

From: [Jennifer Anderson](#)
To: [City Council](#); [Shari Winstead](#)
Cc: [Alicia McIntire](#); [Dan Eernisse](#)
Subject: Traffic Impact Fees
Date: Monday, June 02, 2014 4:38:32 PM
Attachments: [2014_06-02_comment letter re traffic impact fee program.pdf](#)

Mayor and Councilmembers,

Attached please find my comment letter on behalf of the Master Builders Association regarding study item (a) Concurrency and Impact Fees on tonight's City Council agenda. Unfortunately, I won't be able to attend this evening's meeting, however, I am happy to meet with you at a later date to discuss our concerns.

Thank you for your consideration.

Jennifer Anderson ■ South Snohomish County Manager

t (425) 460-8240 c (206) 755-5972
335 116th Ave. SE, Bellevue, WA 98004
masterbuildersinfo.com





June 2, 2014

City of Shoreline
Mayor Winstead and Councilmembers
17500 Midvale Ave. n.
Shoreline, WA 98133-4905

RE: Traffic Impact Fee

Dear Mayor Winstead and Councilmembers:

On behalf of the nearly 3,000 members of the Master Builders Association of King and Snohomish Counties (MBA), I am writing to express concern related to the city of Shoreline's proposed traffic impact fee and the effect on housing affordability in the city.

Similar to a tax or any cost imposed on a business, the burden of paying these fees is ultimately passed onto new home buyers. Impact fees are included within the sale price of new homes and are amortized over the life of a mortgage. Amortizing impact fees significantly adds to the cost of the home, which decreases the ability of many people to purchase a home.

Additionally, impact fees not only lead to an increase in the price of new homes, but also an increase in the prices of existing homes, as both new and existing homes are close substitutes. If the cost for a new home is more expensive than existing homes, demand for existing homes will increase, resulting in an increase in existing home prices. The increase in home values will make housing less affordable for existing homes at the expense of buyers of both new and existing homes.

The MBA would encourage the city of Shoreline to consider providing builders and developers with the option of paying impact fees for all residential and non-residential development at the time of permit issuance or certificate of occupancy. When developers and builders must pay impact fees at permit issuance, they are forced to incur additional interest, which is then passed onto the home buyer. Should the city be willing to allow builders and developers to pay impact fees at certificate of occupancy, the burden would be significantly reduced. The later the fee is paid, the lower the impact on the housing price. Moreover, this is not an uncommon practice. The city of Auburn has had great success with the deferment of impact fees, and the MBA would encourage you to review the enclosed reports drafted by the city of Auburn regarding this issue.

We would also propose that the traffic impact fees are phased in. With the significant increase in fees being proposed, a phased in approach will enable builders and developers to increase the costs passed on to homebuyers over a longer period of time, thus keeping housing costs more affordable.

Master Builders Association of King and Snohomish Counties
335 116th Avenue SE
Bellevue, Washington 98004
t 425.451.7920 / 800.522.2209
f 425.646.5985 www.masterbuildersinfo.com

Thank you for the opportunity to comment and for your consideration. If you have any questions, please feel free to contact me at janderson@mbaks.com or (425) 460-8240.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Anderson". The signature is fluid and cursive, with a large initial "J" and "A".

Jennifer Anderson
South Snohomish County Manager

Encl.

Cc: Alicia McIntire, Sr. Transportation Planner
Dan Eernisse, Economic Development Manager



MEMORANDUM

TO: Councilmember Nancy Backus, Chair, Planning and Community Development Committee
Councilmember John Holman, Vice Chair, Planning and Community Development Committee
Councilmember Largo Wales, Planning and Community Development Committee

CC: Mayor Lewis

FROM: Jeff Tate, Development Services Manager, Planning and Development Department

DATE: February 4, 2013

RE: DISCUSSION AND INFORMATION: Ordinance No. 6341 – Discussion of Pending Expiration of Residential and Non-Residential Fee Deferral Program

Background

The Auburn City Council adopted Ordinance 6341 on March 21, 2011 that became effective on April 4, 2011. The Ordinance allows an applicant to defer payment of impact fees and system development charges for residential and non-residential development from the time of permit issuance to either certificate of occupancy or closing on the sale of a property. Under no circumstance shall payment be deferred longer than 18 months from the date of permit issuance. The effective period of Ordinance 6341 is April 4, 2011 to April 4, 2013.

Prior to the expiration of Ordinance No. 6341, staff is bringing this matter to the Committee for discussion and input on whether the Ordinance should or should not be extended or modified as well as to identify any questions or information needs the Committee has.

Summary of Program Use

When an applicant elects to utilize the fee deferral option they indicate such on the building permit application form. Staff completes a fee deferral covenant form (see Attachment A) which is then delivered to the applicant. The applicant is responsible for recording the document and providing City staff with the recording number. The recorded covenant includes instructions for title or escrow companies to contact City staff in order to determine the final payoff due to the City. The title or escrow company delivers a check to the City so that the properties title can be cleared of this outstanding debt. Once the fees have been paid, City staff prepares a release of covenant which is recorded in order to demonstrate that the debt is no longer applicable (see Attachment B).

Since program inception, 67 deferral covenants have been recorded, of which 21 have been subsequently paid off. The 67 covenants deferred a total of \$814,563.76 in fees and charges of which \$234,891.55 have been satisfactorily collected. The \$814,563.76 can be divided into the following categories of fees and charges:

- \$77,098.70 in Storm System Development Charges
- \$147,864.00 in Water System Development Charges
- \$58,905.00 in Sewer System Development Charges
- \$19,148.58 in Fire Impact Fees
- \$144,745.22 in Traffic Impact Fees
- \$338,802.26 in School Impact Fees

Currently, there is a balance owed of \$579,672.21 for all deferred impact fees and system development charges. Of the total outstanding balance, \$107,335.28 is owed within the next 6 months. \$256,491.27 is owed between 7 and 12 months from now. \$215,845.66 is owed between 13 and 18 months from now. However, the code does not preclude early payment of all fees.

Program Experience

Applicants who utilize the program do so consistently on every home that they construct. However, several applicants – primarily institutional developers - have elected not to defer fees or charges. When asked why, they have indicated that because a recorded covenant appears on a title report it is viewed by lenders as a debt which impacts their ability to obtain credit or that it reduces their access to the amount of credit that they need. While these developers have expressed a positive response towards the City's willingness to create options that help the construction industry, the current format of the fee deferral program is not a viable option for them.

Ordinance No. 6341 requires that all fees be paid no later than 18 months from the date of permit issuance. Failure to pay the full balance within this timeframe is a violation that is enforceable under the City's normal code enforcement procedures. Thus far, the City has not had to initiate an enforcement response because all fees have been paid on time. Additionally, staff monitors all fee deferral covenants and provides notification to customers 30 days prior to the end of the 18 month period.

Options

As previously noted, the current expiration date for Ordinance No. 6341 is April 4, 2013. Staff has identified the following potential legislative options that the City Council could implement regarding this Ordinance:

Option 1 – Allow the Ordinance to expire on April 4, 2013. The effect of this option will be to revert to a standard procedure that requires payment of all impact fees and system development charges at the time of permit issuance.

Option 2 – Extend the Ordinance for an additional defined period of time, e.g. 2 more years to expire on April 4, 2015.

Option 3 – Extend the Ordinance in perpetuity by eliminating any sunset clauses.

Option 4 – Extend the Ordinance with further modifications, e.g. modify the requirement that all fees be paid within 18 months or eliminate the requirement that the deferred fees be memorialized through a recorded instrument.

Discussion Questions

To assist the Committee in its discussion, staff has prepared the following questions:

1. What additional information does the Committee want or need in regards to this matter?
2. What are the Committee's perspectives on the four options presented by City staff?
3. What is the Committee's direction, if any, regarding the continuation, modification or expiration of the City's Fee Deferral Program?

Update From January 28, 2013 PCDC Meeting

During their January 28, 2013 meeting, PCDC recommended moving forward with option #3 provided that the amended code included a requirement that the program be periodically revisited by City Council, e.g. every 3 years.

ORDINANCE NO. 6455

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 13.41.040, 19.02.070, 19.04.040, 19.06.040 AND 19.08.030 OF THE AUBURN CITY CODE RELATED TO DEFERRAL OF PAYMENT OF IMPACT FEES AND SYSTEM DEVELOPMENT CHARGES

WHEREAS, RCW 82.02 authorizes the City Council to establish and implement impact fees for parks, transportation, school and fire to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to meet the demands for park, transportation, schools and fire services associated with new growth and development; and

WHEREAS, RCW 35.92.025 authorizes, and the City Council has previously determined through ordinance action, that it is reasonable and in the public interest to enact and impose a utility systems development charge for the purpose of recovering a fair share of the costs of providing existing utility system infrastructure to serve new customers or revised uses of existing customers for the purpose of reimbursing the city's utility for the cost of construction of available capacity sanitary sewer, water and storm drainage facilities from those properties, which as part of their development and use create direct or indirect needs for those facilities; and

WHEREAS, on March 21, 2011, the City Council adopted Ordinance 6341, which deferred payment of certain impact fees until either a certificate of occupancy was issued, or a sale on a property closed, in order to address the downturn in the local economy, a diminishing number of residential units are being built, a diminishing number of new non-residential projects are being built and a diminishing number of

expansions of existing non-residential development are occurring, all of which adversely impacted the City's residential and non-residential development inventory, employment opportunities and revenue for government services; and

WHEREAS, the City Council finds that Ordinance 6431, which created a two-year trial period, provided flexibility to applicants for residential and non-residential development on the timing of payment of impact fees and system development charges and that the provisions of that Ordinance should be made permanent, subject to continued reporting its effectiveness; and

WHEREAS, the ordinance amendments are procedural in nature and therefore exempt from State Environmental Policy Act (SEPA) review; and

WHEREAS, the City Council finds that the proposed amendments to the Auburn City Code to be consistent with and to implement the intent of the City's Comprehensive Plan; and

WHEREAS, the Auburn City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance to promote continued economic development in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. **Amendment to City Code.** That Section 13.41.040 of the Auburn City Code, entitled 'Utility Systems Development Charge -- Collection,' is hereby amended to read as follows:

13.41.040 Collection.

The water, sanitary sewer and storm drainage utilities systems development charges are immediately due and payable upon obtaining a permit for connection to the city utility. Systems development charges for parcels that will utilize infiltration for storm

water disposal are immediately due and payable upon obtaining a building permit to develop the parcel.

A. For residential development for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to issuance of a permit application, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of water, sanitary sewer and storm drainage development charges due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (A)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 13.41.070 shall not apply to determinations made pursuant to this section.

B. For nonresidential development composed of new development, redevelopment or a change in use and inclusive of commercial office and retail uses, light and heavy manufacturing uses, but excluding warehousing and distribution uses, and institutional development including but not limited to public and private schools and colleges and hospitals, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to the issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay water, sanitary sewer and storm drainage development charges due and owing, less any credits awarded, no later than prior to issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030

and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (B)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 13.41.070 shall not apply to determinations made pursuant to this section. (Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3610 § 2, 1981; Ord. 3510 § 4, 1980.)

Section 2. **Amendment to City Code.** That Section 19.02.070 of the Auburn City Code, entitled 'School Impact Fees – Fee Collection,' is hereby amended to read as follows:

19.02.070 Fee collection.

The school impact fee shall be imposed, based on the impact fee schedule, at the time of application to the city for a development activity permit. The school impact fee shall be imposed based on the impact fee schedule adopted for the applicable school district. The impact fee and the application fee shall be collected by the city and maintained in separate accounts. All school impact fees shall be paid to the district from the school impact fee account monthly. The city shall retain all application fees associated with the city's administration of the impact fee program.

A. Impact fees shall be imposed upon development activity in the city concurrent with the issuance of a building permit. The fees are based upon the adopted fee schedule and collected by the city from any applicant where such development activity requires issuance of a residential building permit or a building permit for a manufactured or mobile home located on platted lots within manufactured/mobile home parks, and the fee has not been previously paid. Impact fees are only collected and disbursed within the boundaries of a school district that has executed an interlocal agreement with the city of Auburn.

B. Applicants for single-family and multifamily residential building permits and for manufactured/mobile home building permits shall pay the total amount of the impact fees assessed before the building permit is issued, using the impact fee schedules then

in effect. The owner of the manufactured/mobile home park shall be responsible to pay the fee.

C. The city shall not issue the required building permit or manufactured/mobile home building permit unless and until the impact fees set forth in the impact fee schedule have been paid.

D. The city will impose an application fee, as provided for in the city's adopted fee schedule, per dwelling unit which is subject to and not otherwise exempt from this chapter to cover the reasonable cost of administration of the impact fee program. The fee is not refundable and is collected from the applicant of the development activity permit at the time of permit issuance.

E. For complete single-family building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of school impact fees due and owing by providing for automatic payment through escrow of these school impact fees due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (E)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

F. For complete multifamily building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of school impact fees due and owing by providing for automatic payment through escrow of these school impact fees due and owing to be paid no later than at

time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (F)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full. (Ord. 6341 § 2, 2011; Ord. 6077 § 2, 2007; Ord. 5261 § 1 (Exh. A), 1999; Ord. 5078 § 1, 1998.)

Section 3. **Amendment to City Code.** That Section 19.04.040 of the Auburn City Code, entitled 'Transportation Impact Fees – Assessment of Impact Fees,' is hereby amended to read as follows:

19.04.040 Assessment of impact fees.

A. Effective July 1, 2001, the city shall collect impact fees, based on the fee schedule of the city of Auburn, from any applicant seeking a building permit from the city for any development activity within the city.

B. Effective May 19, 2003, where a change in use increases the trip generation by more than one whole PM peak hour trip, the director shall calculate a transportation impact fee based on the increases in the trip generation rate.

C. The director shall apply a heavy truck adjustment factor to the transportation impact fees for industrial land uses, addressing the percentage of vehicle trips for such uses made by trucks of three or more axles and the street capacity used by such trucks in comparison to other vehicles.

D. The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit, using the impact fee schedules then in effect, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.04.050, and adjusted for any credits pursuant to ACC 19.04.060.

E. Payment of impact fees shall be made by the feepayer at the time the building permit is issued. The amount to be paid shall not be increased for any applicant that

submitted a complete application for the building permit before the city established the impact fee rates.

F. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC 19.04.060 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC 19.04.060 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

G. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.

H. For complete single-family building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of transportation impact fees due and owing by providing for automatic payment through escrow of these transportation impact fees due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section.

I. For complete multifamily building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires

payment of transportation impact fees due and owing by providing for automatic payment through escrow of these transportation impact fees due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (l)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section.

J. For nonresidential development composed of new development, redevelopment or a change in use and inclusive of commercial office and retail uses, light and heavy manufacturing uses, but excluding warehousing and distribution uses, and institutional development including but not limited to public and private schools and colleges and hospitals, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to the issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay transportation impact fees due and owing, less any credits awarded, no later than prior to issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (J)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section. (Ord. 6341 § 3, 2011; Ord. 6005 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

Section 4. Amendment to City Code. That Section 19.06.040 of the Auburn City Code, entitled 'Fire Impact Fee - Assessment of Impact Fee,' is hereby amended to read as follows:

19.06.040 Assessment of impact fees.

A. Effective January 1, 2006, the city shall collect impact fees, based on the fee schedule of the city of Auburn, from any applicant seeking development approval from the city for any development activity within the city.

B. The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the impact fee schedules then in effect, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.06.050, and adjusted for any credits pursuant to ACC 19.06.060.

C. Payment of impact fees shall be made by the feepayer at the time the building permit is issued for each unit in the development. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.

D. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC 19.06.060 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC 19.06.060 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

E. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.

F. For complete single-family building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of fire impact fees due and owing by providing for automatic payment through escrow of these fire impact fees due and owing to be paid no later

than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (F)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.06.080 shall not apply to determinations made pursuant to this section.

G. For complete multifamily building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of fire impact fees due and owing by providing for automatic payment through escrow of these fire impact fees due and owing to be paid no later than at time of closing of the sale of the unit, or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (G)(1) of this section, the city may record a lien against

the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.06.080 shall not apply to determinations made pursuant to this section.

H. For nonresidential development composed of new development, redevelopment or a change in use and inclusive of commercial office and retail uses, light and heavy manufacturing uses, but excluding warehousing and distribution uses, and institutional development including but not limited to public and private schools and colleges and hospitals, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to the issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay fire impact fees due and owing, less any credits awarded, no later than prior to issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.06.080 shall not apply to determinations made pursuant to this section. (Ord. 6341 § 4, 2011; Ord. 5977 § 1, 2005.)

Section 5. Amendment to City Code. That Section 19.08.030 of the Auburn City Code, entitled 'Parks Impact Fees – Assessment of Impact Fees,' is hereby amended to read as follows:

19.08.030 Assessment of impact fees.

A. Effective January 1, 2007, the city shall collect park impact fees, based on the fee schedule of the city of Auburn, from any applicant seeking development approval from the city for any development activity that includes dwelling units within the city. The park impact fees established hereby shall be listed on the city of Auburn fee schedule.

B. Effective January 1, 2007, where a change in use increases housing capacity by more than or equal to one dwelling unit, the director shall calculate a parks and recreation impact fee based on the increase in the housing capacity.

C. The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the impact fee schedules then in effect, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.08.040, and adjusted for any credits pursuant to ACC 19.08.050.

D. Payment of impact fees shall be made by the feepayer at the time the building permit is issued for each unit in the development. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.

E. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC 19.08.050 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC 19.08.050 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

F. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.

G. For complete single-family building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a

permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (G)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.08.070 shall not apply to determinations made pursuant to this section.

H. For complete multifamily building permit applications for new development, redevelopment or a change in use, ~~during the effective period of April 4, 2011, through April 4, 2013,~~ and prior to or at the time of issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) have been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 19.08.070 shall not apply to determinations made pursuant to this section. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

Section 6. Reporting. The Mayor or the Mayor's designee shall provide a

report on the Fee Deferral Program to the City Council every two years.

Section 7. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 8. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 9. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____

