



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: Kurt Triplett, City Manager
From: Eric Shields, Planning Director
Nancy Cox, Development Review Manager
Date: January 26, 2012
Subject: Land Use Permit Fee Schedule Changes

RECOMMENDATION

Staff recommends that the City Council approve Planning fee schedule changes by adopting an ordinance amending Chapter 5.74.070 of the Kirkland Municipal Code.

BACKGROUND DISCUSSION

Staff has notified the development community and homeless advocates about the changes noted below. Notices have been displayed on the counters at City Hall and posted on the developer's list serve. As of this date, we have not received any comments. We will report at the meeting if any are received.

The proposed changes to the fee schedule fall into the following categories:

Format/Typographical errors

- Move Noise Variance fee from Planning Director Decisions to Planning Official Decisions to more accurately reflect the decision-maker.
- Reformat "Other Process I" fees like the "Other Process IIA" and "Other IIB fees." This change makes the format of the fee schedule consistent.
- In the Process I Review list, move Home Occupation and Historic Residence Designation fees to be clear they are separate from Other Process I Fees.
- Add the Subdivision Alteration fee to the Process IIA list. Change the Subdivision Vacation or Alteration title under Process IIB to just Subdivision Vacation. These changes reflect the correct process for each.
- Delete any mention of Process III. Process III permits were deleted from the Zoning Code in 2011.

Clarifications

- Add a note under Planning Official decisions that Public Works may have additional costs for parking modifications per KMC 5.74.040 (\$75.00 per hour). The City's Transportation Engineer reviews most all parking modifications already and this puts applicants on notice that there may be additional hourly charges.
- Add note that there is no fee for code enforcement hearings. The previous language, "No fee for appeals of Notice of Civil Infraction or Order to Cease Activity" is deleted because of code changes in 2011.

Affordable Housing related

- Add a Planning Director Decision fee of \$1,049.00 for Additional Affordable Housing Incentive – Density Bonus. The current fee schedule does not have fees for Section 112.25.2 related to the Additional Affordable Housing Incentive – Density Bonus. This section allows an applicant to request more than the standard density bonus allowed and was changed from a Process IIA decision to a Planning Director decision when the code was amended to make the affordable housing incentives mandatory. A fee was not added to the fee schedule when the change was made which was an oversight. Staff is recommending the same fee as several other Planning Director decisions.

Homeless Encampment related

- Add a Process I Review fee of \$424.00 for Homeless Encampment Temporary Use with Modifications. Homeless encampment applications that meet the code standards in Chapter 127 Temporary Use Permits have a discounted fee of \$212.00. KZC 127.43 requires a Process I permit if applicants seek to modify one of the code standards. A fee has never been established for this type of permit. Presuming a discounted fee is again appropriate; staff is recommending simply doubling the basic fee.

Integrated Development Plan (IDP) related – The IDP* was incorporated into KZC Chapter 95 - Tree Management and Required Landscaping in 2010. The City has not seen interest in IDP's until recently from the development community. Now that they are being used, staff has become aware that there are gaps in the fee schedule.

- Clarify that there is no charge for a second pre-submittal meeting if it is for an IDP. Two pre-submittal meetings are generally required for an IDP project. The fee schedule should note that there is no charge for the second pre-submittal for an IDP.
- IDP modifications:
 - Add Planning Official fee of \$525.00 when minimum tree density credits are not decreased per KZC 95.30.6.b.1);
 - Add Planning Official fee of \$828.00 when requesting a decrease in the number of tree density credits per KZC 95.30.6.b.2);

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- Add Hearing Examiner fee of \$1,049.00 per KZC 95.30.6.b.3). To consider modifications to an IDP after approval requires increasingly careful consideration as described in the code excerpt below. The proposed fees are reflective of the additional time required to consider the modification requests as the project progresses. Below is the section of the code addressing IDP modifications:

95.30.6.b. Modifications to Tree Retention Plan for Short Plats and Subdivisions.

A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.

For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:

- 1) Modification – General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.
- 2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:
 - a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and
 - b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.
- 3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:
 - a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
 - b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;
 - c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;

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- d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and
- e) Said comment period shall not be less than 14 calendar days.

*An IDP is a copy of the plat map that includes the topography and the footprints of each home, and shows how each home will be accessed and served by utilities. The IDP also shows the tree retention plan information specified in Kirkland Zoning Code Chapter 95 (KZC 95.30) and includes an arborist report. Once approved along with the subdivision application:

1) the Land Surface Modification (LSM or grading) permit can authorize all of the site preparations including utility and road work, home site grading, and clearing of all trees approved for removal under the IDP;

2) the successive applications (i.e. demolition or building permit applications) can be reviewed faster through consolidation of Planning and Urban Forestry reviews; and

3) the LSM and building permit applications can be submitted prior to short plat or subdivision recording. Building permits can be issued once the short plat or subdivision is recorded.

cc: File MIS11-00023
Alphabetical file

ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, HOMELESS ENCAMPMENT WITH MODIFICATION FEE AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The schedule contained in KMC 5.74.070 is hereby amended to read as follows:

5.74.070 Fees charged by planning department.
 (a) The schedule below establishes fees charged by the planning department. The entire fee must be paid before the review or processing begins, except as otherwise specified.

FEE TYPE	FEE AMOUNT
Preliminary Project Review	
Pre-submittal Meeting, Integrated Development Plan, and/or Pre-design Conference Note: Fee subtracted from the application fee if the application is submitted within six months of the date of the preliminary project review meeting date. Credit does not apply to subsequent meetings related to the same project. <u>No charge for second pre-submittal meeting if for Integrated Development Plan.</u>	\$504.00
Planning Official Decisions	
Accessory Dwelling Unit (not required if reviewed concurrently with a building permit)	\$414.00
Personal Wireless Service Facility Planning Official Decision	\$8,352.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$828.00
Parking Modification (<u>additional Public Works fees may be required per KMC 5.74.040</u>)	\$525.00
Sensitive Area Planning Official Decision	\$2,071.00
Administrative Design Review If application involves new gross floor area (new buildings or additions to existing buildings)	\$2,071.00

No new gross floor area	\$0.00
Master Sign Plan Approval Modification	\$828.00
Off-Site Directional Sign Approval Modification	\$525.00
Design Review Approval Modification	\$1,049.00
Design Review Approval Extension	\$414.00
Historic Residence Alteration	\$828.00
Rooftop Appurtenance Modification	\$828.00
Multiple Private or ROW Tree Removal Permit	\$200.00
Forest Management Plan	\$300.00
Shoreline Area – Alternative Options for Tree Replacement or for Vegetation Compliance in Setback	\$200.00
Shoreline Substantial Development Exemption	\$200.00
<u>Noise Variance</u>	<u>\$525.00</u>
<u>Integrated Development Plan modification per KZC 95.30.6.b.1)</u>	<u>\$525.00</u>
<u>Integrated Development Plan modification per KZC 95.30.6.b.2)</u>	<u>\$828.00</u>
Planning Director Decisions	
Temporary Use Permit	\$212.00
Variance Exception	\$1,049.00
Off-Site Directional Sign	\$1,049.00
Master Sign Plan	\$2,927.00
Short Plat or Subdivision Approval Modification	\$828.00
Process I Approval Modification	\$828.00
Process IIA, IIB or III Approval Modification	\$1,049.00
Lot Line Alteration	\$1,049.00
Binding Site Plan	\$2,085.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,049.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$525.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$525.00
Noise Variance	\$525.00
<u>Additional Affordable Housing Incentive – Density Bonus</u>	<u>\$1,049.00</u>
Process I Review	
Short Subdivision	

Base Fee	\$4,141.00
Fee per lot	\$966.00
Innovative Short Subdivision	
Fixed Fee	\$6,764.00
Fee per lot	\$966.00
Substantial Development Permit	
Piers and Docks Associated with Multifamily Development and Marinas and Moorage Facilities Associated with Commercial Uses	\$10,436.00
Other Shoreline Improvements	\$4,473.00
<u>Historic Residence Designation</u>	<u>\$1,062.00</u>
<u>Home Occupation</u>	<u>\$1,062.00</u>
<u>Homeless Encampment Temporary Use with Modifications</u>	<u>\$424.00</u>
Personal Wireless Service Facility Process I Review	\$10,436.00
Other Process I Review	
Residential	
Base Fee	\$4,141.00
Fee per new residential unit	\$483.00
Nonresidential	
Base Fee	\$4,141.00
Fee per square foot new GFA	\$0.29
Mixed Use	
Base Fee	\$4,141.00
Fee per new unit	\$483.00
Fee per square foot new GFA	\$0.29
<u>Other Process I</u>	
<u>Base Fee</u>	<u>\$4,141.00</u>
<u>Fee per new residential unit</u>	<u>\$483.00</u>
<u>Fee per sq. ft. new non-residential GFA</u>	<u>\$0.29</u>
Home Occupation	\$1,062.00
Historic Residence Designation	\$1,062.00
Process IIA Review	
Preliminary Subdivision	
Fixed Fee	\$8,711.00
Fee per lot	\$1,049.00

Innovative Preliminary Subdivision	
Fixed Fee	\$10,795.00
Fee per lot	\$1,049.00
<u>Subdivision Alteration</u>	<u>\$8,945.00</u>
Personal Wireless Service Facility Process IIA Review	\$20,210.00
Other IIA	
Base Fee	\$7,303.00
Fee per new residential unit	\$414.00
Fee per sq. ft. new non-residential GFA	\$0.41
Process IIB & Process III Review	
Subdivision Vacation or Alteration	\$8,945.00
Historic Landmark Overlay or Equestrian Overlay	\$1,049.00
Personal Wireless Service Facility Process IIB Review	\$29,156.00
Other IIB or III	
Residential (including Short Subdivisions reviewed through Process IIB per Section <u>22.28.030</u>)	
Base Fee	\$11,265.00
Fee per new residential unit (including Short Subdivisions reviewed through <u>Process IIB per KMC 22.28.030</u>)	\$414.00
Fee per sq. ft. new non-residential GFA	\$0.41
<u>Hearing Examiner Review</u>	
<u>Integrated Development Plan Modification per KZC 95.30.6.b.3)</u>	<u>\$1,049.00</u>

Design Board Review	
Design Board Concept Review	\$1,427.00
Design Board Design Response Review	
Base Fee	\$4,371.00
Fee per new unit	\$201.00
Fee per sq. ft. new GFA	\$0.20
State Environmental Policy Act (SEPA)	
Review of Environmental Checklist	

Base Fee	\$552.00
Estimated Number of PM Peak Trips	
Less than 20 trips	\$903.00
21—50 trips	\$1,805.00
51—200 trips	\$3,610.00
Greater than 200 trips	\$7,221.00
Applications involving sensitive areas (streams and/or wetlands only)	\$552.00
Preparation of Environmental Impact Statement (EIS)	
* The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the city will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the city an amount not less than \$5,000 to provide for the city's cost of review and processing an EIS. If the anticipated cost exceeds \$5,000, the city may require the applicant to deposit enough money to cover the anticipated cost.	
Miscellaneous	
Appeals and Challenges	
Appeals	\$207.00
Challenges	\$207.00
Note: No Fee for appeals of Notice of Civil Infraction or Order to Cease Activity code enforcement hearings	
Sidewalk Cafe Permits	
Fixed Fee	\$654.00
Fee per sq. ft. of cafe area	\$0.73
Street Vacation	
Fixed Fee	\$8,352.00
Fee per sq. ft. of street	\$0.41
Final Subdivision	
Fixed Fee	\$2,071.00
Fee per lot	\$207.00
Review of Concurrency Application—Estimated Number of PM Peak Trips	
Less than 20 trips	\$531.00
21—50 trips	\$743.00
51—200 trips	\$1,487.00
Greater than 200 trips	\$1,911.00
Fees for Comprehensive Plan and Zoning Text Amendment Requests	

Request for property-specific map change	
Initial request	\$319.00
If request is authorized by city council for review	\$319.00
Request for city-wide or neighborhood-wide policy change	No charge

General Notes:

1. Fee Reduction for Applications Processed Together: When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.
2. Projects with greater than 50 dwelling units or 50,000 sq. ft. nonresidential GFA: The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one-half.
3. Note for Sensitive Areas permits:
 - a. In cases where technical expertise is required, the Planning Official may require the applicant to fund such studies.
 - b. Voluntary wetland restoration and voluntary stream rehabilitation projects are not subject to fees.
4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.
5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.

(b) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased, by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

(c) MyBuildingPermit.com Surcharge. In addition to the fees listed in this section there shall be a one and three-tenths percent surcharge collected to pay for the city's MyBuildingPermit.com membership fees.

Exception: The MyBuildingPermit.com surcharge does not apply to the fees for comprehensive plan and zoning text amendment requests.

Section 2. This ordinance shall be in force and effect on March 1, 2012, after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of
_____, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

SECTION 1. Amends KMC 5.74.070 relating to Planning Department fees and adds an affordable housing incentive fee and fees for integrated development plan modifications.

SECTION 2. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as March 1, 2012, after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2012.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk