



CITY COUNCIL

AGENDA BILL # AB22-0043

City of Algona
200 Washington Blvd.
Algona, WA 98001

| ITEM INFORMATION | | | |
|--|---------------------------------|--------------|----------|
| SUBJECT: Ordinance 1209-22. Amending Chapter 15.24 AMC Park Impact Fees. | Agenda Date: October 24, 2022 | | |
| | Department/Committee/Individual | Created | Reviewed |
| | Mayor | | |
| | City Administrator | | X |
| | City Attorney | | X |
| | City Clerk | | X |
| | Finance Dept | | |
| | PW/Utilities | | |
| | Planning Dept | | |
| | Community Services | | |
| | Police Dept | | |
| | Finance Committee | | |
| | Planning Commission | | |
| Civil Service Committee | | | |
| Staff Contact: Dana Parker, Deputy City Clerk | | | |
| Attachments: | | | |
| SUMMARY STATEMENT: The City has established a Park Impact Fee program to provide funding for parks facilities that are needed to serve new growth and development. This is the 3 rd review. | | | |
| COMMITTEE REVIEW AND RECOMMENDATION: | | | |
| RECOMMENDED ACTION: Move to approve | | | |
| RECORD OF COUNCIL ACTION | | | |
| <i>Meeting Date:</i> | <i>Action:</i> | <i>Vote:</i> | |
| | | | |

CITY OF ALGONA, WASHINGTON

ORDINANCE NO. 1209-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, AMENDING CHAPTER 15.24 AMC PARK IMPACT FEES; ESTABLISHING STANDARDS AND PROCEDURES FOR DEFERRED PAYMENT OF PARK IMPACT FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 82.02 RCW, the City has established a Park Impact Fee program to provide funding for parks facilities that are needed to serve new growth and development, and has codified regulations therefor at Chapter 15.24 AMC; and

WHEREAS, the City Council desires to amend Chapter 15.24 MMC to provide an option for deferred payment of park impact fees as required by ESB 5923 and RCW 82.02.050(3);

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

Section 1. Amendment of AMC 15.24.090. Section 15.24.090 of the Algona Municipal Code is hereby amended to provide in its entirety as follows:

15.24.090 Impact fee assessment and collection.

A. Impact Fee Determination. Except as provided in subsection (B) below, the mayor or his/her designee City staff shall determine the total impact fee owed at the time of building permit issuance based on the fee schedule in effect at the time of such issuance.

B. Deferral of Impact Fee Payment.

1. For single-family detached or attached single-family residential dwelling units only, impact fee payment may be deferred until final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:

a. Submits a deferred impact fee application, in a form provided by the city, for the project regarding which the applicant is requesting deferral of the impact fee payment; and

b. Grants and records a deferred impact fee lien against the subject property, in a form provided by the city, in favor of the city of Algona. The content, form and procedure for execution, recording, enforcement, foreclosure and release of the deferred impact fee lien shall be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the sole expense of the applicant.

Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as established in the city's adopted fee schedule.

2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected.

4. The amount of impact fees deferred under this subsection (B) shall be determined based on the fee schedule in effect at the time the applicant submits a complete deferred impact fee application form.

C. *Permit Issuance.* Except as provided for in subsection (B) above: (i) the impact fee shall be collected at the time of building permit issuance, and (ii) the city shall not issue a building permit unless and until the impact fee required pursuant to this chapter have been paid.

Section 2. 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 3. 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.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS _____ DAY OF _____ 2022.

David E. Hill, Mayor

ATTEST:

Dana Parker, Acting City Clerk

APPROVED AS TO FORM:

J. Zachary Lell
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.: XXXX-____
Date of Publication: