

RESOLUTION NO. 2014-32

A Resolution establishing fees for certain land use permits, appeals and other actions which are provided for in Ellensburg City Code ("ECC") Title 15 – Land Development Code and ECC Chapter 3.02 – Board of Appeals, and repealing Amended Resolution 2013-40.

WHEREAS, on January 6, 2014, the City of Ellensburg passed Amended Resolution 2013-40, which amended Resolution 2013-40 and established and adjusted various development fees for certain processes and decisions in ECC Title 15; and

WHEREAS, ECC Title 15 provides for the following land use review processes and decisions for which no corresponding fee is charged: critical area determinations, critical area report reviews and acceptance, critical area variances, unauthorized critical area alterations and enforcement, changes to approved preliminary and final subdivisions, changes to approved preliminary and final short subdivisions; and

WHEREAS, ECC Title 15 mandates the City to use the services of an outside Hearings Examiner for the following permit and appeal processes and decisions for which no corresponding fee is charged: variances, preliminary subdivisions, site specific rezones, master plan applications for P-R zone uses, appeals to certain Type II land use decisions; and

WHEREAS, ECC Chapter 3.02 provides for appeals to Building Official determinations and decisions to the City's Board of Appeals, for which no corresponding fee is charged; and

WHEREAS, the staff costs and direct expenses incurred by the City in all of the above enumerated permit and appeal actions are wholly subsidized by the City's General Fund with no financial contribution from the applicants or appellants initiating said enumerated land use and appeal actions; and

WHEREAS, the City determines that applicant and appellants for said enumerated land use permits and actions should be required to pay fees and

charges to cover a portion of staff costs, and the full cost of direct expenses incurred by the City as a result of the administration of said land use permits and actions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. Repeal of Prior Resolutions. Resolution Nos. 2013-40 and 2013-40, Amended, are hereby repealed in their entirety.

Section 2. Fee Schedule. The following enumerated land use permit applications and appeals pursuant to ECC Title 15 and ECC Chapter 3.02 will be charged new fees, or assessed direct costs according to the following new schedule.

- A. Rezone or zone change: \$1,200
- B. Conditional Use Permit: \$346 except if it involves only a home occupation in which case the fee is \$65.
- C. Code Interpretation: \$75
- D. Variance: \$500
- E. Pre-application review: \$500. The fee charged for pre-application review shall be credited towards any additional city permit fee charges applicable under this Resolution to the proposed subject property, provided that such additional permit applications are applied for and deemed complete by the City within two (2) years from the date of completion of the pre-application review. If no additional city permits are sought for the proposed property subject to the pre-application review, the applicant shall not be refunded any portion of the pre-application review fee.
- F. State Environmental Policy Act (SEPA).
 - 1. Checklist Review and Threshold Determination: \$800
 - 2. Environmental Impact Statement (EIS) Preparation and Review.
 - a. When the City is the lead agency for a proposal requiring an EIS, the responsible official may determine that either:
 - i. the EIS shall be prepared by employees of the City, in which instance the City may charge and collect a reasonable fee from

the project applicant to cover all costs incurred by the City in preparing the EIS. The Responsible Official shall advise the applicant of the projected costs for the EIS and the applicant shall post bond or otherwise ensure payment of such costs prior to the City initiating the process to prepare the EIS.

- ii. the EIS shall be prepared by a consultant, in which instance the responsible official shall select such consultant through a call for proposals and the applicant shall be responsible for payment of all costs associated with the EIS preparation. The City shall require the applicant to post a bond or otherwise ensure payment of such costs.
- b. The applicant shall be responsible for payment to the City of all costs of meeting the SEPA public notice requirements relating to the applicant's proposal.
- c. If a proposal is modified so that an EIS is no longer required or if a proposal is totally withdrawn, the Responsible Official shall refund any SEPA fees collected which remain after all incurred costs have been paid.

G. Subdivisions (10 or more lots).

- 1. Preliminary subdivision application: \$1,200;
- 2. Final subdivision application: no charge except the applicant shall be responsible for the cost of recording the final subdivision with the Kittitas County Auditor.

H. Short subdivisions (less than 10 lots).

- 1. Preliminary short subdivision application: \$350;
- 2. Final short subdivision application: no charge except the applicant shall be responsible for the cost of recording the final short subdivision with the Kittitas County Auditor.

- I. Boundary line adjustments: \$300 plus the cost associated with recording the boundary line adjustment with the Kittitas County Auditor.
- J. Binding site plan review: \$1,200 plus the cost associated with recording the binding site plan with the Kittitas County Auditor.
- K. Development Agreements: \$1,500

- L. Appeals pursuant to ECC 15.230: \$450
- M. Temporary use permits pursuant to ECC 15.250.010: \$75
- N. Site Development permits pursuant to ECC 15.250.020: \$75
- O. Design Review pursuant to ECC 15.250.030.
 - 1. Non-landmark register properties: \$200;
 - 2. Landmark register properties: no charge
- P. Critical Area Determinations - \$150
- Q. Critical Area Report Review - \$400
- R. Critical Area Variance – Type II decision - \$400
- S. Unauthorized Critical Area Alternative and Enforcement - \$500 plus fee for any permit determined by the Director to have been required prior to the unauthorized actions.
- T. Use by the City of an outside professional consultant for any determination or decision made pursuant to critical area decisions.
 - 1. In addition to any established fee, the applicant shall pay an additional fee of \$600.
 - 2. If the direct final costs incurred by the City for use of the outside consultant are less than the \$600 fee, the difference shall be returned to the applicant. If the direct final costs incurred by the City for use of the outside consultant exceed the \$600 fee, these additional costs shall be billed to and paid for by the applicant.
- U. Use of a Hearing Examiner's services.
 - 1. The following permits, decisions and appeals shall be subject to the fee and payment schedule included in U(2) below:
 - a. Variances
 - b. Preliminary subdivisions
 - c. Site specific rezones
 - d. Master plan applications for P-R uses;
 - e. Appeals to those Type II decisions that are directed to the Hearing Examiner for a decision as provided in ECC Title 15.
 - 2. In addition to the existing processing fees currently established for the above enumerated permits and decisions, an applicant or appellant shall be required to pay a fee of \$600.

- a. If the direct costs incurred to the City for the use of a Hearing Examiner are less than \$600, the difference shall be returned to the Applicant or Appellant.
- b. If the direct costs incurred to the City for the use of a Hearing Examiner exceed the \$600, these additional costs shall be billed to and paid for by the applicant or appellant.

V. Appeals to Building Official determinations or decisions to the Board of Appeals: \$400.

W. Changes to approved preliminary and final subdivisions.

- 1. If the proposed changes are Type I decisions: \$250.
- 2. If the proposed changes are Type IV decisions: \$450.

X. Changes to approved preliminary and final short subdivisions.

- 1. If the proposed changes are Type I decisions: \$250.
- 2. If the proposed changes are Type II decisions: \$450.

Y. Miscellaneous fees.

- 1. Zoning maps: \$5;
- 2. Copies (per sheet) – 8.5x11: \$0.15; 18x24: \$2.25; 24x26: \$3.00.

Section 3. Miscellaneous.

- A. The City Manager or his/her designee, and any other administrative officials of the City, shall be exempt from such fees, charges, or expenses established by the Resolution when making applications or appeals on behalf of the City.
- B. No permit or decision shall be issued, nor any action be taken in furtherance of the permit, decision, or appeal unless or until the applicable costs, charges, fees, or expenses have been paid in full.
- C. No fee shall be required for any action submitted by the City Council.
- D. Upon application, the City Council may waive any of the fees described herein; provided that a finding shall be made that one or more of the following conditions exists:
 - 1. if the applicant or appellant meets the criteria for indigent status in accordance with Washington Courts General Rule (GR) 34;

2. if payment of a fee resulted from an improper action by an administrative official of the City.

Section 4. Savings. Resolution Nos. 2013-40 and 2013-40, Amended, and the fees established by those resolutions, shall remain in full force and effect until the date the new fees are assessed and collected in accordance with this Resolution.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

Effective Date. This Resolution shall become effective five days after publication.

PASSED AND APPROVED by the City Council of the City of Ellensburg, Washington this 3rd day of November, 2014.



Mayor

Attest:



City Clerk