

0047.900000  
JZL/  
10/08/17  
MLM/  
10/12/17

**ORDINANCE NO. 896**

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING TITLE 3 CMC BY THE ADDITION OF A NEW CHAPTER 3.75 IMPACT FEE DEFERRAL THERETO; AMENDING CHAPTER 3.48 CMC SCHOOL IMPACT FEES, CHAPTER 3.50 CMC TRANSPORTATION IMPACT FEE PROGRAM, AND CHAPTER 3.70 CMC PARKS IMPACT FEE PROGRAM; ESTABLISHING A DEFERRED COLLECTION OPTION FOR THE CITY'S SCHOOL, TRANSPORTATION AND PARKS IMPACT FEE PROGRAMS PURSUANT TO RCW 82.020.050; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

---

WHEREAS, pursuant to Chapter 82.02 RCW, the City of Carnation imposes and collects school, parks and transportation impact fees for the purpose of funding system improvements needed to accommodate and serve new development within the City; and

WHEREAS, in 2015 the Washington Legislature passed Engrossed Senate Bill (ESB) 5923, now codified at RCW 82.02.050, requiring local governments to establish a deferral system for the collection of impact fees imposed upon new single-family residential construction; and

WHEREAS, the City desires to amend its school, transportation and parks impact fee programs in order to establish the deferral option required by state law; NOW, THEREFORE,

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

Section 1. Amendment of Title 3 CMC—Adoption of New Chapter 3.75 CMC.

Title 3 of the Carnation Municipal Code is hereby amended by the addition of a new Chapter 3.75 Impact Fee Deferral 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 3.48.050. Subsection 3.48.050 of the Carnation Municipal Code is hereby amended by the addition of a new subsection (F) to provide in its entirety as follows:

....

F. The collection procedures of this section shall not apply where impact fee collection is deferred pursuant to chapter 3.75 CMC.

Section 3. Amendment of CMC 3.50.110. Subsection 3.50.110 of the Carnation Municipal Code is hereby amended by the addition of a new subsection (E) to provide in its entirety as follows:

....

E. The collection procedures of this section shall not apply where impact fee collection is deferred pursuant to chapter 3.75 CMC.

Section 4. Amendment of CMC 3.70.110. Section 3.70.110 of the Carnation Municipal Code is hereby amended by the addition of a new subsection (E) to provide in its entirety as follows:

....

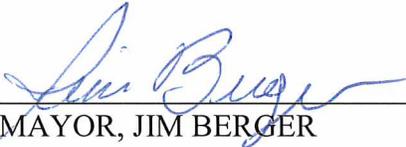
E. The collection procedures of this section shall not apply where impact fee collection is deferred pursuant to chapter 3.75 CMC.

Section 5. 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

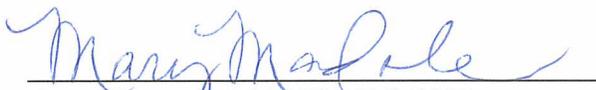
or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. 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 17th day of October, 2017.

  
MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARY MADOLE

FILED WITH THE CITY CLERK: ..... 10/12/2017  
PASSED BY THE CITY COUNCIL: .... 10/17/2017  
PUBLISHED: ..... 10/27/2017  
EFFECTIVE DATE:..... 11/01/2017  
ORDINANCE NO. .... 896

## Exhibit A

### Chapter 3.75 IMPACT FEE DEFERRAL

#### Sections:

- 3.75.010 Authority; Construction.**
- 3.75.015 Impact Fee Payment Deferral.**
- 3.75.020 Definitions.**
- 3.75.030 Administrative Fees.**
- 3.75.040 Limitation.**
- 3.75.050 Impact Fee Payment Deferral Request.**
- 3.75.055 Determination of Impact Fees.**
- 3.75.060 Deferral Period.**
- 3.75.070 Lien.**
- 3.75.080 Certificate of Occupancy Withheld.**
- 3.75.090 Release of Lien.**

#### **3.75.010 Authority; Construction.**

This chapter is adopted in accordance with Engrossed Senate Bill (ESB) 5923 and shall be reasonable construed in a manner consistent therewith. If the provisions of this chapter irreconcilably conflict with the provisions of any other provision of Title 3 CMC, the provisions of this chapter shall control to the extent of such conflict.

#### **3.75.015 Impact Fee Payment Deferral.**

Payment of impact fees for new single-family detached or attached residential construction assessed under any chapter of Title 3 CMC may, at the election of an Applicant for Impact Fee Deferral, be deferred in accordance with the provisions of this chapter.

#### **3.75.020 Definitions.**

For purposes of this chapter, the following terms shall have the indicated meanings below:

A. "Applicant for Impact Fee Deferral" means an applicant for a building permit who also seeks deferral of impact fee payment pursuant to this chapter. An Applicant for Impact Fee Deferral includes without limitation an entity that controls the applicant, is controlled by the applicant, or is under the common control with the applicant.

B. "Certificate of occupancy" means the certification issued by the city's building official pursuant to Chapter 16.01 CMC authorizing the use and/or occupancy of a single-family detached or attached residence.

#### **3.75.030 Administrative Fees.**

For each new single-family residence for which an impact fee payment deferral is sought, the Applicant for Impact Fee Deferral shall simultaneously remit an administrative fee to the City to help defray the city's expenses in processing and monitoring such application. The amount of

the administrative fee shall be established by city council resolution.

**3.75.040 Limitation.**

Each Applicant for Impact Fee Deferral is entitled annually (per calendar year) to obtain deferral for only the first twenty (20) single-family residential construction building permits applied for by that applicant.

**3.75.050 Impact Fee Deferral Request.**

An impact fee payment deferral request pursuant to this chapter shall be submitted to the city planner prior to building permit issuance on an application form prescribed by the city. A separate application form shall be required for each building permit for which impact fee payment deferral is requested.

**3.75.055 Determination of Impact Fees.**

The amount of impact fees deferred pursuant to this chapter shall be determined by the fee schedule in effect at the time an Applicant for Impact Fee Deferral submits the application form required by CMC 3.75.050.

**3.75.060 Deferral Period.**

Impact fee payments may be deferred to the date of certification of occupancy issuance or up to 18 months from the date of building permit issuance, whichever occurs first.

**3.75.070 Lien.**

A. An Applicant for Impact Fee Deferral shall grant and record in favor of the city a lien in a form approved by the city attorney in the amount of the deferred impact fee. The content, form, enforcement and procedure of the lien shall be in accordance with RCW 82.02.050. Proof of that such lien has been recorded against the title of the subject property shall be submitted to the city before building permit issuance.

B. Recording of the lien shall be at the sole expense of the Applicant for Impact Fee Deferral.

**3.75.080 Certificate of Occupancy Withheld.**

The city shall withhold certificate of occupancy issuance for the single-family residence until the deferred impact fees are paid and collected.

**3.75.090 Release of Lien.**

Upon written request following full payment of impact fees that have been deferred pursuant to this chapter, the city shall execute a written release of the lien recorded pursuant to this chapter. The release shall be in a form approved by the city attorney and shall be recorded against the title of the subject property by and at the expense of the current landowner.