

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 714 Repealing Shoreline Municipal Code, Chapter 16.20.
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Paul Cohen, Planning Manager Rachael Markle, AICP, Director
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:

After the City of Shoreline's incorporation in 1995, the City Council adopted Ordinance 24 and Ordinance 101, giving the City Manager authority to charge development fees for land use and permit applications, referencing a fee collection agreement with King County, and setting forth administrative interpretation and refund authority. These were all codified in SMC Chapter 16.20.

Fees for land use and permit applications and refund provisions have subsequently been codified in SMC Chapter 3.01 Fee Schedule, specifically SMC 3.01.010 for Planning and Community Development. SMC 20.10 and 20.30 contains provisions necessary for administration of the permitting system. The King County fee collection agreement is no longer necessary. The result has been that SMC Chapter 16.20 is redundant and unnecessary.

In order to remove this now defunct SMC chapter, a repealing ordinance must be passed by the City Council.

RESOURCE/FINANCIAL IMPACT:

The proposed amendments have no direct financial impact to the City.

RECOMMENDATION

Staff recommends approval of Ordinance No. 714.

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

BACKGROUND

After the City of Shoreline's incorporation in 1995, the City Council adopted Ordinance 24 and Ordinance 101, giving the City Manager authority to charge development fees for land use and permit applications, referencing a fee collection agreement with King County, and setting forth administrative interpretation and refund authority. These were all codified in SMC Chapter 16.20.

Fees for land use and permit applications and refund provisions have subsequently been codified in SMC Chapter 3.01 Fee Schedule, specifically SMC 3.01.010 for Planning and Community Development. SMC 20.10 and 20.30 contains provisions necessary for administration of the permitting system. The King County fee collection agreement is no longer necessary due to the passage of time since incorporation.

The result has been that SMC Chapter 16.20 is redundant and unnecessary. In order to remove this now defunct SMC chapter, a repealing ordinance must be passed by the City Council.

Planning Staff currently processes amendments to SMC Title 20 pursuant to SMC 20.30.070 which requires Planning Commission review and public hearing prior to submittal for approval by the City Council. While this action does not pertain to SMC Title 20, it does relate to City's old land use and development regulations and, therefore, Planning Staff elected to process the repealing action in the same manner as any SMC Title 20 amendments.

The Planning Commission held two study sessions on the repealing amendment in 2016 - on September 15 and November 17 - and a Public Hearing on the proposed amendment on December 1, 2016.

The staff report for the September 15th discussion can be found here:

<http://www.shorelinewa.gov/home/showdocument?id=27891>

The staff report for the November 17th discussion can be found here:

<http://www.shorelinewa.gov/home/showdocument?id=29497>

The staff report for December 1st Public Hearing can be found here:

<http://www.shorelinewa.gov/home/showdocument?id=29611>

The staff report for the January 9, 2017 Council meeting is included as a reference and can be found here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport010917-9a.pdf>

DISCUSSION

This proposed amendment will delete SMC Chapter 16.20 in its entirety.

In 1995 and 1996, the City Council adopted Ordinance 24 and Ordinance 101, giving the City Manager authority to charge development fees for land use and permit applications, referencing a fee collection agreement with King County, and setting forth

administrative interpretation and refund authority. These were all codified in SMC Chapter 16.20.

Fees for land use and permit applications and refund provisions have subsequently been codified in SMC Chapter 3.01 Fee Schedule, specifically SMC 3.01.010 for Planning and Community Development. SMC 20.10 and 20.30 contains provisions necessary for administration of the permitting system. The King County fee collection agreement is no longer necessary due to the passage of time since incorporation.

The City Council did not raise any issues related to the Planning Commission recommendation to delete SMC Chapter 16.20 in its entirety.

RESOURCE/FINANCIAL IMPACT

The proposed amendments have no direct financial impact to the City.

RECOMMENDATION

Staff recommends approval of Ordinance No. 714.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 714

Attachment A, Exhibit A – Municipal Code Amendments

ORDINANCE NO. 714

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
REPEALING SHORELINE MUNICIPAL CODE CHAPTER 16.20 FEE
SCHEDULE.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, on August 7, 1995, the Shoreline City Council adopted Ordinance No. 24 which set development fees for land use and permit applications along with administrative and interpretation provisions and an allowance for King County to collect some remaining permitting fees; and

WHEREAS, on August 12, 1996, the Shoreline City Council adopted Ordinance No. 101, adopting a new fee schedule for land use and building permits which, in conjunction with the administrative provisions, was codified as Shoreline Municipal Code Chapter 16.20; and

WHEREAS, since this time the City has established SMC Chapter 3.01 Fee Schedule, which, at SMC 3.01.010 sets for fees and refund provisions for Planning and Community Development and, the Council has establish SMC Chapter 20.10 and Chapter 20.30 in regards to general permit administration and interpretation; and

WHEREAS, given the establishment of SMC Chapter 3.01 and SMC Chapters 20.10 and 20.30 and the passage of time since incorporation, the provisions of Shoreline Municipal Code Chapter 16.20 Fee Schedule are no longer necessary and should be repealed in their entirety; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to repeal Shoreline Municipal Code Chapter 16.20; and

WHEREAS, on November 17, 2016, the City of Shoreline Planning Commission reviewed the proposal to repeal the code provisions; and

WHEREAS, on December 1, 2016, the City of Shoreline Planning Commission held a public hearing on the proposal to repeal the code provisions so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted unanimously to approve the proposal to repeal the code provisions; and

WHEREAS, on January 9, 2017, the City Council held a study session on the proposal to repeal the code provisions; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the proposal to repeal the code provisions and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the provisions of Shoreline Municipal Code Chapter 16.20 are no longer necessary and should be repealed;

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

Section 1. Repeal. Shoreline Municipal Code Chapter 16.20 Fee Schedule is repealed in its entirety as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. 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 THE 6th DAY OF FEBRUARY, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

**ORDINANCE NO. 714
MUNICIPAL CODE AMENDMENT**

**Chapter 16.20
FEE SCHEDULE**

Sections:

~~16.20.010 — Land use and development fee schedule.~~

~~16.20.020 — Fee collection — King County authority.~~

~~16.20.030 — Administration.~~

~~16.20.040 — Refund of application fees.~~

~~16.20.010 Land use and development fee schedule.~~

~~A. The city manager or designee is authorized to charge applicants for development and land use permits received by the city's permit center, in the amounts set forth in the development services fee schedule.~~

~~B. Fee Schedule. See SMC 3.01.010, 3.01.015 and 3.01.020. [Ord. 256 § 1, 2000; Ord. 401 § 1, 1996]~~

~~16.20.020 Fee collection — King County authority.~~

~~Pursuant to the August 1995 "Interlocal Agreement Relating to the Use of City-Owned Real Property", King County is authorized to collect fees pursuant to the county's adopted fee schedule, as presently constituted or hereafter amended, for those applications to be processed by the county pursuant to the interlocal agreement. [Ord. 101 § 2, 1996]~~

~~16.20.030 Administration.~~

~~The director of development services is authorized to interpret the provisions of this chapter and may issue rules for its administration. [Ord. 101 § 3, 1996]~~

~~16.20.040 Refund of application fees.~~

~~Any fee established in this chapter which was erroneously paid or collected will be refunded. Refunds for applications, permits, or approvals which are withdrawn or canceled shall be determined by the director of development services. [Ord. 101 § 4, 1996]~~