



City of Tukwila

Washington

Ordinance No. 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.

WHEREAS, the City Council adopted Ordinance No. 2111 on December 5, 2005, regarding the imposition of Transportation 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 9.48.020 Amended. Ordinance Nos. 2521 §1, 2305 §1, and 2111 §1 (part), as codified at Tukwila Municipal Code (TMC) Section 9.48.020, are hereby amended to read as follows:

9.48.020 Definitions

The words and terms contained in this chapter shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning.

1. The “Act” means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, as now in existence or hereinafter amended.

2. “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.

3. “City” means the City of Tukwila, Washington.

4. “Development” means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that requires a building permit.

5. “Development activity” means any construction of a building or structure that creates additional demand and need for transportation facilities.

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 hereinafter amended.

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

9. “Impact fee” means the payment of money imposed by the City on development activity pursuant to this chapter as a condition of granting development approval, in order to pay for the transportation facilities needed to serve new growth and development that is a proportionate share of the cost of the capital facilities that is used for facilities that reasonably benefit new development. Impact fees are independent of a permit fee, an application fee, a concurrency test fee, and the administrative fee for collecting and handling impact fees or cost of reviewing independent fee calculations.

10. “Letter encumbered” means to reserve, set aside, or earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for the provision of transportation facilities.

11. “Low-income housing” means housing where monthly costs, including utilities other than telephone, do not exceed 30% of the resident’s household monthly income and where household monthly income must be 80 percent 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.

12. “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.

13. *“Proportionate fair share”* means that portion of the cost for transportation facility improvements that are reasonably related to the service demands and needs of new development.

Section 2. TMC Section 9.48.125 Amended. Ordinance Nos. 2622 §4 and 2521 §2, as codified at TMC Section 9.48.125, are hereby amended to read as follows:

9.48.125 Exemptions

A. The 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 depicted on Figure 9-1 herein. All development activity located within the City shall be charged a transportation impact fee, provided that the following exemptions shall apply.

B. The following shall be exempt from transportation 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 impact the transportation system.
5. Demolition of or moving an existing structure within the City from one site to another.
6. Transportation impact fees for the construction of low-income housing may be reduced at the discretion of the Public Works Director when requested by the property owner in writing prior to permit submittal and subject to the following criteria:
 - a. Submittal of a fiscal impact analysis of how a reduction in impact fees for the project would contribute to the creation of low-income housing;
 - b. Fee reduction table.

Unit Size	Affordability Target ¹	Fee Reduction
2 or more bedrooms	80% ²	40%
2 or more bedrooms	60% ²	60%
Any size	50% ²	80%
¹ – 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. ² – Percentage of King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.		

c. The developer 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.

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 transportation 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. An Early Learning Facility is exempt from paying 80 percent of the required Transportation 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 16th day of August, 2021.

ATTEST/AUTHENTICATED:

Signed via DocuSign
Christy O'Flaherty
Key: 444601930600148444902004037

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Signed via DocuSign
Kari L. Sand
Key: 13995041523501460040404037

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: 2657

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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