



Ordinance No. 4004

An Ordinance Amending Chapters 3.93 Impact Fees to Specify Fee Assessment Limitations and Add Fee Exemptions for Early Learning Facilities

Whereas the Anacortes Municipal Code in Chapter 3.93 provides for the imposition of impact fees on new development that creates additional demand and need for public facilities and infrastructure; and

Whereas RCW 82.02.060(3) prohibits a local government from imposing an impact fee on development activities of an early learning facility greater than those imposed on commercial retail or commercial office development activities that generate a similar number, volume, type, and duration of vehicle trips; and

Whereas RCW 82.02.060(2) and (4) authorize local governments to exempt from impact fees development activities with a broad public purpose, including development of early learning facilities; and

Whereas the City has long recognized a severe need for additional childcare and early learning capacity in Anacortes; and

Whereas the City Council desires to update the Anacortes Municipal Code to provide an impact fee exemption to facilitate development of early learning facilities in Anacortes; and

Whereas, the City Council authorized collection of Park impact fees for building permits for nonresidential construction activities in Ordinance 3085, therefore, the exemption in 3.93.030(D) should be removed; and

Whereas, on January 10, 2022, the City Council held a public hearing and on January 18, 2022, the City Council closed the public hearing and deliberated on the proposal.

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

Section 1. AMC Chapter 3.93, as shown in Attachment A, is hereby amended.

Section 2. This ordinance takes effect five days after publication.

PASSED and APPROVED this 18th day of January, 2022.

CITY OF ANACORTES:



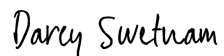
Matt Miller, Mayor

Attest:



Steve Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

Attachment A

Chapter 3.93 Impact Fees

AMC Section 3.93.030(D)(2) is deleted:

~~2. Exemption from Park Impact Fees Only. Building permits for nonresidential construction are exempt from the payment of park impact fees.~~

[Remainder of section is re-numbered]

New Section AMC 3.93.065 Assessment of Fees and Exemptions for Early Learning Facilities is added:

3.93.065 Assessment of Fees and Exemptions for Early Learning Facilities

A. The purpose of this section is to facilitate the development of early learning facilities by establishing limitations on impact fee assessments and providing for exemptions consistent with RCW 82.02.060.

B. "Early learning facility" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods of less than twenty-four hours.

C. Fee assessment limitation. Impact fees imposed on development activities of an early learning facility may not be greater than that imposed on commercial retail or commercial office development activities that generate a similar number, volume, type, and duration of vehicle trips.

D. Fee assessment & exemptions for multi-use developments. When a facility or development has more than one use, the limitations of subsection (C) or the exemption applicable to an early learning facility in subsection (E) of this section only apply to that portion that is developed as an early learning facility. The impact fee assessed on an early learning facility in such a development or facility may not exceed the least of the impact fees assessed on comparable businesses in the facility or development.

E Exemptions. Building permits for early learning facilities are exempt from the requirement to pay impact fees when the following conditions are met:

1. The exemption must be conditioned on requiring the property owner to record covenant in a form approved by the city with the Skagit County Auditor. The covenant must run with the land and be binding on the owner, assigns, heirs and successors and must:

a. Require that at least 25 percent of the children and families using the early learning facility qualify for state subsidized childcare, including early childhood education and assistance under chapter 43.216 RCW.

b. Provide that if at any point during a calendar year does the early learning facility not achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the City notifying the owner of the breach, and any balance remaining thereafter must be a lien on the property.

c. Provide that if the property is converted to another use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion.

2. If the city collects impact fees on behalf of a school district, the school district must approve the exemption.

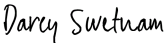
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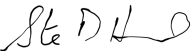
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| Browsers: | Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only) |

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