

## **RESOLUTION NO. 2020-24**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DENYING THE LOW-INCOME IMPACT FEE EXEMPTION REQUEST FROM VINTAGE HOUSING FOR THE STATION BY VINTAGE MIXED-USE DEVELOPMENT.

WHEREAS, the Covington Municipal Code (“CMC”) Section 19.20.080, provides a low-income housing exemption process for any impact fee payer to request to be exempt from up to 80 percent of the impact fees imposed on the low-income housing units to be developed under the project; and

WHEREAS, on August 21, 2019 the City of Covington (“City”) received a commercial site development permit application from Vintage Housing (“Developer”) for the Station by Vintage mixed-use development. On April 4, 2020 the City approved the Commercial site development permit; and

WHEREAS, Station by Vintage is located on a 3.31-acre site within the Town Center (“TC”) zone. The project consists of a five-story mixed-use building that will house 189 multi-family dwelling units with ground level commercial, an above-grade parking garage, and amenity spaces wrapped around the central parking structure; and

WHEREAS, on August 20, 2020 the City received a CMC 19.20.080 request for a low-income impact fee exemption, pursuant from the Developer for the Station by Vintage mixed-use project; and

WHEREAS, at the October 27, 2020 meeting of the Covington City Council (“Council”), the Council directed staff to prepare a resolution denying the request for consideration pursuant to the criteria set forth in CMC 19.20.080(4); and

WHEREAS, on November 5, 2020 the City provided the Kent School District (“District”) notice that the City received the low-income impact fee exemption request from the Developer; and

WHEREAS, On November 19, 2020 the District informed the City that the District would not support the request by the Developer for a low-income impact fee exemption; and

WHEREAS, the decision to exempt impact fees is the sole discretion of the Council, after consideration in an open public meeting of the criteria contained in CMC 19.20.080(4); and

WHEREAS, the Council reviewed the request for a low-income impact fee exemption by the Developer for the Station by Vintage mixed-use development based on the criteria contained within CMC 19.20.080(4); and

WHEREAS, after consideration of the CMC 19.20.080(4) criteria, the Council desires to deny the exemption request;

NOW THEREFORE, the City Council of the City of Covington, King County, Washington, resolves as follows:

Section 1 Findings. The City Council hereby adopts the findings listed above for its decision regarding the request for low-income housing exemption, from Vintage Housing for the Station by Vintage mixed-use project.

The Council reviewed the request for a low-income impact fee exemption by the Developer for the Station by Vintage mixed-use development based on the criteria contained within CMC 19.20.080(4) and adopts the following further findings:

**CMC 19.20.080(4)(a) Public benefit of the specific project:**

Finding: Other than providing the 189 affordable housing units for households with a gross annual income of up to 60 percent Area Median Income, the Developer has not demonstrated additional public benefit.

**CMC 19.20.080(4)(b) The hardship to the project of the impact fees:**

Finding: The Developer failed to demonstrate any hardship to the project because of the required impact fees.

**CMC 19.20.080(4)(c) The impacts of the project:**

Finding: There are significant impacts generated by the development on the public infrastructure, including, but not limited to, transportation, schools, and parks. Through impact fees the City and other agencies collect the proportional share of the impacts, generated by a development, on the public services provided. The financial loss to the City's impact fee accounts, and the projects that would otherwise be funded from those fees from not collecting the impact fees would be significant:

- Traffic Impact Fees \$488,314.48
- Park Impact Fees \$417,395.16
- School Impact Fees \$354,564.00

Adding 189 dwelling units to a system, without paying the required impact fees will require mitigation of the proportional share of the impacts to be addressed by other financial means.

**CMC 19.20.080(4)(d) Any other factors deemed relevant by the City Council:**

Finding: The Council did not deem any other factors relevant.

Section 2. Decision. The City Council hereby denies the low-income housing exemption request from Vintage Housing for the Station by Vintage mixed-use project.

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this resolution, or its application to any person or situation, 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 preemption shall not affect the validity of the remaining portions of this resolution or its application to other persons or situation. The City Council of the City of Covington hereby declares that it would have adopted this resolution and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this resolution are authorized to make any necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers, and any reference thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

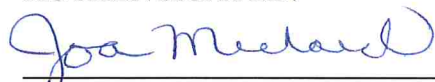
Section 6. Effective Date. This resolution shall be effective immediately upon passage by the City Council of the City of Covington.

Passed by the City Council of the City of Covington this 8<sup>TH</sup> day of December, 2020.

Signed in authentication of its passage this 9<sup>TH</sup> day of December, 2020.

  
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Jeff Wagner, Mayor

AUTHENTICATED:



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Joan Michaud, City Clerk

APPROVED AS TO FORM:

/s/ Mark Orthmann, as authorized by email on December 8, 2020

Mark Orthmann, City Attorney