

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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| AGENDA TITLE: | Adoption of Ordinance Nos. 737 and 738 - Amending Fee Table, Chapter 3.01 of the Shoreline Municipal Code to Correct Errors and Add an Additional Fee |
| DEPARTMENT: | Administrative Services Department |
| PRESENTED BY: | Rick Kirkwood, Budget Supervisor |
| ACTION: | <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing |

PROBLEM/ISSUE STATEMENT:

On November 23, 2015, with the enactment of Ordinance No. 728, Council adopted the 2016 budget, including a new fee schedule located in Shoreline Municipal Code 3.01. After adoption of Ordinance No. 728, staff identified errors in the administrative fee associated with Transportation Impact Fees, Building Permits, and Surface Water management rate table. Amendments to SMC 3.01.010(A), 3.01.015(B), and 3.01.400(B) are needed to correct these errors. Proposed Ordinance No. 737 makes these corrections.

In addition, given recent activity of public records requests, SMC 3.01.220 needs to be amended to include a rate for additional storage media that may be need to respond to request. Proposed Ordinance No. 738 makes this addition.

On January 25, 2016, the Council discussed proposed Ordinance Nos. 737 and 738. If updates or revisions are needed based on that night’s discussion, staff will amend this staff report. Tonight’s action would adopt these proposed ordinances.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact resulting from these amendments. The rates or provisions were established based on erroneous methodologies which were not intended or were inadvertently omitted. The additional fee for public records media storage is only intended to reimburse the City for actual costs incurred.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance Nos. 737 and 738 to correct and amend SMC Chapter 3.01, Fee Schedule.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

On November 23, 2015, with the enactment of Ordinance No. 728, Council adopted the 2016 budget, including a new fee schedule located in Shoreline Municipal Code 3.01. After adoption of Ordinance No. 728, staff identified errors in the administrative fee associated with Transportation Impact Fees, Building Permits, and Surface Water management rate table. Amendments to SMC 3.01.010(A), 3.01.015(B), and 3.01.400(B) are needed to correct these errors. Proposed Ordinance No. 737, included as Attachment A, makes these corrections.

In addition, given recent activity of public records requests, SMC 3.01.220 needs to be amended to include a rate for additional storage media that may be need to respond to request. Proposed Ordinance No. 738, included as Attachment B, makes this addition.

On January 25, 2016, the Council discussed proposed Ordinance Nos. 737 and 738. A copy of the staff report for the January 25, 2016 discussion of these ordinances can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport012516-8b.pdf>. If updates or revisions are needed based on that night's discussion, staff will amend this staff report.

DISCUSSION

As was discussed on January 25, proposed Ordinance Nos. 737 and 738 would correct and amend SMC Chapter 3.01, Fee Schedule, as follows:

Administrative Fee Associated with the Transportation Impact Fee

As adopted, the administrative fees defined in SMC 3.01.15(B) for Transportation impact fees were increased from 2015 based on the WSDOT Construction Cost Index (CCI), a methodology used to escalate the Transportation Impact Fees. However, this was an incorrect methodology to use as these administrative fees are to be consistent with those used for Planning and Community Development fees, which are adjusted based on Consumer Price Index (CPI). Furthermore, several footnotes to the rate table related to the administration of these fees were inadvertently omitted from the fee schedule as was the administrative fee for the Single-Family Residential Deferral Program.

Building Permit Fee

As adopted in SMC 3.01.010, the base hourly rate for Planning and Community Development fees was increased from the 2015 rates, establishing a new hourly rate of \$161.25. However, when it comes to building valuations set forth in SMC 3.01.010(A), the range of valuation needed to be increased to a maximum of \$8,000 in (A)(1) and a minimum of \$8,001 in (A)(2) in order to ensure that the minimum hourly rate was consistent. Specifically, (A)(2) requires at least a one-hour minimum charge, or \$161.25. But, utilizing the codified formula set forth in this section, the fee for a permit valued at \$7,001 would be \$145.00, less than the newly established minimum hourly rate. By increasing the range to \$8,000/\$8,001 respectively, the fee will be consistent with the established hourly rate.

Surface Water Management Fee

As adopted in SMC 3.01.400(B), the Surface water management rate table includes a discount for certain parcels which was originally intended to be phased out with a 50 percent reduction in 2016 and completely eliminated in 2017. On November 9, 2015, during presentations on the 2016 budget, staff advised the City Council that King County could not accommodate the elimination of the credit in two phases and thereby recommended that the full credit be provided in 2016 with full elimination in 2017. The November 9, 2015 staff report is available here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport110915-8a.pdf>

However, the language proposed at the time of adoption was not correctly modified and attached to the final budget ordinance that Council adopted on November 23, 2015. Therefore, an amendment is needed to correct this omission.

In addition, as adopted, SMC 3.01.400(B)(2) reflects the 50 percent reduction to the credit in 2016. The published rates, however, do not accurately reflect the full credit to which a property owner is entitled. The correct rate reflecting the full credit being provided in 2016, \$80.39 per parcel and \$186.70 per acre, were presented to the Council at the November 9 meeting (see link above). In addition, the formula in SMC 3.01.400(B)(2)(c) must also be removed as it is no longer relevant.

Additional Public Records Fee

After adoption of the 2016 budget, the City received a voluminous public records request. In reviewing this request, it was determined that the City may need to utilize various mechanisms of media storage to fulfill the request, such as external hard drives. The Public Records Act, 42.56 RCW, permits the City to recoup actual costs directly incident to providing copies. Therefore, SMC 3.01.220 needs to be amended to provide a generic "other" media storage at the cost incurred by the City. Proposed Ordinance No. 738 provides for this amendment.

RESOURCE/FINANCIAL IMPACT

There is no financial impact resulting from these amendments. The rates or provisions were established based on erroneous methodologies which were not intended or were inadvertently omitted. The additional fee for public records media storage is only intended to reimburse the City for actual costs incurred.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance Nos. 737 and 738 to correct and amend SMC Chapter 3.01, Fee Schedule.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 737

Attachment B – Proposed Ordinance No. 738

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 737

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 3.01 TO THE SHORELINE MUNICIPAL CODE TO CORRECT THE BUILDING PERMIT VALUATIONS RANGE, ADMINISTRATIVE FEE FOR IMPACT FEES, AND TO INCLUDE INADVERTENTLY OMITTED PROVISIONS FOR THE IMPACT FEE DEFERRAL PROGRAM FEE AND ADMINSTRATIVE OF THE ADMINISTRATIVE FEES FOR IMPACT FEES AND TO MODIFY THE STORMWATER MANAGEMENT FEE RATE TABLE RATES AND CREDITS.

WHEREAS, on November 23, 2015, the City Council enacted Ordinance No. 728 approving the annual budget which included the repeal of the exhibit Shoreline Municipal Code (SMC) Chapter 3.01 *Fee Schedule* and the adoption of a new Chapter 3.01 as set forth in Exhibit A to the Ordinance; and

WHEREAS, after enactment of Ordinance No. 728, City Staff noted an error in the building permit valuations range in SMC 3.01.010(A) which sets the fee for building permits; and

WHEREAS, after enactment of Ordinance No. 728, City Staff noted an error in the administrative fee rate in SMC 3.01.015(B) which arose from the use of an incorrect index methodology for establishing the administrative fee rate; and

WHEREAS, after enactment of Ordinance No. 728, City Staff noted that the administrative fee for the Single-Family Residential Impact Fee Deferral Program and the notes relating to the administration of the transportation impact fee administrative fees were inadvertently omitted in their entirety; and

WHEREAS, after enactment of Ordinance No. 728, City Staff noted that the wording for the discount available for the surface water management fee was incorrect as it could no longer be phased for elimination and the annual fees with tax were overstated; and

WHEREAS, an amendment is needed to correct these errors;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 3.01.010(A). SMC 3.01.010(A) is amended as shown below:

3.01.010 Planning and community development.

| Type of Permit Application | 2016 Fee Schedule |
|--|--|
| | Fee Based on \$161.25 Per Hour |
| A. BUILDING | |
| Valuation (the total valuation is the “building permit valuations” as delineated in Section R108.3 of the International Residential Code and Section 108.3 109.3 of the International Building Code): | |
| 1. \$0 – \$7,000 <u>8,000</u> | 1-hour minimum (\$161.25 per hour) |
| 2. \$7,001 <u>8,001</u> – \$25,000 | \$75.00 for the first \$2,000 + \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000 (one-hour minimum) |
| 3. \$25,001 – \$50,000 | \$397.00 for the first \$25,000 + \$11.00 for each additional \$1,000, or fraction thereof, to and including \$50,000 |
| 4. \$50,001 – \$100,000 | \$672.00 for the first \$50,000 + \$9.00 for each additional \$1,000, or fraction thereof, to and including \$100,000 |
| 5. \$100,001 – \$500,000 | \$1,122 for the first \$100,000 + \$7.00 for each additional \$1,000, or fraction thereof, to and including \$500,000 |
| 6. \$500,001 – \$1,000,000 | \$3,922 for the first \$500,000 + \$5.00 for each additional \$1,000, or fraction thereof, to and including \$1,000,000 |
| 7. \$1,000,001 + | \$6,422 for the first \$1,000,000 + \$3.15 for each additional \$1,000, or fraction thereof |
| 8. Building/structure plan review | 65% of the building permit fee |
| 9. Civil plan review, commercial (if applicable) | Hourly rate, 5-hour minimum \$806.25 |
| 10. Civil plan review, residential (if applicable) | Hourly rate, 3-hour minimum \$483.75 |
| 11. Floodplain permit | Hourly rate, 1-hour minimum \$161.25 |

| Type of Permit Application | 2016 Fee Schedule |
|-----------------------------|--------------------------------------|
| | Fee Based on \$161.25 Per Hour |
| 12. Floodplain variance | Hourly rate, 3-hour minimum \$483.75 |
| 13. Demolition, commercial | Hourly rate, 3-hour minimum \$483.75 |
| 14. Demolition, residential | Hourly rate, 1-hour minimum \$161.25 |

Section 2. SMC 3.01.015(B). SMC 3.01.015(B) is amended as shown below:

| B. Administrative Fees | | 2016 Fee Schedule |
|---|--|---|
| 1. | Administrative Fee – All Applicable Projects | \$176.37 <u>\$161.25</u> |
| 2. | Administrative Fee – Impact fee estimate/preliminary determination | Hourly rate, 1-hour minimum \$176.37 <u>\$161.25</u> |
| 3. | Administrative Fee – Independent fee calculation | Hourly rate, 1-hour minimum \$176.37 <u>\$161.25</u> |
| 4. | <u>Administrative Fee – Deferral Program</u> | <u>\$161.25</u> |
| <p><u>All administrative fees are nonrefundable.</u></p> <p><u>Administrative fees shall not be credited against the impact fee.</u></p> <p><u>Administrative fees applicable to all projects shall be paid at the time of building permit issuance.</u></p> <p><u>Administrative fees for impact fee estimates or preliminary determination shall be paid at the time the request is submitted to the city.</u></p> <p><u>Administrative fees for independent fee calculation shall be paid prior to issuance of the director’s determination.</u></p> | | |

Section 3. SMC 3.01.400(B). SMC 3.01.400(B) is amended as shown below:

B. Credits. Several special rate categories will automatically be assigned to those who qualify:

1. An exemption for any home owned and occupied by a low-income senior citizen determined by the assessor to qualify under RCW 84.36.381.
2. A discount for any parcel served by a city approved retention/detention (R/D) facility maintained by the owner. This discount ~~is being phased out with a 50 percent reduction beginning January 1, 2016, and the discount will be eliminated beginning January 1, 2017.~~

Categories with Retention/Detention Facilities. The following categories are eligible for reduced rates if they have an approved retention/detention facility until January 1, 2017:

| Rate Category | Percent Impervious Surface | 2016 Annual Service Charge | Per Unit | 6% Utility Tax | Fee + Utility Tax |
|--|-----------------------------------|-----------------------------------|-----------------|-----------------------|--------------------------|
| Residential: Single-Family Home | 50% | \$113.75 \$75.84 | Parcel | \$6.83 \$4.55 | \$120.58 \$80.39 |
| a. Very Light | 50% | \$113.75 \$75.84 | Parcel | \$6.83 \$4.55 | \$120.58 \$80.39 |
| b. Light | 50% | \$264.20 \$176.13 | Acre | \$15.85 \$10.57 | \$280.05 \$186.70 |
| <p>c. All other categories will be discounted to the fee and tax applicable to the preceding rate category in the rate table in subsection A of this section according to the following equation: $RC_{(n)}(\text{discounted}) = [RC_{(n)} + RC_{(n-1)}] \div 2$. Where $RC_{(n)}$ is the rate class to receive the discount and $RC_{(n-1)}$ is the next lower rate class and $n =$ rate categories 4—7.</p> | | | | | |

3. Alternative Mobile Home Park Charge. Mobile home park assessment can be the lower of the appropriate rate category or the number of mobile home spaces multiplied by the single-family residential rate.

Section 4. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 1, 2016

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2016

Effective Date: _____, 2016

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 738

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
AMENDING CHAPTER 3.01 TO THE SHORELINE MUNICIPAL CODE,
SECTION 3.01.220 PUBLIC RECORDS.**

WHEREAS, Shoreline Municipal Code (SMC) Chapter 3.01 *Fee Schedule*, Section 3.01.220 *Public Records* contains the City’s published rates for providing copies of public records; and

WHEREAS, the Public Records Act, 42.56, RCW, and its implementing regulations, WAC 44-14, permit the City to recover the actual costs of providing copies of public records; and

WHEREAS, with the continued advancement of technology, other mechanisms are available to the City to provide copies on electronic format, such as external hard or USB drives; and

WHEREAS, an amendment is needed to appropriately include such other storage media in the Fee Schedule;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. SMC 3.01.220. SMC 3.01.220 is amended as shown below:

3.01.220 Public records.

| 2016 Fee Schedule | | |
|-------------------|--|---|
| 1. | Black and white photocopies or scanned copies from paper up to 11 by 17 inches – if more than five pages | \$0.15 per page |
| 2. | Black and white photocopies larger than 11 by 17 inches – city produced | \$3.50 per page |
| 3. | Black and white photocopies larger than 11 by 17 inches – vendor produced | Cost charged by vendor, depending on size and process |
| 4. | Color photocopies up to 11 by 17 inches – if more than one page | \$0.70 per page |
| 5. | CD or DVD | \$0.50 each |

| 2016 Fee Schedule | | |
|-------------------|---------------------------------------|---|
| 6. | Photographic prints and slides | Cost charged by vendor, depending on size and process |
| 7. | GIS maps smaller than 11 by 17 inches | \$0.50 per page |
| 8. | GIS maps larger than 11 by 17 inches | \$1.70 per square foot |
| 9. | Mylar sheets | \$6.40 per sheet |
| 10. | Clerk certification | \$1.10 per document |
| 11. | Custom GIS mapping and data requests | \$90.00 per hour (1-hour minimum) |
| <u>12.</u> | <u>Other storage media</u> | <u>Cost incurred by City</u> |

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

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