

CITY OF LYNNWOOD

ORDINANCE NO. 2242

AN ORDINANCE RELATING TO COMMUNITY DEVELOPMENT FEES AND CHARGES, ADDING A NEW CHAPTER 2.23 AND AMENDING SECTIONS 17.02.060, 18.04.050, 19.20.015, 19.25.010, 19.50.020, 19.74.035, 21.22.920, 21.24.200, 21.26.300, 21.28.300, 21.30.250, 21.42.110 K, AND 21.50.200 OF THE LYNNWOOD MUNICIPAL CODE.

WHEREAS, the City of Lynnwood has not updated Planning application fees in over 10 years, and

WHEREAS, the amount that the City currently charges for applications is often less than the costs of providing the required public notice, and

WHEREAS, current application processing fee revenue recovers only 3% of the costs of operating the Current Planning Division, and

WHEREAS, the City Council of Lynnwood has requested staff to increase recovery of costs related to application processing, and

WHEREAS, a mix of fixed application fees and hourly charges provides the most effective and equitable fee structure

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

Section 1: New Chapter. There is hereby added to the Lynnwood Municipal Code a new Chapter 2.23, entitled "Community Development," to read as follows:

LMC 2.23.100 EXPLANATIONS OF FEES AND CHARGES Community Development costs associated with providing service to the public for application processing and other Community Development activities will be recovered using a combination of fixed fees, hourly charges and recovering certain costs related to public notification requirements.

A. Fixed Fees

1. Application fees for the following are set at fixed amounts, as stated in LMC Subsection 2.23.120 A:

- Accessory Dwelling Unit
- Annexation
- Boundary Line Adjustment
- Environmental Checklist Review
- Planned Unit Development by a Public Agency
- Rezone by a Public Agency
- Variance for Single Family Use

Suggested Amendment to the Comprehensive Plan

B. Hourly Charges

1. Fees for applications not identified in Subsection A of this Section are charged on an hourly basis plus public notification costs, as set forth in LMC Subsection 2.23.120 A. The hourly rate is a standardized rate based on the fifth pay step of the pay grade of the employee performing work on the application. Using this amount as a base, the hourly rate is calculated as follows:

2. Hourly Base x Benefit Rate (27%) x Leave Factor (15%) + City Wide Overhead (13% x Hourly Base) + Department Overhead (18% x Hourly Base) = Hourly Rate (Rounded up to the next full dollar).

C. Public Meeting Notification Costs

Certain applications, which are listed in Lynnwood Municipal Code Subsection 2.23.100A, require that the public be notified by mail, newspaper and by posting a notice at the subject property and other public places. The costs of public notification for these applications will be paid by the applicant as follows:

1. Posting Costs. Each time a posting is required (see LMC 1.35.020, 1.35.040, 1.35.140, 1.35.230), a fee of \$90 will be charged to offset the expense of posting supplies (signs, stakes, etc.), staff time, newspaper expenses and other costs incurred by the Community Development Department. This fee covers preparation of the notice, plus staff time spent posting a copy at the subject property (if site specific), newspaper publication of the notice, and posting notices at each official posting place of the City (see LMC 1.12).

2. Mailing Costs. The applicant shall pay actual postage costs for the required notices. Staff time spent processing the notices will be charged at the hourly rate of the employee(s) involved.

LMC 2.23.120 FEE SCHEDULES This section identifies fees charged for application processing and other miscellaneous services performed by the Planning Divisions of the Community Development Department.

A. Application Fees

1. Table 2.23.120 A identifies the fees required for application processing. Those fees which are charged on an hourly basis require a bond or deposit, the amount of which is set forth in LMC 2.23.140.

TABLE 2.23.120 A

Application	Fee
Accessory Dwelling Unit (see LMC 21.42.100 K)	\$110
Annexation (see RCW Title 35)	\$500 plus posting and mailing costs

	plus any necessary consultant fees, including costs of design studies, creation of street standards and other similar expenses
Binding Site Plan (see LMC 19.75)	Hourly charges plus posting costs and mailing costs
Boundary Line Adjustment	\$325
Comprehensive Plan Amendment Suggested Amendment Application for text or map change (see LMC 18.04)	\$50 Hourly charges plus posting costs and mailing costs
Conditional Use Permit (see LMC 21.24)	Hourly charges plus posting costs and mailing costs
Development Plan Approval (see LMC 21.50.200 B)	Hourly charges (regardless of zone) plus posting costs and mailing costs
Environmental Review Review of Checklist Environmental Impact Statement (EIS) (see LMC 21.30)	\$325 Hourly charges plus any required consultant fees
Planned Unit Development By Public Agency All Others	\$100 Hourly charges plus posting costs and mailing costs
Rezone (Reclassifications) By Public Agency All Others (see LMC 21.22)	\$100 Hourly charges plus posting costs and mailing costs
Short Subdivision (Short Plat) (see LMC 19.50)	Hourly charges plus posting costs and mailing costs
Special Use Permit (see LMC 21.28)	Hourly charges plus posting costs and mailing costs
Subdivision (Plat) (see LMC Title 19)	Hourly charges plus posting costs and mailing costs
Variance Single Family Use All Others (see LMC 21.26)	\$400 Hourly charges plus posting costs and mailing costs

B. Miscellaneous Fees

1. Table 2.23.120 B identifies the fees charged for miscellaneous services performed by the Community Development Department:

TABLE 2.23.120 B

Service	Fee
Maps, Reproduction of Standard Map Products	\$1.25 per square foot of map area.
Standard map products include the Official	

Zoning Map, Future Land Use Plan Map, and other maps that have been produced for public use, recreated at their original size.	
Maps, Creation of Custom Map Products A custom map product includes any new map or custom, non-xerographic enlargements, reductions, etc. of a standard map product. Photocopies, including enlargements, reductions, cropping, etc. are billed at standard photocopying rates in the manner provided by Chapter 42.17 RCW	Hourly Charges plus \$2.50 per square foot of map area (NOTE: This higher per square foot charge includes the cost of check plots and other waste associated with custom map production.)
Geographic Information System (GIS) and Computer Aided Design and Drafting (CADD) Information	GIS/CADD data is billed on an hourly basis plus actual costs of any required storage media. Minimum charge is one-half hour.
Zoning Certification Letter Only includes requests for zoning certification that require a written response from staff.	\$20 per letter
Request for Information Letter Only includes information requests (other than zoning certification) requiring a written response from staff.	\$75 per letter

LMC 2.23.140 PAYMENT OF FEES

All fees must be paid in advance. For applications that require hourly charges or consultant fees, a deposit or bond is required, as set forth in subsection A below. This amount is an estimate of expenses that will be required to completely process the application. If actual cost of time and materials exceeds this amount the applicant will be required to deposit additional funds which are estimated at that time to be sufficient to complete the project.

A. Deposits/Bonds

1. Table 2.23.140 A identifies required deposits for each our applications that require a deposit:

TABLE 2.23.140 A

Application	Required Deposit or Bond
Annexation	Flat fee amount plus estimated posting and mailing costs plus any estimated expenses for consultants.
Binding Site Plan	\$2,000
Comprehensive Plan Amendment Application for text or map change	\$3,000
Conditional Use Permit	\$2,000
Development Plan Approval	\$3,000
Environmental Review	

Environmental Impact Statement (EIS)	\$2,000 plus any estimated expenses for consultants.
Planned Unit Development If not by Public Agency	\$3,000
Rezone If not by Public Agency	\$3,000
Short Subdivision (Short Plat)	\$2,000
Special Use Permit	\$3,000
Subdivision (Plat)	\$3,000
Variance If not a single family use	\$2,000

B. Adjustments to Hourly Charges

1. Requests for adjustments to hourly charges must be made within 14 days of issuance of final invoice. Within this time the applicant, if he/she questions the total charges for an application, may request an itemized accounting of staff time spent on the project. Any request for an adjustment must be made in writing and must identify which specific charges are in question together with an explanation of why they are being contested. The Community Development Director will evaluate and review such requests and make adjustments based upon the merits of the request. The determination of the Director shall be final.

Section 2: Amendment: Section 17.02.260 of the Lynnwood Municipal Code is hereby amended to read as follows:

The City shall require the following fees for its activities in accordance with the provisions of this chapter.

A. Threshold Determination

1. For every environmental checklist the City will review when it is lead agency, the City shall collect a fee of ~~fifty dollars~~, as set forth in Section 2.23.120 of the Lynnwood Municipal Code, from the proponent of the proposal prior to undertaking the threshold determination, except that there shall be no checklist fee for building permits. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. Environmental Impact Statement

1. When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees and the City, the City may charge and collect a reasonable fee, as set forth in Section 2.23.120 of the Lynnwood Municipal Code, from any applicant to cover costs incurred by the City in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the City will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities

initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. The City may require the applicant to post bond or otherwise ensure payment of such costs, as set forth in Section 2.23.140 of the Lynnwood Municipal Code. Such consultants shall be selected by mutual agreement of the City and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (1) or (2) of this subsection which remain after incurred costs are paid.

C. The City may collect a reasonable fee from an applicant to cover the cost of meeting public notice requirements of this chapter relating to the applicant's proposal.

D. The City ~~shall not~~ may collect a reasonable fee for performing its duties as a consulted agency.

E. The City may charge any person for copies of any document prepared under this article, and for mailing the document, in a manner provided by RCW Chapter 42.17.

Section 3: Amendment. Sub-Subsection A1 of Section 18.04.050 of Lynnwood Municipal Code is amended to read as follows:

LMC 18.04.050 Application for Plan Amendment

A. Application Submittal Requirements.

The applicant shall:

1. Deposit funds or post bond for required fees and costs as stated in Section 2.23.140 of the Lynnwood Municipal Code.

~~Pay at the time of filing all application fees, in the following amounts:~~

Application	Fee
Text amendments	\$125.00
Map amendments for less than 1 acre	\$125.00
Map amendment for 1 to 5 acres	\$200.00
Map amendment for 5 or more acres	\$275.00 (plus \$25 per acre in the excess of 5 acres)

Section 4: Amendment. Section 19.20.015 of the Lynnwood Municipal Code is amended to read as follows:

LMC 19.20.015 FEES

Application and review fees relating to the preliminary plat process are as follows:

A. Payment of related fees and costs as set forth in Section 2.23.120 of the Lynnwood Municipal Code;

~~Preliminary Plat Review~~

~~Preliminary plat application fee: \$75.00 plus \$35.00 per lot;~~

B. Plat Variance
Included in (A) above; and

C. Zoning map amendment, Planned Unit Development, Comprehensive Plan
Amendment, Environmental Checklist, amounts as prescribed by the City.

Section 5: Amendment. Subsection I of Section 19.25.010 of the Lynnwood Municipal Code is amended to read as follows:

LMC 19.25.010 Supplementary Materials

- I. Payment of the inspection fee required by the Public Works Department for such improvements as have been completed, and payment of related Community Development fees and costs as set forth in Section 2.23.120 of the Lynnwood Municipal Code. ~~a final plat fee as per Lynnwood Municipal Code Chapter 19.20.015.~~

Section 6: Amendment. The introductory paragraph of Section 19.50.020 of the Lynnwood Municipal Code is amended to read as follows:

LMC 19.50.020 Application Procedure

Any person desiring to divide land under the provisions of this ordinance situated in the City of Lynnwood into four or fewer lots shall submit an application for short subdivision approval to the Planning Community Development Director together with payment of related fees and costs as noted in Section 2.23.120 of the Lynnwood Municipal Code. ~~an application fee of \$35.00 per lot.~~

Section 7: Amendment. Subsection C of Section 19.75.035 of the Lynnwood Municipal Code is amended to read as follows:

LMC 19.75.035 Preliminary Boundary Site Plan Application

C. FEES

Application and review fees relating to the binding site plan process are as follows:
Fees and costs are set forth in Section 2.23.120 of the Lynnwood Municipal Code. ~~\$325.00 plus \$15.00 per lot.~~

Section 8: Amendment. Section 21.22.920 of the Lynnwood Municipal Code is amended to read as follows:

LMC 21.22.920 Fees

Application and review fees relating to the reclassification process are set forth in Section 2.23.120 of the Lynnwood Municipal Code.

~~A fee, in the amount provided by the following schedule of fees, shall be paid at the time of filing of a petition for an amendment to the zoning map, an application for a planned unit, or any other application involving a public hearing for which fees are not elsewhere specified. There shall be an additional fee for an appeal to the City Council following a denial by the Planning Commission, which shall be equal to the fee paid at the time the petition was submitted. The fee for any reclassification required by a public agency shall be fifty dollars. No part of the fee shall be returnable.~~

————— **SCHEDULE OF FEES** —————

AREA INCLUDED IN PETITION ——— AMOUNT OF FEE

APPLICATION

Less than 1 acre —————	\$250.00	
1-1 — 5 acres —————	400.00	
More than 5 acres —————	50.00	plus \$50.00 per
acre, or portions of		
—————		an acre, in
excess of 5 acres		

Section 9 Amendment. Subsection O of Section 21.24.200 of the Lynnwood Municipal Code is amended to read as follows:

LMC 21.24.200 Application, Hearing and Notice

- O. Deposit funds or post bond for required fees and costs as stated in Section 2.23.140 of the Lynnwood Municipal Code. Payment of a fee of:
- 1. Ground sign in Commercial zones ————— \$100.00
 - 2. All others ————— \$200.00

Section 10: Amendment. Subsection O of Section 21.26.300 of the Lynnwood Municipal Code is amended to read as follows:

LMC 21.16.300 Submittal Revisions

- O. Payment of related fees and costs as noted in Section 2.23.120 of the Lynnwood Municipal Code. Payment of a fee of:
- 1. Single Family Property ————— \$50.00
 - 2. All others ————— \$150.00

Section 11: Amendment. Subsection O of Section 21.28.300 of the Lynnwood Municipal Code is amended to read as follows:

LMC 21.28.300 Submittal Requirements

- O. Payment of related fees and costs as noted in Section 2.23.120 of the Lynnwood Municipal Code. -Payment of a fee of \$350.00;

Section 12: Amendment. Section 21.30.250 of the Lynnwood Municipal Code is amended to read as follows:

LMC 21.30.250 Application Fee

Fees and costs are set forth in Section 2.23.120 of the Lynnwood Municipal Code.

~~A fee, in the amount provided by the following schedule of fees, shall be paid at the time of filing of an application for a planned unit development. There shall be an additional fee for an appeal to the City Council following a denial by the Hearing Examiner, which shall be equal to the fee paid at the time the petition was submitted. The fee for any PUD application by a public agency shall be fifty dollars. No part of any fee shall be returnable;~~

~~———— SCHEDULE OF FEES~~

AREA INCLUDED IN PETITION APPLICATION	AMOUNT OF FEE
Less than 1 acre	\$250.00
1.1 – 5 acres	\$400.00
More than 5 acres	\$550.00,
———— plus \$50.00 per acre;	
———— of	
portions of an acre;	
———— in	
excess of 5 acres;	

Section 13: Amendment. Subsection 14(a) (“application and Fee”) of Subsection 21.42.110 K of the Lynnwood Municipal Code is amended to read as follows:

LMC 21.42.110 Limitation on Use

14. Permitting

No construction permit or occupancy permit for any improvements for an accessory dwelling unit shall be issued until and unless a permit for the unit is approved and recorded, pursuant to this subsection.

a. Application and Fee

The property owner shall submit an application for an accessory dwelling unit permit to the Planning Director, including plans for creating the accessory dwelling unit (including design plans for any new construction), evidence of current ownership (or purchase contract), certification of owner occupancy, payment of related fees and costs as set forth in Section 2.23.120 of the Lynnwood Municipal Code; ~~payment of a \$100.00 application fee;~~ and such other information as the Planning Director may require in order to determine whether the application conforms with City requirements.

Section 14: Amendment Subsection B 1 of Subsection 21.50.200 of the Lynnwood Municipal Code. is amended to read as follows:

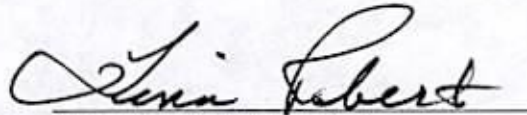
LMC 21.50.200 Development Standards

1. The application fees and costs for development plan approval are set forth in Section 2.23.120 of the Lynnwood Municipal Code; is \$350. ~~The fee is not required if the property is already zoned LI of BTP, and the request for development plan approval is merely to fulfill the requirements of this section;~~

Section 15 Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

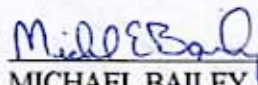
Section 16: Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.


PASSED THIS 26th day of April, 1999 , and signed in authentication of its passage this 4th day of May, 199 .


TINA ROBERTS, MAYOR

ATTEST:

APPROVED AS TO FORM:


MICHAEL BAILEY
Finance Director


JOHN P. WATTS
Lynnwood City Attorney

PUBLISHED: