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ORDINANCE NO. 822

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 3.70 CMC PARK IMPACT FEE PROGRAM; REVISING THE CITY'S CODIFIED PARK IMPACT FEE SCHEDULE BASED UPON THE CITY'S UPDATED PARKS IMPROVEMENT PLAN; ESTABLISHING AN IMPACT FEE CLASSIFICATION FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 3.70 CMC, the City imposes and collects park impact fees to fund new park facilities that are necessitated by new development within the City; and

WHEREAS, the City has recently updated its Parks Improvement Plan as part of the City's 2012 Comprehensive Plan amendment cycle; and

WHEREAS, the City Council desires to amend the park impact fee schedule set forth in Chapter 3.70 CMC in order to reflect the updated Parks Improvement Plan; and

WHEREAS, the City Council further desires to amend Chapter 3.70 CMC in order to establish an impact fee classification for accessory dwelling units and to make other minor housekeeping changes; NOW, THEREFORE,

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

Section 1. Amendment of CMC 3.70.030. Subsection 3.70.030(A) of the Carnation Municipal Code is hereby amended to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Amendment of CMC 3.70.110. Subsection 3.70.110(C) of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

3.70.110 Time of payment.

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C. If the development is subsequently modified or conditioned so as to alter the number of dwelling units for the development, the impact fee may, at the city manager's discretion, be recalculated accordingly after certificate of occupancy issuance.

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Section 3. Amendment of CMC 3.70.130. Subsection 3.70.130(D) of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

3.70.130 - Calculation of impact fees.

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D. Each applicant for development shall pay its share based on the net new number of dwelling units per development. The amount of impact fees imposed pursuant to this chapter shall be as follows:

1. For single-family residential development, one thousand one hundred dollars per dwelling unit; and

2. For multi-family, duplexes and accessory dwelling unit development, nine hundred dollars per dwelling unit.

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Section 4. Severability. 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 5. Effective Date. 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.

APPROVED by the Carnation City Council this 4th day of December, 2012.


MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:


CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
J. ZACHARY LELL

FILED WITH THE CITY CLERK: 11/15/2012
PASSED BY THE CITY COUNCIL: 12/04/2012
PUBLISHED: 12/12/2012
EFFECTIVE DATE:..... 12/17/2012
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Exhibit A

3.70.030 - Definitions.

A. The following definitions shall apply for purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

"Accessory Dwelling Unit (ADU)" shall have the same meaning as set forth in Title 15 CMC.

"Act" means the sections of the Washington State Growth Management Act codified at Chapters 36.70A and 82.02 RCW, as may be hereinafter amended.

"Applicant" means a person or entity that has submitted a written application to the city for a building permit.

"Building permit" means the city's written authorization to commence development activity, as further defined by Title 16 CMC.

"City" means the city of Carnation, Washington.

"City manager" means the Carnation City Manager or his/her designee.

"CMC" means the Carnation Municipal Code.

"Development activity" means any residential construction or expansion of a residential building, structure or use, any change in use of a residential building or structure, or any change in the use of land, that creates additional demand on and/or need for park facilities due to increase in residential population.

"Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for park facilities, that is a proportionate share of the cost of the park facilities, and that is used for facilities that reasonably benefit the new development.

"Low income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than 50 percent of current median

income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.

"Owner" means the owner of record of real property; PROVIDED, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

"Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.

"Proportionate share" means that portion of the cost of park facility improvements that is reasonably related to the service demands, impacts and needs of new development.

"Public facilities" means park facilities that are owned or operated by the city.

"System improvements" means park facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.

"Park facilities" means a site designated or developed for active or passive recreation use by the public including, but not limited to; indoor facilities, such as: gymnasiums, swimming pools, or activity centers; and outdoor facilities, such as: playfields, courts, playgrounds, and open space areas; fishing and boating access areas, or picnicking and other group activity areas; and areas and trails for: hikers, equestrians, or bicyclists and related facilities and improvements directly associated therewith.

"Certificate of occupancy" means the certificate of occupancy required by Chapter 16.01 CMC.

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