

ORDINANCE NO. 1008**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING SECTION 3.80.070 OF CHAPTER 3.80 IMPACT FEES FOR
TRANSPORTATION OF THE SHORELINE MUNICIPAL CODE TO ADD
AN EXEMPTION FOR ADULT FAMILY HOMES.**

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 2014, the City Council established a transportation impact fee program pursuant to Chapter 82.02 RCW, now codified as Chapter 3.80 SMC; 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

WHEREAS, on February 12, 2024, during its consideration of Ordinance No. 1005 adopting the Transportation Impact Fee Rate Schedule, the City Council directed staff to prepare an amendment to SMC 3.80.070 to provide an exemption for adult family homes as that term is defined in Chapter 70.128 RCW; and

WHEREAS, the City Council considered the proposed amendment at its March 18, 2024, regular meeting and has determined 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;

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

Section 1. Amendment – Section 3.80.070 Exemptions of Shoreline Municipal Code Chapter 3.80 Impact Fees for Transportation. A new section, section L is added to SMC 3.80.070 and shall read as follows:

L. Adult Family Homes - licensed, as defined in RCW 70.128, shall be exempt from the payment of transportation 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).

Section 2. 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 3. 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 4. 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 five days after publication.


PASSED BY THE CITY COUNCIL ON APRIL 8, 2024.


 Christopher Roberts, Mayor

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:


Margaret King
City Attorney

Date of Publication: April 11, 2024
Effective Date: April 16, 2024