

February 7, 1996

Introduced By:

Chris Vance

95-694Ord CW:ac

Proposed No.:

95-694

ORDINANCE NO. **12148**

AN ORDINANCE related to zoning; exempting from the application of school impact fees temporary mobile homes for medical hardship, community residential facilities and accessory dwelling units; amending Ordinance 11621, Sections 112 and 116; and K.C.C. 21A.43.030; K.C.C. 21A.43.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11621, Section 112 and K.C.C. 21A.43.030 are each hereby amended to read as follows:

**Fee Calculations.** A. The fee for each district shall be calculated based on the formula set out in Attachment A to Ordinance 11621.

B. Separate fees shall be calculated for single family and multifamily ~~((types of dwelling))~~ residential units, and separate student generation rates must be determined by the district for each type of ~~((dwelling))~~ residential unit. For purposes of this chapter ~~((mobile homes shall be treated as))~~ single family ~~((dwellings))~~ units shall mean single detached dwelling units, and ~~((duplexes and single family attached dwellings shall be treated as))~~ multifamily ~~((dwellings))~~ units shall mean townhouses and apartments.

C. The fee shall be calculated on a district-by-district basis using the appropriate factors and data to be supplied by the district, as indicated in Attachment A to Ordinance 11621. The fee calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the district used currently or within the last two years for instructional purposes.

D. The formula in Attachment A provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issue in the school district.

E. The formula also provides for a credit for school facilities or sites actually provided by a developer which the school district finds to be acceptable.

1            SECTION 2. Ordinance 11621, Section 116 and

2            K.C.C. 21A.43.070 are each hereby amended to read as follows:

3            **Adjustments, exceptions, and appeals.** A. The following are excluded from the  
4            application of the impact fees:

5            1. Any form of housing exclusively for the senior citizen, including nursing homes  
6            and retirement centers, so long as these uses are maintained;

7            2. Reconstruction, remodeling, or replacement of existing dwelling units which  
8            does not result in additional new dwelling units. In the case of replacement of a dwelling, a  
9            complete application for a building permit must be submitted within three years after it has  
10           been removed or destroyed;

11           3. Shelters for temporary placement, relocation facilities, ~~((and))~~ transitional  
12           housing facilities and Community Residential Facilities as defined in K.C.C. 21A.06.220 ;

13           4. Any development activity that is exempt from the payment of an impact fee  
14           pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the  
15           State Environmental Policy Act;

16           5. Any development activity for which school impacts have been mitigated  
17           pursuant to a condition of plat, PUD or UPD approval to pay fees, dedicate land or  
18           construct or improve school facilities, unless the condition of the plat, PUD or UPD  
19           approval provides otherwise; provided that the condition of the plat, PUD or UPD approval  
20           predates the effective date of a school district's fee implementing ordinance;

21           6. Any development activity for which school impacts have been mitigated  
22           pursuant to a voluntary agreement entered into with a school district to pay fees, dedicate  
23           land or construct or improve school facilities, unless the terms of the voluntary agreement  
24           provide otherwise; provided that the agreement predates the effective date of a school  
25           district's fee implementing ordinance;

26           7. Housing units which fully qualify as housing for persons age 55 and over  
27           meeting the requirements of the Federal Housing Amendments Act of 1988, 42 U.S.C.  
28           3607(b)(2)(c) and (b)(3), as subsequently amended, and which have recorded covenants or  
29           other legal arrangements precluding school-aged children as residents in those units~~((:))~~;

1           8. Mobile homes permitted as temporary dwellings pursuant to K.C.C.

2           21A.32.170; and

3           9. Accessory dwelling units as defined in K.C.C. 21A.06.350 and K.C.C.

4           21A.08.030(7.a.).

5           B. Arrangement may be made for later payment with the approval of the school  
6           district only if the district determines that it will be unable to use or will not need the  
7           payment until a later time, provided that sufficient security, as defined by the district, is  
8           provided to assure payment. Security shall be made to and held by the school district,  
9           which will be responsible for tracking and documenting the security interest.

10          C. The fee amount established in the schedule shall be reduced by the amount of  
11          any payment previously made for the lot or development activity in question, either as a  
12          condition of approval or pursuant to a voluntary agreement with a school district entered  
13          into after the effective date of a school district's fee implementing ordinance.

14          D. After the effective date of a school district's fee implementing ordinance,  
15          whenever a development is granted approval subject to a condition that the developer  
16          actually provide school sites, school facilities, or improvements to school facilities  
17          acceptable to the district, or whenever the developer has agreed, pursuant to the terms of a  
18          voluntary agreement with the school district, to provide land, provide school facilities, or  
19          make improvements to existing facilities, the developer shall be entitled to a credit for the  
20          value of the land or actual cost of construction against the fee that would be chargeable  
21          under the formula provided by this chapter. The land value or cost of construction shall be  
22          estimated at the time of approval, but must be documented. If construction costs are  
23          estimated, the documentation shall be confirmed after the construction is completed to  
24          assure that an accurate credit amount is provided. If the land value or construction costs  
25          are less than the calculated fee amount, the difference remaining shall be chargeable as a  
26          school impact fee.

27          E. Impact fees may be adjusted by the county, at the county's discretion, if one of  
28          the following circumstances exist, provided that the discount set forth in the fee formula  
29          fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the  
30          fee:

1 1. The developer demonstrates that an impact fee assessment was incorrectly  
2 calculated; or

3 2. Unusual circumstances identified by the developer demonstrate that if the  
4 standard impact fee amount was applied to the development, it would be unfair or unjust.

5 F. A developer may provide studies and data to demonstrate that any particular  
6 factor used by the district may not be appropriately applied to the development proposal,  
7 but the district's data shall be presumed valid unless clearly demonstrated to be otherwise by  
8 the proponent.

9 G. Any appeal of the decision of the director or the hearing examiner with regard to  
10 imposition of an impact for or fee amounts shall follow the appeal process for the  
11 underlying permit and not be subject to a separate appeal process. Where no other  
12 administrative appeal process is available, an appeal may be taken to the hearing examiner  
13 using the appeal procedures for variances. Any errors in the formula identified as a result of  
14 an appeal should be referred to the council for possible modification.

15 H. Impact fees may be paid under protest in order to obtain a building permit or  
16 other approval of development activity, when an appeal is filed.

17 INTRODUCED AND READ for the first time this 8<sup>th</sup> day of  
18 January, 1996

19 PASSED by a vote of 9 to 0 this 12<sup>th</sup> day of February  
20 1996.

21 KING COUNTY COUNCIL  
22 KING COUNTY, WASHINGTON

23 June Hogue  
24 Chair

25 ATTEST:

26 Gerald A. Peterson  
27 Clerk of the Council

28 APPROVED this 21<sup>st</sup> day of February, 1996

29 Sam Lodge  
30 King County Executive

31 Attachments: