



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3211

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S TRANSPORTATION IMPACT FEES; AMENDING LMC 3.104.010, LMC 3.105.060A, B, AND D; LMC 3.105.110D; LMC 3.105.130A; LMC 3.105.210; AND LMC 21.02.295; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood (the "City") is authorized by Chapter 82.02 RCW to require new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new development activity through the assessment of Transportation Impact Fees ("TrIF"); and

WHEREAS, the City Council of the City of Lynnwood (the "Council") passed Ordinance No. 2850 on September 13, 2010 which amended the Lynnwood Municipal Code (the "LMC") and enacted a new Chapter 3.105 entitled Transportation Impact Fees; and

WHEREAS, the Council passed Ordinance No. 2869 on November 29, 2010 which amended Chapter 3.105 LMC; 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 3.105 to establish a deferral program, Chapter 3.104 to include an administrative fee for this program, and LMC 21.02.295 to further define one-family dwelling; and

WHEREAS, additional various minor revisions to Chapter 3.105 LMC are also desired to provide policy clarity or consistency with other RCWs;

1 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO**
2 **ORDAIN AS FOLLOWS:**

3 Section 1. Findings. The recitals of this ordinance are hereby adopted as findings in support of
4 the ordinance's adoption.

5 Section 2. Subsection A of LMC 3.105.060 is hereby amended as follows:

6 A. The city shall collect TrIFs, based on the land use categories in the fee schedule, from
7 any applicant seeking to conduct development activity that includes expansion,
8 replacement, or new accessory building and which requires the issuance of a building
9 permit, except for development exempt under LMC 3.105.080. This shall include, but is not
10 limited to, the development of residential, commercial, office, and industrial land that
11 creates a demand for additional system improvements. The public works department is
12 authorized to determine the appropriate land use category found in the fee schedule that
13 applies to the application.

14 Section 3. Subsection B of LMC 3.105.060 is hereby amended as follows:

15 B. All TrIFs shall be due and payable prior to issuance of the building permit based on the
16 land use categories in the adopted fee schedule unless deferred in accordance with LMC
17 3.105.210 as adopted.

18 Section 4. Subsection D of LMC 3.105.060 is hereby amended as follows:

19 D. For any change in use that includes expansion, replacement, or new accessory building,
20 the TrIF shall be the applicable TrIF for the land use category of the new gross floor area (or
21 if applicable, gross leasable area), less the TrIF for the land use category of the prior gross
22 floor area (or if applicable, gross leasable area). The net TrIF shall be calculated by the
23 following equation:

24 Net TrIF = X – Y, where:

25 X = (new gross floor area and/or dwelling units)*(fee per unit for the new land use
26 category); and

27 Y = (prior gross floor area and/or dwelling units)*(fee per unit for the prior land use
28 category).

29 If the net TrIF is a negative number, the applicant will not be required to pay TrIFs for the
30 development activity. The applicant will not be compensated by the city for a negative TrIF.

31 Section 5. Subsection D of LMC 3.105.110 is hereby amended as follows:

32 D. TrIFs shall be expended or encumbered within ten years of receipt.

1 Section 6. Subsection A of LMC 3.105.130 is hereby amended as follows:

2 A. If the city fails to expend or encumber the TrIFs within ten years of when the fees were
3 paid, the current owner of the property on which TrIFs have been paid may receive a refund
4 of such fees. In determining whether TrIFs have been expended or encumbered, TrIFs shall
5 be considered expended or encumbered on a first-in, first-out basis.

6 Section 7. LMC 3.105.210 is repealed in its entirety and replaced with “LMC 3.105.210 Single-
7 Family Residential Deferral Program” to read as follows:

8 3.105.210 Single-Family Residential Deferral Program. An applicant for a building permit for
9 a single-family detached or attached residence may request a deferral of the full TrIF
10 payment until final inspection or eighteen (18) months from the date of original building
11 permit issuance, whichever occurs first. Deferral of TrIFs are considered under the following
12 conditions:

- 13 A. An applicant for deferral must request the deferral no later than the time of application
14 for a building permit. Any request not so made shall be deemed waived.
- 15 B. For the purposes of this deferral program, “Single-Family Residence” means a
16 permit for a single-family attached or detached residence as defined as a “One-
17 family dwelling” in LMC 21.02.295;
- 18 C. To receive a deferral, an applicant must:
- 19 1. Submit a deferred TrIF application for each single-family attached or
20 detached residence for which the applicant wishes to defer payment of
21 the TrIFs;
 - 22 2. Pay the applicable administrative fee prior to the issuance of the building
23 permit;
 - 24 3. Grant and record at the applicant's expense a deferred TrIF lien in a form
25 approved by the City against the property in favor of the City in the
26 amount of the deferred TrIF that:
 - 27 a. includes the legal description, tax account number, and address
28 of the property;
 - 29 b. requires payment of the TrIFs to the City prior to final inspection
30 or eighteen (18) months from the date of original building permit
31 issuance, whichever occurs first;
 - 32 c. is signed by all owners of the property, with all signatures
33 acknowledged as required for a deed and recorded in Snohomish
34 County
 - 35 d. binds all successors in title after the recordation; and
 - 36 e. is junior and subordinate to one mortgage for the purpose of
37 construction upon the same real property granted by the person
38 who applied for the deferral of TrIFs.
- 39 D. The amount of TrIFs deferred shall be determined by the fees in effect at the
40 time a complete building permit application is filed.

- 1 E. The applicant may pay the deferred amount early or in installments, with no
2 penalty for early payment.
- 3 F. The City shall withhold final inspection until the TrIFs have been paid in full.
4 Upon receipt of final payment of TrIFs deferred under this subsection, the City
5 shall execute a release of deferred TrIF lien for each single-family attached or
6 detached residence for which the TrIFs have been received. The City shall be
7 responsible for recording the lien release.
- 8 G. The extinguishment of a deferred TrIF lien by the foreclosure of a lien having
9 priority does not affect the obligation to pay the TrIFs as a condition of final
10 inspection.
- 11 H. If TrIFs are not paid in accordance with the deferral and in accordance with the
12 term provisions established herein, the City may institute foreclosure
13 proceedings in accordance with chapter 61.12 RCW.
- 14 I. The City shall collect an administrative fee from the applicant seeking to defer
15 the payment of TrIFs under this section as provided in LMC 3.104.

16
17 Section 8. Section LMC 3.104.010 is hereby amended by adding a new deferral fee as
18 follows:

19
20 Deferral fee Cost per deferral \$250.00

21
22 Section 9. Section LMC 21.02.295 is hereby amended as follows:

23 21.02.295 Dwelling, types of.

24 A. Dwelling, Group. "Group dwelling" means more than two separate buildings, each
25 containing one or more dwelling units.

26 B. Dwelling, One-Family. "One-family dwelling" means a detached building or zero lot line
27 attached building with one common wall on an individual lot designed exclusively for
28 occupancy by one family and containing one dwelling unit per lot.

29 C. Dwelling, Two-Family (Duplex). "Two-family dwelling or duplex" means a building
30 designed exclusively for occupancy by two families living independently of each other, and
31 containing two dwelling units.

32 D. Dwelling, Multiple. "Multiple dwelling" means a building designed exclusively for
33 occupancy by three or more families living independently of each other, and containing
34 three or more dwelling units.

35 F. Accessory Dwelling Unit. "Accessory dwelling unit" is defined in LMC 21.02.011 as a
36 second dwelling unit on a premises occupied by a single-family detached dwelling. This unit
37 provides a separate and completely independent dwelling unit with facilities for cooking,
38 eating, sanitation and sleeping.

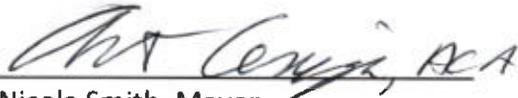
1 Section 10. Severability. If any section, subsection, sentence, clause, phrase or word of this
2 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
3 such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality
4 of any other section, subsection, sentence, clause, phrase or word of this ordinance.

5 Section 11. Effective Date. This ordinance or a summary thereof consisting of the title shall be
6 published in the official newspaper of the City, and shall take effect and be in full force five (5)
7 days after publication.

8 PASSED this 8th day of August, 2016, and signed in authentication of its passage this 9th day of
9 August, 2016.

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APPROVED:



Nicola Smith, Mayor
For Mayor per DSA

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 08/09/2016
PASSED BY THE CITY COUNCIL: 08/08/2016
PUBLISHED: 08/11/2016
EFFECTIVE DATE: 08/14/2016
ORDINANCE NUMBER: 3211



On the, 8th day of August, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3211. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3211

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S TRANSPORTATION IMPACT FEES; AMENDING LMC 3.104.010, LMC 3.105.060A, B, AND D; LMC 3.105.110D; LMC 3.105.130A; LMC 3.105.210; AND LMC 21.02.295; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.



Debbie Karber, Deputy City Clerk

DATED this 11th day of August, 2016.

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH715922 ORD 3211, 3212, 3213 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 08/11/2016 and ending on 08/11/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$53.92.

Kathleen Landis

Subscribed and sworn before me on this

11 day of Aug,
2016.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER

LYNNWOOD
WASHINGTON

CITY OF LYNNWOOD

On the, 8th day of August, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3211, 3212 and 3213. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3211
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S TRANSPORTATION IMPACT FEES; AMENDING LMC 3.104.010, LMC 3.105.060A, B, AND D; LMC 3.105.110D; LMC 3.105.130A; LMC 3.105.210; AND LMC 21.02.295; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3212
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3169, ESTABLISHING FUNDING FOR THE 196TH STREET SW IMPROVEMENT PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 316; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3213
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #3132, ESTABLISHING FUNDING FOR THE WWTP BUILDING REPAIRS PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 11th day of August, 2016.

Debbie Karber, Deputy City Clerk
EDH715922

Published: August 11, 2016.

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Debra Karber, the duly appointed Deputy City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3211 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3211

A AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S TRANSPORTATION IMPACT FEES; AMENDING LMC 3.104.010, LMC 3.105.060A, B, AND D; LMC 3.105.110D; LMC 3.105.130A; LMC 3.105.210; AND LMC 21.02.295; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on August 8, 2016 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 11, 2016.

Debra Karber, Deputy City Clerk