



# City of Tukwila

Washington

Ordinance No. 2655

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2571 §6, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 16.26.030, AND ORDINANCE NO. 2571 §15, AS CODIFIED AT TMC SECTION 16.26.120, TO ADD AN EXEMPTION TO FIRE IMPACT FEES FOR EARLY LEARNING FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted Ordinance No. 2571 on May 7, 2018, regarding the imposition of Fire Impact Fees within the City; and

**WHEREAS**, the Washington State Legislature passed Substitute House Bill 1331 related to the application of impact fees on early learning facilities within the State of Washington; and

**WHEREAS**, early learning facilities provide broad public service to the Tukwila community by providing childcare for Tukwila community members; and

**WHEREAS**, on August 9, 2021, following adequate public notice, the Tukwila City Council held a public hearing to receive public testimony on this ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. TMC Section 16.26.030 Amended.** Ordinance No. 2571 §6, as codified at Tukwila Municipal Code (TMC) Section 16.26.030, is hereby amended to read as follows:

## **16.26.030 Definitions**

Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning. For the purposes of this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the following meanings:

1. **“Accessory residential structure”** means a structure that is incidental and subordinate to the principal residence on the property and is physically detached to the principal residence, but does not include accessory dwelling units. For example, a detached garage or storage shed for garden tools are considered accessory residential structures.

2. **“Accessory dwelling unit (ADU)”** means a dwelling unit that is within or attached to a single-family dwelling or in a detached building on the same lot as the primary single-family dwelling. An ADU is distinguishable from a duplex by being clearly subordinate to the primary dwelling unit, both in use and appearance.

3. **“Building permit”** means an official document or certification of the City of Tukwila issued by the City's building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving, or repair of a building or structure.

4. **“City”** means the City of Tukwila, Washington, County of King.

5. **“Development activity”** means any construction, reconstruction, or expansion of a building, structure, or use, or any changes in use of a building or structure, or any changes in the use of land, requiring development approval.

6. **“Development approval”** means any written authorization from the City, which authorizes the commencement of the “development activity.”

7. **“Early Learning Facility”** is defined consistent with RCW 43.31.565(3) as now enacted or hereafter amended.

8. **“Encumber”** means to reserve, set aside, or earmark the fire impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for the provision of fire protective services.

9. **“Fee payer”** is a person, corporation, partnership, an incorporated association or governmental agency, municipality, or similar entity commencing a land development activity that requires a building permit and creates a demand for additional fire capital facilities.

10. **“Fire protection facilities”** means all publicly owned apparatus and buildings within the City that are used for fire protection and/or emergency response and aid.

11. **“Impact fee”** means the payment of money imposed by the City on development activity pursuant to this ordinance as a condition of granting development approval in order to pay for the fire facilities needed to serve growth and development that is a proportionate share of the cost of fire capital facilities used for facilities that reasonably benefit development. Impact fees do not include reasonable permit fees, application fees, administrative fees for collecting and handling fire impact fees, or the cost of reviewing independent fee calculations.

12. "**Low-income housing**" means housing where monthly costs, including utilities other than telephone, are no greater than 30% of the resident's household monthly income and where household monthly income is 80% or less of the King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

13. "**Owner**" means the owner of record of real property, as found in the records of King County, Washington, or a person with an unrestricted written option to purchase 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 property.

14. "**Proportionate share**" means that portion of the cost for fire facility improvements that are reasonably related to the service demands and needs of development.

**Section 2. TMC Section 16.26.120 Amended.** Ordinance No. 2571 §15, as codified at TMC Section 16.26.120, is hereby amended to read as follows:

**16.26.120 Exemptions.**

A. The fire impact fees are generated from the formula for calculating the fees as set forth in this chapter. The amount of the impact fees is determined by the information contained in the adopted fire department master plan and related documents, as appended to the City's Comprehensive Plan. All development activity located within the City shall be charged a fire impact fee; provided, that the following exemptions shall apply.

B. The following shall be exempt from fire impact fees:

1. Replacement of a structure with a new structure having the same use, at the same site, and with the same gross floor area, when such replacement is within 12 months of demolition or destruction of the previous structure.
2. Alteration, expansion, or remodeling of an existing dwelling or structure where no new units are created and the use is not changed.
3. Construction of an accessory residential structure.
4. Miscellaneous improvements including, but not limited to, fences, walls, swimming pools, and signs that do not create an increase in demand for fire services.
5. Demolition of or moving an existing structure within the City from one site to another.
6. Fire impact fees for the construction of low-income housing may be reduced when requested by the property owner in writing prior to permit submittal and subject to the following:
  - a. The property owner must submit a fiscal impact analysis of how a reduction in impact fees for the project would contribute to the creation of low-income housing; and

b. The property owner must record a covenant per RCW 82.02.060(3) that prohibits using the property for any purpose other than for low-income housing at the original income limits for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than low income housing within 10 years, the property owner must pay the City the applicable impact fees in effect at the time of conversion.

c. Should the property owner satisfy the criteria in TMC Section 16.26.120.B.6., a and b, the fees will be reduced, based on the following table:

Unit Size	Affordability Target <sup>1</sup>	Fee Reduction
2 or more bedrooms	80% <sup>2</sup>	40%
2 or more bedrooms	60% <sup>2</sup>	60%
Any size	50% <sup>2</sup>	80%
<sup>1</sup> – Units to be sold or rented to a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income. <sup>2</sup> – Percentage of King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.		

7. *Change of Use.* A development permit for a change of use that has less impact than the existing use shall not be assessed a fire impact fee.

8. A fee payer required to pay for system improvements pursuant to RCW 43.21C.060 shall not be required to pay an impact fee for the same improvements under this ordinance.

9. A fee payer installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

10. An Early Learning Facility is exempt from paying 80 percent of the required Fire Impact Fee.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

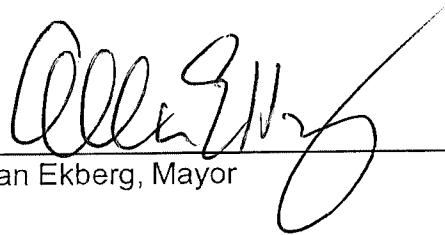
**Section 5. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 16<sup>th</sup> day of August, 2021.

ATTEST/AUTHENTICATED:

signed via DocuSign  
*Christy O'Flaherty*  
Key: d13c0ab60000011151495d7485010

Christy O'Flaherty, MMC, City Clerk



Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

signed via DocuSign  
*Kari L. Sand*  
Key: d13c0ab60000011151495d7485010

Office of the City Attorney

Filed with the City Clerk: 8-10-21  
Passed by the City Council: 8-16-21  
Published: 8-19-21  
Effective Date: 8-24-21  
Ordinance Number: 2655

City of Tukwila Public Notice of Ordinance Adoption for Ordinances 2655-2657.

On August 16, 2021 the City Council of the City of Tukwila, Washington, adopted the following ordinances, the main points of which are summarized by title as follows:

**Ordinance 2655:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2571 §6, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 16.26.030, AND ORDINANCE NO. 2571 §15, AS CODIFIED AT TMC SECTION 16.26.120, TO ADD AN EXEMPTION TO FIRE IMPACT FEES FOR EARLY LEARNING FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**Ordinance 2656:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2572 §6, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 16.28.030, AND ORDINANCE NO. 2572 §15, AS CODIFIED AT TMC SECTION 16.28.120, TO ADD AN EXEMPTION TO PARKS IMPACT FEES FOR EARLY LEARNING FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**Ordinance 2657:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NOS. 2521 §1, 2305 §1, AND 2111 §1 (PART), AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 9.48.020, AND ORDINANCE NOS. 2622 §4 AND 2521 §2, AS CODIFIED AT TMC SECTION 9.48.125, TO ADD AN EXEMPTION TO TRANSPORTATION IMPACT FEES FOR EARLY LEARNING FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, MMC, City Clerk

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