



CITY COUNCIL MEETING AGENDA
Council Chambers, 1000 Laurel Street

January 14, 2019
Monday

Study Session
7:00 p.m.

- 1. Call to Order and Flag Salute**
- 2. Roll Call of Councilmembers**
- 3. Regular Agenda**
 - A. Electric Meter Opt Out**
 - B. Fife-Milton Boundary**
 - C. Parks Impact Fees**
- 4. Adjournment**

This Page Left Intentionally Blank



Agenda Item #: 3A

To: Mayor Styron Sherrell and City Council Members
From: Mark Howlett, P.E., Public Works Director/City Engineer
Date: January 14, 2019
Re: Information Only – Advanced Metering Infrastructure Opt Out Program

ATTACHMENTS:

- 1) Example Utility Charges
- 2) Myths and Facts Brochure
- 3) WUTC Guidelines

TYPE OF ACTION:

Information Only Discussion Action Public Hearing

Recommendation/Action: None – Information Only

Fiscal Impact/Source of Funds: Any fiscal impact to the electric utility would be minimal

Issue: Several electric and water utilities have offered a program for its customers to opt out of the automated advanced meter reading program and instead have their meters manually read. This item is to discuss whether the City would like to pursue this option.

Discussion: The City, like most other electric and water utilities, has implemented an automated meter reading system where the meters communicate by radio wave to and from a central receiving unit located, in our case, at City Hall.

Some customers have voiced concerns over the safety, privacy, cyber security and customer billing of this metering system. In response to these concerns several utilities have provided and opt out program to allow customers to pay a one-time and a monthly fee to have their meters manually read by a utility worker.

The Washington Utilities and Transportation Commission has made Smart Meter Opt-Out as a requirement for privately owned utilities (See Attachment 3)

This item is to discuss whether the City would like to implement such program and, if so, how to proceed.

This Page Left Intentionally Blank

ATTACHMENT 1

EXAMPLE UTILITY CHARGES FOR OP-OUT PROGRAM

Peninsula Light

\$240.00 Opt-Out Fee with \$100 Monthly Charge

Seattle City Light

\$84.21 Opt-out Fee with \$15.87 Monthly Charge

Avista(Spokane)

\$75 Opt-out Fee with \$5 Monthly Charge

Pacific Power

\$0 Opt-Out Fee with \$36 Monthly Charge

Ashland (Oregon)

\$125 Opt-Out Fee with \$20 Monthly Charge

Pacific Gas and Electric

\$90 Opt-Out Fee with \$15 Monthly Charge

Puget Sound Energy

In process of implementing program

This Page Left Intentionally Blank

Myths vs. Facts: The Truth about Smart Meters

Misunderstanding advanced technology can lead to the emergence of urban legends. The case is no different with smart meters, which utilities are rolling out across the country in an effort to bring the benefits of a modernized electric grid to consumers like you.

The following are the most commonly circulated smart meter myths. Our responses, each supported by research, offer the facts — the real deal on smart meters.

MYTH NO. 1
Smart meters are less accurate than analog meters.

TRUTH: Smart meters are rigorously tested for accuracy even before they leave the manufacturing plant.

TRUTH: Some public service commissions require meter manufacturers to supply test results to prove that their smart meters generate on-the-mark measurements. All meter manufacturers must follow performance standards set by the American National Standards Institute.

TRUTH: Prior to installation, utilities repeatedly perform accuracy tests, often side-by-side with analog meters.

Repeated tests confirm that smart meters are accurate, in some cases even more accurate than analog meters.

MYTH NO. 2
Smart meters are a health threat because they communicate using wireless signals.

TRUTH: In-depth review of the scientific literature by the World Health Organization (WHO) revealed that the small amount of radio frequency (RF) energy produced by smart meters is not harmful to human health.

TRUTH: RF emitted by smart meters is well below the limits set by Federal Communications Commission and it is below levels produced by other common household devices like cell phones, baby monitors, satellite TVs, and microwaves. In fact, you would have to be exposed to the RF from a smart meter for 375 years to get a dose equivalent to that of one year of 15-minutes-per-day cell phone use.

No credible evidence shows any threat to human health from RF emissions at or below RF exposure limits developed by the FCC. With over 25,000 articles published on the topic over the last 30 years, scientific knowledge in this area is now more extensive than for most chemicals.

MYTH NO. 3
Smart meters will not keep my data secure.

TRUTH: Just as the banking, credit card and cable industries have provided secure access to your information online, the utility industry is poised to do the same using advanced security and encryption technology to safeguard your data.

TRUTH: Utilities are involved in national consortiums and work with national cyber-security to regularly audit their systems to ensure privacy and security of smart meters.

The privacy of your data is protected now. Utilities work constantly to safeguard it. That will not change with the use of smart meters.

MYTH NO. 4

Smart meters are hazardous, increasing the risk of fire and explosion.

TRUTH: Smart meters must meet safety requirements and standards spelled out in the National Electric Safety Code (NESC).

TRUTH: Public service commissions require independent certification proving that smart meters are safe and show resistance to heat, fire, voltages, surges, and self-heating.

Companies that manufacture smart meters produce certifiably safe and reliable equipment. Nevertheless, smart meters should be installed and uninstalled only by trained professionals exercising standard safety precautions.

MYTH NO. 5

Smart meters are an invasion of privacy.

TRUTH: Smart meters measure how much energy you use, based on time of day, not how you use that energy. Unless you install a home energy management system, smart meters cannot tell whether the energy used is from your oven, air conditioner, or hairdryer.

TRUTH: Utilities adhere to strict policies, following state laws that regulate the use of personal information for business functions like billing and customer service.

Smart meters are a landmark change allowing two-way communication between your utility and you, much like cell phones and banking. Utilities keep your data private and secure, similar to those industries and similar to how it's always been.

MYTH NO. 6

Smart meters do not provide any consumer benefits.

TRUTH: Smart meters measure and transmit your energy usage directly to your utility, eliminating the practice of estimated bills, which means no more surprises on your electric bill.

TRUTH: Smart meters provide you with near-real time energy usage information about how much, when and in some cases, at what price, you use energy. Armed with this information, you can take more control over your energy consumption—and your monthly bills.

TRUTH: Working as a part of the smart grid, smart meters improve power outage detection and notification. Smart meters electronically report the location of outages before you ever have to call your utility, making restoration faster and status notification to you much easier.

Greater reliability, faster power restoration, convenience, and control are just a few of the many benefits of smart meters.



Working for a consumer-friendly,
consumer-safe smart grid

SGCC is a consumer focused non-profit organization aiming to promote the understanding and benefits of modernized electrical systems among all stakeholders in the United States. Membership is open to all consumer and environmental advocates, technology vendors, research scientists, and electric utilities for sharing in research, best practices, and collaborative efforts of the group.

Join @ www.smartgridcc.org.

© 2013 Smart Grid Consumer Collaborative. All rights reserved.

Separating myths from reality allows you to take advantage of all the benefits that a smarter, more modernized electric grid offers. It's important to stay informed and learn about the different ways your utility is deploying smart grid and smart meters to improve their electric service. For trusted information about smart grid and smart meters visit the Smart Grid Consumer Collaborative (SGCC) at smartgridcc.org, the US Department of Energy at SmartGrid.gov, or your utility website.

ATTACHMENT 3

Title UTC: Utilities must offer customers an opt-out from advanced meter installation
Published 4/10/2018
Details Media Contact: (360) 664-1116 or media@utc.wa.gov
Docket Number: U-180117

UTC: Utilities must offer customers an opt-out from advanced meter installation

Advanced meter technologies are part of grid modernization efforts

OLYMPIA, Wash. – State regulators today issued a formal policy statement guiding Washington’s investor-owned electric and natural gas utilities in the rollout of advanced metering technologies, or “smart meters,” for residential customers.

The Washington Utilities and Transportation Commission determined companies will need to offer residential customers the ability to opt out of advanced meter installation to address customer concerns over the implementation of advanced meter technology.

The commission also stated its preference that companies allow opt-out customers to retain their existing meters, rather than requiring an immediate switch from analog to digital, non-communicative meters.

As the implementation of advanced meter technologies progresses in Washington, the commission will develop explicit requirements for protecting consumer information as well as necessary rule changes for company operations in upcoming workshops and rulemakings. This process will continue through 2018.

Recent federal legislation has supported the development of a modernized smart grid and has encouraged states and utilities to prepare for future energy demands. Advanced meters gather customer usage data through two-way communication between the meter and a utility and are critical to smart grid investment.

Advanced meters may provide automated customer outage detection, energy consumption alerts, and instant service reconnection, but advanced meter technology has sparked public concern over safety, privacy, cyber security, and customer billing.

In its policy statement the commission expresses its preference that companies minimize opt-out charges to remove any disincentive for customers to select their preferred meter option.

The UTC policy statement also encourages utilities to develop billing practices that take into account low-income customer impacts among other customer concerns.

All opt-out programs must be approved by the commission prior to a utility installing any advanced meters in its Washington service territory.

In the policy statement, the commission also encourages utilities to communicate to customers the benefits of various opt-out meter options, such as replacing an analog meter with a non-communicating digital meter, to allow customers to choose the best option for their needs.

The policy statement is the result of several months of investigation by the UTC. The process began in February, when commission staff began accepting comments regarding customer choice for meter installation. Over the course of the investigation, the commission conducted a public workshop on customer choice policies for deployment of advanced meter technologies and took comments from the utilities and other stakeholders.

The UTC regulates the private, investor-owned electric utilities in Washington. It is the commission's responsibility to ensure regulated companies provide safe and reliable service to customers at reasonable rates, while allowing them the opportunity to earn a fair profit.



Agenda Item #: 3B

To: Mayor Styron Sherrell and City Council Members
From: Mark Howlett, P.E., Public Works Director/City Engineer
Date: January 14, 2019
Re: Resolution – Fife/Milton Boundary Line Adjustment at Freeman Road

ATTACHMENTS:

1. Map
2. Draft Resolution
3. Interlocal Agreement

TYPE OF ACTION:

Information Only Discussion Action Public Hearing

Recommendation/Action: None – Information Only

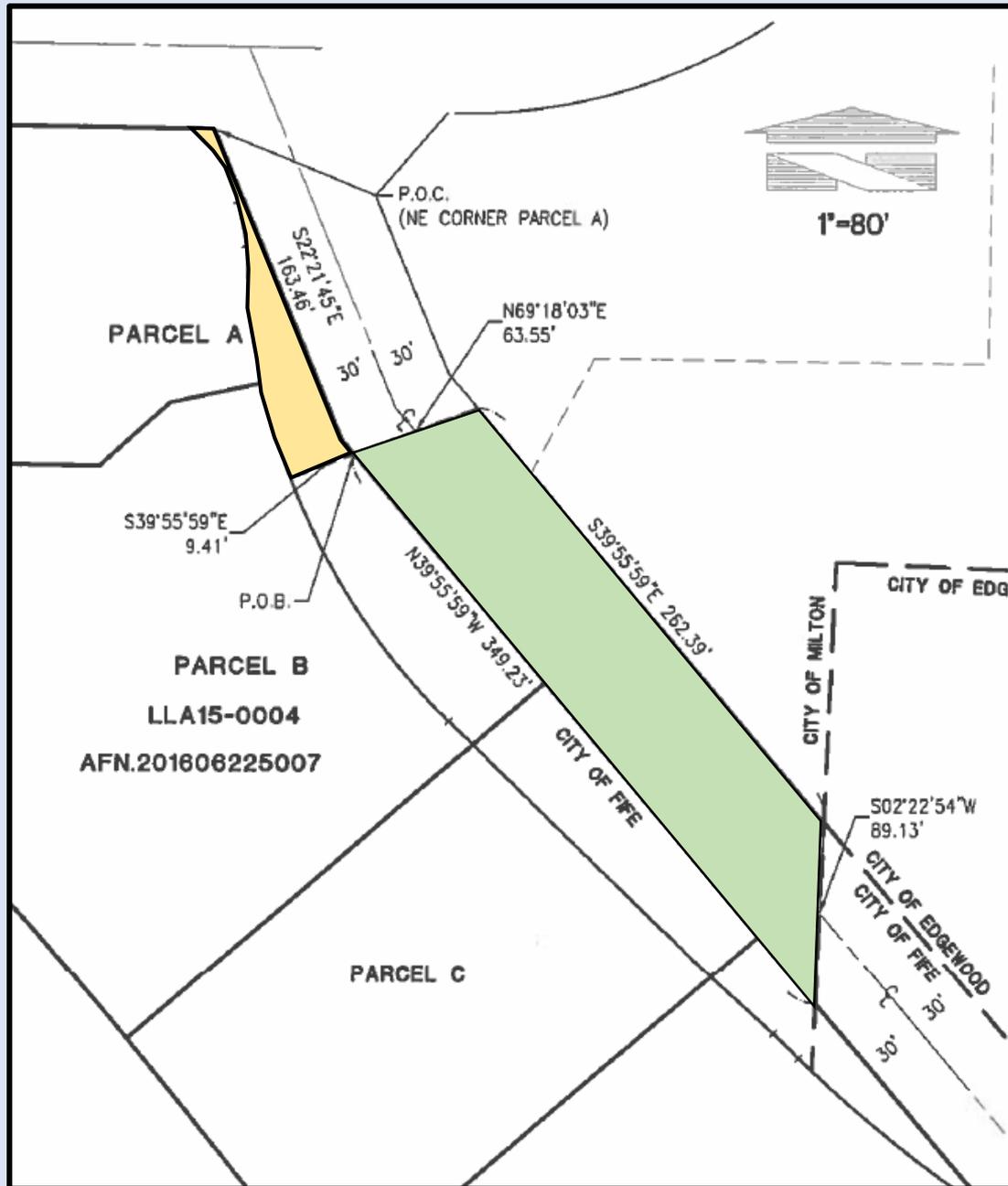
Fiscal Impact/Source of Funds: This item has no fiscal impact to the City.

Issue: On March 16, 2015 the Milton City Council approved an Interlocal Agreement between the City of Milton and the City of Fife agreeing to adjust the boundary between the two cities once the Freeman Road project was completed. The Freeman Road Project is complete and it is now time to adjust the boundaries.

Discussion: When the modifications to Freeman Road were constructed it established an irregular boundary between the City of Fife and the City of Milton. Irregular boundaries create difficulties in the responsibility for police response, road maintenance and permit review. The state legislature established a simple procedure to efficiently adjust irregular boundaries to clean up these issues. This process is codified in RCW 35.13.310.

The attached Interlocal agreement will complete the boundary line adjustment as shown on Attachment 1.

This Page Left Intentionally Blank



Transferred from
Fife to Milton



Transferred from
Milton to Fife

This Page Left Intentionally Blank

**CITY OF MILTON
RESOLUTION 19-1915**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILTON,
WASHINGTON, ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE
CITY OF MILTON AND THE CITY OF FIFE ADJUSTING THE COMMON
BOUNDARY BETWEEN THE TWO CITIES.**

WHEREAS, the City of Milton and the City of Fife executed an Interlocal Agreement in March of 2015 agreeing to adjust the common boundary between the two Cities along Freeman Road once the Freeman Road Project was complete

WHEREAS, the Freeman Road project is now complete;

NOW, THEREFORE, the City Council of the City of Milton, Washington, does hereby resolve as follows:

Section 1. The City of Milton agrees to adjust the common boundary between the City of Milton and the City of Fife in accordance with the attached Interlocal Agreement.

Section 2. The Mayor is hereby authorized to sign the Interlocal Agreement to execute the boundary line adjustment.

PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting thereof this ____ day of _____ 2019.

Shanna Styron Sherrell, Mayor

Attest/Authenticated:

Trisha Summers, City Clerk

This Page Left Intentionally Blank

**AGREEMENT BETWEEN
THE CITY OF MILTON AND THE CITY OF FIFE
TO ADJUST COMMON BOUNDARIES WITHIN
THE FREEMAN ROAD EAST RIGHT OF WAY**

1. Date and Parties. This Agreement (“Agreement”) is dated for reference purposes only, the _____ day of January, 2019, and is entered into by and between the City of Fife, an optional municipal code city organized under Chapter 35A.13 RCW (hereinafter “Fife”), and the City of Milton, an optional municipal code city organized under Chapter 35A.12 RCW (“Milton”).

2. General Recitals.

2.1 The realignment and reconstruction of Freeman Road East near the 20th Street intersection resulted in the common boundary between Fife and Milton located within the Freeman Road right of way rather than at the edge of the right of way. A boundary adjustment between Fife and Milton is necessary to eliminate this situation.

2.2 RCW 35.13.310 provides that the councils of two cities with a common boundary within the right of way of a public street may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right of way.

2.3 Boundary line adjustments under RCW 35.13.310 are not subject to potential review by the boundary review board.

2.4 It is burdensome and inefficient for both Fife and Milton to have to provide law enforcement, street maintenance and other services to only a portion of the right of way when the remainder of the right of way is owned and serviced by the other city.

2.5 Fife and Milton agree that it is in the best interests of both cities for the common boundary to be adjusted to the edge of the right of way.

2.6 The parties enter this Agreement in consideration of the mutual covenants and promises set forth in this Agreement, the mutual benefits derived from each, and the exercise of authority granted by RCW 35.13.310.

3. Adjustment of Boundary of Fife and Milton along Freeman Road East.

3.1 The common boundary between Fife and Milton shall be adjusted as of the Effective Date so that the portion of Freeman Road right of way legally described and graphically depicted in Exhibit A attached hereto is entirely within Milton. Fife reserves the right to operate, inspect, maintain, repair, remove, and replace a street light and appurtenant power lines, junction boxes and electrical equipment, over, under, upon and

across the landscaped strip on the west side of the right of the property described in Exhibit A.

3.2 The common boundary between Fife and Milton shall be adjusted as of the Effective Date so that the portion of Freeman Road right of way legally described and graphically depicted in Exhibit B attached hereto is entirely within Fife.

4. Effective Date. This Agreement shall become effective at 12:01 AM on January 1, 2019.

5. Filing. The City Clerk of Fife shall file a certified copy of this Agreement with the Pierce County Auditor.

6. Signature Authority.

6.1 The Fife City Manager was authorized to execute this Agreement by Resolution No. ____ adopted by a majority of the entire City Council on the 22nd day of January, 2019 at a regularly scheduled Council meeting.

6.2 The Mayor of Milton was authorized to execute this Agreement by Resolution No. ____ adopted by a majority of the entire City Council on the 22nd day of January, 2019 at a regularly scheduled Council meeting.

CITY OF MILTON

CITY OF FIFE

By: _____
Shanna Styron-Sherrell
Mayor

By: _____
Hyun Kim
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Ogden Murphy Wallace
City Attorney

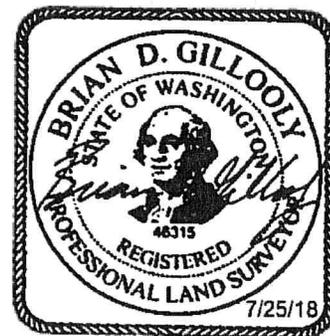
Gregory F. Amann
City Attorney

LEGAL DESCRIPTION

CITY RIGHT-OF-WAY EXCHANGE

THAT PORTION OF PARCELS A AND B OF CITY OF FIFE LOT LINE ADJUSTMENT NO. LLA15-0004, RECORDED UNDER AUDITOR'S FILE NO. 201606225007, RECORDS OF PIERCE COUNTY, WASHINGTON, BEING A PORTION OF THE SE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 4 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

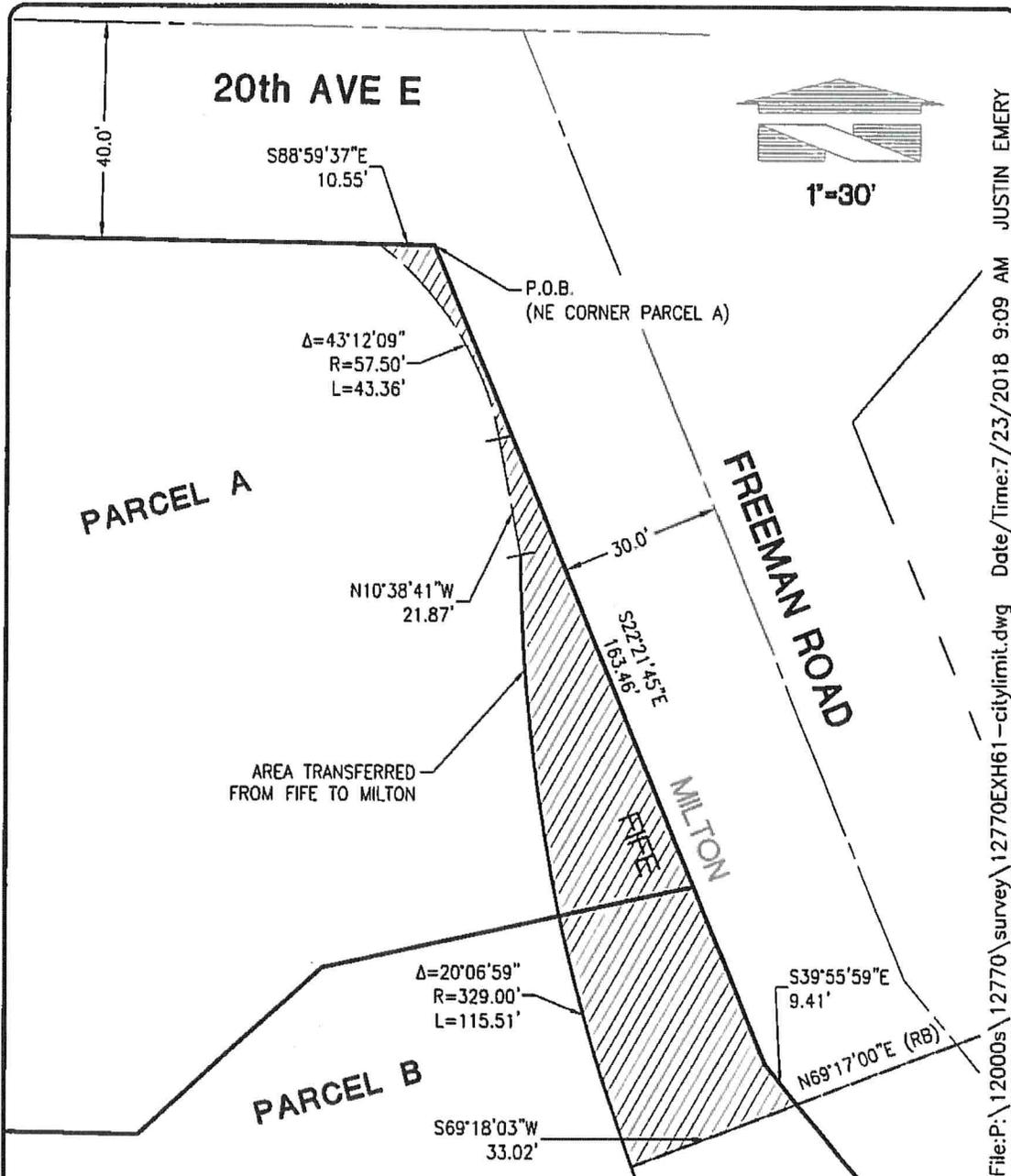
BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A;
THENCE SOUTH 22°21'45" EAST, 163.46 FEET ALONG THE WEST MARGIN OF FREEMAN ROAD EAST;
THENCE SOUTH 39°55'59" EAST, 9.41 FEET ALONG SAID WEST MARGIN;
THENCE SOUTH 69°18'03" WEST, 33.02 FEET TO A POINT ON A NON-TANGENT CURVE, THE RADIUS OF WHICH BEARS NORTH 69°17'00" EAST;
THENCE NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 329.00 FEET, THROUGH A CENTRAL ANGLE OF 20°06'59", AND AN ARC LENGTH OF 115.51 FEET;
THENCE NORTH 10°38'41" WEST, 21.87 FEET TO A POINT OF TANGENCY;
THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 57.50 FEET, THROUGH A CENTRAL ANGLE OF 43°12'09", AND AN ARC LENGTH OF 43.36 FEET TO A POINT ON THE SOUTH MARGIN OF 20TH AVENUE EAST;
THENCE SOUTH 88°59'37" EAST, 10.55 FEET ALONG SAID SOUTH MARGIN TO THE POINT OF BEGINNING.



Project Name: Freeman Road East
July 23, 2018

BDG / JSE
12770L.062

EXHIBIT " A "



SCALE: HORIZONTAL 1"=30' VERTICAL N/A		For: CITY OF FIFE	JOB NUMBER 12770
 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES		Title: RIGHT-OF-WAY EXCHANGE	12770L.062.DOC SHEET 1 of 1
DESIGNED	XXX	DRAWN	JSE
CHECKED	BDG	APPROVED	BDG
DATE 07/23/18			

LEGAL DESCRIPTION

CITY RIGHT-OF-WAY EXCHANGE

THAT PORTION OF FREEMAN ROAD EAST IN THE SE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 4 EAST, W.M., PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

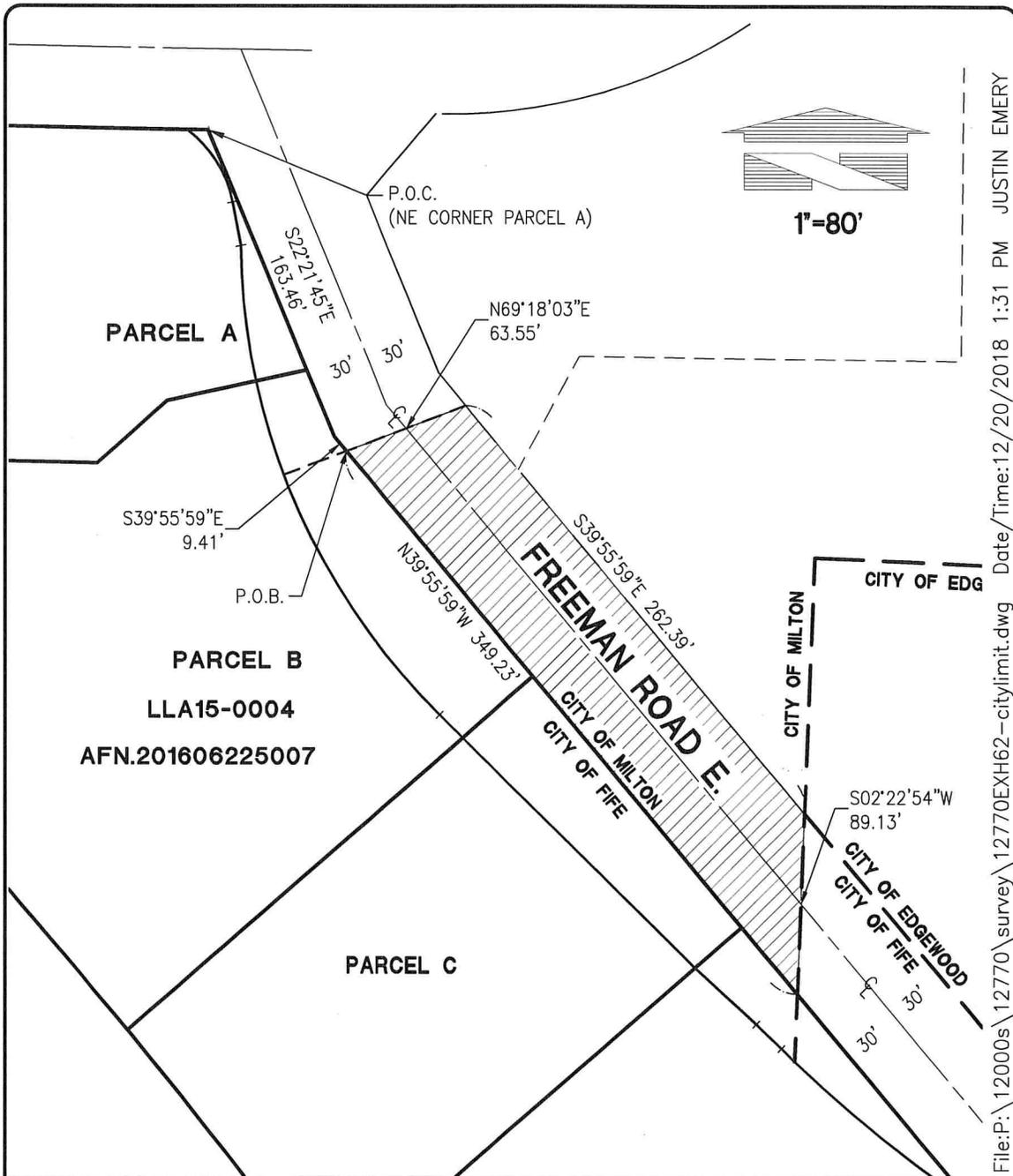
COMMENCING AT THE NORTHEAST CORNER OF PARCEL A OF CITY OF FIFE LOT LINE ADJUSTMENT NO LLA15-004, RECORDED UNDER AUDITOR'S FILE NO 201606225007;
THENCE SOUTH 22°21'45" EAST, 163.46 FEET ALONG THE WEST MARGIN OF FREEMAN ROAD EAST;
THENCE SOUTH 39°55'59" EAST, 9.41 FEET ALONG SAID WEST MARGIN, TO THE POINT OF BEGINNING;
THENCE NORTH 69°18'03" EAST, 63.55 FEET TO A POINT ON THE EAST MARGIN OF SAID FREEMAN ROAD EAST;
THENCE SOUTH 39°55'59" EAST, 262.39 FEET ALONG SAID EAST MARGIN TO THE CITY OF MILTON CITY LIMIT LINE;
THENCE SOUTH 02°22'54" WEST, 89.13 FEET ALONG SAID CITY LIMIT LINE TO A POINT ON THE WEST MARGIN OF SAID FREEMAN ROAD;
THENCE NORTH 39°55'59" WEST, 349.23 FEET ALONG SAID WEST MARGIN, TO THE POINT OF BEGINNING.



Project Name: Freeman Road
July 23, 2018

EXHIBIT "B"

BDG / JSE
12770L.063



File:P:\12000s\12770\survey\12770EXH62-citylimit.dwg Date/Time:12/20/2018 1:31 PM JUSTIN EMERY

SCALE: HORIZONTAL 1"=80' VERTICAL N/A		For: CITY OF FIFE	JOB NUMBER 12770
 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES		Title: CITY RIGHT-OF-WAY EXCHANGE	12770L.063.DOC SHEET 1 of 1
DESIGNED	XXX	DRAWN	JSE
CHECKED	BDG	APPROVED	BDG
DATE 07/23/18			



Agenda Item #: 3C

To: Mayor Styron Sherrell and City Council Members
From: Mark Howlett, P.E., Public Works Director/City Engineer
Date: January 14, 2019
Re: Information Only – Parks Impact Fees Annual Escalator

ATTACHMENTS: 1. Draft Ordinance
2. MMC 13.45

TYPE OF ACTION:

Information Only Discussion Action Public Hearing

Recommendation/Action: None – Information Only

Fiscal Impact/Source of Funds: This item, if passed, will provide a slight annual increase in the amount of Parks Impact Fees collected.

Issue: The City of Milton adopted Parks Impact Fees in 2016. The rates have not been increased since then. The existing code provides a mechanism for council review of the impact fees but does not provide an annual escalation factor similar to the City's Traffic Impact Fees and School Impact Fees.

Discussion: Section 13.45 of the Milton Municipal Code establishes Parks Impact Fees. Currently this code section does not provide for an annual escalation factor to ensure that these impact fees keep up with the rate of inflation.

The Traffic Impact Fees and School Impact Fees have an annual escalator based on the Construction Cost Index of the Engineering News Record. This has proven to be an efficient method of ensuring that the funds collected are keeping up with the inflation rate of the construction industry.

We are recommending that this same approach be applied to the Parks Impact Fees. This will provide a consistent and simple method of matching the funds collected with the costs of construction.

The attached draft ordinance will increase the Parks Impact Fees and implement an annual escalator.

This Page Left Intentionally Blank

ORDINANCE NO. 1959-19

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, REVISING CHAPTER 13.45 OF THE MILTON MUNICIPAL CODE AS IT RELATES TO THE CALCULATION OF PARKS IMPACT FEES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the collection of Parks impact fees is an important element of the City's effort to improve its park system; and

WHEREAS, the Milton Municipal Code currently does not provide for an annual increase in the impact fee; and

WHEREAS, it is desirable to increase the impact fees and implement an annual increase in the parks impact fee based on the Engineering News Record Annual Construction Cost Index;

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

Section 1. Findings. The recitals set forth above are hereby adopted as the Milton City Council's findings in support this ordinance.

Section 2. Section 13.45.030 of the Milton Municipal Code is hereby modified as follows:

13.45.030 Assessment of impact fees.

- A. ~~Effective October 1, 2016, t~~The city shall collect park impact fees calculated at ~~\$1,550~~ \$1,598 per each dwelling unit from any applicant seeking development approval from the city for any development activity that includes dwelling units within the city.
- B. ~~The fees shown in 13.45.030(A) shall be adjusted annually by applying the Engineering News-Record annual construction cost index to the fee per dwelling unit.~~
- ~~B-C.~~ Where a change of use increases housing capacity by more than or equal to one dwelling unit, the director shall calculate a parks and recreation impact fee based on the increase in the housing capacity.

- ~~G.D.~~ The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the amount shown in this section, or pursuant to an independent fee calculation accepted by the director pursuant to MMC 13.45.040, and adjusted for any credits pursuant to MMC 13.45.050.
- ~~D.E.~~ Payment of impact fees shall be made by the feepayer at the time the building permit is issued for each unit in the development. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.
- ~~E.F.~~ Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to MMC 13.45.050 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to MMC 13.45.050 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.
- ~~E.G.~~ The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.
- ~~G.H.~~ For complete building permit applications for new development, redevelopment or a change of use, and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of final inspection or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:
1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of MMC 1.08.100. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying MMC 1.08.100, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount

remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection ~~(G)~~(H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.
3. The appeals process authorized in MMC 13.45.070 shall not apply to determinations made pursuant to this section. (Ord. 1903 § 2, 2016).

Section 3. Section 13.45.060 of the Milton Municipal Code is hereby modified as follows:

13.45.060 Exemptions.

- A. The following shall be exempted from the payment of parks and recreation impact fees:
1. Replacement of a structure with a new structure of the same use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
 2. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.
 3. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.
 4. A change of use where the increase in housing capacity is less than the threshold stated in MMC 13.45.030~~(B)~~ (C).
 5. Demolition or moving of a structure.

6. Any building permit application that has been submitted to the department before 5:00 p.m. the business day before the first effective date of the park impact fee rate schedule and subsequently determined to be a complete application by the city.

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in MMC [13.45.070](#). (Ord. 1903 § 2, 2016).

END OF CODE REVISION

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. Publication. This ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This ordinance shall become effective and be in full force five (5) days after passage, approval, and publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Milton, this _____ day of _____, 2019.

CITY OF MILTON

Mayor Shanna Styron Sherrell

ATTEST/AUTHENTICATED:

Trisha Summers, City Clerk

APPROVED AS TO FORM:

City Attorney

Published:
Effective Date:

DRAFT

This Page Left Intentionally Blank

Chapter 13.45 PARKS IMPACT FEES

Sections:

- [13.45.010](#) Findings and authority.
- [13.45.020](#) Definitions.
- [13.45.030](#) Assessment of impact fees.
- [13.45.040](#) Independent fee calculations.
- [13.45.050](#) Credits and adjustments.
- [13.45.060](#) Exemptions.
- [13.45.070](#) Appeals.
- [13.45.080](#) Establishment of impact fee account for parks and recreation.
- [13.45.090](#) Refunds.
- [13.45.100](#) Use of funds.
- [13.45.110](#) Review and update of impact fees.
- [13.45.120](#) Deferral of impact fees.
- [13.45.130](#) Miscellaneous provisions.

13.45.010 Findings and authority.

The council of the city of Milton (the “council”) hereby finds and determines that new growth and residential development in the city of Milton will create additional demand and need for parks and recreation facilities in the city of Milton, and the council finds that new growth and development should pay a proportionate share of the cost of parks and recreation facilities needed to serve the new growth and development. Therefore, pursuant to Chapter [82.02](#) RCW, the council adopts this chapter to assess impact fees for parks and recreation. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. 1903 § 2, 2016).

13.45.020 Definitions.

The following words and terms shall have the following meanings for the 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.

A. “Act” means the Growth Management Act, Chapter [36.70A](#) RCW, as now in existence or as hereafter amended.

- B. "Building permit," for the purposes of this chapter only, means an official document or certification which is issued by the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.
- C. "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to Chapter [36.70A](#) RCW and such plan as amended.
- D. "Change of use" means any use which substantially differs from the previous use of a building or premises. A substantially different use is one which is not included in the group number classification of the previous use, as set forth in the most recent edition of the Standard Industrial Classification Manual.
- E. "City" means the city of Milton.
- F. "Council" means the city council of the city of Milton.
- G. "Department" means the public works department.
- H. "Development activity" means any construction or expansion of a building, structure, or use, any change of use of a building or structure, or any change of the use of land that creates additional demand and need for parks and recreation facilities.
- I. "Director" means the director of public works or the director's designee.
- J. "Dwelling unit" means a building, or portion thereof, designed for residential occupancy consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.
- K. "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for parks and recreation facilities.
- L. "Feepayer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity commencing a land development activity which creates the demand for additional parks and recreation facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.
- M. "Hearing examiner" means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under Chapter [2.54](#) MMC. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.

N. "Impact fee" means a payment of money imposed by the city of Milton on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the parks and recreation facilities needed to serve new growth and development.

O. "Impact fee account" or "account" means the account established for the parks and recreation facilities' impact fees collected. The account shall be established pursuant to MMC [13.45.080](#) and comply with the requirements of RCW [82.02.070](#).

P. "Independent fee calculation" means the parks and recreation impact calculation prepared by a feepayer to support the assessment of an impact fee other than that shown in MMC [13.45.030](#).

Q. "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

R. "Multifamily dwelling" means a building designed exclusively for occupancy by two or more families living independently of each other, and containing two or more residential dwelling units.

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

T. "Parks and recreation facilities" means neighborhood and community parks, open space, recreational trails, athletic fields, swimming pools, and community centers, and any furnishings and equipment that are used at such locations and which can be capitalized.

U. "Parks and recreation project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project and are not parks and recreation system improvements. No parks and recreation improvement or facility included in a capital facilities plan approved by the council shall be considered a parks and recreation project improvement.

V. "Parks and recreation system improvements" means parks and recreation facilities that are either included in the city of Milton's capital facilities plan and/or are designed to provide service to service areas within the community at large, in contrast to parks and recreation project improvements.

W. "Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one residential dwelling unit. A manufactured home may be considered a one-family dwelling, if sited per Chapter [17.60](#) MMC.

X. "State" means the state of Washington.

Y. "Surplus credits" means credits over and above those calculated as an impact fee. For example:

1. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a positive number, the result is the impact fee due.

2. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a negative number, the result is the surplus credit and no impact fee would be due. (Ord. 1903 § 2, 2016).

13.45.030 Assessment of impact fees.

A. Effective October 1, 2016, the city shall collect park impact fees calculated at \$1,550 per each dwelling unit from any applicant seeking development approval from the city for any development activity that includes dwelling units within the city.

B. Where a change of use increases housing capacity by more than or equal to one dwelling unit, the director shall calculate a parks and recreation impact fee based on the increase in the housing capacity.

C. The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the amount shown in this section, or pursuant to an independent fee calculation accepted by the director pursuant to MMC [13.45.040](#), and adjusted for any credits pursuant to MMC [13.45.050](#).

D. Payment of impact fees shall be made by the feepayer at the time the building permit is issued for each unit in the development. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.

E. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to MMC [13.45.050](#) shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to MMC [13.45.050](#) setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

F. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.

G. For complete building permit applications for new development, redevelopment or a change of use, and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of final inspection or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of MMC [1.08.100](#). Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying MMC [1.08.100](#), the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (G)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in MMC [13.45.070](#) shall not apply to determinations made pursuant to this section. (Ord. 1903 § 2, 2016).

13.45.040 Independent fee calculations.

A. If, in the judgment of the director, none of the fee amount set forth in MMC [13.45.030](#) accurately describes or captures the impacts of the new development, the applicant shall conduct an independent fee calculation and the director may impose alternative fees on a specific development based on those calculations, once accepted by the city.

B. Feepayers may opt not to have the impact fees determined according to the rate set forth in MMC [13.45.030](#). Such feepayers shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

C. A nonreimbursable administrative fee shall be charged for each independent fee calculation. The fee shall be deposited with the city to pay for city review of the independent fee calculation upon submittal of the documented independent fee study.

D. After the city completes its review, the actual fees and expenses will be determined and the cash deposit shall be adjusted to provide for a refund by the city or additional payment by the feepayer.

E. While there is a presumption that the amounts set forth in MMC [13.45.030](#) are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or where adjustment is deemed by the director to be appropriate based on principles of fairness under the circumstances of the case.

F. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in Chapter [17.71](#) MMC. (Ord. 1903 § 2, 2016).

13.45.050 Credits and adjustments.

A. A feepayer can request that a credit or credits for parks and recreation impact fees be awarded to him/her for parks and recreation improvement projects provided by the feepayer in excess of the standard requirements for the feepayer's development if the land, improvements, and/or the facility constructed are identified as parks and recreation system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at his/her discretion, makes the finding that such land, improvements, and/or facilities would serve the parks and recreation goals and objectives of the capital facilities plan.

B. For each request for a credit or credits, the director shall determine the value of dedicated land by using available documentation or selecting an appraiser from a list of independent appraisers maintained by the department to determine the value of the land being dedicated. The value of improvements will be determined through documentation submitted by the feepayer.

C. The feepayer shall pay the cost of the appraisal and shall deposit on account the estimated cost of the appraisal as determined by the city at the time the feepayer requests consideration for a credit.

D. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

E. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

F. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in Chapter [17.71](#) MMC.

G. Pursuant to and consistent with the requirements of RCW [82.02.060](#), the fee rate in MMC [13.45.030](#) has been reasonably adjusted for other revenue sources which are earmarked for, or proratable to, funding parks and recreation facilities.

H. In order to grandfather the capacity rights of existing developments, the director will utilize the adopted rates to calculate any impact fee credits and to determine any surplus credits for off-site system improvements made by the property owner.

Only in a situation when a property owner makes off-site system capacity improvements that qualify in accordance with subsection A of this section will any surplus credits (value computed during the permit year and not adjusted for inflation) remain with the property or any subdivision of that property to benefit future development where a parks and recreation impact fee is determined to be due. (Ord. 1903 § 2, 2016).

13.45.060 Exemptions.

A. The following shall be exempted from the payment of parks and recreation impact fees:

1. Replacement of a structure with a new structure of the same use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.

2. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.
3. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.
4. A change of use where the increase in housing capacity is less than the threshold stated in MMC [13.45.030](#)(B).
5. Demolition or moving of a structure.
6. Any building permit application that has been submitted to the department before 5:00 p.m. the business day before the first effective date of the park impact fee rate schedule and subsequently determined to be a complete application by the city.

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in MMC [13.45.070](#). (Ord. 1903 § 2, 2016).

13.45.070 Appeals.

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be made by the feepayer of the property where such development activity will occur. No appeal submitted under protest shall be permitted unless and until the impact fees at issue have been paid. Alternatively, any feepayer may appeal the impact fees determined by the director without first paying the fees, providing the applicant is willing to provide a satisfactory security of the appealed fee amount in accordance with the requirements of Chapter [17.71](#) MMC prior to issuance of the building permit. Alternatively, any feepayer may appeal the impact fees determined by the director without first paying the fees, provided the applicant is willing to postpone issuance of the building permit until after the appeal process when the revised final fee is known.

B. Determinations of the director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the director's decision with respect to the independent fee calculation, or any other determination which the director is authorized to make pursuant to this chapter, can be appealed to the hearing examiner.

C. Appeals shall be taken within 10 days of the director's issuance of a written determination by filing with the office of the hearing examiner a notice of appeal specifying the grounds thereof and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of administrative decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

D. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in Chapter [2.54](#) MMC. At the hearing, any party may appear in person or by agent or attorney.

E. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in subsection G of this section.

F. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter.

G. Any feepayer aggrieved by any decision of the office of the hearing examiner may appeal the hearing examiner's final decision as provided in Chapter [2.54](#) MMC. (Ord. 1903 § 2, 2016).

13.45.080 Establishment of impact fee account for parks and recreation.

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the city.

B. There is hereby established a separate impact fee account for the fees collected pursuant to this chapter: the parks and recreation facilities impact fee account. Funds withdrawn from these accounts must be used in accordance with the provisions of MMC [13.45.100](#). Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the financial director shall provide a report to the council on the parks and recreation impact fee account showing the source and amount of all moneys collected, earned, or received, and the parks and recreation system improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within 10 years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the delay. (Ord. 1903 § 2, 2016).

13.45.090 Refunds.

A. If the city fails to expend or encumber the impact fees within 10 years of when the fees were paid or, where extraordinary or compelling reasons exist, such other time periods as established pursuant to MMC [13.45.080](#), the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis; provided, that any party that voluntarily elects to use the alternative fee payment method specified in MMC [13.45.030](#) shall sign as a condition of use of the alternative fee payment method a waiver of right on a form prepared and provided by the city to recovery of park impact fees not spent within the statutory 10-year time frame.

B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate parks and recreation facilities.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. If and when the city seeks to terminate any or all components of the parks and recreation impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate parks and recreation facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

G. The city shall also refund to the developer of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur. (Ord. 1903 § 2, 2016).

13.45.100 Use of funds.

A. Pursuant to this chapter, impact fees:

1. Shall be used for parks and recreation system improvements that will reasonably benefit the new development; and
2. Shall not be imposed to make up for deficiencies in parks and recreation facilities serving existing developments; and
3. Shall not be used for maintenance or operations.

B. As a general guideline, parks and recreation impact fees may be used for any parks and recreation system improvements which could otherwise be funded by a bond issue of the city.

C. Parks and recreation facilities impact fees may be spent for parks and recreation system improvements, including but not limited to neighborhood and community parks, recreational trails, athletic fields, swimming pools, and community centers, including planning, land acquisition, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of parks and recreation system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1903 § 2, 2016).

13.45.110 Review and update of impact fees.A. The fee rate schedules set forth in MMC [13.45.030](#) shall be reviewed by the council no later than two years after the effective date of the fee rate schedule attached to the ordinance codified in this chapter, and no more than every two years thereafter.

B. The rates set forth in MMC [13.45.030](#) shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. (Ord. 1903 § 2, 2016).

13.45.120 Deferral of impact fees.

In accordance with ESB 5923 (2015), an applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer the payment of an impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:

A. For each single-family residence for which any impact fee deferral is applied for, an administrative fee must be paid to the city due to the increased burden placed on city staff for processing and monitoring such deferral.

B. A separate application must be submitted for each single-family residence being constructed. Only the first 20 applications per calendar year by each applicant for impact fee deferral are eligible for impact fee deferral under this chapter.

The period of deferral expires at the earliest of:

1. The time of final inspection by the city; or
2. Eighteen months after the building permit is issued by the city.

C. The applicant must grant and record in favor of the city of Milton an impact fee lien in the amount of the deferred impact fee. The lien must be in a form signed, dated and approved by the city attorney, and signed by all owners of the property and persons or entities holding any interest in the property, with all signatures acknowledged as required for a deed, and recorded among the appropriate land records of the county. Proof of such recording shall be submitted to the city before a building permit may be issued. The lien must specify that it is binding on all successors in title after the recordation. The lien may specify that it is subordinate to one mortgage for the purpose of construction upon the same real property granted by the applicant. A mortgage, deed of trust or other financing mechanism shall be limited to the property upon which construction of one single-family residence will occur. A lien not paid when due shall bear interest at the statutory rate. A lien shall become due at the expiration of the deferral date.

D. If impact fees are not paid in accordance with ESB 5923(2015), the city may institute foreclosure proceedings in accordance with Chapter [61.12](#) RCW.

E. After full payment of impact fees, and upon written request of the person paying said fees containing the name and address of the requester together with a copy of a proposed lien release form, the city, upon approval by the city attorney, shall sign a lien release and deliver it to the person paying said fee either in person or by first class mail. (Ord. 1903 § 2, 2016).

13.45.130 Miscellaneous provisions.

A. Existing Authority Unimpaired. Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter [43.21C](#) RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter [58.17](#) RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW [82.02.050](#)(1)(c).

B. Captions. The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter.

C. Severability. If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

D. Short Title. This chapter shall be known and may be cited as “the city of Milton parks and recreation impact fee ordinance.” (Ord. 1903 § 2, 2016).

This Page Left Intentionally Blank