

Multi-Family Tax Exemption: Coversheet

PROGRAM PURPOSE

The purpose of the Multi-Family Residential Property Tax Exemption Program is to encourage the development of multi-family housing and mixed-use development within Lynnwood's City Center sub-regional area. The exemption is for either eight or twelve years depending on affordability requirements and applies to both apartments and condominium units.

PACKET CONTENTS

Included in this packet is the following information regarding the City Center Multi-Family Residential Property Tax Exemption Program:

1. Coversheet (this page)
2. Program Summary
3. Application Checklist and Forms
4. City Center Residential Target Area Map
5. City of Lynnwood Ordinance No. 2681 (Establishing Program)
6. City of Lynnwood Ordinance No. 2961 (Amending Ordinance No. 2681)

CONTACT INFORMATION

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Multi-Family Tax Exemption: Summary

The Washington State Legislature adopted Revised Code of Washington (RCW) Chapter 84.14, New and Rehabilitated Multiple-Unit Dwellings in Urban Centers, to stimulate new or enhanced residential opportunities through a property tax incentive. Various cities within Washington have taken advantage of this incentive, including Burien, Everett, Kirkland, Puyallup, Renton and Tacoma. This incentive has been adopted by the City of Lynnwood to facilitate implementation of the Lynnwood City Center Plan.

Implementation of this program, pursuant to City of Lynnwood Ordinance No. 2681 (as amended by Ordinance No. 2961), will help Lynnwood achieve the policy objectives of the City Center plan by encouraging private investment in multiple-unit residential developments. The community will benefit from new private investment, construction sales tax from new development, improved variety of housing options and cost, and economic vitality from new residents and associated commercial activity.

BACKGROUND

The State Legislature adopted legislation creating RCW 84.14, as amended, to allow a property tax exemption for new or enhanced multi-unit housing developed within urban centers. The intent of the legislation is to support the goals of the Growth Management Act, Chapter 36.70 RCW, by stimulating housing in urban centers through a property tax incentive. Lynnwood qualifies for the provisions of this program as a city with a population of at least thirty thousand with an urban center.

The State of Washington amended RCW 84.14 during the 2007 legislative session to include provisions for affordable housing for low and moderate income households. Households are defined as a single person, family, or unrelated persons living together. Affordable housing is defined as residential housing units that are rented or purchased by a household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. The following household income levels are established in the legislation.

1. **Low Income Household:** A household whose adjusted income is at or below eighty percent (80%) of the median family income adjusted for family size, for the county where the project is located as reported by the United States Department of Housing and Urban Development.
2. **Moderate Income Household:** A household whose adjusted income is more than eighty percent (80%) but is at or below one hundred fifteen percent (115%) of the median family income, adjusted for family size for the county where the project is located as reported by the United States Department of Housing and Urban Development.

Multi-unit housing developments may be eligible for the following tax exemptions:

1. Housing developments that do not include a designated percentage of units for affordable housing are eligible for a tax exemption of eight (8) successive years.
2. Housing development with at least 20% of the units for rent or sale as affordable housing units will be eligible for a tax exemption of twelve (12) successive years. However, for projects intended exclusively for owner occupancy, this minimum requirement is satisfied solely through housing that is affordable to moderate income households.

These provisions address affordable housing, while maintaining flexibility to address a variety of housing needs and income levels within the City Center.

The City of Lynnwood implemented this program through the adoption of Ordinance No. 2681 amended by Ordinance No. 2961.

POLICY HISTORY

March 14, 2005: City Council approved Ordinance No. 2553 adopting the City Center Subarea Plan.

The City Center Plan implements policy of the City's Comprehensive Plan that designated a subregional urban center. The City Center Plan identifies specific policies for housing development. These policies include the development of multi-unit dwellings (CCH 1) and state legislation to induce development in the City Center (CCE 5). The City Center Plan identifies tax incentives for the development of multi-unit dwelling development as a recommended program to implement the City Center Plan.

March 14, 2005: City Council approved Ordinance No. 2554 adopting zoning and design guidelines for the Lynnwood City Center, including development standards for residential development projects.

July 10, 2006: City Council approved Ordinance No. 2625 amending the official zoning map of the City of Lynnwood and establishing use districts for the City Center.

May 29, 2007: City Council adopted Ordinance No. 2681 establishing the Multiple-unit Housing Property Tax Exemption Program.

September 24, 2012: City Council adopted Ordinance No. 2961 amending the program establishing Ordinance No. 2681.

EXEMPTION PERIOD

The property tax exemption applies to the value of new multi-unit dwelling housing construction, conversion, and rehabilitation improvements from ad valorem property taxation, for periods of 8 or 12 successive years. The exemption begins on January 1 of the year immediately following the calendar year of issuance of the certificate of tax exemption eligibility by the local jurisdiction. The exemption does not include the value of land or improvements that are non-housing related. The exemption may be limited to dwelling units that meet guidelines established by local government.

IMPLEMENTATION PROCESS

The following process is required to implement the program:

1. The City has designated the residential targeted area as the City Center Sub-Area Plan Boundary, and finds that the criteria for adoption within RCW 84.14 have been met. The City Center Plan and its supporting documents provide for the information to satisfy these criteria. The criteria are:
 - a. The target area must be within an urban center as determined by the governing authority
 - b. The target area must lack sufficient, available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the urban center
 - c. Providing additional housing opportunity in the area will assist in achieving one or more of the stated purposes of Chapter 84.14.
2. The City Center Plan and its implementation documents provide for applicable development standards and building design guidelines. ***In addition, applications must also comply with the following requirements:***

- a. Requirement: Projects are to be designed to the LEED™ Silver Standard as established by the U.S. Green Building Council (USGBC).
 - b. Requirement: Projects that result in the demolition of properties that are listed on the City of Lynnwood's historic register are not eligible for the program.
3. Project review and approval actions. The following items are required for each project and will be undertaken pursuant to documents prepared by the City.
- a. Application for exemption to the City of Lynnwood for construction of new and rehabilitated multi-family housing, pursuant to Ordinance No. 2681 (as amended by Ordinance No. 2961).
 - b. Conditional Certificate of Acceptance of Tax Exemption.
 - c. Form for contract entered into between owner and City regarding terms and conditions of the project and eligibility for tax exemption.
 - d. Filing forms and requirements for owner to complete after construction is completed.
 - e. Certificate of Tax Exemption. The Certificate of Tax Exemption may be revoked, if the property owner does not comply with filing an annual notarized declaration with the Community Development Director which shall include the following:
 - State the occupancy and vacancy of the multiple-unit housing units during the previous year.
 - Certify that the property continues to be in compliance with the contract with the City, and if applicable, in compliance with the affordable housing requirements.
 - Give a description of any subsequent improvements or changes to the property, which the Director will verify with on-site inspections.
 - Submit any other information requested by the City in regards to the units receiving a tax exemption.
- Or, if the owner intends to convert the multi-unit housing to another use, or if applicable, the owner intends to discontinue compliance with the affordable housing requirements, the owner shall notify the Community Development Director and the Snohomish County Assessor within 60 days of the change in use or intended discontinuance. Upon such change in use, the tax exemption shall be canceled and additional taxes, interest and penalties shall be imposed pursuant to State law.
- f. Contract between the City and applicant agreeing to the terms and conditions of the exemption. ***Each contract is reviewed and approved by City Council, and entered into prior to issuance of conditional certification of acceptance of tax exemption.***
 - g. Owner's annual report form.

Multi-Family Tax Exemption: Application

File Name: _____

For City Use Only

File Number: _____

Date Stamp

APPLICATION DEADLINE:

PRIOR TO BUILDING PERMIT APPLICATION AND APRIL 1st OF ANY YEAR

PROGRAM REQUIREMENTS:

Projects must meet the provisions of Chapter 3.82 of the Lynnwood Municipal Code (LMC), Lynnwood Ordinance No. 2681 (established pursuant to Chapter 84.14 of the Revised Code of Washington) and the following criteria for special valuation on multi-unit residential property. Proposals shall:

1. Be located within the City Center as designated by the City for the tax exemption, and be in compliance of the design and development standards for the City Center.
2. Not displace any existing residential tenants from the property proposed for development.
3. Be a multiple-unit residential or mixed-use project which provides at least 50 newly constructed units or 20 additional dwelling units added to existing occupied multiple-housing units.
4. Be constructed to standards established for condominium construction or better, shall be constructed of high quality and finish materials appropriate to the City Center design standards, and shall provide for permanent residential occupancy, as defined in LMC 3.82.030(E).
5. Be completed within three years from the date of approval of the application.
6. Be designed to comply with all building codes, zoning and other applicable regulations.
7. Provide all required parking spaces on-site.
8. Be designed to meet the LEED™ Silver Standard as established by the U.S. Green Building Council (USGBC).
9. Not result in the demolition of properties that are listed on the City of Lynnwood Historic Register.
10. Applicant must sign a contract with the city agreeing to conditions of project development.
11. The Assessor may require owners to submit pertinent data regarding the use of classified land.
12. Upon approval of the application, the property owner shall sign a contract with the City agreeing to conditions of project development to be approved by City Council on terms and conditions satisfactory to the City Council. (LMC 1.37 and RCW 36.70B)

REQUIRED APPLICATION ITEMS (CHECKLIST)

Typewritten information must be 10-point font or larger.

- 1. Project Information Form (Page 3)
 - a. Any additional information needed to clearly describe your proposal, either voluntarily submitted or as required by the Community Development Director
- 2. A brief statement setting forth the grounds for qualification for exemption (Page 4)
- 3. Verification by oath or affirmation of the information submitted (Page 4).
- 4. A complete, notarized Affidavit of Ownership for all property owner(s) of the involved property, with original signatures (Page 6).
- 5. A statement of liability from the owner acknowledging the future tax liability when the project ceases to be eligible under Ordinance Nos. 2681 and 2961 (Page 7).
- 6. For rehabilitation projects, a complete, notarized Affidavit of Vacancy stating that existing dwelling units have been unoccupied for a period of at least 12 months prior to filing the application. Completed by all property owner(s) of the involved property, with original signatures. (Page 8)
- 7. Preliminary Site Plans, Elevations and Floor Plans, drawn to a scale, which show the unit size, unit composition, and the structure(s) in which they are proposed to be located. (Include reductions of over-sized plans and documents to maximum 11x17 inches)

For Staff Use ONLY	
Verified	Waived

FEES None.

PROJECT INFORMATION

(Additional information may be attached if necessary, or as required)

Name of Applicant: _____ Date: _____

Address of Applicant: _____

Phone: (____) _____

Applicant Interest in Property:

Fee Simple Contractor Purchaser Other (describe)

County Assessor's Parcel Account Number: _____

Legal Description _____

Brief Written Description of the Project: _____

New Construction: YES NO Rehabilitation of Existing Units: YES NO

Number of Units: New _____ Existing Empty _____ Existing Occupied _____

Number of Units for which you are applying for this exemption: _____

If existing units are vacant:

Date last occupied: _____

Affidavit of Vacancy Completed:

(For City Use) Building is not in compliance with the City's Minimum Housing Code: _____

Required Preliminary Plans are attached: Site Plan ____ Floor Plan ____ Elevation ____

Describe building use and square feet intended for each use:

Projected Cost of New Construction / Rehabilitation: \$ _____

Source of Cost Estimate: _____

Expected Date to Start Project: _____ Expected Date to Complete Project: _____

AGREEMENT BETWEEN CITY AND APPLICANT

Upon approval of the application, the applicant and the City enter into an agreement to be approved by City Council under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the City Council. (LMC 1.37 and RCW 36.70B)

CONDITIONAL CERTIFICATE

The City may issue a Conditional Certificate of Acceptance of Tax Exemption, based on the information provided by the Applicant. The Conditional Certificate will be effective for not more than three (3) years, but may be extended for an additional 24 months under certain circumstances. The city will issue a Final Certificate of Tax Exemption upon completion of the project, satisfactory fulfillment of all contract terms, a final inspection, and issuance of a Certificate of Occupancy.

AFFIDAVIT OF OWNERSHIP

To Be Completed in the Presence of a Notary Public. All property owners must complete this Statement.

I, _____, being duly sworn, depose and say that I am the owner of record of that certain real property identified as Snohomish County Parcel Number(s) _____.

Signature of Owner: _____ Date: _____

Please print name: _____

STATE OF _____)

) ss.

COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN TO before me this _____ day of _____ 20____.

NAME (print): _____

NAME (sign): _____

Notary Public in and for the State of _____

Commission Expires: _____

**STATEMENT OF ADDITIONAL TAX, INTEREST, AND PENALTY
DUE UPON CANCELLATION OF THE TAX EXEMPTION**

To Be Completed in the Presence of a Notary Public. All property owners must complete this Statement.

If the exemption is canceled for noncompliance or the project ceases to be eligible under Ordinance Nos. 2681 and 2961, pursuant to Chapter 84.14 RCW, an additional tax shall be imposed as follows:

- A. The difference between the tax actually paid and the tax which would have been due for the prorated portion of the tax year following cancellation, and for each tax year thereafter, if the improvements had been valued without exemption, (not to exceed three years before the discovery of the noncompliance); plus
- B. A penalty of 20 percent of the difference, plus
- C. Interest at the statutory rate on (a) ÷ (b) from the date tax could have been paid without penalty if the improvements had been assessed at a value without regard to the exemption.

The additional tax, interest and penalty (a) ÷ (b) ÷ (c) are due within the times provided by RCW 84.40.350-84.40.390, and the total bears interest thereafter at the rate provided for delinquent property taxes.

The additional tax, penalty and interest constitute a lien by the City of Lynnwood upon the land which attaches at the time the property is no longer eligible for exemption, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable.

AFFIRMATION

As owner(s) of the land described in the application, I hereby indicate by my signature that I am aware of the additional tax liability to which the property will be subject if the exemption authorized by Chapter 84.14 RCW, 1995 laws of Washington is canceled. I declare under penalty of perjury under the laws of the state of Washington that this application and any accompanying documents have been examined by me and that they are true, correct, and complete to the best of my knowledge.

Signature of Owner: _____ Date: _____

Please print name: _____

STATE OF _____)
) ss. _____ is the
 COUNTY OF _____)
 person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN TO before me this _____ day of _____ 20____.

NAME (print): _____

NAME (sign): _____

Notary Public in and for the State of _____

Commission Expires: _____

**CONDITIONAL CERTIFICATE OF ACCEPTANCE OF
TAX EXEMPTION is hereby:**

APPROVED_____ **DENIED**_____

If this project has been denied, the following reason(s) are given:

Authorized Signature

Title

Date

**FINAL CERTIFICATE OF ACCEPTANCE OF
TAX EXEMPTION is hereby:**

APPROVED_____ **DENIED**_____

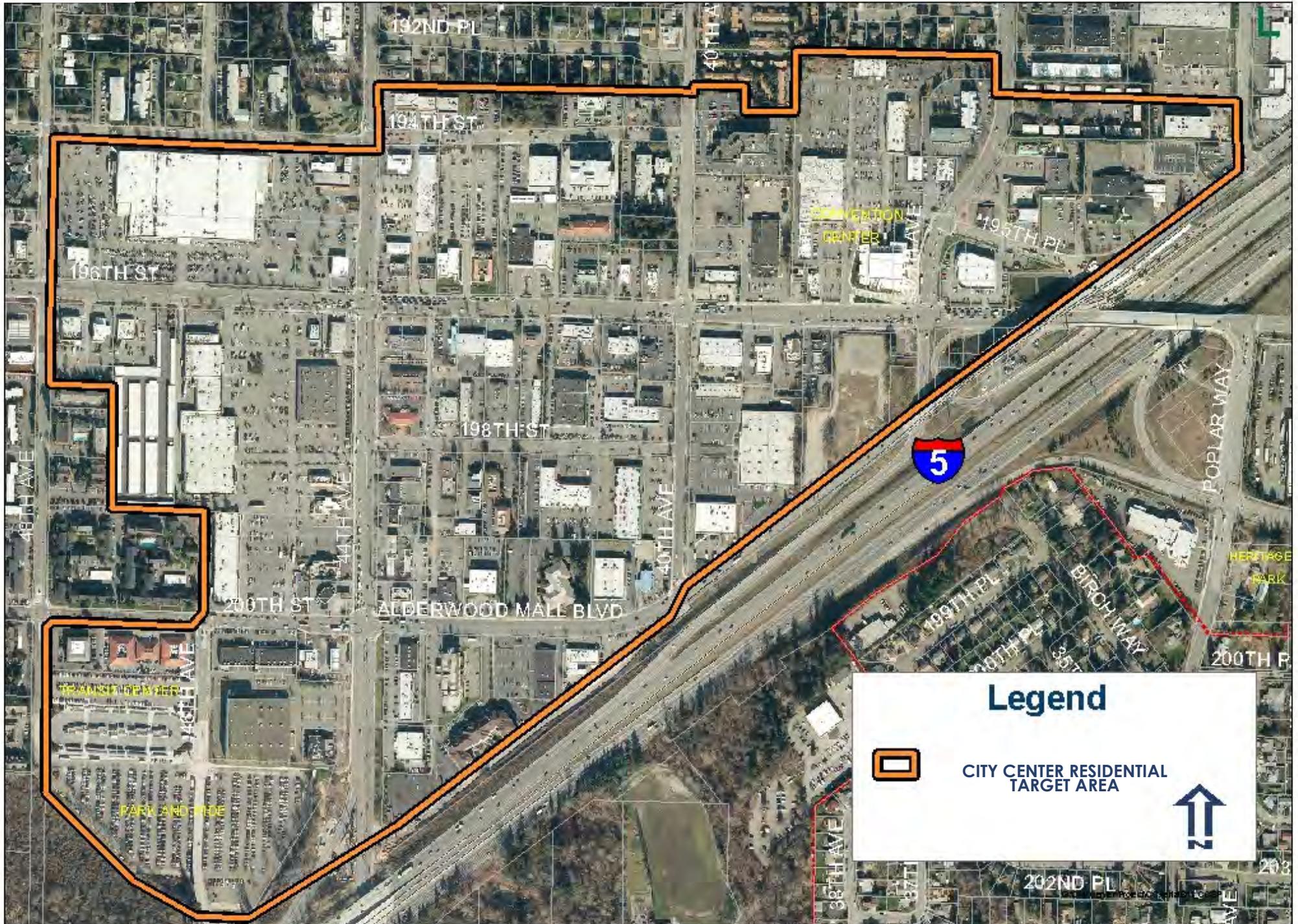
If this project has been denied, the following reason(s) are given:

Authorized Signature

Title

Date

MULTI-FAMILY HOUSING PROPERTY TAX EXEMPTION CITY CENTER RESIDENTIAL TARGET AREA



CITY OF LYNNWOOD

ORDINANCE NO. 2681

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING EXEMPTION FROM REAL PROPERTY TAXATION FOR THE DEVELOPMENT OF MULTIPLE UNIT HOUSING IN DESIGNATED RESIDENTIAL TARGETED AREAS; DESIGNATING THE CITY CENTER SUB-AREA AS A DESIGNATED RESIDENTIAL TARGET AREA; AND ADOPTING A NEW CHAPTER 3.82 OF THE LYNNWOOD MUNICIPAL CODE.

WHEREAS, Chapter 84.14 RCW authorizes cities to provide for exemptions from property taxation for multiple-unit housing development located in designated residential target areas; and

WHEREAS, the City's Comprehensive Plan establishes the Lynnwood Subregional Center; and

WHEREAS, on March 14, 2005, the City Council adopted the City Center Subarea Plan, which establishes within the Lynnwood Subregional Center a mixed-use urban center that includes multiple-unit housing development; and

WHEREAS, within both the Subregional Center and the City Center Subarea, there is an insufficient number of available, desirable and convenient residential units and housing opportunities to meet the needs of the City of Lynnwood's growing population, thus creating a need in those areas for desirable, convenient, attractive and livable housing units; and

WHEREAS, the development of additional housing units in the Subregional Center will cause a significant increase in the number of City residents, which will in part achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020; and

WHEREAS, the tax incentive provided by Chapter 84.14 RCW will stimulate the creation of new multiple-unit housing within the Subregional Center, and will benefit and promote public health, safety and welfare by encouraging residential development and redevelopment of that area of the City; and

WHEREAS, the tax-incentive program also would promote further economic development in the Subregional Center by creating an influx of new residents who will utilize urban services and stimulate urban development; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Findings.

- A. The Subregional Center of the City of Lynnwood, as adopted in the City's Comprehensive Plan, lacks sufficient available, desirable and convenient residential housing to meet the needs of the public, and more current and future residents of Lynnwood would be likely to live in such area if additional desirable, convenient, attractive and livable places to live were available.
- B. The development of multiple-unit housing in the Subregional Center will attract and maintain a significant increase in the number of residents, thus making the area more vibrant and stimulating business, entertainment and cultural activities. Accordingly, development of additional multiple-unit housing within the Subregional Center will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.
- C. The tax incentive provided by Chapter 84.14 RCW will stimulate the creation of new and enhanced multiple-unit housing structures within the Subregional Center, benefiting and promoting the public health, safety and welfare by encouraging residential redevelopment.
- D. The tax-incentive program also would promote further economic development and enhanced public safety in the Subregional Center by creating an influx of new residents who will utilize urban services, stimulating development and encouraging increased housing opportunities.
- E. The providing of additional multiple-unit housing opportunity in the City Center Subarea meets the requirements of Chapter 84.14 RCW.
- F. The notice of hearing for the designation of the "City Center Subarea" residential targeted area and the adoption of this ordinance meets the requirements of RCW 84.14.040.

Section 2. Purpose.

It is the purpose of this ordinance to encourage increased housing in keeping with the goals and mandates of the Growth Management Act (Chapter 36.70A RCW) so as to stimulate the construction of new multiple unit residential housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in the City's Subregional Center, which has insufficient housing opportunities.

Section 3. Definitions.

- A. "City" means the City of Lynnwood, Washington.
- B. "Director" means the director of the City's Department of Community Development or authorized designee.
- C. "Owner" means the property owner of record.

- D. "Multiple-unit residential" and "multiple-unit housing," are used synonymously in this ordinance and mean a building having twenty or more dwelling units not designed or used as transient accommodations, not including hotels and motels, and designed for permanent residential occupancy resulting from new construction, rehabilitation or conversion of a vacant, underutilized or substandard building to multifamily housing.
- E. "Permanent residential occupancy" means multiple-unit housing that provides either owner occupant housing or rental accommodations that is leased for a period of at least one month on a no transient basis. This excludes accommodations that offer occupancy on a transient basis such as hotels and motels that predominately offer rental accommodations on a daily or weekly basis.
- F. "Rehabilitation improvements" means modifications to existing structures that are vacant for 12 months or longer, which modifications substantially comply with existing building codes, or modifications to existing occupied structures, which modifications increase the number of multifamily housing units.
- G. "Residential targeted area" means the area within or coterminous with the City Center Sub-Area boundary within the City's Subregional Center as defined and described in the City Comprehensive Plan, which has been designated by the City Council as the residential targeted area in accordance with this ordinance and Chapter 84.14 RCW, and which has been found by the City Council to be lacking sufficient available, convenient, attractive, livable, and desirable residential housing to meet the needs of the public.
- H. "Urban center" means the City Center Sub-Area described in Section 14 of this ordinance, where urban residents may obtain a variety of products and services including, but not limited to, shops, offices, banks, restaurants, governmental agencies and a mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both uses.

Section 4. Residential Targeted Area Designation Criteria.

Following notice and public hearing, or a continuance thereof, as prescribed in RCW 84.14.040, the City Council may, in its sole discretion, designate all or a portion of the Subregional Center as described and defined in the City Comprehensive Plan, as a residential targeted area . The designated residential targeted area must meet the following criteria, as found by City Council in its sole discretion:

- A. The targeted area is located within the City Center Sub-Area Boundary of the City's Subregional Center;
- B. The targeted area lacks sufficient available, attractive, convenient, desirable, and livable residential housing to meet the needs of the public who would be likely to live in the targeted area, if such places to live were available; and

- C. The providing of additional housing opportunity in the targeted area will assist in achieving the stated purposes of RCW 84.14.007 namely:
 - 1. Encourage increased residential opportunities within the targeted area; or
 - 2. Stimulate the construction of new multiple-unit housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing that will increase and improve residential opportunities within the City Center.
- D. In designating the residential targeted area, the City Council may also consider other factors, including, but not limited to, which additional housing in the targeted area will attract and maintain a significant increase in the number of permanent residents, whether additional housing in the targeted area will help revitalize the City Center, whether an increased residential population will help improve the targeted area and whether an increased residential population in the targeted area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.
- E. The notice for the hearing has met the requirements of RCW 84.14.040.

Section 5. Amendment or Rescission of Designation of Residential Targeted Area.

The City Council may, by ordinance, amend or rescind the designation of the residential targeted area at any time pursuant to the same procedure as set forth in this ordinance for original designation.

Section 6. Tax Exemption For Multi-Family Housing in Residential Targeted Areas.

- A. Intent. Limited property tax exemptions from ad valorem property taxation for multiple-unit housing are intended to:
 - 1. Encourage increased residential opportunities within the residential targeted area, as designated by the City Council;
 - 2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multiple-unit housing in the residential targeted area to increase and improve housing opportunities;
 - 3. Assist in directing future population growth into the residential targeted area, thereby reducing development pressure on single-family residential neighborhoods; and
 - 4. Achieve development densities, which are more conducive to transit use in the residential targeted area.
- B. Establishment and Duration of Exemption. The value of improvements qualifying under this ordinance shall be exempt from ad valorem property taxation for either eight (8) or twelve (12) successive years, in accordance with RCW 84.14.020, beginning January 1 of

the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption.

- C. Limits on Exemption. The exemption does not apply to the value of the land or to the value of improvements not qualifying under this ordinance, nor does the exemption apply to increases in assessed valuation of land or non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this ordinance.
- D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:
 - 1. Location. The project must be located within the residential targeted area designated by the City Council.
 - 2. Tenant Displacement Prohibited. The project must not displace existing residential tenants of structures that are proposed for redevelopment. Existing dwelling units proposed for rehabilitation must have been unoccupied for a minimum of 12 months prior to submission of an application and must fail to comply with one or more requirements the City's Building Code, as now in effect or as amended. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood, unless a minimum of 12 months has elapsed from the time of most recent occupancy.
 - 3. Size. The project must include at least 50 units of multiple-unit housing within a residential structure. A minimum of 50 new units must be constructed or at least 20 additional housing units must be added to existing occupied multiple-unit housing units. Existing multiple-unit housing units that have been vacant for 12 months or more do not have to provide additional units so long as the project provides at least 20 units of new, converted or rehabilitated multiple-unit housing units.
 - 4. Permanent Residential Housing. At least 100% percent of the proposed multiple-unit housing units must be constructed to standards established for condominium construction and 50% of said units must be provided for permanent residential ownership occupancy, as defined in Section 3 E. Such housing shall be of high quality and finish materials appropriate to the design standards in the City Center Plan. Only that portion of the space designated for multiple-unit housing shall be eligible for the exemption provided for herein.
 - 5. Proposed Completion Date. New construction and rehabilitation improvements must be completed within three years from the date of approval of the application, plus any extension of time granted under Section 8 B.
 - 6. Compliance with Guidelines and Standards. The project must be designed to comply with the applicable provisions of the comprehensive plan, development regulations,

building, housing and zoning codes, and any other applicable regulations in effect at the time the applicant submits a fully completed application to the Director. New construction must comply with the City's Building Code and all other applicable regulations for condominium construction. Rehabilitation and conversion improvements must comply with the City Building Code, and all other applicable regulations. For the duration of the exemption granted under this ordinance, the property shall have no violations of applicable City codes and ordinances, including but not limited to zoning requirements, land use regulations and building and housing requirements for which a notice of violation has been issued and is not resolved by compliance, withdrawal or other final resolution. The project must also comply with any other standards and guidelines adopted by the City for the residential targeted area in which the project will be developed.

7. **Parking.** The project shall provide all required parking spaces on site. The parking requirements for multiple-unit residential dwellings of the City Center Subarea Plan and development regulations are applicable to the multiple-unit housing units provided for in this Ordinance, provided, that to qualify for the exemption hereunder, the project shall provide not less than one (1) parking space per new or rehabilitated residential unit in the project. The term "parking spaces on site" means that all the parking required under applicable City codes and requirements, shall be off street parking and provided on the property subject to the application for tax exemption hereunder or on any contiguous parcel owned by the applicant and not separated by a street, alley, other public right of way, or property not owned by the applicant. The Director may authorize the parking area for a multiple-unit housing unit which is subject to the application for tax exemption hereunder, to be located on a contiguous parcel which is separated from the unit site by an alley, if topographic, environmental or space constraints prevent vehicle parking and maneuvering from being placed on the location otherwise required by this ordinance. In approving the on-site parking on any parcel contiguous to the site, including any approved parcel separated by an alley, the Director shall require the owner to execute and record a covenant running with the land, acceptable to the City Attorney, dedicating such parking area to parking use, to terminate only in the event that the owner's use which created the need for the parking on the owner's property, is abandoned, discontinued or otherwise terminated, or the owner provides parking in a contiguous alternate location which is acceptable to and approved by the City.
8. **LEED.** The project shall be designed to meet the LEED™ Silver Standard as established by the U.S. Green Building Council (USGBC).
9. **Historic Structures.** A project that results in the demolition of properties that are listed on the City of Lynnwood's historic register is not eligible for the tax exemption.

Section 7. Application Procedures.

A property Owner who wishes to propose a project for a tax exemption shall comply with the following procedures:

- A. Prior to April 1 of any year and prior to application for any building permit therefore, the applicant shall submit an application to the Director, with a complete copy to the Economic Development Director.
- B. A complete application shall contain such information as the Director may deem necessary or useful, and shall include:
 - 1. A brief written description of the project, preliminary schematic site plan, preliminary floor plans of the multiple-unit housing units, the composition and size of the units, and the structure(s) in which they are proposed to be located;
 - 2. A brief statement setting forth the grounds for qualification for exemption;
 - 3. A statement from the Owner acknowledging the potential tax liability when the project ceases to be eligible under this ordinance; and
 - 4. Verification by oath or affirmation of the information submitted. For rehabilitation projects, the applicant shall also submit an affidavit that existing dwelling units have been unoccupied for a period of 12 months prior to filing the application.

Section 8. Application Review and Issuance of Conditional Certificate

The Director may certify as eligible an application, which is determined to comply with the requirements of this ordinance. A decision to approve or deny an application shall involve consultation with the Economic Development Director, and shall be made within 90 days of receipt of a complete application.

- A. Approval. If an application is approved by the Director, the approval, together with a contract between the applicant and the City regarding the terms and conditions of the project, signed by the applicant, shall be presented to the City Council with a recommendation that the Council authorize the Mayor to sign the contract. The contract may be a part of a development agreement, or similar development document. Once the contract is fully executed, the Director shall issue a Conditional Certificate of Acceptance of Tax Exemption. The Conditional Certificate expires three years from the date of approval unless an extension is granted as provided in this ordinance.
- B. Extension of Conditional Certificate. The Conditional Certificate may be extended by the Director for a period not to exceed 24 consecutive months. The applicant shall submit a written request stating the grounds for the extension. An extension may be granted if the Director determines that:
 - 1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;
 - 2. The Owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

3. All the conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.

C. Denial of Application. If the application is denied, the Director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within ten days of the denial. An applicant may appeal a denial to the City Council by filing a written appeal with the City Clerk within 30 days of notification by the City to the applicant that the application is denied. The appeal will be based upon the record made before the Director with the burden of proof on the applicant to show that there is no substantial evidence on the record to support the Director's decision. The decision of the City Council in denying or approving the application is final. All other appeals of the Director's decisions shall be made to the Hearing Examiner.

Section 9. Application for Final Certificate.

Upon completion of the improvements provided in the contract between the applicant and the City and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a Final Certificate of Tax Exemption. The applicant shall file with the Director such information as the Director may deem necessary or useful to evaluate eligibility for the Final Certificate and shall include:

- A. A statement of expenditures made with respect to each multiple-housing unit and the total expenditures made with respect to the entire property;
- B. A description of the completed work and a statement of qualification for the exemption;
- C. If applicable, a statement that the project meets the affordable housing requirements; and
- D. A statement that the work was completed within the required three-year period or any authorized extension. Within 30 days of receipt of all materials required for a Final Certificate, the Director shall determine whether the improvements satisfy the requirements of this ordinance.

Section 10. Issuance of Final Certificate.

If the Director determines that the project has been completed in accordance with the contract between the applicant and the City and has been completed within the authorized time period, the City shall, within 10 days following the expiration of the 30- day period specified in Section 9. C, file a Final Certificate of Tax Exemption with the Snohomish County Assessor.

A. Denial and Appeal. The Director shall notify the applicant in writing that a Final Certificate will not be filed if the Director determines that:

- 1. The improvements were not completed within the authorized time period;

2. The improvements were not completed in accordance with the contract between the applicant and the City;
 3. If applicable, the affordable housing requirements were not met, and
 4. The Owner's property is otherwise not qualified under this chapter; or
 5. The Owner and the Director cannot come to an agreement on the allocation of the value of the improvements allocated to the exempt portion of rehabilitation improvements, new construction and multi-use new construction.
- B. Within 30 days of notification by the City to the owner of the Director's denial of a Final Certificated of Tax Exemption, the applicant may file a written appeal with the City Clerk specifying the factual and legal basis for the appeal. The appeal shall be heard by the City's Hearing Examiner.

Section 11. Annual Compliance Review.

Within 30 days after the first anniversary of the date of filing the Final Certificate of Tax Exemption and each year thereafter, for the period of the tax exemption, the Owner shall file a notarized declaration with the Director indicating the following:

- A. A statement of occupancy and vacancy of the multiple-unit housing units during the previous year;
- B. A certification that the property continues to be in compliance with the contract with the City, and if applicable, in compliance with the affordable housing requirements; and
- C. A description of any subsequent improvements or changes to the property. The Director shall conduct on-site verification of the declaration. Failure to submit the annual declaration may result in the tax exemption being canceled.
- D. Any additional information requested by the City in regards to the units receiving a tax exemption.

The City shall comply with the reporting requirements of RCW 84.14.100 (2).

Section 12. Cancellation of Tax Exemption.

If at any time the Director determines, in consultation with the Economic Development Director, that the Owner has not complied with the terms of the contract or with the requirements of this ordinance, or that the property no longer complies with the terms of the contract or with the requirements of this ordinance, or for any reason no longer qualifies for the tax exemption, the tax exemption shall be canceled and additional taxes, interest and penalties shall be imposed pursuant to State law. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the Owner intends to convert the

multiple-unit housing to another use, or if applicable, if the Owner intends to discontinue compliance with the affordable housing requirements, the Owner shall notify the Director and the Snohomish County Assessor within 60 days of the change in use or intended discontinuance. Upon such change in use, the tax exemption shall be canceled and additional taxes, interest and penalties shall be imposed pursuant to State law.

- A. Effect of Cancellation. If a tax exemption is canceled due to a change in use or other noncompliance, the Snohomish County Assessor shall comply with applicable State law to impose additional taxes, interest and penalties on the property, and a priority lien may be placed on the land, pursuant to State law.
- B. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the Director shall notify the property owner by certified mail return receipt requested. The Owner may appeal the determination by filing a notice of appeal with the City Clerk within 30 days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing at which the applicant and the City will be heard and all competent evidence received. The Hearing Examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received.

Section 13. Appeals to Hearing Examiner.

- A. The City's Hearing Examiner is hereby provided jurisdiction to hear appeals of the decisions of the Director under this ordinance. The appeals shall be as follows:
 - 1. Appeal of a decision of the Director that the owner is not entitled to a Final Certificate of Tax Exemption, filed with the City Clerk within 30 days of notification by the City to the owner of denial of a Final Certificate of Tax Exemption.
 - 2. Appeal of cancellation of tax exemption, filed with the City Clerk within 30 days of the notification by the City to the owner of cancellation.
- B. Appeals to the Hearing Examiner shall be handled pursuant to Process II (LMC 1.35.200).

Section 14. City Center Subarea Designation as Residential Targeted Area.

The City Council finds that the City Center Subarea, as described in the City Center Subarea Plan adopted by Ordinance No. 2553, meets the criteria of Section 4 of this ordinance, and is designated as a residential targeted area of the City.

Section 15. Termination of Tax Exemption Program

As of December 31, 2012, no applications shall be accepted for the tax exemption provided for under the provisions of this ordinance. This Ordinance shall apply only to applications that are determined to be fully complete and approved in accordance with this ordinance on or before December 31, 2012.

Section 16. Severability

Should any section, subsection, paragraph, sentence, clause or phase of this ordinance or its applications to any person or situation be declared unconstitutional or invalid for any reason, such decisions shall not affect that validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause, or phase or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases or portions be declared invalid or unconstitutional.

Section 17. Effective Date of Tax Exemption.

This Ordinance is applicable only to new construction multiple-unit housing and rehabilitation improvements the commencement of development of which is implemented after the effective date of this ordinance.

Section 18. New Chapter

This ordinance shall constitute a new Chapter 3.82, to be titled Multiple-Unit Housing Property Tax Exemption, of the Lynnwood Municipal Code.

Section 19. Administrative Forms

The Director is authorized to prepare form templates to implement and administer this ordinance.

Section 20. Effective Date of Ordinance.

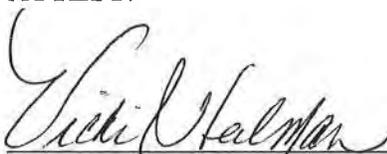
This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force on August 1, 2007.

PASSED THIS 29th day of May, 2007, and signed in authentication of its passage this 6th day of June, 2007.



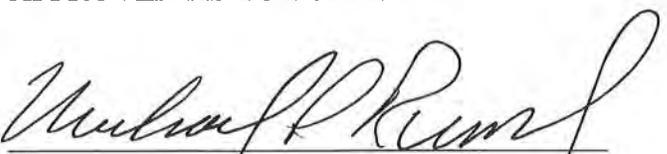
DON GOUGH, Mayor

ATTEST:



VICKI HEILMAN
Interim Finance Director

APPROVED AS TO FORM:



MIKE RUARK
City Attorney



ORDINANCE NO. 2961

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC SECTION 3.82.150 DELETING THE TERMINATION DATE OF THE MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION PROGRAM, AMENDING THE PROGRAM ELIGIBILITY REQUIREMENTS, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, Chapter 84.14 RCW authorizes cities to provide for exemptions from property taxation for multiple-unit housing development located in designated residential target areas; and,

WHEREAS, the City's Comprehensive Plan establishes the Lynnwood Subregional Center; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553 as an amendment to the City of Lynnwood Comprehensive Plan, adopting the City Center Sub-Area Plan which establishes within the Lynnwood Subregional Center, a mixed-use urban center that includes multiple-unit housing development; and,

WHEREAS, the development of additional housing units in the Subregional Center will cause a significant increase in the number of City residents, which will in part achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020; and,

WHEREAS, the tax incentive provided by Chapter 84.14 RCW will stimulate the creation of new multiple-unit housing within the Subregional Center, and will benefit and promote public health, safety and welfare by encouraging residential development and redevelopment of that area of the City; and,

WHEREAS, the tax incentive program would promote further economic development in the Subregional Center by creating an influx of new residents who will utilize retail and personal services and stimulate urban development; and,

WHEREAS, on May 29, 2007 the Lynnwood City Council passed Ordinance No. 2681, effective August 1, 2007, adopting the multiple-unit housing property tax exemption, adding Chapter 3.82 to Lynnwood Municipal Code Title 3; and,

WHEREAS, due to difficult economic conditions since 2008 just after Ordinance No. 2681 took effect, no applications have been made to utilize the multiple-unit housing property tax exemption as provided for in LMC Chapter 3.82; and,

WHEREAS, due to difficult economic conditions, amending the project eligibility requirements will provide greater flexibility regarding the provision of ownership and rental housing; and,

WHEREAS, LMC Section 3.82.150 provides a termination date for the tax exemption program of December 31, 2012; and,

WHEREAS, based on these findings, it is appropriate to amend the City of Lynnwood LMC Section 3.82.150, now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. LMC Section 3.82.150 Termination of tax exemption program is deleted in entirety.

Section 2. LMC Section 3.82.060. D. Project Eligibility. 4. is amended as follows:

“4. Permanent Residential Housing. The proposed multiple-unit housing units must be constructed to standards established for condominium construction or better and must be provided for permanent residential occupancy, as defined in LMC 3.82.030(E). Such housing shall be of high quality and finish materials appropriate to the design standards in the city center plan. Only that portion of the space designated for multiple-unit housing shall be eligible for the exemption provided for herein.”

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

Section 4. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 24th day of September, 2012 and approved by the Mayor this 25th day of September, 2012.

APPROVED:



Don Gough
Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines
Finance Director

APPROVED AS TO FORM:



Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES:	09/25/2012
PASSED BY THE CITY COUNCIL:	09/24/2012
PUBLISHED:	09/29/2012
EFFECTIVE DATE:	10/04/2012
ORDINANCE NUMBER:	2961



On the 24th day of September, 2012, the City Council of the City of Lynnwood, Washington, passed the following ordinances.. A summary of the content of each said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 2961

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC SECTION 3.82.150 DELETING THE TERMINATION DATE OF THE MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION PROGRAM, AMENDING THE PROGRAM ELIGIBILITY REQUIREMENTS, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

For the cost of copying, a full copy of any ordinance may be obtained by contacting the City Clerk's Office at 425.670.5161. Alternatively, they may be viewed online at www.ci.lynnwood.wa.us

DATED this 29th day of September, 2012

A blue ink signature of Lorenzo Hines, Finance Director, written over a horizontal line.

Lorenzo Hines, Finance Director

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed 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. 2961 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC SECTION 3.82.150 DELETING THE TERMINATION DATE OF THE MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION PROGRAM, AMENDING THE PROGRAM ELIGIBILITY REQUIREMENTS, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council 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 29th day of September, 2012.



City Clerk of the City of Lynnwood,
Washington