

## **Exhibit A**

### **Chapter 3.47**

#### **DEFERRAL OF IMPACT FEES FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION**

Sections:

- 3.47.010 Authority and purpose.
- 3.47.020 Applicability.
- 3.47.040 Deferment Process

#### **3.47.010 Authority and purpose.**

The purpose of this title is to comply with the requirements of RCW 82.02.050, as amended by ESB 5923, Chapter 241, Laws of 2015, to provide an optional impact fee deferral process for single-family residential construction in order to promote economic recovery in the construction industry.

#### **3.47.020 Applicability and Limitations.**

A. Subject to the limitations imposed in this chapter, the provisions of this chapter shall apply to all impact fees established and adopted by the city pursuant to Chapter 82.02 RCW which are due at the time of issuance of a building permit for the construction of single-family detached and/or single-family attached dwellings as defined in LMC 17.01.030.

B. Limitation on Deferrals. The deferral entitlements allowed under this chapter shall be limited to the first twenty (20) single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per calendar year. For the purposes of this chapter, an “applicant” includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

C. Deferment will not be considered retroactively so as to cause the City to issue refunds of impact fees.

#### **3.47.030 Deferment Process.**

A. Deferral Request Authorized. Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until such time as the city building official

approves occupancy of the building. The request for deferral shall be granted so long as the requirements of this chapter are satisfied.

B. Method of Request. A request for impact fee deferral shall be declared at the time of building permit application or during the permit review process. Applicants must submit a written letter of request. Any request for impact fee deferral must be accompanied by an administrative fee identified in the City's unified fee schedule. In the absence of a fee schedule the fee must be equal to 10 percent of the total requested deferral amount or three hundred dollars per residence, whichever is less.

C. Deferral Term. The term of an impact fee deferral granted under this chapter may not exceed 18 months from the date the building permit is issued ("deferral term"). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the deferral term, then full payment of the impact fees shall be due on the last date of the deferral term, and all action on the project by the city or the applicant shall cease until payment is made in full.

D. Applicant's Duty to Record Lien. An applicant requesting a deferral under this chapter must grant and record a deferred impact fee lien, in a form approved by the city, for the benefit of the city, in an amount equal to the deferred impact fees as determined under this chapter, against the property in favor of the city in accordance with the requirements of RCW 82.02.050(3)(c). The applicant is solely responsible for costs associated with recording the lien.

E. Satisfaction of Lien. Upon receipt of final payment of all deferred impact fees for the property, the city shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

F. Foreclosure. In the event the deferred impact fee is not paid within the time periods provided in this chapter, the city may institute foreclosure proceedings in accordance with chapter 61.12 RCW. The extinguishment of a deferred impact fee lien by the foreclosure of another lien having priority over the deferred impact fee lien does not affect the obligation to pay the impact fee as a condition of certificate of occupancy or equivalent certification.