

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. The city shall collect park impact fees calculated at \$1,680 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.
- 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.

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

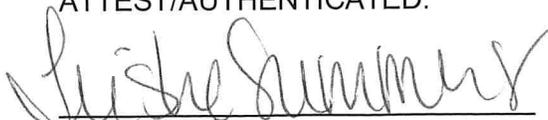
PASSED by the Council and approved by the Mayor of the City of Milton, this 22nd day of January 2019.

CITY OF MILTON



Mayor Shanna Styron Sherrell

ATTEST/AUTHENTICATED:



Trisha Summers, City Clerk

APPROVED AS TO FORM:

City Attorney

Published:
Effective Date:

