

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2016-13

SUBJECT: Deferral of Impact Fees - Amending PMC 3.84 & 3.86

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 08/01/16
- Passed by the City Council: 08/10/16
- Signature of Mayor
- Signature of City Clerk
- Publication: 08/19/16
- Effective: 08/24/16
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- NK Herald: 08/11/16
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- Clerk's Department: Original
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- Posted to Library Drive and Website
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Kati Diehl (for)
City Clerk

08/11/16
Date

ORDINANCE NO. 2016-13

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SUBSECTIONS 3.84.080(C) AND 3.86.080(C) OF THE POULSBO MUNICIPAL CODE AND ADDING NEW SECTIONS 3.84.135 AND 3.86.135 TO THE POULSBO MUNICIPAL CODE IN ORDER TO PROVIDE FOR THE DEFERRAL OF PARK AND TRANSPORTATION IMPACT FEES FOR SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL CONSTRUCTION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Poulsbo has established park impact fees and transportation impact fees in chapters 3.84 and 3.86 of the Poulsbo Municipal Code; and

WHEREAS, with the adoption of Engrossed Senate Bill (ESB) 5923 in April 2015, the Legislature amended RCW 82.02.050 so as to mandate that all cities imposing impact fees adopt and maintain a system for deferring the collection of impact fees for single-family detached and attached residential construction; and

WHEREAS, ESB 5923 sets forth specific requirements for impact fee deferral systems and requires that all such systems be in place no later than September 1, 2016; and

WHEREAS, the Poulsbo City Council has therefore determined to amend its current park and transportation impact fee chapters in order to include the deferral systems provided in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Timing of Payment - Park Impact Fees. Subsection 3.84.080(C) of the Poulsbo Municipal Code is hereby amended to read as follows:

- C. Except as provided in PMC 3.84.135, [P]park impact fees shall become due and payable to the city at the time of building permit issuance. If a building permit is not required, then the park impact fees are due at the time of development approval.

Section 2. Deferral of Park Impact Fees. A new Section 3.84.135 is hereby added to the Poulsbo Municipal Code to read as follows:

3.84.135 Deferral of Single-Family Residential Impact Fees.

A. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until the date of final inspection or eighteen (18) months from the date of building permit issuance, whichever occurs first. Deferral of impact fees shall be granted under the conditions set forth in this Section.

B. An applicant for deferral must request the deferral no later than the time of issuance of a building permit. Any request not so made shall be deemed waived.

C. To receive a deferral, an applicant must:

1. Submit a separate application for deferral for each single-family detached or attached residence for which the applicant wishes to defer payment of the impact fees. Each application must be accompanied by the nonrefundable administrative fee established by resolution of the City Council in order to reimburse the City for all costs associated with the deferral.

2. Grant and record a deferred impact fee lien against the property in favor of the City in the amount of the deferred impact fee. The deferred impact fee lien must:

- a. be in a form approved by the City;
- b. signed by all owners of the property, with all signatures acknowledged as required for a deed;
- c. include the legal description, tax account number, and address of the property;
- d. be recorded in Kitsap County;
- e. be binding on all successors in title after the recordation; and
- f. be junior and subordinate to one mortgage for the purpose of construction granted by the person who applied for the deferral of impact fees.

D. The amount of the impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.

E. The City shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the City shall execute a release of the deferred impact fee lien for each single-family detached or attached residence for which the impact fees have been received. The applicant, or the property owner at the time of the release, shall be responsible for recording the lien release at his or her expense.

F. The extinguishing of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation of the applicant or the property owner to pay the impact fees as a condition of final inspection.

G. If impact fees are not paid in accordance with the deferral and in accordance with the terms and conditions provided in this section, the City may institute foreclosure proceedings in accordance with chapter 61.12 RCW.

H. Each applicant for a single-family detached or attached residential construction permit, in accordance with his or her contractor registration number or other unique identification number, shall be entitled to receive annually deferrals for the first twenty-single family residential construction building permits. For purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

Section 3. Timing of Payment - Transportation Impact Fees. Subsection 3.86.080(C) of the Poulsbo Municipal Code is hereby amended to read as follows:

C. Except as provided in PMC 3.86.135, [F]transportation impact fees shall become due and payable to the city at the time of building permit issuance. If a building permit is not required, then the transportation impact fees are due at the time of development approval.

Section 4. Deferral of Transportation Impact Fees. A new Section 3.86.135 is hereby added to the Poulsbo Municipal Code to read as follows:

3.86.135 Deferral of Single-Family Residential Impact Fees.

A. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until the date of final inspection or eighteen (18) months from the date of building permit issuance, whichever occurs first. Deferral of impact fees shall be granted under the conditions set forth in this Section.

B. An applicant for deferral must request the deferral no later than the time of issuance of a building permit. Any request not so made shall be deemed waived.

C. To receive a deferral, an applicant must:

1. Submit a separate application for deferral for each single-family detached or attached residence for which the applicant wishes to defer payment of the impact fees. Each application must be accompanied by the nonrefundable administrative fee established by resolution of the City Council in order to reimburse the City for all costs associated with the deferral.

2. Grant and record a deferred impact fee lien against the property in favor of the City in the amount of the deferred impact fee. The deferred impact fee lien must:

- a. be in a form approved by the City;
- b. signed by all owners of the property, with all signatures acknowledged as required for a deed;
- c. include the legal description, tax account number, and address of the property;
- d. be recorded in Kitsap County;
- e. be binding on all successors in title after the recordation; and
- f. be junior and subordinate to one mortgage for the purpose of construction granted by

the person who applied for the deferral of impact fees.

D. The amount of the impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.

E. The City shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the City shall execute a release of the deferred impact fee lien for each single-family detached or attached residence for which the impact fees have been received. The applicant, or the property owner at the time of the release, shall be responsible for recording the lien release at his or her expense.

F. The extinguishing of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation of the applicant or the property owner to pay the impact fees as a condition of final inspection.

G. If impact fees are not paid in accordance with the deferral and in accordance with the terms and conditions provided in this section, the City may institute foreclosure proceedings in accordance with chapter 61.12 RCW.

H. Each applicant for a single-family detached or attached residential construction permit, in accordance with his or her contractor registration number or other unique identification number, shall be entitled to receive annually receive deferrals for the first twenty-single family residential construction building permits. For purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

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 shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



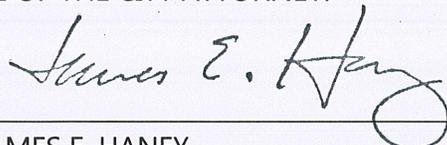
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

 (for)

CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 08/01/2016
PASSED BY THE CITY COUNCIL: 08/10/2016
PUBLISHED: 08/19/2016
EFFECTIVE DATE: 08/24/2016
ORDINANCE NO. 2016-13

SUMMARY OF ORDINANCE NO. 2016-13

of the City of Poulsbo, Washington

On the 10th day of August, 2016, the City Council of the City of Poulsbo, passed Ordinance No. 2016-13. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SUBSECTIONS 3.84.080(C) AND 3.84.080(C) OF THE POULSBO MUNICIPAL CODE AND ADDING NEW SECTIONS 3.84.135 AND 3.86.135 TO THE POULSBO MUNICIPAL CODE IN ORDER TO PROVIDE FOR THE DEFERRAL OF PARK AND TRANSPORTATION IMPACT FEES FOR SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL CONSTRUCTION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 11th day of August, 2016.



CITY CLERK RHIANNON FERNANDEZ