

**CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1075**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING
NORTH BONNEVILLE MUNICIPAL CODE TITLE 18 ADMINISTRATION OF LAND
DEVELOPMENT REGULATIONS.**

WHEREAS, updating of certain sections of this title are needed to better define and coordinate development regulations; and

WHEREAS, updating of fees relating to land development permits and appeals is needed to better address the true costs of these services; and

NOW, THEREFORE, The City Council of the City of North Bonneville does hereby ordain as follows:

Section 1.

Legend: New language added = underlined
Old language deleted = ~~strikethrough~~

Amending

CHAPTER 18.01 Land Development Administrative Procedures as follows:

Section 18.01.260 Reconsideration.

A party of record at a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the Administrator within five (5) calendar days of the oral announcement of the final decision. The request shall comply with Section 18.01.310(B) of this code. The City Council, Hearing Examiner or hearing body shall consider the request ~~at its next regularly scheduled meeting~~ within fourteen (14) calendar days, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the City Council, Hearing Examiner or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

All requests for reconsideration filed ~~pursuant to Section 18.01.260 of this code~~ shall contain all information required in ~~this section~~ 18.01.310 B. 1-4.

Section 18.01.210 Administrative approvals subject to notice (Type I-B).

A. The Administrator may grant approval, preliminary approval, or approval with conditions, or may deny (with or without prejudice) all Type I-B permit applications, subject to the notice and appeal requirements of this section. The Administrator shall issue written findings and conclusions supporting Type I-B decisions.

B. Final Administrative Approvals. Administrative decisions under this section shall become final subject to the following:

1. An applicant may appeal the decision to the Planning Commission; provided, that a written appeal is filed within ~~thirty (30)~~ fourteen (14) calendar days after the notice of the decision.

2. If no appeal is submitted, the preliminary approval becomes final at the expiration of the notice period.

3. If a written notice of appeal is received within the specified time the matter will be referred to the Planning Commission for a public hearing within thirty (30) calendar days. The decision of the Planning Commission shall be the final city decision.

Section 18.01.310 Appeals - Procedure.

A. Filing. Every appeal of an administrative decision, as well as Planning Commission or Hearing Examiner decisions, shall be filed with the ~~Administrator~~ City within ~~thirty (30)~~ fourteen (14) calendar days after the date of the recommendation or decision of the matter being appealed; ~~provided, however, appeals of Type II decisions shall be filed within the time periods set forth in Section 18.01.210 of this code (thirty (30) calendar days) and SEPA appeals shall be filed in accordance with Section 21.04.170 of this code (ten (10) calendar days).~~ A notice of appeal shall be delivered to City Hall by mail or personal delivery, and must be received by 5:00 p.m. on the last business day of the appeal period, with the required appeal fee.

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed;
2. The name and address of the appellant and his or her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
4. The desired outcome or changes to the decision; and
5. The Appeal Fee.

~~All requests for reconsideration filed pursuant to Section 18.01.260 of this code shall contain all information required in this section.~~

C. Any notice of appeal not in full compliance with this section shall not be considered, and the appellant shall be so notified.

D. The appeal shall be heard and determined within thirty (30) calendar days of the filing of notice of appeal.

Section 18.01.470 Appeal to City Council.

The decision of the Hearing Examiner shall be appealable according to how the land use matter would be appealed based on the type of decision making role they are substituting as noted in 18.01.040. An aggrieved party or a city department may file a hearing decision to the City Council by filing written notice of appeal with the City Clerk within fourteen (14) calendar days, ~~or as otherwise provided by this code or RCW 36.70B.110, of the final decision of the Hearing Examiner.~~

The notice of appeal shall state clearly the error of fact, law, or procedure alleged to have been made by the Hearing Examiner and the effect of the alleged error on the recommendation, and state the redress sought by the appellant. The notice of appeal shall be filed, together with fees ~~in accordance with 18.01.475 which shall be set by resolution of the City Council.~~

The City Council will set a time and place for a hearing on the appeal before the City Council, provided the time shall be ~~as soon as practicable~~ within thirty (30) calendar days. Notice of the time and place for the appeal proceeding shall be sent to the applicant at least ten (10) calendar days prior to the hearing.

Review by the City Council on appeal shall be limited to and shall be based solely on the record from the public hearing; provided, however, that the City Council may permit oral or written arguments or comments when confined to the content of the record of the hearing below. No new evidence may be presented. In respect to the matter appealed, the City Council may adopt or reject, in whole or in part, the findings and recommendations of the Hearing Examiner or make such other dispositions of the matter, including, without limitation, remand for further hearing. The City Council will reduce its determination to writing.

Any appeal from a decision of the City Council regarding any assessment may be made to the superior court within the time and in the manner provided by law.

Section 2.

Amending

CHAPTER 18.02 Land Development Permit Application and Appeal Fees as follows:

Section 18.02.010 Fees - General.

A. Application fees for the various applications and permits set forth in this section shall be as provided in this chapter. No application shall be considered unless and until the fee has been paid to the City Treasurer, including fees for publication charges ~~in accordance with Section 18.02.040 as set by resolution of the City Council~~. Fees shall not be refundable except as provided in Section 18.02.070. Any exemption or refund must be approved by the City Planning Advisor and the City Treasurer and ~~any and~~ all costs incurred by the city shall be deducted from fees paid prior to any exemption or refund.

~~B. Minor and Major Projects. Some of the application fees set forth in this chapter vary depending upon whether the proposed development project is for a "major" versus a "minor" project. The term "major project" includes the following: full subdivisions, planned unit developments and other projects on sites including critical lands as defined in Chapter 21.10 of this code. The term "minor project" includes, but is not limited to, the following: building permits, grading permits, site and building plan review and short subdivisions.~~

B. Payment of Fees. All fees provided in this chapter shall be paid when due. Nonpayment of any fees when due shall result in a determination by the Planning Advisor that an application has been withdrawn or is incomplete, suspending or terminating review of the application in accordance with Chapter 18.01 of this code.

C. Multiple Permits and Applications. In the case of multiple permit applications, the applicant shall pay all applicable fees.

Section 18.02.020 Building, land use, and development fees.

~~The Fees stated in this section are based on costs to reimburse the public for staff time and resources expended in reviewing and processing permit applications. These fees do not include costs of publication, mailing, or other costs incurred by the City, nor do they include costs associated with legal, qualified professional and engineering review of an application. These costs are charged in accordance with Sections 18.02.040 fees as set by resolution of the City Council and 18.02.060. Application and service fees for the various building, land use and land development permit applications shall be as follows:~~

~~A. Pre-application conference: (\$50.00).~~

~~B. Type I-A Applications (see Section 18.01.040).~~

~~1. Building permits: the fees and charges set forth in the International Building Code, as currently adopted by the city.~~

~~2. Grading permits: the fees and charges set forth in the International Building Code, as currently adopted by the city.~~

~~3. Manufactured home placement permit: \$100.00 per section.~~

~~C. Type I-B Applications (see Section 18.01.040).~~

~~1. Site and building plan review: \$150.00;~~

~~2. Boundary line adjustment: \$100.00.~~

~~D. Type II Applications (see Section 18.01.040).~~

~~1. Site and building plan review: (\$300.00);~~

~~2. Conditional use: \$200.00;~~

~~3. Livestock conditional use: _____, annual reapplication: _____ plus outside professional review costs per NBMC 20.57.060, if required;~~

~~4. Short plat: \$150.00.~~

~~E. Type III Applications (see Section 18.01.040).~~

~~1. Preliminary plat for full subdivisions: \$200.00 plus \$35.00 per lot;~~

- ~~— 2. Preliminary PUD: \$500.00 plus \$35.00 per unit for residential projects, or a portion thereof, and \$20.00 per 1,000 square feet of gross floor area for nonresidential projects with structures and \$35.00 per acre for all other nonresidential projects, or a portion thereof;~~
- ~~— 3. Site specific rezone: \$300.00;~~
- ~~— 4. Shoreline substantial development permit: \$200.00 for projects with a fair market value of less than \$50,000.00 and \$300.00 for projects with a fair market value of \$50,000.00 or more;~~
- ~~— F. Type IV Applications (see Section 18.01.040).~~
 - ~~— 1. Final plat for full subdivisions: \$150.00;~~
 - ~~— 2. Final PUD: \$150.00;~~
- ~~— G. Type V Applications (see Section 18.01.040).~~
 - ~~— 1. Development regulations: \$150.00;~~
 - ~~— 2. Comprehensive plan text and map amendments: \$200.00;~~
 - ~~— 3. Shoreline master program amendments: \$200.00;~~
 - ~~— 4. Annexations: \$200.00.~~

Section 18.02.030 Environmental review fees.

Fees for conducting environmental review of projects pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, et seq., and Chapter 21.04 of this code, are in addition to general application fees and shall be as follows:

A. SEPA review. The base fees for SEPA review shall be paid by the applicant prior to the city's circulation of an environmental checklist, threshold determination, or Environmental Impact Statement (EIS).

1. Environmental checklist threshold determination: ~~one hundred dollars (\$100.00) for minor projects fees as set by resolution of the City Council;~~

2. Environmental checklist threshold determination: ~~two hundred dollars (\$200.00) for major projects;~~

3. Environmental impact statements An (EIS) following issuance of a determination of significance (DS), including any supplemental EIS and/or addenda to the EIS:

a. When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS will be prepared by employees of the City, the City may charge and collect a fee from the applicant to cover actual costs incurred by the city in preparing the EIS. Those costs may include peer review, if necessary, ~~fifty dollars (\$50.00) per hour~~ for an hourly fee as set by resolution of the City Council to cover of staff time spent in the preparation of the EIS, and any printing, collating, binding, and circulation of 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.

b. The lead agency may determine that the City will contract directly with a consultant for the preparation of an EIS, or a portion of the EIS, and may bill such costs and expenses directly to the applicant. Such consultants will be selected by mutual agreement of the city and the applicant after a call for proposals. The City ~~may~~ shall require the applicant to post bond or otherwise ensure ~~such~~ payment of such costs.

c. If a proposal is modified so that an EIS is no longer required, the City shall refund any fees collected under subsection (A)(3)(a) or (A)(3)(b) of this section which remain after incurred costs are paid.

d. The City shall not collect a fee for performing its duties as a consulted agency.

e. The City may charge any person for copies of any document prepared under Chapter 21.04 of this code, and for mailing the environmental document, in a manner provided by Chapter 42.17 RCW.

Section 18.02.035 Critical areas review fees.

The fees stated in this section are based on costs to reimburse the ~~public~~ City for staff time and resources expended in reviewing and processing critical areas permit applications. These fees do not include costs of publication, mailing, or other costs incurred by the city, nor do they include costs associated with legal, qualified professional and engineering review of an application. These costs are charged in accordance with ~~Sections 18.02.040 fees as set by resolution of the city council~~ and 18.02.060. Other application and service fees for the various building, land use and land development permit applications may also apply. Critical Area Application fees shall be ~~as follows set by resolution of the City Council~~ :

- ~~—A. Pre-application conference: fifty dollars (\$50.00);~~
- ~~—B. Critical areas permit: one hundred dollars (\$100.00);~~
- ~~—C. Critical areas report: three hundred dollars (\$300.00).~~

Section 18.02.040 Publication and notice fees.

In accordance with state and local law, the City provides notice to the public of pending environmental threshold determinations made under the State Environmental Policy Act (SEPA) and other notices of pending projects and public hearings. The cost of such notices shall be paid in advance by the permit applicant and as a condition of processing all permit applications. These fees shall be set by resolution of the City Council, as follows:

- ~~—A. Notice of application publication: sixty-five dollars (\$65.00);~~
- ~~—B. Notice of public hearing publication: sixty-five dollars (\$65.00);~~
- ~~—C. Threshold determination notice publication: seventy-five dollars (\$75.00);~~
- ~~D. Mailing costs: thirty dollars (\$30.00);~~

~~E. Additional notice: Whenever the City is required to post or mail additional notices for land development projects because of changes or additions to the project initiated by the applicant, the cost shall be borne by the applicant pursuant to the fees established in this section.~~

Section 18.02.050 Appeal fees.

Fees for appealing building permit, land use, and land development permit decisions shall be set by resolution of the City Council, as follows:

- ~~A. Appeal to Board of Adjustment pursuant to Chapter 17.52 (Type I): one hundred fifty dollars (\$150.00) (includes publication and noticing fees);~~
- ~~—B. Appeal of Type I-A actions: two hundred dollars (\$200.00) (includes publication and noticing fees);~~
- ~~—C. Appeal of Type II actions: two hundred dollars (\$200.00) (includes publication and noticing fees);~~
- ~~D. Appeals of Type III, IV and V actions: all applicable filing fees set forth by the Skamania County Superior Court. In addition, the cost of all records ordered certified by the court for such an appeal shall be borne by the appellant.~~

18.02.060 Other charges and fees.

A. Engineering, qualified professional and legal fees. The applicant must pay to the City all reasonable expenses and fees associated with the review of an application including, but not limited to, legal, qualified professional and engineering fees for review and consultation incurred by the city. Such costs shall be paid to the City prior to the approval of an application.

B. Recording Fees. The amount of the recording fees charged by Skamania County.

Section 3.

Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4.


Effective Date and Publication.

This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON 1/10/, 2017.

Attest:

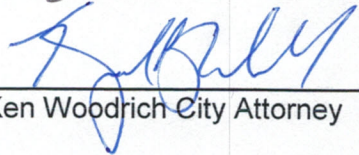
Approved as to Form:



Don Stevens, Mayor



Steven Hasson City Administrator



Ken Woodrich City Attorney