

CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: C 8

DATE: January 24, 2008

SUBJECT: Ordinance 979-08 Amendment to Chapter 2.26 and 21.04

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is the first reading of Ordinance 979-08 (Attachment A) to amend SMC 2.263140 (B)(2) and SMC 21.04.030 to remove the fees set in the code and provide for the fee to be set by resolution through the annual fee schedule adopted by the Council.

SUMMARY:

Chapter 2.26.140 (B)(2) sets the amounts for an appeal at \$50.00. This amount is not consistent with the fee schedule approved by the Council and does not cover the cost incurred by the City for staff time to process the appeal. . The fee schedule sets appeals at \$1000 + direct costs

Chapter 21.04-030 set the amount for a conditional use permit at \$850.00.. This amount is not consistent with the fee schedule approved by the Council and does not cover the cost incurred by the City for staff time to process the appeal. The fee schedule sets conditional use permits at \$500 + direct costs

The City has established a fee schedule that is adopted as part of the annual budget process. As a part of the budget process, all fees are reviewed to determine that the amount charged covers the cost of the service provided.

The use of the fee schedule allows staff and the general public the ability to access information on all fees in one document.

ALTERNATIVES:

1. Do not amend SMC 2.26.140 and SMC21.04.030. This will require that the City charge the fee as set out in the code.
2. Amend SMC 2.26.140 and SMC 21.04.030 to provide that the fees be set by resolution. This will allow the City to set the fee at an amount adequate to cover staff costs.

STAFF RECOMMENDATION

Staff recommends the adoption of Ordinance 979-08 amending SMC 2.26.140 and SMC 21.040.030 to set fees by resolution.

MOTION:

Move to introduce Ordinance 974-07 and pass on the first reading.

Attachments: A. Ordinance 979-08
B. SMC 2.26 and 21.04

CITY OF SULTAN
SULTAN WASHINGTON
ORDINANCE 979-08

AN ORDINANCE OF THE CITY OF SULTAN AMENDING CHAPTER
2.26 AND 21.04 OF THE SULTAN MUNICIPAL CODE REGARDING FEES.

THE CITY COUNCIL OF THE CITY OF SULTAN DO ORDAIN AS FOLLOWS:

Section 1: Chapter 2.26140 (b)(2) of the Sultan Municipal Code is hereby amended to read as follows:

2.26.140 B 2. Appeals filed with the city clerk shall be in writing, shall contain a detailed statement of grounds for appeal and the facts upon which the appeal is based, and shall be accompanied by a fee as set by resolution of ~~\$50.00~~; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant. All council proceedings shall be limited to those matters expressly raised in a timely written appeal or appeals.

Section 2: Chapter 21.04.030 of the Sultan Municipal Code is hereby amended to read as follows:

21.04.030 Application – Requirements and fees: Application for conditional use permits shall be filed with the planning department on forms prescribed by that office. A filing fee as set by resolution of ~~\$850.00~~ shall accompany all applications. The planning commission will review applications for conditional use permits and the recommendations will be passed to the city council for final action. The planning commission may recommend to the city council denial, approval, or approval with conditions. Conditional use applicants must adhere to all applicable public notification requirements. Denial of conditional use permit applications is not appealable. All conditional use permits are subject to design review procedures.

Severability: This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Effective Date: This ordinance shall be in full force and effect five days after publication as required by law.

REGULARLY ADOPTED this 24th day of January 2008.

Carolyn Eslick, Mayor

Attest:

Laura J. Koenig, City Clerk

Approved as to form:

Kathy Hardy, City Attorney

Published:

ATTACHMENT A

2.26.140 Appeal from examiner's decision.

A. The grounds for filing an appeal of an examiner's decision shall be limited to the following:

1. Newly discovered evidence which is material to the examiner's decision and which could not reasonably have been produced at the examiner's hearing;
2. The examiner exceeded his jurisdiction;
3. The examiner failed to follow the applicable procedure in reaching his decision;
4. The examiner committed an error of law or misinterpreted the applicable zoning ordinance, comprehensive plan, provisions of the city's code or other city or state law or regulation; or
5. The examiner's findings and conclusions are not supported by the record.

B. 1. Where the examiner's decision is final and conclusive with right of appeal to the council, any such appeal shall be filed by the applicant, a department of the city, or other aggrieved person or agency with the city clerk/treasurer within 10 calendar days following the rendering of the examiner's decision pursuant to SMC [2.26.120](#). In computing the time in which to file an appeal with the council, the date the examiner's decision is rendered shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or a legal holiday.

2. Appeals filed with the city clerk/treasurer shall be in writing, shall contain a detailed statement of grounds for appeal and the facts upon which the appeal is based, and shall be accompanied by a fee of \$50.00; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant. All council proceedings shall be limited to those matters expressly raised in a timely written appeal or appeals.

21.04.030 Application – Requirements and fees.

Application for conditional use permits shall be filed with the planning department on forms prescribed by that office. A filing fee of \$850.00 shall accompany all applications. The planning commission will review applications for conditional use permits and the recommendations will be passed to the city council for final action. The planning commission may recommend to the city council denial, approval, or approval with conditions. Conditional use applicants must adhere to all applicable public notification requirements. Denial of conditional use permit applications is not appealable. All conditional use permits are subject to design review procedures. (Ord. 690-98)

ATTACHMENT B