

Legislation Details (With Text)

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Title: AN ORDINANCE relating to school impact fees; and amending Ordinance 11621, Section 114, and K.C.C. 21A.43.050.

Sponsors: Rod Dembowski

Indexes: Impact Fees

Code sections: 21A.43.050 - *

Attachments: 1. Ordinance 18331.pdf, 2. 2016-0340 legislative review form.pdf, 3. 2016-0340 transmittal letter.doc, 4. 2016-0340 fiscal note.xls, 5. 2016-0340 advertising summary.doc, 6. 2016-0340 determination of non-significance.pdf, 7. 2016-0340 SEPA environmental checklist.pdf, 8. Hearing Notice - publish Seattle Times 7-13-16, 9. 2016-0340_SR_School-Impact-Fee-Deferral.docx, 10. ATT6_DOC Approval.docx, 11. Affidavit of Publishing - Seattle Times 7-13-16, 12. Adoption Notice - Publish Seattle Times 8-31-16, 13. Affidavit of Pub - adoption notice - pub 8-31-16

Date	Ver.	Action By	Action	Result
8/15/2016	1	Metropolitan King County Council	Passed	Pass
8/15/2016	1	Metropolitan King County Council	Hearing Held	
7/19/2016	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Consent	Pass
7/11/2016	1	Metropolitan King County Council	Introduced and Referred	

Clerk 08/16/2016

AN ORDINANCE relating to school impact fees; and amending Ordinance 11621, Section 114, and K.C.C. 21A.43.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Chapter 241, Laws of Washington 2015, amending RCW 82.02.050, requires local jurisdictions collecting impact fees under the Growth Management Act to adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction. The deferral collection systems are required to be in place by September 1, 2016.

B. Because the county already has a deferral process in place for transportation impact fees and does not collect parks or fire impact fees, the only impact fees for which the county needs a deferred collection system are school impact fees.

C. Chapter 241, Laws of Washington 2015 provides an option that allows deferral of impact fee collection to final inspection of single-family detached and attached residential construction. This option counters upward pressure on new home prices by reducing the builders' financing costs of school impact fees, while retaining assurances that impact fees will be timely paid to support school infrastructure construction.

D. In accordance with Chapter 241, Laws of Washington 2015, applicants are entitled to receive twenty impact fee deferrals per year. An applicant will be identified by the applicant's contractor registration number.

E. For applicants seeking impact fee deferral, Chapter 241, Laws of Washington 2015 requires recording of a deferred impact fee lien against the property, in favor of the county, in the amount of the deferred fee.

F. Deferred fees in all cases must be paid no later than eighteen months after a building permit is issued in accordance with Chapter 241, Laws of Washington 2015.

SECTION 2. Ordinance 11621, Section 114 and K.C.C. 21A.43.050 are each hereby amended to read as follows:

A. In school districts where impact fees have been adopted by county ordinance and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based on the schedules set forth in each ordinance establishing the fee to be collected for the district, from any applicant seeking development approval from the county where such development activity requires final plat, PUD or UPD approval or the issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid. No approval shall be granted and no permit shall be issued until the required school impact fees set forth in the district's impact fee schedule contained in K.C.C. Title 27 have been paid.

B. For a plat, PUD or UPD applied for on or after the effective date of the ordinance adopting the fee

for the district in question receiving final approval, fifty percent of the impact fees due on the plat, PUD or UPD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedules in effect when the plat, PUD or UPD was approved. The balance of the assessed fee shall be allocated to the dwelling units in the project, and shall be collected when the building permits are issued. Residential developments proposed for short plats shall be governed by subsection D of this section.

C. If on the effective date of an ordinance adopting an impact fee for a district, a plat, PUD or UPD has already received preliminary approval, such plat, PUD or UPD shall not be required to pay fifty percent ((~~(50%)~~)) of the impact fees at the time of final approval, but the impact fees shall be assessed and collected from the lot owner at the time the building permits are issued, using the impact fee schedules in effect at the time of building permit application. If on the effective date of a district's ordinance, an applicant has applied for preliminary plat, PUD or UPD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection B of this section.

D. For existing lots or lots not covered by subsection B of this section, application for single family and multifamily residential building permits, mobile home permits, and site plan approval for mobile home parks, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued, using the impact fee schedules in effect at the time of permit application.

~~((E. Notwithstanding the provisions of this section, any application for preliminary plat, PUD or UPD approval submitted before January 22, 1991, shall not be required to pay school impact fees at the time of final plat, PUD or UPD approval. However, where the county has adopted a fee ordinance for the district, the full impact fee in effect when the building permits were applied for shall be paid by such developments at the time the building permits are issued if the applications for the building permits are submitted after January 22, 1991.))~~

((F))E. Any application for preliminary plat, PUD or UPD approval or multifamily zoning which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter,

shall be required to pay the fee in accordance with the condition of approval.

F. In lieu of impact fee payment pursuant to subsections A. through E. of this section, each applicant for a single-family residential construction permit may request deferral of impact fee collection for up to the first twenty single-family residential construction building permits per year. Applicants shall be identified by their contractor registration number. Deferred payment of impact fees shall occur either at the time of final permit inspection by the department of permitting and environmental review, or eighteen months after the building permit is issued, whichever is earlier.

SECTION 3. If any provision of this ordinance or its application to any person or circumstance is held invalid the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 4. This ordinance takes effect September 1, 2016.