

Chapter 3.44 - FIRE FACILITIES MITIGATION FUND

3.44.010 - Applicability.

The provisions of this chapter shall be applicable to all property development within the city. "Property development" shall mean any application for a building permit for a single-family dwelling, manufactured home, duplex or multifamily dwelling; and any application for approval of a manufactured home park, manufactured home subdivision or residential planned unit development; and any application for approval of a short plat or long plat subdivision or subdivision in zones allowing for development purposes.

(Ord. 1330 § A(part), 2008: Ord. 960 § 1, 1994).

3.44.020 - Basis for mitigation assessment.

All mitigation assessments shall be made on a per unit basis or square foot basis. "Unit" shall mean for residential development each dwelling unit, manufactured home or lot as applicable and as defined in Chapter 17 of the Lynden Municipal Code. Where the number of dwelling units or manufactured homes is not precisely known at the time of the development, "unit" shall mean at least one dwelling unit or manufactured home for each lot, to be increased when the number of dwelling units or manufactured homes become known or fixed through application for a building permit or other applicable permit. Mitigation assessments shall not be imposed so as to have the effect of imposing more than the cost of one unit for any dwelling unit or manufactured home. These requirements are not intended to have the effect of requiring new fire service facility assessments for units which have previously been subject to dedication or assessment individually or as part of a larger project. "Unit" for nonresidential development shall mean each additional square foot added to an existing structure or each square foot of building in a new structure.

(Ord. 1330 § A(part), 2008: Ord. 960 § 2, 1994).

3.44.030 - Mitigation assessment formulas.

The formulas used to calculate mitigation assessments for fire facilities are ~~established by Ordinance 1596 (adoption of 2020 budget) and subject to review and increase as approved through the City's budget process, as found in "Exhibit A, — Assumptions, Standards and Formulas for Fire Facilities Impact Mitigation Fees." These formulas shall be reviewed and revised as determined by the city council to reflect changes in development and acquisition baseline costs and may be amended by resolution of the city council.~~

Mitigation assessments contributed under this section shall be due and payable as follows: ~~provided that, — fees due at the time of building permit may be eligible to be deferred consistent with chapter the provisions of LMC-3.47 LMC:~~

Commented [HG1]: In the future- hopefully the 2021 budget – a unified fee schedule.

Development Type	Amount of Per Unit Assessment Payable At:	
	Project* Approval	Building Permit Application
1. Development requiring both project* and building permit approvals.	½ of assessment for all units	½ of assessment per unit
2. Creation of new, additional lots for future single-family residential use on property where one or more previously existing single-family units are located.	½ of assessment for net new lots	½ of assessment per new unit
3. Development for which building permit only is required.	—	total assessment
4. Building of a structure on a lot-of-record existing when the ordinance codified in this chapter was adopted.	—	½ of assessment
5. Development for which no individual building permit will be required following project approval.	total assessment	

* "Project" includes conditional use permit, manufactured home park, manufactured home subdivision, planned residential development, short plat, long plat, or any other subdivision of property.

(Ord. 1330 § A(part), 2008: Ord. 960 § 3, 1994).

3.44.040 - Administration of cash payments to city.

There is created and established a special purpose nonoperating fire facilities mitigation fund, to which all mitigation assessments are paid. Fund administration shall be as follows:

- A. Separate Account for Each Development. Any cash payments made shall be deposited in the fund and administered as a separate account for the

development in question, and the account balance shall be applied only to completion of improvements or acquisition projects specified in the city fire facilities capital improvement plan as approved or amended by the city council.

- B. Interest Earned. Interest and investment income earned by the fund shall be redeposited in the fund and allocated proportionally to each sub-account.
- C. Time Limit for Expenditures. Any funds remaining in a development's account shall be refunded with interest to the property owner of record when the time periods for expenditure of those funds have passed, as provided in applicable state laws.
- D. Refund of Amounts Paid. If a developer makes any payments to the fire facilities mitigation fund for mitigation purposes, and the development's building permit or other approval expires before any substantial construction has commenced, the developer or the developer's successors in interest shall be entitled to a refund of the payments made plus interest, less a reasonable charge for processing of the account. Any amount erroneously paid or collected shall be refunded in full.

(Ord. 1330 § A(part), 2008: Ord. 960 § 4, 1994).

3.44.050 ~~←~~ Deferral, Exception, Appeals and adjustments.

A. Application to defer the payment of impact fees due at the time of building permit in association with the construction of a single-family home may be made in accordance with chapter LMC-3.47 LMC.

B. Pursuant to RCW 82.02.100(2), a person installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

C. Any person desiring to appeal from a decision made in the enforcement of the provisions of this chapter or any person seeking an adjustment to the dedication or mitigation assessments required by this chapter due to unusual circumstances in specific cases, shall submit an appeal in accordance with the provisions of Chapter 17.11 of the Lynden Municipal Code and shall be heard by the city council as an open record appeal as provided in Chapter 17.03 of the Lynden Municipal Code.

(Ord. 1330 § A(part), 2008: Ord. 960 § 5, 1994).

3.44.060 - Penalty.

Violation of this chapter is a gross misdemeanor punishable by a fine of not more than five thousand dollars and a jail term of not more than one year. Each day that such

violation is allowed to continue shall be considered a separate and additional violation of this chapter.

(Ord. 1330 § A(part), 2008).

EXHIBIT "A"

(for Chapter 3.44)

ASSUMPTIONS, STANDARDS AND FORMULAS FOR FIRE FACILITIES IMPACT MITIGATION FEES.

1. LEVEL OF SERVICE

The city desires to achieve and maintain a fire facilities and capital equipment.

2. COST OF SERVICE

The city estimates the acquisition costs of equipment and facilities for fire service necessitated by new developments to be as follows:

Equipment = \$350,000

Facilities = \$400,000

3. FORMULA ADJUSTMENTS

Current facilities and equipment have been acquired through various sources including donations, gifts, dedications and purchase through the city's current expense fund.

In consideration of possible past and future payments made by new development to help pay for fire equipment and facilities, and to provide for a balance between requirements imposed on new development and other sources of public funds, the following adjustment, in the form of a discount to dedication and/or mitigation assessment requirements shall be applied in the dedication and assessment formulas in this exhibit: 10% adjustment.

4. MITIGATION ASSESSMENTS

Mitigation assessments shall be calculated and required as follows:

Residential

a. Fee for each single-family unit, each duplex unit, each mobile home or each lot: \$400—10% adjustment = \$360 per unit.

b. Fee for each multifamily dwelling unit or each mobile home park unit: \$235—10% adjustment = \$212 per unit.

Nonresidential

a. Fee for each square foot of additional floor space on a lot of record will be \$.20 for each square foot.

Commented [HG2]: Delete from Code – See instead Fee Addendum from the Fire Department accompanying the 2020 City Budget