

ORDINANCE NO. 617

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING ORDINANCE 539 AND CHAPTER 4.55, PARKS, RECREATION AND OPEN SPACE IMPACT FEES, OF THE UNIVERSITY PLACE MUNICIPAL CODE TO REDUCE THE SCHEDULED INCREASE IN PARK IMPACT FEES EFFECTIVE JANUARY 1, 2013, AND TO ALLOW FOR PREPAYMENT OR DEFERRED PAYMENT OF PARK IMPACT FEES

WHEREAS, on December 1, 2008, the City Council enacted a park impact fee ordinance (Ordinance No. 539) that requires new residential development to pay a proportionate share of the cost of necessary park and recreational facility improvements that are generated by new residential growth which increases demand on public parks, open space and recreational facilities; and

WHEREAS, the City Council now desires to amend the park impact fee ordinance to reduce the scheduled increase in park impact fees effective January 1, 2013, and to allow an option for prepayment of fees, or deferral of payment until the issuance of a certificate of occupancy for any newly constructed residential units.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 4.55.050. Section 4.55.050 of the University Place Municipal Code is hereby amended to add new subsections C and D to read as follows:

C. Applicants may opt to defer the payment of their impact fees as described below:

1. An applicant may elect to defer impact fee payment until issuance of a certificate of a final occupancy of the residential project.

2. If an applicant elects to defer payment as provided above, a written recordable agreement must be executed between the owner of the property on which the residential project is developed and the City prior to permit issuance. This agreement shall be in a form prescribed by the Director and shall set forth the terms of the deferral including provisions for payment, lien release, change of use, expiration, and penalties for non-compliance. The agreement shall be recorded as a lien against the property and the applicant shall be responsible for the payment of any associated recording fees prior to recording.

D. Owners may opt to prepay impact fees.

1. If an owner opts to prepay impact fees on a particular property, then the prepayment will be made based upon the number of residential units proposed on that property. Upon such prepayment, the owner is credited as having paid in full for that number of units on that particular property. The prepaid impact fees will be subject to expenditure immediately upon receipt.

2. The impact fee credit runs with the land and is transferrable to a new owner in the event of sale or other transfer of the property. The duration of the prepayment credit will be the time in which the prepaid impact fees must be expended by the City under the State law in effect at the time of prepayment.

3. In the event the property is developed with more residential units than the number prepaid, the additional units will be subject to the impact fee schedule in effect at the time of application for the additional units.

4. In the event the property is developed with fewer residential units than the number prepaid, the owner shall not be entitled to a refund or other credit.

Section 2. Amendment of Section 4.55.190. Section 4.55.190 subsection C of the University Place Municipal Code is hereby amended to read as follows:

C. In 2013, \$2,400 shall be assessed for each single-family dwelling unit and \$2,330 shall be assessed for each multifamily dwelling unit, and in 2014, \$2,800 shall be assessed for each single-family dwelling unit and \$2,660 shall be assessed for each multifamily dwelling unit.

Section 3. 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 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper. This Ordinance shall become effective five (5) days after such publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 17, 2012.

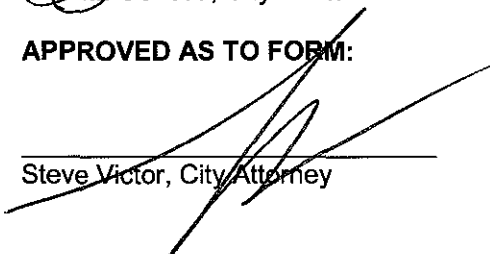


Ken Grassi, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Published: 12/20/12
Effective Date: 12/25/12