

ORDINANCE 1293

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATING TO THE CONSOLIDATED FEE SCHEDULE CONTAINED IN SMC CHAPTER 3.30; AMENDING SECTION 3.30.060 AND SECTION 3.30.075 OF SMC CHAPTER 3.30 REGARDING THE FEE CHARGED FOR A CERTIFICATE OF/CHANGE OF OCCUPANCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has established a consolidated fee schedule in SMC Chapter 3.30; and

WHEREAS, the fees schedule provides for a \$25 dollar fee for an occupancy permit; and

WHEREAS, the City has established a occupancy permit within both building and zoning regulations providing that no land area shall be occupied or used and that no building shall be occupied or used in whole or in part for any purpose until an occupancy permit has been issued; and

WHEREAS, the occupancy permit states that the premises, building or other development complies with all provisions of the code; and

WHEREAS, a credit toward the cost of the occupancy permit is given when a change of occupancy or development triggers a building permit; and

WHEREAS, occupancy inspections that do not accompany a building permit are charged a full fee; and

WHEREAS, the fee schedule categorizes the occupancy permit fee as a building fee, while the permit process requires consideration of a occupancy permit under both building code and zoning code; and

WHEREAS, City Council desires to support local business by providing this service to promote public health, safety and welfare at a lower cost to businesses; and

WHEREAS, on March 10, the City Council met to consider the proposed amendments;

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

Section 1. Section 3.30.060 of SMC Chapter 3.30 is amended to read as follows:

3.30.060 Other fees.

Administrative interpretation	\$60.00
Annexation	\$350.00
Boundary line adjustment	\$950.00
<u>Certificate of /change of occupancy</u>	<u>\$25.00 (fee may be applied to building permits if required for certificate)</u>
Comprehensive plan amendment	800.00
Concurrency evaluation	\$400.00 plus consulting fees for engineering review
Concurrency reconsideration	\$200.00 plus consulting fees for engineering review
Concurrency appeal	\$500.00 plus consulting, engineering, hearing examiner, and legal fees
Encroachment permit	New structures, \$50.00 plus consulting fees for engineering and legal review Existing structures permitted by 2016, no fee
Right-of-way vacation	\$350.00
Right-to-farm application (under 10 acres)	\$50.00
Right-to-farm application (10 acres or greater)	\$100.00

Water/sewer certificate of availability	\$500.00
Zoning code amendment	\$800.00

Section 2. Section 3.30.075 of SMC Chapter 3.30 is amended to read as follows:

3.30.075 Building and construction fees.

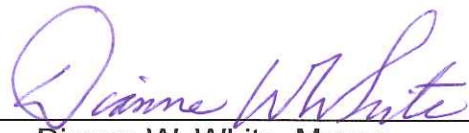
Building permit fees	As provided in the 1997 Uniform Building Code (with valuations provided in the latest edition of the Building Safety Journal)
Mechanical and plumbing permit fees	See fee schedule
Satellite receiving permit (units three feet or more)	\$25.00
Right-of-way use permit	\$50.00 (plus \$1.00 per linear foot)
Wireless facility lease	\$1,000.00
Certificate of change of occupancy	\$100.00 (fee may be applied to building permits required for certificate)

Section 3. Adoption of Findings of Fact and Conclusions. The City Council has reviewed the record regarding this Ordinance and adopts and incorporates herein the Findings of Fact and Conclusions attached hereto as Exhibit A.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is 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.
This Ordinance shall take effect five days after its publication by summary.

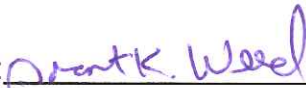
PASSED by the City Council and signed by the Mayor this 10th day of March, 2011.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: 
Melissa A. Collins, City Clerk

By: 
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

1. The work program was processed by the Department as file # LZCA 11-01.
2. The proposed amendments were determined to be SEPA exempt on February 16, 2010 by the SEPA Responsible Official.
3. The proposed amendments occur only in Chapter 3.30 (Fee Schedule) the Title 3 (Revenue and Finance) of the Stanwood Municipal Code and are exempt from review by the Planning Commission.
4. Amendments to SMC Chapter 3.30 are exempt from any public hearing requirement and may be considered by the City Council in a public meeting.
5. At its March 10, 2011 City Council meeting and after review of the application, staff report, and after consideration of the public testimony, the City Council held first and second reading of Ordinance No. 1293.

Conclusions/Decision:

Based upon the entire record in this matter, which is incorporated by reference, the Stanwood City Council adopts the following conclusions and decisions:

1. Amend Section 3.30.060 (other fees) of SMC Chapter 3.30 (Fee Schedule) to provide and require a \$25 fee for a certificate of/change of occupancy.
2. Amend Section 3.30.075 (building and construction fees) of SMC Chapter 3.30 (Fee Schedule) to delete the listing of a \$100 fee for a certificate of/change of occupancy.