

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 18-0463

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, RELATING TO SCHOOL IMPACT FEES;
AMENDING CHAPTER 20.47 OF THE KENMORE
MUNICIPAL CODE; AMENDING RELATED MUNICIPAL
CODE SECTIONS; ADOPTING SCHOOL IMPACT FEES;
ADDRESSING SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Northshore School District has requested imposition of school impact fees by the City of Kenmore on new development; and

WHEREAS, the City has authority to adopt impact fees to address the impact on school facilities caused by new development, pursuant to RCW 82.02.050 through 82.02.100; and

WHEREAS, the City's Comprehensive Plan Goal PS-4 is to, "Support the provision of quality educational opportunities to the Kenmore community"; and

WHEREAS, the Capital Facilities Element of the City's Comprehensive Plan incorporates by reference the Northshore School District Capital Facilities Plan and has, as a goal, to "Provide adequate public facilities concurrent with the impact of new development"; and

WHEREAS, the Northshore School District Capital Facilities Plan demonstrates continuing growth in student population as a result of new development, and has identified related school capacity needs; and

WHEREAS, the Northshore School District Capital Facilities Plan demonstrates a balance between impact fees and other sources of public funding in financing plans for needed school facilities; and

WHEREAS, the Northshore School District Capital Facilities Plan includes a schedule of recommended housing types and impact fees; and

WHEREAS, the impact fee schedule of the Northshore School District's Capital Facilities Plan includes an impact fee for townhomes, and another jurisdiction in the District has assessed school impact fees on townhouses; and

WHEREAS, the City's Zoning Code allows townhouses in the City's single-family residential zoning districts as a permitted use on lots in a plat designed for townhouse units or through the conditional use permit process; and

WHEREAS, the City's Comprehensive Plan Vision Statement reads, "In 2035, we see Kenmore as a fun, vibrant waterfront community that supports the character of its single-family residential neighborhoods"; and

WHEREAS, property-owners may develop townhouses in the City's single-family residential districts as a means to avoid school impact fees if townhouses are not assessed school impact fees; and

WHEREAS, on January 22, 2018 and March 26, 2018, the City Council considered policy issues related to the Northshore School District's request for school impact fees; and

WHEREAS, the Washington State Department of Commerce was notified regarding the proposed amendments of this Ordinance pursuant to RCW 36.70A.106; and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of May 14, 2018; and

WHEREAS, the City Council has determined that the impact fees adopted in this ordinance satisfy the requirements of RCW 82.02.050 through 82.02.100;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings Adopted; Townhouses. The City Council adopts the foregoing recitals as findings, which are incorporated herein as if set forth in full. Specific to townhouses, the City will consider townhouses, as defined in KMC 18.20.835, as single-family residential development for purposes of school impact fees.

Section 2. Amendments to Chapter 20.47 of the City of Kenmore Municipal Code. The City Council amends certain sections of Chapter 20.47, as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 3. Amendments to Related Sections of the City of Kenmore Municipal Code. The City Council amends certain related sections of the Kenmore Municipal Code, as set forth in Exhibit 2, attached hereto and incorporated by reference.

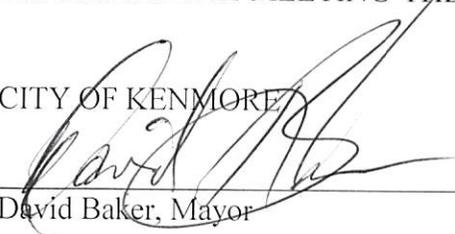
Section 4. Adoption of School Impact Fees. The City Council adopts school impact fees as follows: \$10,573 for single-family residences (including townhouses); \$0 for multifamily development. Future school impact fee amounts shall be determined by the City Council by resolution.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

1472 PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14TH DAY OF May, 2018.

CITY OF KENMORE



David Baker, Mayor

ATTEST/AUTHENTICATED:



Kelly Chelin, City Clerk

Approved as to form:



Rod P. Kaseguma, City Attorney

Filed with the City Clerk: 5/14/18
Passed by the City Council: 5/14/18
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Chapter 20.47
TRANSPORTATION AND PARK AND SCHOOL IMPACT FEES

Sections:

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Article I. General

20.47.010 Findings and authority.

The city council of the City of Kenmore (the "council") hereby finds and determines that new growth and development, including but not limited to new *residential*, commercial, retail, office, and industrial development, in the City of Kenmore will create additional demand and need for *public facilities* inserving the City of Kenmore, and the *council* finds that new growth and development should pay a proportionate

share of the cost of new facilities needed to serve the new growth and development. The City of Kenmore has prepared the *rate study* and the *parks study*, and has reviewed the *school impact fee analysis*, all of which documents has conducted extensive studies documenting the procedures for measuring the impact of new developments on *public facilities*, has prepared the *rate study* and *parks study*, and. The City of Kenmore hereby incorporates these studies and this analysis into this chapter by reference. Therefore, pursuant to Chapter [82.02](#) RCW, the council adopts this chapter to assess *impact fees* for transportation, and parks and schools. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the *impact fee* program.

20.47.020 Definitions.

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

A. "Accessory dwelling unit" means a separate complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises.

B. "Building permit" means an official document or certification which is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

C. "Capital facilities plan" means the capital facilities plan element of a comprehensive plan adopted by the City of Kenmore pursuant to Chapter [36.70A](#) RCW, and such plan as amended.

D. "City manager" means the city manager or the city manager's designee.

E. "Council" means the city council of the City of Kenmore.

F. "Development activity" means any construction, expansion, or change in the use of a building or structure that creates additional demand and need for *public facilities*.

G. "Development approval" means any written authorization from the City of Kenmore which authorizes the commencement of a *development activity*.

H. "Dwelling unit" means one or more rooms designed for occupancy by a person or *family* for living and sleeping purposes, containing *kitchen facilities* and rooms with internal accessibility, for use solely by the dwelling's occupants. *Microhousing dwelling units* may share *kitchen facilities* with other dwelling units in place of providing *kitchen facilities* within each unit.

I. "Elderly" means a person aged 62 or older.

IJ. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for *public facilities*.

JK. "Feepayer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation, commencing a *land development activity* which creates the demand for additional capital facilities, and which requires the issuance of a *building permit*. "Feepayer" includes an applicant for an impact fee credit.

KL. "Gross floor area" means the total square footage of any building, structure, or use, including accessory uses.

LM. "Hearing examiner" means the examiner who acts on behalf of the City in considering and applying land use regulatory codes as provided under this code. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.

MN. "Impact fee" means a payment of money imposed by the City of Kenmore on *development activity* pursuant to this chapter as a condition of granting *development approval* in order to pay for the *public facilities* needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing *independent fee calculations*.

NO. "Impact fee account" or "account" means the account(s) established for each type of public facility for which impact fees are collected. The accounts shall be established pursuant to KMC [20.47.080](#) and [20.47.090](#), and comply with the requirements of RCW [82.02.070](#).

OP. "Independent fee calculation" means the transportation impact calculation, park impact calculation, [school impact calculation](#), and/or economic documentation prepared by a *feepayer* to support the assessment of an *impact fee* other than by the use of the rates listed in Article II of this chapter, or the calculations prepared by the *city manager* where none of the fee categories or fee amounts in Article II of this chapter accurately describe or capture the impacts of the new development.

PQ. "Interest" means the average interest rate earned in the last fiscal year by the City of Kenmore.

R. "Interlocal agreement" means the agreement between the Northshore School District and the City governing the operation of the school impact fee program and describing the relationship, duties and liabilities of the parties.

RS. "ITE Land Use Code" means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the version of "Trip Generation" adopted by the City.

RT. "Low-income housing" means housing with a monthly housing expense that is no greater than 30 percent of 80 percent of the median family income adjusted for family size in King County, as determined by the United States Department of Housing and Urban Development (HUD). In the event that HUD no longer publishes median income figures for King County, the county may use or determine such other method as it may choose to determine the King County median income, adjusted for household size.

SU. "Mobility unit" means one PM peak hour person trip end. Each person trip has two trip ends, one each at the origin and destination.

TV. "Open space" means for the purposes of this chapter undeveloped public land that is permanently protected from development (except for the development of trails or other passive public access or use).

UW. "Owner" means the owner of record of real property, 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 real property.

VX. "Parks" means parks, *open space*, and recreational facilities, including but not limited to ball fields, golf courses, athletic fields, soccer fields, swimming pools, tennis courts, volleyball courts, neighborhood parks, community parks, and *open space*.

WY. "Parks study" means the "Rate Study for Impact Fees for Parks," City of Kenmore, dated May 15, 2001.

XZ. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not *system improvements*. No improvement or facility included in a *capital facilities plan* adopted by the *council* shall be considered a project improvement.

YAA. "Public facilities" means the following capital facilities owned or operated by the City of Kenmore or other governmental entities: (1) public transportation facilities; ~~and~~ (2) publicly owned *parks*, *open space*, and recreation facilities; ~~and~~ (3) public school facilities.

ZBB. "Rate study" means the "Transportation Impact Fee Rate Study Update," prepared for the City of Kenmore by Fehr & Peers, dated December 2015.

AACC. “Residential” or “residential development” means all types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, and other multifamily development.

DD. “School impact fee analysis” means the school impact fee analysis contained in the Northshore School District Capital Facilities Plan.

BBEE. “Square footage” means the square footage of the *gross floor area* of the development.

CCFF. “State” means the State of Washington.

DDGG. “System improvements” means *public facilities* that are included in the City of Kenmore’s capital facilities plan of the City of Kenmore or the Northshore School District as adopted by reference in the City’s comprehensive plan and are designed to provide service to service areas within the community at large, in contrast to *project improvements*.

EEHH. “Transportation facility” means public easements or right-of-way that enables motor vehicles, transit vehicles, bicycles and/or pedestrians to travel between destinations.

FFII. “Trip generation” means the number of *mobility units* generated by a *development activity*.

20.47.030 Assessment of impact fees.

A. The City shall collect *impact fees*, based on the rates in Article II of this chapter, from any applicant seeking *development approval* from the City for any *development activity* within the City, where such *development activity* requires the issuance of a *building permit*. The City also may collect an application fee as established by the council by resolution to cover the City’s reasonable costs of administration of the impact fee program.

B. For mixed use developments, *impact fees* shall be imposed for the proportionate share of each land use based on the applicable measurement in the *impact fee* rates set forth in Article II of this chapter.

C. For purposes of school *impact fees*, townhouses, as defined in KMC 18.20.835, shall be considered single-family residences.

D. The payment of a *park impact fee*, consistent with this chapter, shall be the preferred method of meeting *park space requirements* for all new development.

CE. *Impact fees* shall be calculated at the time the complete application for a *building permit* is submitted using the *impact fee* rates then in effect. Except as provided in subsection **FH** of this section, *impact fees* shall be paid at the time the permit is issued by the City.

DE. Applicants that have been awarded credits pursuant to KMC 20.47.050 prior to the submittal of the complete *building permit* application pursuant to KMC 20.47.050 shall submit, along with the complete *building permit* application, a copy of the letter or certificate prepared by the *city manager* pursuant to KMC 20.47.050 setting forth the dollar amount of the credit awarded. Except as provided in subsection **FH** of this section, *impact fees*, as determined after the application of appropriate credits, shall be collected from the *feepayer* at the time the *building permit* is issued.

EG. Except as provided in subsection **FH** of this section, the *city manager* shall not issue the required permit unless and until the *impact fees* set forth in Article II of this chapter have been paid in the amount that they exceeds exemptions or credits provided pursuant to KMC 20.47.040 or 20.47.050.

FH. An applicant for a *building permit* for a single-family detached or attached residence may request a deferral of the full *impact fee* payment, deferring collection of the *impact fee* payment until issuance of a certificate of occupancy or equivalent certification and subject to this subsection **FH**. The certificate of occupancy or equivalent certification shall not be issued until the *impact fees* have been paid in full. The amount of *impact fees* that may be deferred must be determined by the fees in effect at the time the permit application is deemed complete. The term of an *impact fee* deferral under this subsection may not exceed 18 months from the date of *building permit* issuance. An applicant seeking a deferral under this subsection must grant and record a deferred *impact fee* lien against the property in favor of the City in the amount of the deferred *impact fee*. The deferred *impact fee* lien, which must include the legal description, tax account number, and address of the property, must also be:

1. In a form approved by the City;
2. Signed and notarized by all *owners* of the property, with all signatures acknowledged as required for a deed, and recorded in the county where the property is located;
3. Binding on all successors in title after the recordation; and
4. Junior and subordinate to any mortgage or deed of trust for the purpose of construction upon the same real property granted by the person who applied for the deferral of *impact fees*.

If the deferred *impact fees* are not paid in accordance with a deferral authorized by this subsection, and in accordance with the term provisions established in this subsection, the City may institute foreclosure

proceedings in accordance with Chapter [61.12](#) RCW. Upon receipt of final payment of all deferred *impact fees* for a property, the City must execute a release of deferred *impact fee* lien for the property. The property *owner* at the time of the release, at his or her expense, is responsible for recording the lien release. The extinguishment of a deferred *impact fee* lien by the foreclosure of a lien having priority does not affect the obligation to pay the *impact fees* as a condition of final inspection, certificate of occupancy, or equivalent certification. Each applicant for a single-family *residential* construction permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals under this subsection for the first 20 single-family *residential* construction *building permits* per City. A nonrefundable fee, as set forth in a fee resolution adopted by the **city council**, associated with implementing this subsection shall accompany the request.

20.47.035 Temporary suspension of road impact fees relating to change of use.

Notwithstanding any other provision of this chapter, the City temporarily eliminates the collection of the road *impact fee* from any applicant seeking *development approval* from the City for any change of use in an existing building in the north subarea of the regional business zone; provided, that this section shall not apply to *dwelling units*; provided further, that this section shall not apply to projects that add to, increase or expand the *gross floor area* of an existing building; and provided further, that this section shall apply only to the use, renovation or remodeling of an existing building and shall not apply to redevelopment projects or other projects in which an existing building is replaced or substantially redeveloped. The term “existing building” in this section means a building that was constructed before July 1, 2015. This section shall apply to projects for which a complete *development approval* application is filed with the City on April 1, 2017, through December 31, 2019. This section shall automatically expire on December 31, 2019.

20.47.040 Exemptions.

A. Except as provided for below, the following shall be exempted from the payment of all *impact fees*:

1. Alteration, expansion or replacement of an existing *residential* structure that does not add any *dwelling units*;
2. Miscellaneous improvements that do not increase the impacts of the development on the City's *public facilities*, including, but not limited to, fences, walls, swimming pools, and signs;
3. Demolition or moving of a structure;
4. Expansion or replacement of an existing single-family *residential* structure that maintains its single-family character;

5. Replacement of a nonresidential structure with a new structure of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross *square footage* of the building will not be increased by more than 100 square feet;

~~6. Any permit application that has been submitted to the City before closing time on the business day before the effective date of an amendment to this chapter and subsequently determined to be a complete application, based on the information on file as of the effective date of this amendment;~~

~~67. Pursuant to RCW 82.02.060, the City council may provide exemptions for low-income housing and other development activities with broad public purposes. The impact fees amounts waived in excess of 80 percent for low-income housing pursuant to RCW 82.02.060(3) will be paid for through the City's other funding sources, as identified in the December 2015 Transportation Impact Fees rate study by Fehr & Peers; Exemptions for school impact fees under this subsection shall be approved by the Northshore School District.~~

~~78. Accessory dwelling units; provided, that impact fees would shall be assessed if at any time the accessory dwelling unit was is converted to another land use or dwelling unit, based on the impact fees in effect at the time of conversion.~~

~~B. Except as provided for below, the following shall be exempted from the payment of school impact fees:~~

~~1. Reconstruction, remodeling or construction of the following facilities, subject to the recording of a covenant or recorded declaration of restrictions precluding use of the property for other than the exempt purpose; provided, that if the property is used for a non-exempt purpose, the school impact fees then in effect shall be paid.~~

~~a. Shelters or dwelling units for temporary placement, which provide housing to persons on a temporary basis for not more than 4 weeks;~~

~~b. Construction or remodeling of transitional housing facilities or dwelling units that provide housing to persons on a temporary basis for not more than 24 months, in connection with job training, self-sufficiency training and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing; and~~

c. Any form of housing for the *elderly*, including nursing homes, retirement centers, and any type of housing units for persons age 55 and over, which have recorded covenants or recorded declaration of restrictions precluding school-aged children as residents in those units.

2. Any *development activity* for which school impacts have been mitigated pursuant to a condition of plat approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat approval provides otherwise; provided that the condition of the plat approval predates (insert effective date of ordinance).

3. Any *development activity* for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the District to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided that the agreement predates (insert effective date of ordinance).

4. Any *building permit* application that has been submitted to the City before closing time on the business day before the effective date of the ordinance imposing school *impact fees* and subsequently determined to be a complete application, based on the information on file as of the effective date of such imposition.

5. Subject to approval by the *city manager*, any *building permit* application submitted to the City after the effective date of the ordinance that imposes school impact fees that results from a pre-existing, unexpired approval of a zoning variance, shoreline substantial development permit, shoreline variance, site plan review for uses allowed by zone, or reasonable use exception under KMC 18.55.180. This exemption shall be limited to approvals directly related to the siting of the proposed building.

20.47.050 Credits.

A. A *feepayer* can request that a credit or credits for *impact fees* be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the *feepayer*. Credits will be given only if the land, improvements, and/or the facility constructed are:

1. Included within the *capital facilities plan* and identified on the list of *impact fee* projects in the *rate study*, *parks study* or *school impact fee analysis*; and

2. At suitable sites and constructed at acceptable quality as determined by the City or Northshore School District; and

3. For *parks*:

a. Such land improvements or construction completed shall be adjacent to other publicly owned land; or

b. Be within an area of the City designated within the City comprehensive plan as in need of *park space*.
or

c. Would in some other way further the goals and objectives of the *capital facilities plan* or other City plans.

B. The *city manager* shall determine if a requests for a credit or credits meets the criteria in subsection A of this section. When a *feepayer* requests a credit for school *impact fees*, the *city manager* shall receive input from the Northshore School District before making the decision.

C. For each request for a credit or credits the *city manager* shall select an appraiser or the *feepayer* may select an independent appraiser acceptable to the *city manager*.

D. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he or she does not have a fiduciary or personal interest in the property being appraised.

E. The appraiser shall be directed to determine the total value of the dedicated land, improvements, and/or construction provided by the *feepayer* on a case-by-case basis.

F. The *feepayer* shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the *city manager* may be providing to the *feepayer*, in the event that a credit is awarded.

G. After receiving the appraisal, the *city manager* shall provide the *feepayer* with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The *feepayer* must sign and date a duplicate copy of such letter or certificate indicating his or her agreement to the terms of the letter or certificate, and return such signed document to the *city manager* before the *impact fee* credit will be awarded. The failure of the *feepayer* to sign, date, and return such document within 60 calendar days shall nullify the credit.

H. No credit shall be given for *project improvements*.

I. Any claim for credit must be made with the *impact fee* calculation submittal. The failure to timely file such a claim shall constitute a final bar to a later request any such credit.

J. Determinations made by the *city manager* pursuant to this section shall be subject to the appeals procedures set forth in KMC [20.47.070](#).

20.47.060 Tax adjustments.

Pursuant to and consistent with the requirements of RCW [82.02.060](#), the *rate study* and, the *parks study* and the *school impact fee analysis* have provided adjustments for future taxes to be paid by the new development which are earmarked or proratable to the same new *public facilities* which will serve the new development. The *impact fee* rates in Article II of this chapter have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund public improvements.

20.47.070 Appeals.

A. Appeals of City decisions on transportation *impact fees* shall be conducted according to KMC [12.80.090](#).

B. Appeals of City decisions on park and school *impact fees* shall be conducted as follows:

1. Appeals may only be filed by the *feepayer* for the property where the *development activity* will occur.
2. The *feepayer* must first file a request for review by the *city manager* regarding the *impact fees* with the *city clerk*, as follows:
 - a. The request shall be in writing on the form provided by the City;
 - b. The request for review by the *city manager* shall be filed within 14 calendar days of the *feepayer's* payment of the *impact fees* at issue; the failure to timely file such a request shall constitute a final bar to later seek such review;
 - c. No administrative fee will be imposed for the request for review by the *city manager*; and
 - d. The *city manager* shall issue his or her determination in writing.
3. Determinations of the *city manager* under subsection (B)(2) of this section with respect to the applicability of the *impact fees* to a given *development activity*, the availability or value of a credit, or the *city manager's* decision concerning the *independent fee calculation* which is authorized in Article II of this chapter, or the fees imposed by the *city manager* pursuant to Article II of this chapter, or any other determination which the *city manager* is authorized to make pursuant to this chapter, can be appealed to the *hearing examiner*.

4. Appeals shall be taken within 14 calendar days of the *city manager's* issuance of a written determination by filing a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of such decisions. The *city manager* shall transmit to the office of the *hearing examiner* all papers constituting the record for the determination, including, where appropriate, the *independent fee calculation*.

5. The *hearing examiner* shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in this code. At the hearing, any party may appear in person or by agent or attorney.

6. The *hearing examiner* is authorized to make findings of fact regarding the applicability of the *impact fees* to a given *development activity*, the availability or amount of the credit, or the accuracy or applicability of an *independent fee calculation*. The decision of the *hearing examiner* shall be final, except as provided in this section.

7. The *hearing examiner* may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the *city manager*.

20.47.080 Establishment of impact fee accounts.

A. *Impact fee* receipts shall be earmarked specifically and deposited in special *interest-bearing accounts*.

B. There are hereby established ~~two~~ **three** separate *impact fee accounts* for the fees collected pursuant to this ~~title~~ **chapter**: the transportation *impact account*, ~~and the parks impact account~~ **and the school impact account**. ~~The funds from the school impact account shall be transferred to the Northshore School District in accordance with the interlocal agreement described under subsection C below.~~ Funds withdrawn from the ~~transportation and parks impact~~ **accounts** must be used in accordance with the provisions of KMC [20.47.100](#) and applicable *State* law. *Interest* earned on the fees shall be retained in each of the *accounts* and expended for the purposes for which the *impact fees* were collected.

C. ~~As a condition of the City's authorization and adoption of school impact fees, the City and Northshore School District shall enter into an interlocal agreement governing the operation of the school impact fee program, and describing the relationship and liabilities of the parties thereunder.~~

CD. On an annual basis, the *city manager* shall provide a report to the *council* on each of the ~~two~~ **three** *impact fee accounts* showing the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by *impact fees*.

DE. *Impact fees* shall be expended or *encumbered* within 10 years of receipt, unless the *council* identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the 10-year period *impact fees to be held longer than 10 years*. If the Northshore School District concludes that there is an extraordinary or compelling reason or reasons for holding school impact fees longer than 10 years, the District must submit to the City at least 60 days before the expiration of the 10-year period draft written findings regarding an extraordinary or compelling reason or reasons for holding *school impact fees for longer than 10 years*. Under such circumstances, the *council* shall establish the period of time within which the *impact fees* shall be expended or *encumbered*.

20.47.090 Refunds.

A. The current *owner* of the property for which an *impact fee* has been paid may receive a refund of such fees if the City or Northshore School District fails to expend or encumber the *impact fees* within 10 years of when the fees were paid or such other period of time established by RCW [82.02.070\(3\)](#) on *public facilities* intended to benefit the *development activity* for which the *impact fees* were paid. Refunds shall be subject to the provisions of RCW [82.02.080](#). The request for a transportation or park impact fee refund must be submitted to the *city manager* in writing. For school impact fee refunds, the request must be submitted in writing to the Northshore School District.

20.47.100 Use of funds.

A. Pursuant to this chapter, *impact fees* shall:

1. Be used for public improvements that will reasonably benefit the new development; and
2. Not be imposed to make up for deficiencies in *public facilities* serving existing developments; and
3. Not be used for maintenance or operation.

B. Transportation *impact fees* may be spent for public improvements, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable *impact fees* or mitigation costs, and any other expenses which can be capitalized.

C. Park *impact fees* may be spent for public improvements, including, but not limited to, planning for *parks* that will reasonably benefit the new development, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable *impact fees* or mitigation costs, and capital equipment pertaining to park facilities.

D. School *impact fees* may be spent for public improvements, including, but not limited to, school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities (portables), capital equipment pertaining to educational facilities, and any other expenses which could be capitalized and which are consistent with the *school impact fee analysis*.

DE. *Impact fees* may also be used to recoup public improvement costs previously incurred by the City or the Northshore School District to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

EF. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which *impact fees* may be expended, *impact fees* may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.

20.47.110 Review.

The council may review and adjust the fee rates set forth in Article II of this chapter may be reviewed and adjusted by the council as it deems necessary and appropriate in conjunction with the annual update of the *capital facilities plan* element of the City's comprehensive plan; provided, that The council may determine the amount of the adjustment and revise the fee rates set forth in Article II of this chapter. Absent such affirmative council adjustment, the city manager may adjust transportation *impact fees* annually in accordance with a five-year rolling average of the Washington State Department of Transportation Construction Cost Index ("CCI") coinciding with the city council's annual fee resolution.

Article II. Rates

20.47.120 Transportation impact fee.

The transportation *impact fee* rates shall be determined by the formula for calculating *impact fees* set forth in the *rate study*, which is incorporated herein by reference. Except as otherwise provided for *independent fee calculations* in KMC [20.47.140](#), exemptions in KMC [20.47.040](#), and credits in KMC [20.47.050](#), all new developments in the City will be charged the transportation *impact fee* applicable to the type of development, in an amount imposed by the city council by resolution.

20.47.130 Park impact fee.

The park *impact fee* rates shall be determined by the formula for calculating *impact fees* set forth in the *park study* and the Parks, Recreation, and Open Space Plan, which are incorporated herein by reference. Except as otherwise provided for *independent fee calculations* in KMC [20.47.140](#), exemptions in KMC [20.47.040](#), and credits in KMC [20.47.050](#), all new *residential developments* in the City will be charged the park *impact fee* applicable to the type of *dwelling unit*, in an amount imposed by the **city council** by resolution.

20.47.135 School impact fee.

School *impact fees* per housing type and per unit shall consider the *school impact fee analysis*, but shall be established by *council* resolution. Residential housing subject to school *impact fees* shall be charged the applicable school *impact fee*, except as otherwise provided for *independent fee calculations* in KMC [20.47.140](#), exemptions in KMC [20.47.040](#), and credits in KMC [20.47.050](#).

20.47.140 Independent fee calculations.

A. If, in the judgment of the *city manager*, none of the fee categories or fee amounts set forth in KMC [20.47.120](#) ~~or~~, [20.47.130](#) ~~or~~ [20.47.135](#) accurately describe or capture the impacts of a new development on transportation ~~or~~, parks ~~or~~ schools, an *independent fee calculation* may be performed and the *city manager* may impose alternative fees on a specific development based on those calculations. **In cases where a *feepayer* requests an *independent fee calculation* for school *impact fees*, the *city manager* shall receive input from the Northshore School District before making the decision.** The alternative fees and the calculations shall be set forth in writing and shall be mailed to the *feepayer*.

B. If a *feepayer* opts not to have the *impact fees* determined according to KMC [20.47.120](#) ~~or~~, [20.47.130](#) ~~or~~ [20.47.135](#), then the *feepayer* shall prepare and submit to the *city manager* an *independent fee calculation* for the *development activity* for which a *building permit* is sought. The documentation submitted shall show the basis upon which the *independent fee calculation* was made.

C. Any *feepayer* submitting an *independent fee calculation* will be required to pay the City a fee to cover the cost of reviewing the *independent fee calculation*, in the amount established by the **city council** by resolution, unless otherwise established by the *city manager*, and shall be paid by the *feepayer* prior to initiation of review.

D. There is a presumption that the calculations set forth in the *rate study*, ~~and~~ *park study* ~~and~~ *school impact fee analysis* are valid. The *city manager* shall consider the documentation submitted by the *feepayer*, but is not required to accept such documentation or analysis which the *city manager* reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the *feepayer* to submit

additional or different documentation for consideration. The *city manager* is authorized to adjust the *impact fees* on a case-by-case basis based on the *independent fee calculation*, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the *feepayer*.

E. Determinations made by the *city manager* pursuant to this section may be appealed as set forth in KMC [20.47.070](#).

Article III. Miscellaneous Provisions

20.47.150 Existing authority unimpaired.

Nothing in this chapter shall preclude the City from requiring the *feepayer* or the proponent of a *development activity* to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter [43.21C](#) RCW, based on the environmental documents accompanying the underlying *development approval* process, and/or Chapter [58.17](#) RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of Chapters [43.21C](#) and [82.02](#) RCW.

~~20.47.155 Park space in lieu of impact fee.~~

~~A. The payment of a *park impact fee*, consistent with this chapter, shall be the preferred method of meeting park space requirements for all new development, except as provided in subsection B of this section.~~

~~B. At the discretion of the City, the *feepayer* may be able to receive credit towards their *impact fee* for land dedicated, improvements made or other construction completed for park purposes.~~

~~1. Such land improvements or construction completed shall be adjacent to other publicly-owned land; or~~

~~2. Be within an area of the City designated within the City comprehensive plan as in need of park space;~~
~~or~~

~~3. Would in some other way further the goals and objectives of the *capital facilities plan* or other City plans;~~

~~4. All such improvements shall be constructed at an acceptable quality as determined by the City.~~

Chapter 20.50
SCHOOL IMPACT FEES

Sections:

20.50.010— School impact fees.

20.50.020— Severability.

20.50.010 School impact fees.

School impact fees are assessed and collected by the Northshore School District No. 417 in an amount established by ordinance for each new single-family dwelling unit and for each new multifamily dwelling unit. Impact fees may be assessed and collected as long as the fees are used to fund capital and system improvements needed to serve the new development, and as long as the use of such fees is consistent with the requirements of Chapter 82.02 RCW. Pursuant to Chapter 82.02 RCW, impact fees may also be used to recoup capital and system improvement costs previously incurred by a school district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs. [Ord. 11-0329 § 16; Ord. 99-0058 § 1; Ord. 98-0020 § 1 (KCC 27.44.010).]

20.50.020 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or circumstance be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remainder of the chapter or the application of the invalidated provision to other persons or circumstances. [Ord. 99-0058 § 1; Ord. 98-0020 § 1 (KCC 27.44.100).]

AMENDMENTS TO OTHER MUNICIPAL CODE SECTIONS

Amend the following code sections as follows:

18.20.420 Capital facilities plan, school district.

“School district capital facilities plan” means a district's facilities plan adopted by the school board consisting of:

~~A. An inventory showing the location and *school capacity* of existing school facilities;~~

~~AB. A forecast of future needs for school facilities based on the district's enrollment projections and *adopted standard of service*;~~

~~BC. The long-range construction and capital improvements projects of the district;~~

~~C. The schools under construction or expansion;~~

D. The proposed locations and *school capacities* of expanded or new school facilities;

E. At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters; and

F. Any other long-range projects planned by the district;

~~G. The current *school capacity* based on the district's *adopted standard of service*, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and~~

~~H. An inventory showing the location and capacity of existing school facilities.~~

18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-1, R-4 and R-6:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor</i> ^{2,3}	<i>Arts, entertainment, outdoor</i> ²⁶	<i>Animal kennel/shelter</i>
<i>Day care</i> ⁴	<i>Cemetery, columbarium or mausoleum</i> ²⁷	<i>Auction house</i>
<i>Educational service</i> ⁵	<i>College/university</i> ²⁵	<i>Automotive sales and service, marine</i>
<i>Family child-care home</i> ⁶	<i>Community residential facility</i> ²⁸	<i>Automotive sales and service, non-marine</i>
<i>Fire or police facility</i> ⁸	<i>Eating and drinking place</i> ^{3,29}	<i>Business service, intensive</i>
<i>Health care and social assistance</i> ^{9,10}	<i>Hospital</i> ²⁵	<i>Business service, standard</i>
<i>Multiple-family dwelling</i> ¹¹	<i>Mobile home park</i> ³⁰	<i>Construction and trade</i>
<i>Office</i> ¹²	<i>Personal service</i> ³¹	<i>Funeral home/crematory</i>
<i>Park</i> ¹³	<i>Recreational facility, indoor</i> ^{3,16,32}	<i>Laboratory</i>
<i>Recreational facility, outdoor</i> ^{14,15,16}	<i>Regional land use</i> ^{33,34,35}	<i>Manufacturing, heavy</i>
<i>Religious institution</i> ¹⁷	<i>Retail sales</i> ^{31,36}	<i>Manufacturing, light</i>
<i>Resource land use</i> ¹⁸	<i>Temporary lodging</i> ³⁷	<i>Marijuana business</i>
<i>Single detached dwelling unit</i> ^{19,20}		<i>Marijuana cooperative</i>
<i>Standalone parking</i> ²¹		<i>Mobile food service</i>
<i>Supportive living facility</i> ²²		<i>Retail sales, bulk</i>

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Utility facility</i> ^{23,24}		<i>Secure facility</i>
		<i>Transportation</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

1. One single-engine, noncommercial seaplane shall be permitted only on *lots* that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency* medical evacuation site in conjunction with a police, fire or health service facility is a *conditional use*. All other *air transportation service uses* are prohibited.
2. Only (a) in a *building* listed on the National Register as a historic site or designated as a *City* landmark; (b) as a re-use of a surplus nonresidential facility; or (c) as a joint use of an existing public school facility. All subject to Chapter [18.50](#) KMC. Otherwise, a *conditional use*.
3. *Social card games* are prohibited.
4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, *religious institution*, *park*, *sports club* or public housing administered by a *public agency*, and:
 - a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and

d. Hours of operation may be restricted to assure compatibility with surrounding development.

All other *day care uses* require a *conditional use permit*.

5. K-12 facilities only. All other *educational service uses* require a *conditional use permit*.

6. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;

b. A safe passenger loading area shall be provided;

c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;

d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC;

f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility; and

g. Prior to receiving State licensing, the family child-care provider shall provide the *City* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.

7. Limited to "storefront" police offices. Such offices shall not have:

a. Holding cells;

b. Suspect interview rooms; or

c. Long-term storage of stolen properties.

All other *fire or police facility uses* require a *conditional use permit*, except police or fire training facilities, such as shooting ranges, auto test tracks, and fire suppression simulations, which are prohibited.

8. For conditionally permitted fire facilities:

- a. All *buildings and structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any *buildings* from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such *street*; and
- c. No *outdoor storage*.

9. Only as a re-use of a public school facility. May be permitted as a *conditional use* if proposed as re-use of a surplus nonresidential facility. All subject to Chapter [18.50](#) KMC.

10. Veterinary clinics are prohibited.

11. *Townhouse* units only permitted and only on *lots* in a subdivision or short subdivision designed for *townhouse* units. Other *townhouse* units require a *conditional use permit*. *Apartments* are prohibited.

12. *Public agency or utility office* permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. Otherwise, *public agency or utility office* is a *conditional use*. All other office *uses* are prohibited.

13. The following conditions and limitations shall apply, where appropriate:

- a. Lighting for *structures* and fields shall be directed away from residential areas;
- b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas ~~required in provided under~~ KMC [Section 18.30.130](#) and/or ~~KMC Chapter 20.47-155~~. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

* * *

18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.

The following *uses* listed in Table C are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-12, R-18 and R-24:

Table C. R-12, R-18, and R-24 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor</i> ^{2,3}	<i>Arts, entertainment, outdoor</i> ²⁶	<i>Animal kennel/shelter</i>
<i>College/university</i> ^{4,5}	<i>Cemetery, columbarium or mausoleum</i> ²⁷	<i>Auction house</i>
<i>Community residential facility</i>	<i>Eating and drinking place</i> ^{3,28}	<i>Automotive sales and service, marine</i>
<i>Construction and trade</i> ⁶	<i>Hospital</i> ^f	<i>Automotive sales and service, non-marine</i>
<i>Day care</i> ⁷	<i>Personal service</i> ²⁹	<i>Business service, intensive</i>
<i>Educational service</i> ⁶	<i>Recreational facility, indoor</i> ^{3,30,31}	<i>Business service, standard</i>
<i>Family child-care home</i> ⁹	<i>Regional land use</i> ³²	<i>Funeral home/crematory</i>
<i>Fire or police facility</i> ^{10,11,12}	<i>Retail sales</i> ^{29,33}	<i>Laboratory</i>
<i>Health care and social assistance</i> ^{4,5,13}	<i>Temporary lodging</i> ³⁴	<i>Manufacturing, heavy</i>
<i>Mobile home park</i>	<i>Warehousing</i> ³⁵	<i>Manufacturing, light</i>
<i>Multiple-family dwelling</i>		<i>Marijuana business</i>
<i>Office</i> ¹⁴		<i>Marijuana cooperative</i>
<i>Park</i> ¹⁵		<i>Mobile food service</i>
<i>Recreational facility, outdoor</i> ^{16,17}		<i>Resource land use</i>
<i>Religious institution</i> ¹⁸		<i>Retail sales, bulk</i>

Table C. R-12, R-18, and R-24 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Single detached dwelling unit</i> ^{19,20}		<i>Secure facility</i>
<i>Standalone parking</i> ²¹		<i>Transportation</i>
<i>Supportive living facility</i>		<i>Vehicle or equipment rental</i>
<i>Utility facility</i> ^{22,23,24}		<i>Vehicle refueling station</i>
		<i>Wholesale trade</i>

1. One single-engine, noncommercial seaplane shall be permitted only on *lots* that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an *emergency* medical evacuation site in conjunction with a police, fire or health service facility is a *conditional use*. All other *air transportation service uses* are prohibited.
2. Museums and libraries permitted only as accessory to a *park* or in a *building* listed on the National Register as an historic site or designated as a *City* landmark subject to Chapter [18.50](#) KMC; otherwise, a *conditional use permit* is required. Artist studios permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of an existing public school facility; otherwise a *conditional use permit* is required. For all other *arts, entertainment, indoor uses*, a *conditional use permit* is required, except theater, which is prohibited.
3. *Social card games* are prohibited.
4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.
5. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
6. Permitted when:
 - a. Located in the R-24 zone; and
 - b. On a *site in office or construction and trade office uses* as of May 8, 2003; and

- c. Part of a *mixed use development*; and
- d. Limited to 15,000 square feet; and
- e. No *outdoor storage* of equipment occurs.

Otherwise, prohibited.

7. *Day care II* permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an *accessory use* to a school, *religious institution*, *park*, *sports club* or public housing administered by a *public agency*, and:

- a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
- b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- c. Direct access to a developed arterial *street* shall be required in any residential zone; and
- d. Hours of operation may be restricted to assure compatibility with surrounding development.

Otherwise, *day care II* requires a *conditional use permit*.

8. K-12 facilities only, except vocational school which is permitted only as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC unless a *conditional use permit* is obtained. All other *educational service uses* require a *conditional use permit*.

9. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:

- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- b. A safe passenger loading area shall be provided;
- c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
- d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;

- e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
- f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility.

10. Limited to "storefront" police offices. Such offices shall not have:

- a. Holding cells;
- b. Suspect interview rooms; or
- c. Long-term storage of stolen properties.

All other police facilities require a *conditional use permit*.

11. Fire facilities require a *conditional use permit*, subject to the following:

- a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
- b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a distance of 35 feet from such *street*; and
- c. No *outdoor storage*.

12. Fire or police training facilities such as shooting ranges, auto test tracks, and fire suppression simulations are prohibited.

13. Veterinary clinics are prohibited.

14. *Public agency or utility office* is permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. All other *office uses* require a *conditional use permit*.

15. The following conditions and limitations shall apply, where appropriate:

- a. Lighting for *structures* and fields shall be directed away from residential areas;
- b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas ~~required in provided under~~ KMC [Section 18.30.130](#) and/or [KMC Chapter 20.47.155](#). Setback requirements for *structures* in these on-

site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

* * *

18.20.1960 Park.

“Park” means a *site* designed or developed for recreational use by the public including, but not limited to:

A. Indoor facilities, such as:

1. Gymnasiums;
2. Swimming pools; or
3. Activity centers;

B. Outdoor facilities, such as:

1. Playfields;
2. Fishing areas;
3. Picnic and related outdoor activity areas;

C. Areas and *trails* for:

1. Hikers;
2. Equestrians;
3. Bicyclists;

D. Areas provided under KMC [Section 18.30.130](#) or [KMC Chapter 20.47.155](#);

E. Facilities for on-site maintenance.

18.45.130 Credit for improvements.

Whenever a *development* is granted approval subject to a condition that the development proponent actually provide a *permanent school facility* acceptable to the district, the development proponent [shall](#) be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by KMC Title [20](#). [The cost of construction shall be estimated at](#)

the time of approval, but must be documented and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a school impact fee.