

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

Section 1. SMC 3.01.015. Section 3.01.015 Transportation Impact Fees A. Rate Table is amended to include the ITE land use category 254 Assisted Living and its associated fee as shown in Exhibit A.

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.

PASSED BY THE CITY COUNCIL ON AUGUST 3, 2015.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2015

Effective Date: _____, 2015

3.01.015 Transportation Impact Fees.

A. Rate Table.

ITE Code	Land Use Category/Description	Impact Fee Per Unit @ \$6,124.77 per Trip
90	Park-and-ride lot w/ bus svc	2,848.02 per parking space
110	Light industrial	7.78 per square foot
140	Manufacturing	5.86 per square foot
151	Mini-warehouse	2.09 per square foot
210	Single family house (includes townhouse and duplex)	5,567.41 per dwelling unit
220	Apartment (includes accessory dwelling unit)	3,607.49 per dwelling unit
230	Condominium	3,662.61 per dwelling unit
240	Mobile home park	2,601.80 per dwelling unit
251	Senior housing	1,190.65 per dwelling unit
<u>254</u>	<u>Assisted Living</u>	<u>545.71 per bed</u>
255	Continuing care retirement	1,776.18 per dwelling unit
310	Hotel	3,722.02 per room
320	Motel	2,965.00 per room
444	Movie theater	11.67 per square foot
492	Health/fitness club	15.37 per square foot
530	School (public or private)	4.52 per square foot
540	Junior/community college	11.82 per square foot
560	Church	3.04 per square foot
565	Day care center	29.19 per square foot
590	Library	14.75 per square foot
610	Hospital	7.15 per square foot
710	General office	10.76 per square foot
720	Medical office	19.55 per square foot
731	State motor vehicles dept	94.21 per square foot
732	United States post office	22.48 per square foot
820	General retail and personal services (includes shopping center)	8.14 per square foot
841	Car sales	14.97 per square foot
850	Supermarket	22.23 per square foot
851	Convenience market-24 hr	41.31 per square foot
854	Discount supermarket	22.67 per square foot
880	Pharmacy/drugstore	13.09 per square foot
912	Bank	31.85 per square foot
932	Restaurant: sit-down	22.97 per square foot

ITE Code	Land Use Category/Description	Impact Fee Per Unit @ \$6,124.77 per Trip
934	Fast food	52.85 per square foot
937	Coffee/donut shop	67.05 per square foot
941	Quick lube shop	23,840.66 per service bay
944	Gas station	21,679.38 per pump
948	Automated car wash	46.34 per square foot