

ORDINANCE NO. 6 8 4 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO FEE CODES, AND AMENDING SECTIONS 19.02.070, 19.04.040, 19.06.040, 19.08.030, 15.07.080, 13.06.050, 13.06.275, 13.20.200, AND 13.41.040 OF THE AUBURN CITY CODE

WHEREAS, the Auburn City Code establishes several types of fees and charges related to the review of development proposals, connections to utility systems, and payment of impact fees; and

WHEREAS, where Auburn City Code establishes a fee there is language that describes when the fee is assessed and when it is must be paid; and

WHEREAS, the language used in City Code to describe fee assessment and collection varies from one fee to another; and

WHEREAS, these variations in language create inconsistencies in how fees are assessed and collected; and

WHEREAS, these variations also present challenges when the fee schedule is updated each year resulting in projects that have some fees vested to the prior year and other fees updated to the current year; and

WHEREAS, the purpose of these amendments is to better standardize City Code language across all fees and to eliminate the challenges that are presented each year as the fee schedule is updated.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Section 19.02.070 of the Auburn City Code is amended to read as follows:

~~The school impact fee shall be imposed, based on the impact fee schedule, at the time of application to the city for a development activity permit. Except when fees are deferred, the school impact fee shall be imposed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit. When fees are deferred, the assessment will be based on the fees in effect at the time of payment.~~ The school impact fee shall be imposed based on the impact fee schedule adopted for the applicable school district. The impact fee and the application fee shall be collected by the city and maintained in separate accounts. All school impact fees shall be paid to the district from the school impact fee account monthly. The city shall retain all application fees associated with the city's administration of the impact fee program.

A. Impact fees shall be imposed upon development activity in the city concurrent with the issuance of a building permit. The fees are based upon the adopted fee schedule and collected by the city from any applicant where such development activity requires issuance of a residential building permit or a building permit for a manufactured or mobile home located on platted lots within manufactured/mobile home parks, and the fee has not been previously paid. Impact fees are only collected and disbursed within the boundaries of a school district that has executed an interlocal agreement with the city of Auburn.

~~B. Applicants for single-family and multifamily residential building permits and for manufactured/mobile home building permits shall pay the total amount of the impact fees assessed before the building permit is issued, using the impact fee schedules then in effect.~~ The owner of the manufactured/mobile home park shall be responsible to pay the fee.

Section 2. Amendment to City Code. Section 19.04.040 of the Auburn City Code is amended to read as follows:

C. Except when fees are deferred, ~~the amount of impact fees shall be assessed at the time an applicant submits a complete application for a building permit~~the transportation impact fee shall be assessed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.04.050, and adjusted for any credits pursuant to ACC 19.04.060. When fees are deferred, the assessment will be based on the fees in effect at the time of payment. Should the scope of the development change after the building permit application is determined to be complete, the amount of the impact fees may be adjusted as determined by the city to reflect the revised scope but shall be based on the fee schedule that is or was in effect at the time of the originally submitted building permit application. ~~Should the scope of the development change after permit application and prior to fee payment, the amount of the impact fees will be adjusted to the fees in effect at the time of payment.~~ When fees are deferred pursuant to subsections F, G and H of this section, the assessment will be based on the fees in effect at the time of payment.

~~D. Payment of impact fees shall be made by the feepayer at the time the building permit is issued, unless fees are deferred pursuant to this chapter.~~

ED. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC 19.04.060 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC 19.04.060 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.

FE. For complete single-family building permit applications for new development, redevelopment or a change in use, and at or before 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. The forms shall require payment of transportation impact fees due and owing by automatic payment through escrow no later than: (a) closing of the sale of the unit; (b) at final inspection or issuance of certificate of occupancy; or (c) 18 months from the date the original building permit was issued, whichever comes first. Failure to pay shall result in the following:

1. If the full amount of any fees required by this chapter remains unpaid 30 days after the city has sent written notification of the payment obligation to the responsible party, then the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail to the responsible party's most current mailing address on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, 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 under this chapter that are outstanding 30 days after their due date 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 (F)(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 ACC 19.04.080 shall not apply to determinations made pursuant to this section.

GE. For complete multifamily building permit applications for new development, redevelopment or a change in use, and at or before issuance of any multifamily residential building permit 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. The forms shall require payment of transportation impact fees due and owing by automatic payment through escrow no later than: (a) closing of the sale of the unit; b) at final inspection or issuance of certificate of occupancy; or (c) 18 months from the date the original building permit was issued, whichever comes first. Failure to pay shall result in the following:

1. If the full amount of any fees required by this chapter remains unpaid 30 days after the city has sent written notification of the payment obligation to the responsible party, then the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail to the responsible party's most current mailing address on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, 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 under this chapter that are outstanding 30 days after their due date 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 ACC 19.04.080 shall not apply to determinations made pursuant to this section.

HG. For nonresidential development composed of:

1. New development; or
2. Redevelopment or a change in use that includes:
 - a. Commercial office and retail uses; and
 - b. Light and heavy manufacturing uses, but excludes:
 - i. Warehousing and distribution uses; and
 - ii. Institutional development (including, but not limited to, public and private schools and colleges and hospitals);

and before issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay transportation impact fees due and owing, less any credits awarded, no later than before issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first.

Failure to pay shall result in the following:

3. If the full amount of any fees required by this chapter remains unpaid 30 days after the city has sent written notification of the payment obligation to the responsible party, then the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail to the responsible party's most current mailing address on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, 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.

4. Any unpaid charges under by this chapter that are outstanding 30 days after their due date 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)(3) 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.

5. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section.

Section 3. Amendment to City Code. Section 19.06.040 of the Auburn City Code is amended to read as follows:

B. ~~The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the impact fee schedules then in effect~~ Except when fees are deferred, the fire impact fee shall be imposed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.06.050, and adjusted for any credits pursuant to ACC 19.06.060. When fees are deferred, the assessment will be based on the fees in effect at the time of payment.

C. ~~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.

Section 4. Amendment to City Code. Section 19.08.030 of the Auburn City Code is amended to read as follows:

C. ~~The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the impact fee schedules then in effect. Except when fees are deferred, the parks impact fee shall be imposed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit,~~ or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.08.040, and adjusted for any credits pursuant to ACC 19.08.050. When fees are deferred, the assessment will be based on the fees in effect at the time of payment.

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.

Section 5. Amendment to City Code. Section 15.07.080 of the Auburn City Code is amended to read as follows:

B. Plan Review Fees.

1. When submittal documents are required by ACC 15.07.050, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The building official and/or the fire code official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. ~~The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be imposed based on the fee schedule that is in effect at the time the building permit application is determined to be complete and is payable prior to commencement of city review. The permit~~

fee shall be imposed based on the fee schedule that is in effect at the time the building permit application is determined to be complete and is payable prior to issuance of the permit. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in IBC Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in the fee code established by the jurisdiction.

2. *Stock Plan Program.* When plans are submitted under the “stock plan program,” a plan review fee, that is established in the adopted fee schedule, shall be paid at the time ~~of application for each stock plan~~the permit application is determined to be complete and is payable prior to commencement of city review. ~~The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review.~~ Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration. ~~Plan review fees shall be paid for at the time of application for a building permit.~~ The plan review fees specified in this subsection are separate fees from the permit fees specified in the fee ~~code~~schedule, and are in addition to the permit fees.

Section 6. Amendment to City Code. Section 13.06.050 of the Auburn City Code is amended to read as follows:

Any person desiring to obtain city water service shall submit an application for a utility permit to the city. Permit applications must be completed by the applicant and submitted to the city for review, approval and determination of fees. All permits issued under the provisions of this chapter shall be valid for a period of

180 days after the date of application approval. Permits may be extended one time by the city, for a period of 60 days, if an extension is applied for prior to the expiration of the time originally limited in the permit. If the time extension is not requested prior to the expiration of the time originally limited in the permit, an additional fee equal to one-half the original permit shall be charged if a time extension is granted.

~~Once the permit application has been approved by the city, the applicant may obtain their permit by paying the appropriate permit fees to the city. The connection fee shall be imposed based on the fee schedule that is in effect at the time the submitted utility permit application is determined to be complete and shall be payable prior to issuance of the permit.~~

Section 7. Amendment to City Code. Section 13.06.275 of the Auburn City Code is amended to read as follows:

It is unlawful for any person to install a fire protection service line without first obtaining a permit to do so from the city. ~~The water utility fee for said permit is listed in the city of Auburn fee schedule, and shall be paid to the city prior to the issuance of the permit.~~ The water utility fees shall be imposed based on the fee schedule that is in effect at the time the submitted utility permit application is determined to be complete and shall be payable prior to issuance of the permit. In addition, a fee as listed in the ~~city of Auburn~~ fee schedule will be charged to cover the cost of coliform/purity testing for new services greater than 100 feet in length.

Section 8. Amendment to City Code. Section 13.20.200 of the Auburn City Code is amended to read as follows:

An application for any side sewer permit shall be made with the city, which the applicant shall supplement with plans, specifications or other information as deemed necessary by the city. ~~A permit application and inspection fee shall be~~

~~charged in accordance with the city of Auburn fee schedule. The sewer permit fee shall be imposed based on the fee schedule that is in effect at the time the submitted utility permit application is determined to be complete and shall be payable prior to issuance of the permit.~~

Section 9. Amendment to City Code. Section 13.41.040 of the Auburn City Code is amended to read as follows:

~~Except when fees are deferred, the water, sanitary sewer and storm drainage utilities systems development charges are immediately due and payable upon obtaining a permit for connection to the city utility system development fees shall be imposed based on the fee schedule that is in effect at the time the submitted utilities permit application is determined to be complete and shall be payable prior to issuance of a utility permit that authorizes connection to the city utility.~~

Systems development charges for parcels that will utilize infiltration for storm water disposal are immediately due and payable upon obtaining a building permit to develop the parcel. When fees are deferred pursuant to subsections A or B of this section, the assessment will be based on the fees in effect at the time of payment.

A. For residential development for new development, redevelopment or a change in use, and prior to issuance of a permit application, 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 water, sanitary sewer and storm drainage development charges 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 closing of the sale of the unit or at final inspection or issuance of certificate of occupancy 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 ACC 1.25.030 and 1.25.065. 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 ACC 1.25.030 and 1.25.065, 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 fees~~system development charge 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 (A)(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 ACC 13.41.070 shall not apply to determinations made pursuant to this section.

B. For nonresidential development composed of new development, redevelopment or a change in use and inclusive of commercial office and retail uses, light and heavy manufacturing uses, but excluding warehousing and distribution uses, and institutional development including but not limited to public and private schools and colleges and hospitals, and prior to the issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay water, sanitary

sewer and storm drainage development charges due and owing, less any credits awarded, no later than prior to issuance of certificate of occupancy 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 ACC 1.25.030 and 1.25.065. 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 ACC 1.25.030 and 1.25.065, 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 feesystem development charge amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

Section 5. Constitutionality and Invalidity. If any section, subsection sentence, clause, phrase or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 7. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, Mayor

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____