



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: City Council

From: Robin S. Jenkinson, City Attorney

Date: January 3, 2008

Subject: Development Fee Amendment/Temporary Use Permits

RECOMMENDATION

Consider the attached ordinance reducing the fee amount charged for Temporary Use Permits.

BACKGROUND DISCUSSION

On December 11, 2008, the City Council passed Ordinance 4127 which amended Building, Planning, and Public Works development fees. The Ordinance included an increase in the fee charged for Temporary Use Permits from \$760.00 to \$988.00. The new development fees enacted by Ordinance 4127 are to become effective February 1, 2008. As discussed at the January 2nd Council meeting, there is some concern that even before the increase the fee charged for Temporary Use Permits is too high. The attached ordinance would reduce the fee charged for Temporary Use Permits to \$500.00.

According to the Planning and Community Development Department, very few Temporary Use Permits are issued. The Finance and Administration Department confirmed that the fiscal impact of the proposed change is negligible. The attached ordinance also proposes two minor clarifications to the fees charged on the basis of vehicle trips for the Transportation Concurrency Analysis fee and the State Environmental Policy Act transportation component review.

Please let me know if you have any questions.

cc: Eric Shields, Planning and Community Development Director
Nancy Cox, Development Review Manager

ORDINANCE NO. 4129

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 1 OF ORDINANCE 4127 RELATING TO FEES CHARGED UNDER KMC 5.74.070 AND REDUCING THE FEE AMOUNT CHARGED FOR TEMPORARY USE PERMITS AND MAKING TWO CLARIFICATIONS.

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

Section 1. Section 1 of Ordinance 4127 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. The fees listed below go into effect February 1, 2008.

| FEE TYPE | FEE AMOUNT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <p>Presubmittal Meeting and/or Predesign Conference Note: Fee subtracted from the application fee if the application is submitted within six months of the date of the presubmittal meeting.</p> | \$475.00 |
| <p>Planning Official Decisions Accessory Dwelling Unit (not required if reviewed concurrently with a building permit) \$390.00 Personal Wireless Service Facility Planning Official Decision \$7,865.00 Personal Wireless Service Facility Subsequent or Minor Modification \$780.00 Parking Modification \$494.00 Sensitive Area Planning Official Decision or Administrative Design Review \$1,950.00 Fixed fee \$0.00 Fee per new unit \$0.00 Fee per square foot new GFA Master Sign Plan of Approval Modification \$780.00 Off-Site Directional Sign Approval Modification \$494.00 Design Review Approval Modification \$988.00 Design Review Approval Extension \$390.00 Historic Residence Alteration \$780.00 Rooftop Appurtenance Modification \$780.00</p> | |
| <p>Planning Director Decisions Temporary Use Permit</p> | |

| | |
|------------------------------------------------------------------------------|-----------------------------------|
| Variance Exception | \$988.00 <u>500.00</u> |
| Off-Site Directional Sign | \$988.00 |
| Master Sign Plan | \$988.00 |
| Short Plat or Subdivision Approval Modification | \$2,756.00 |
| Process I Approval Modification | \$780.00 |
| Process IIA, IIB or III Approval Modification | \$780.00 |
| Lot Line Alteration | \$988.00 |
| Binding Site Plan | \$988.00 |
| Multifamily Housing Property Tax Exemption Conditional Certificate | \$1,963.00 |
| Multifamily Housing Property Tax Exemption Contract Amendment | \$988.00 |
| Multifamily Housing Property Tax Exemption Conditional Certificate Extension | \$494.00 |
| Noise Variance | \$494.00 |
| | \$494.00 |
| Process I Review | |
| Short Subdivision | \$3,900.00 |
| Base fee | \$910.00 |
| Fee per lot | |
| Innovative Short Subdivision | \$6,370.00 |
| Fixed fee | \$910.00 |
| Fee per lot | |
| Substantial Development Permit | |
| General Moorage Facility | \$9,828.00 |
| Other Shoreline Improvements | \$4,212.00 |
| Personal Wireless Service Facility Process I Review | \$9,828.00 |
| Other Process I Review | |
| Residential | |
| Base fee | \$3,900.00 |
| Fee per new residential unit | \$455.00 |
| Nonresidential | |
| Base fee | \$3,900.00 |
| Fee per square foot new GFA | \$0.27 |
| Mixed Use | |
| Fixed fee | \$3,900.00 |
| Fee per new unit | \$455.00 |
| Fee per square foot new GFA | \$0.27 |
| Home Occupation | \$1,000.00 |
| Historic Residence Designation | \$1,000.00 |
| Process IIA Review | |
| Preliminary Subdivision | |
| Fixed fee | \$8,203.00 |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Fee per lot | \$988.00 |
| Innovative Preliminary Subdivision | |
| Fixed fee | \$10,166.00 |
| Fee per lot | \$988.00 |
| Personal Wireless Service Facility Process IIA Review | \$19,032.00 |
| Other IIA | |
| Base fee | \$6,877.00 |
| Fee per new residential unit | \$390.00 |
| Fee per square foot new nonresidential GFA | \$0.39 |
| Process IIB and Process III Review | |
| Subdivision Vacation or Alteration | \$8,424.00 |
| Historic Landmark Overlay or Equestrian Overlay | \$988.00 |
| Personal Wireless Service Facility Process IIB Review | \$27,456.00 |
| Other IIB or III | |
| Residential (Including Short Subdivisions Reviewed Through Process IIB per KMC 22.20.050) | |
| Base fee | \$10,608.00 |
| Fee per new residential unit | \$390.00 |
| Fee per square foot new nonresidential GFA | \$0.39 |
| Design Board Review | |
| Design Board Concept Review | \$1,344.00 |
| Design Board Design Response Review | |
| Base fee | \$4,116.00 |
| Fee per new unit | \$189.00 |
| Fee per square foot new GFA | \$0.19 |
| State Environmental Policy Act (SEPA) Fees | |
| Review of Environmental Checklist | |
| Base fee | \$520.00 |
| Applications involving traffic reports | |
| Less than 20 trips <u>or fewer</u> | \$850.00 |
| 21-50 trips | \$1,700.00 |
| 51-200 trips | \$3,400.00 |
| Greater than 200 trips | \$6,800.00 |
| Applications involving sensitive areas | \$260.00 |
| 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 | |

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.

Section 2. The fees set forth in Section 1 above, including the fee amended, go into effect February 1, 2008; provided that, a land use development permit application which the City determines was complete before the effective date of a revised fee, shall be charged the fee in effect on the date such application became a complete application.

Section 3. This ordinance shall be in force and effect five days from and 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 _____, 2008.

Signed in authentication thereof this ____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4129

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 1 OF ORDINANCE 4127 RELATING TO FEES CHARGED UNDER KMC 5.74.070 AND REDUCING THE FEE AMOUNT CHARGED FOR TEMPORARY USE PERMITS AND MAKING TWO CLARIFICATIONS.

SECTION 1. Amends the fee charged by the Planning Department in KMC Section 5.74.070 relating to temporary use permits.

SECTION 2. Provides an effective date for the fees and confirms the current rates remain in effect until that date.

SECTION 3. 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 five days 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 _____, 2008.

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

City Clerk