

DRAFT IMPACT FEE LANGUAGE

Definitions.

"Development activity" means any construction or expansion of a building or structure that creates additional demand for public facilities.

"System improvements" means public facilities included in the City's Capital Improvement Plan that are designed to serve new development.

"Proportionate share" means that portion of the cost of public facility improvements reasonably related to the service demands and needs of new development.

Chapter 19.190 – Impact Fees

19.190.010 Purpose.

This Chapter is adopted pursuant to Chapter 82.02 RCW to ensure that new development pays a proportionate share of the cost of public facilities needed to serve such development.

Impact fees imposed under this Chapter are intended to:

- A. Ensure adequate public facilities are available to serve new growth;
- B. Promote orderly growth and development;
- C. Require new development to pay its fair share of system improvements; and
- D. Implement the City of Medical Lake Capital Improvement Plan.

19.190.020 Applicability.

Impact fees shall be imposed on all development activity requiring a building permit, unless exempted herein.

19.190.030 Impact Fees Imposed.

The City hereby imposes the following impact fees:

- A. School impact fees as set forth in MLMC Chapter 16.09 – School Impact Mitigation; and
- B. Park impact fees.

19.190.040 School Impact Fees.

The City shall enter into an interlocal agreement with the Medical Lake School District to collect and remit school impact fees

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19.190.050 Calculation of Impact Fees.

Impact fees shall be calculated based on:

- A. The adopted City Capital Improvement Plan or School District Capital Facilities Plan;
- B. System improvements related to new development; and
- C. The type and size of development.

19.190.060 Fee Schedule.

Impact fees are established by City Council resolution.

19.190.070 Payment.

Impact fees shall be paid prior to issuance of a building permit unless deferred pursuant to state law.

19.190.080 Exemptions.

The following shall be exempt:

- A. Non-residential development;
- B. Alterations or expansions that do not increase the number of dwelling units; and
- C. Replacement structures with no increase in the number of dwelling units;

19.190.090 Credits.

Pursuant to RCW 82.02.060(5), a developer may receive credit for dedication of land and/or construction of system improvements, provided such contributions are identified in the Capital Improvement Plan and approved by the City Council.

19.190.100 Adjustments

Pursuant to RCW 82.02.060(7), the City Council may approve adjustments to the standard impact fee in consideration of studies and data submitted by the applicant.

19.190.110 Deferrals

Pursuant to RCW 82.02.050(3), impact fees for single-family residences may be deferred until a certificate of occupancy is requested. An applicant requesting a deferral must grant and record a deferred impact fee lien against the property in favor of the City prior to the issuance of a building permit.

19.190.120 Appeals.

Any person aggrieved by the calculation or imposition of an impact fee may appeal using the process in MLMC Chapter 19.290 – Appeals, within fourteen (14) days of the decision.

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19.190.130 Use of Funds.

Impact fees shall be:

- A. Kept in separate accounts;
- B. Used only for system improvements;
- C. Expended within ten (10) years unless extraordinary circumstances justify a longer period.

19.190.140 Annual Report.

Pursuant to RCW 82.02.070, annually, the City must provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

19.190.150 Refunds.

Pursuant to RCW 82.02.080, unexpended or encumbered impact fees shall be refunded in accordance with state law.