

Ordinance No. 3051
An Ordinance Repealing Fees for Certain Administrative Land Use
Actions

Whereas, the City is authorized by RCW 82.02.020 to collect reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city of processing applications, inspecting and reviewing plans, or preparing detailed statements required by 43.21C RCW; and

Whereas, the Anacortes Municipal Code (AMC) Chapter 3.03 provides the current schedule of fees charged for processing land use permit applications and certain legislative actions; and

Whereas, AMC Section 18.04.310 provides the fee for the preparation of a SEPA threshold determination; and

Whereas, the City Council desires to adopt by resolution into the Unified Fee Schedule a revised schedule of fees for permit applications and appeals.

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

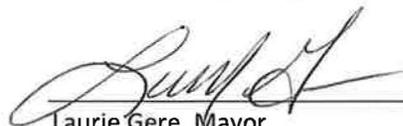
Section 1. Ordinance 2703 entitled "An ordinance repealing Ordinance 2337 and revising the fee schedule for the City of Anacortes for applications for certain administrative actions constituting Chapter 3.03 of the Official Code" is hereby repealed.

Section 2. The Anacortes Municipal Code is amended as described in Attachment A.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after publication.

PASSED and APPROVED this 14th day of October, 2019.

CITY OF ANACORTES:



Laurie Gere, Mayor

Attest:



Steve Heglund, City Clerk-Treasurer

Approved as to Form:



Darcy James Swetnam, City Attorney

Attachment A

AMC Title, 3 Revenue and Finance

Chapter 3.03, *Fees for Administrative Actions*, is repealed.

AMC Title 18, Environmental Protection

Section 18.04.310, *Fees*, is amended as follows:

18.04.310 Fees.

~~(WAC 173 806 200) The city must require the following fees for its activities in accordance with the provisions of this chapter:~~

A. *Threshold Determination.* ~~Threshold determination fees are established in the Unified Fee Schedule, adopted by resolution.~~

~~For every environmental checklist the city will review when it is lead agency, the city must collect a fee of four hundred dollars from the proponent of the proposal prior to undertaking the threshold determination. This amount is to cover two hours of staff time and publication and distribution costs. The time periods provided by this chapter for making a threshold determination must not begin to run until payment of the fee. Additionally, when the city completes its environmental review, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the threshold determination. The city must charge fees for the coordination and supervision of the threshold determination preparation in the sum equal to staff time expended on the project (at fifty dollars per hour plus one hundred percent of that amount to compensate for support staff time and expenses) as supported by time sheets. The responsible official must advise the applicant(s) of the projected costs for the threshold determination prior to actual preparation; the applicant must post bond or otherwise ensure payment of such costs.~~

B. *Environmental Impact Statement.*

1. When the city is lead agency for a proposal requiring an EIS and the responsible official determines that the EIS must be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official must advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant must post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other

than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants must be selected by mutual agreement of the city and applicant after an informal call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official must refund any fees collected under subsection (B)(1) or (B)(2) of this section which remain after incurred costs are paid.

~~C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal as set forth in subsection A of this section.~~

~~D. The city must not collect a fee for performing its duties as a consulted agency.~~

~~E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. (Ord. 2704 § 1, 2005; Ord. 2471 § 1, 1998)~~