

**CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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DATE: January 24, 2008  
ITEM #: Consent C 4  
SUBJECT: Ordinance 979-08 Amendment to Chapter 2.26  
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**ISSUE:**

The issue before the Council is the second reading of Ordinance 979-08 (Attachment A) to amend SMC 2.26.140 (B)(2) 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

The ordinance was amended to delete the section that changed Chapter 21.04.030 to set the amount for a conditional use permit by resolution. It was requested that the City Attorney review Title 21 to determine if the public participation process is required prior to amending the code as this is a land use issue.

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. This will require that the City charge the fee as set out in the code.
2. Amend SMC 2.26.140 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 as amended to set fees in SMC 2.26.140 by resolution.

**MOTION:**

Move to adopt Ordinance 979-08.

Attachments: A. Ordinance 979-08

CITY OF SULTAN  
SULTAN WASHINGTON  
ORDINANCE 979-08

AN ORDINANCE OF THE CITY OF SULTAN AMENDING CHAPTER  
2.26 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.

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 14th day of February 2008.

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Carolyn Eslick, Mayor

Attest:

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Laura J. Koenig, City Clerk

Approved as to form:

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Kathy Hardy, City Attorney

Published: