



SEATTLE CITY COUNCIL

Legislative Summary

CB 118538

Record No.: CB 118538

Type: Ordinance (Ord)

Status: Passed

Version: 1

124918

In Control: City Clerk

File Created: 09/11/2015

Final Action: 12/01/2015

Title: AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Sections 22.900B.010 and 22.900C.010.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Licata

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/28/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	Notes:						
1	City Clerk	10/20/2015	sent for review	Budget Committee			
	Action Text:	The Council Bill (CB) was sent for review. to the Budget Committee					
	Notes:						
1	Full Council	10/26/2015	referred	Budget Committee			
	Action Text:	The Council Bill (CB) was referred. to the Budget Committee					
	Notes:						
1	Budget Committee	11/16/2015	pass				Pass
	Action Text:	The Committee recommends that Full Council pass the Council Bill (CB).					
	Notes:						
	In Favor:	7	Chair Licata, Member Bagshaw, Member Burgess, Member Godden, Member O'Brien, Member Rasmussen, Member Sawant				
	Opposed:	0					

Absent(NV): 1 Okamoto

1 Full Council 11/23/2015 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

Notes:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember
Godden, Councilmember Harrell, Councilmember Licata, Councilmember
O'Brien, Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1 City Clerk 11/30/2015 submitted for Mayor
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1 Mayor 12/01/2015 Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

1 Mayor 12/01/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1 City Clerk 12/01/2015 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE
ORDINANCE 124918
COUNCIL BILL 118538

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Sections 22.900B.010 and 22.900C.010.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 22.900B.010 of the Seattle Municipal Code, which section was last amended by Ordinance 124636, is amended as follows:

22.900B.010 Base fee and hourly rate

A. The DPD base fee shall be charged as specified in this ((~~subtitle~~)) Subtitle IX and shall be \$190.

B. Any services provided by the Department for which an hourly charge is assessed shall be charged at a rate specified in this ((~~subtitle~~)) Subtitle IX.

The hourly rate for land use review is ((~~\$250~~)) \$280. The rate for all other hourly fees is \$190 an hour except where a different hourly rate is specified in this ((~~subtitle~~)) Subtitle IX.

Where "DPD hourly rate" is specified in this ((~~subtitle~~)) Subtitle IX, the rate is \$190 an hour.

C. Where an hourly rate is specified, overtime shall be charged at that same rate. Where no hourly rate is specified, overtime shall be charged at \$190 an hour. All overtime shall require approval by the Director. The minimum fee for each overtime request shall be one hour, with minimum increments of 1/4 hour, in addition to other permit fees established by this subtitle.

Section 2. Section 22.900C.010 of the Seattle Municipal Code, last amended by Ordinance 124636, is amended as follows:

22.900C.010 Land Use Fees

* * *

2

A. MASTER USE PERMIT, ENVIRONMENTAL CRITICAL AREAS, CITY COUNCIL and HEARING EXAMINER APPROVALS

Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and are payable at time of invoice.

Type of Land Use Review	Minimum Fee
General—first 10 hours of review	Land use Hourly × 10
Low-Income Housing—first 24 hours of review ¹	Land use Hourly × 10
1. Administrative conditional uses (ACUs)	
ACUs for community centers, child care centers, adult care centers, private schools, religious facilities and public and private libraries in single family and multi-family zones shall be charged a minimum fee of \$1,620 for the first 20 hours. Additional hours shall be charged at the rate of ((\$250)) <u>\$280</u> an hour. This exception applies if the application is for an ACU only, or an ACU combined with a variance application.	
2. Design Review	
The minimum fee for Administrative Design Review, Master Planned Community Design Review and Streamlined Design Review is ((\$2,500)) <u>\$2,800</u> . The minimum fee for full Design Review is ((\$5,000)) <u>\$5,600</u> , which covers the first 20 hours of review. Refer to Table C-1 #15 for 22.900C.010 for fees related to Design Review for Tree Protection.	
3. Environmental reviews (SEPA), including projects with more than one addressed site.	
4. Environmentally critical areas (ECA)	
a. Environmentally Critical Areas variance ²	
b. ECA Exception	
c. Environmentally Critical Areas Administrative Conditional Use	
5. Shoreline permits	
a. Substantial development permits	
b. Variances ² and conditional uses	
6. Short subdivisions ³ ; refer to Table D-2 #10 for 22.900D.010 for additional fees that may apply to this permit type	
7. Special exceptions	
8. Variances ²	
Variances for community centers, child care centers, adult care centers, private schools, religious facilities and public and private libraries in single family and multi-family zones shall be charged a minimum fee of \$1,620 for the first 20 hours. Additional hours shall be charged at the rate of ((\$250)) <u>\$280</u> an hour. This exception applies if the application is for a variance only, or a variance combined only with an ACU application.	
9. Type II land use approvals such as, but not limited to, planned community/ residential development, major phased developments and other Type II approvals that are not categorized otherwise in Table C-1 for 22.900C.010.	
10. The minimum fee for Council conditional uses, Rezones, Public Projects and all other Type IV and Type V land use approvals shall be ((\$5,000)) <u>\$5,600</u> , which covers the first 20 hours of review.	
11. Full subdivisions ⁴ ; refer to Table D-2 #10 for 22.900D.010 for additional fees that may	

apply to this permit type

12. Reserved

13. Reserved

B. MISCELLANEOUS HOURLY LAND USE REVIEWS, RESEARCH, AND OTHER SERVICES

Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and payable at time of invoice.

Type of Land Use Review	Minimum Land Use Review Fee
14. Concurrency	Reserved
15. Design Review for Tree Protection ⁵	
a. Design review required by Section 25.11.070 or Section 25.11.080 to protect exceptional tree if no other land use reviews are required	Land Use Hourly × 10
b. Design review elected by applicant for tree protection	Land Use Hourly × 10
16. Other Environmentally Critical Area (ECA) Review under ((SMC)) Chapter 25.09 or Chapter 23.60A	
a. ECA review for Wetlands, Fish & Wildlife Habitat Conservation Areas on land use or construction permits shall be charged on an hourly basis	Land Use Hourly × 1
b. Review to determine Environmentally Critical Area exemption for Wetlands and Riparian Corridor and Shoreline ECAs shall be charged on an hourly basis	
17. Early design guidance	Land Use Hourly × 10
18. Establishing use for the record: Refer to Table D-2 #9 for 22.900D.010 for additional fees that may apply to this permit type	Land Use Hourly × 2
19. Extensions of Type IV Council Land Use Decisions	Land Use Hourly × 2
20. Land Use Code Interpretations ⁶	Land Use Hourly × 10
21. Letters for detailed zoning analysis or permit research	Land Use Hourly × 4
22. Lot Boundary Adjustment, Temporary Use > 4 weeks; refer to Table D-2 #10 for 22.900D.010 for additional fees that may apply to this permit type	Land Use Hourly × 5
23. Major Institution - review of annual plan	Land Use Hourly × 6
24. Major phased development permit - minor amendment	Land Use Hourly × 2
25. Neighborhood planning	Reserved
26. Noise survey review and variance	See Table D-2 for 22.900D.010 and Section 22.900F.020
27. Open space remainder lots and surplus state property	Land Use Hourly × 4
28. Pre-application conference ⁷	Land Use Hourly × 2
29. Property Use and Development Agreement (PUDA) - minor	Land Use Hourly × 2

1	amendment	
2	30. Public benefit feature review	Land Use Hourly × 2
3	31. Renewals	Land Use Hourly × 2
4	32. Revisions other than shoreline revisions	Land Use Hourly × 1
5	33. School use and school development advisory committee reviews	Land Use Hourly × 10
6	34. Shoreline exemptions	Land Use Hourly × 1
7	35. Shoreline permit revisions not due to required conditions	Land Use Hourly × 2
8	36. Special accommodation	Land Use Hourly × 2
9	37. Structural building overhangs and areaways as a separate component	Land Use Hourly × 2
10	38. Tree and Vegetation Restoration Review in ECA above minimum threshold where SEPA is not required other than for the restoration (25.09.320.A.3.c(2)(b))	Land Use Hourly × 2
11	39. Street Improvement Exceptions on a Land Use permit	Land Use Hourly × 2
12	C. NON-HOURLY LAND USE FEES	
13	Type of Land Use Review	Fee
14	40. Curb cuts as a separate component	
15	a. Single-family residential	\$78 each
16	b. Other than single-family residential	\$154 each
17	41. File Management	
18	a. Placing projects on hold at applicant request	DPD Base Fee × 1
19	b. Splitting or combining projects	
20	42. Intake appointments for land use reviews; fee is charged for each occurrence	DPD Base Fee × 1
21	43. Notice. All notice is charged based upon type for each occurrence. ⁸	
22	a. Land use information bulletin (GMR notice)	DPD Base Fee × 1
23	b. Posting large sign or placards	\$118
24	c. Mailed notice	DPD Base Fee per 500 pieces of mail or portions thereof
25	d. DJC decision publication	\$184
26	e. Neighborhood newspaper publication	Rate charged by newspaper
27	f. Public meeting room rental	\$119
28	44. Rebuild Letters	
	a. With Research	DPD Base Fee × 1
	b. Without Research	\$40
	45. Records research by the Public Resource Center	DPD Base Fee × 1
	46. Recording Fees, for LBA, Short Subdivision	Rate charged by King County ⁹

47. Shoreline Extensions

DPD Base Fee × 1

Footnotes to Table C-1 for 22.900C.010:

¹For purposes of these land use fees, low-income housing is housing that both (1) satisfies the definition of "housing, low income" in Section 23.84A.016; and (2) where at least 50 percent of the total gross floor area of each structure on the site is committed to low-income housing use for at least 20 years.

²The single variance fee shall be applicable whether the project requires one or multiple variances.

³Includes short subdivisions in environmentally critical areas.

⁴Includes unit-lot subdivisions and full subdivisions in environmentally critical areas.

⁵This fee applies if design review is initiated only for tree protection and the application has no other review under Items 1—14.

⁶The fees for interpretations of ((SMC)) Chapters 25.12, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.

⁷The pre-application conference fee covers a one hour conference and one hour of research and/or follow-up review time that normally occurs, for a total of two hours. Additional pre-application review time will be charged at the Land Use hourly rate. See also Section 22.900C.010.E.

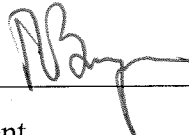
⁸Additional notice may be given in circumstances including but not limited to the following: reinstallation of environmental review signs, reposting of the land use review or environmental signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

⁹Recording fees will be charged the current rate as established and charged by King County at the time of document recording.

Section 3. If any section or subsection of the Seattle Municipal Code affected by this ordinance is amended by another ordinance without reference to amendments made by this ordinance, each ordinance shall be given effect to the extent that the amendments do not conflict in purpose, and the code reviser may publish the section or subsection in the official code with all amendments incorporated therein.

Section 4. This ordinance shall take effect on January 1, 2016.

Passed by the City Council the 23rd day of Nov., 2015, and
signed by me in open session in authentication of its passage this
23rd day of Nov., 2015.



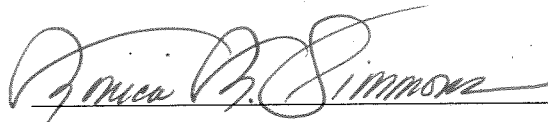
President _____ of the City Council

Approved by me this 1st day of December, 2015.



Edward B. Murray, Mayor

Filed by me this 1st day of December, 2015.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Department of Planning & Development	Kris Castleman/4-5243	Melissa Lawrie/4-5805

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Sections 22.900B.010 and 22.900C.010.

Summary and background of the Legislation: This legislation raises DPD's hourly rate for land use review by 12% to help support direct and indirect program costs. As proposed, the rate Land Use Hourly rate would change from \$250 to \$280. The land use hourly rate has not been increased since 2001, when it was raised from \$175 to \$250. Such a changed is following the principles set forth in Resolution 29502 which resulted from the 1996 Program and Funding Study of the then Department of Construction and Land Use.

2. CAPITAL IMPROVEMENT PROGRAM

 This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

 X This legislation has direct financial implications.

Budget program(s) affected:	Land Use Services			
Estimated \$ Appropriation change:	General Fund \$		Other \$	
	2015	2016	2015	2016
Estimated \$ Revenue change:	Revenue to General Fund		Revenue to Other Funds	
	2015	2016	2015	2016
				\$632,132
Positions affected:	No. of Positions		Total FTE Change	
	2015	2016	2015	2016
Other departments affected:				
	None			

3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

☒ This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2015 Revenue	2016 Estimated Revenue
Planning and Development (15700)	Planning and Development	Land Use Fees		\$632,132
TOTAL				\$632,132

Revenue/Reimbursement Notes:

None.

3.c. Positions

☐ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

No.

- b) Is there financial cost or other impacts of not implementing the legislation?

Not implementing this legislation as proposed would create a situation where the costs, both direct and indirect, of the regulatory program for which the fee is authorized exceed the revenue generated by the fee. Resolution 29502 indicates a fee increase is appropriate under those circumstances.

- c) Does this legislation affect any departments besides the originating department?

No significant impacts on other departments are anticipated.

- d) Is a public hearing required for this legislation?

No.

- e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

- f) Does this legislation affect a piece of property?

No.

g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No adverse RSJI implications are anticipated from this fee increase. This fee increase is focused on providing additional revenue that would support the hiring of several new staff through the Mayor's 2016 Proposed Budget. Additional staff would increase the program's capacity for permit reviews, and is expected to result in improved overall permitting timelines. Improved permitting timelines should result in lower overall costs to any property owner who engages in a development proposal that would trigger a Master Use permit.

h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

No

i) Other Issues:

None.

List attachments/exhibits below:

None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

331452

No. 124914,915,916,918,919,20

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

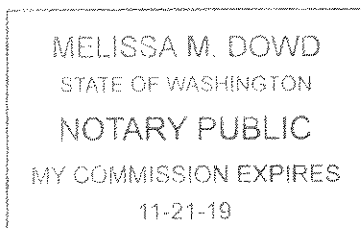
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

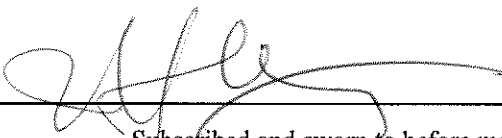
was published on

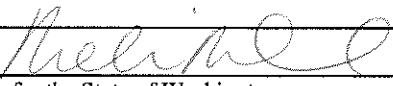
12/15/15

The amount of the fee charged for the foregoing publication is the sum of \$139.50 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
12/15/2015


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County
City of Seattle
Title Only Ordinances

The full text of the following legislation, passed by the City Council on November 23, 2015, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Document Type Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 12491

AN ORDINANCE relating to the drainage and wastewater system of The City of Seattle; adopting a system or plan of additions and betterments to and extensions of the existing drainage and wastewater system; authorizing the issuance and sale of drainage and wastewater revenue bonds, in one or more series, for the purposes of paying part of the cost of carrying out that system or plan, providing for the reserve requirement, and paying the costs of issuance of the bonds; providing for certain terms, conditions, covenants and the manner of sale of the bonds; describing the lien of the bonds; creating certain accounts of the City relating to the bonds; ratifying and confirming certain prior acts; and amending certain definitions set forth in the Omnibus Refunding Bond Ordinance relating to drainage and wastewater refunding revenue bonds.

Ordinance 124915

AN ORDINANCE relating to the solid waste system of The City of Seattle; amending Ordinance 121940, as amended by Ordinance 122498, to conform Ordinance 121940 to reflect changes recently made by the City to update its standard form of bond ordinance; and ratifying and confirming certain prior acts.

Ordinance 124916

AN ORDINANCE relating to the electric system of The City of Seattle; authorizing the issuance and sale of municipal light and power revenue bonds for the purposes of providing funds for certain additions and betterments to and extensions of the existing municipal light and power plant and system of the City, paying the costs of issuance of those bonds and providing for the reserve fund requirement; providing for the terms, conditions, covenants and manner of sale of those bonds; describing the lien of those bonds; ratifying and confirming certain prior acts; and amending certain definitions set forth in the Omnibus Refunding Bond Ordinance relating to municipal light and power revenue bonds.

Ordinance 124918

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Sections 22.900B.010 and 22.900C.010.

Ordinance 124919

AN ORDINANCE establishing a new Office of Planning and Community Development and a new Seattle Department of Construction and Inspections; abolishing the Department of Planning and Development; and amending the Seattle Municipal Code to implement those organizational changes and make technical revisions; all by a 2/3 vote of the City Council.

Ordinance 124920

AN ORDINANCE relating to certain functions of the executive branch of City government; creating a Seattle Information Technology Department; establishing the powers and duties of the new department; abolishing the Department of Information Technology and transferring functions currently performed by that department; transferring functions currently performed by other departments in the executive branch; making provisions for transition; adding Chapter 3.23; repealing Chapters 3.22 and 18.14; and amending Sections 3.39.020, 4.13.010, 5.09.020, 10.02.060, 15.32.300, and 21.60.040 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, December 15, 2015.

12/15(331452)