



**CITY OF BLACK DIAMOND**  
**May 7, 2015 Regular Business Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

**7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

**APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:**

**Presentation – Committee to End Homelessness – Ellie Wilson-Jones and Mark Putnam**

**CONSENT AGENDA:**

- 1) Claim Checks –** May 7, 2015, No. 42193 through No. 42259 and EFTs in the amount of \$109,368.61
- 2) Minutes –** Council Meeting of April 16, 2015 and Work Session of March 12, 2015

**PUBLIC COMMENTS:** Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending.

**PUBLIC HEARINGS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- |  |                |
|--|----------------|
| <b>3) AB15-036 –</b> Ordinance Removing and Replacing BDMC 18.14 with New Language       | Ms. Morris     |
| <b>4) AB15-037 –</b> Resolution Authorizing Contract with Susan Drummond                 | Mr. Williamson |
| <b>5) AB15-038 –</b> Resolution Adopting New General Fee Schedule                        | Ms. Miller     |
| <b>6) AB15-039 –</b> Resolution Authorizing Approval of Grant Application for CDBG Funds | Mr. Boettcher  |

**DEPARTMENT REPORTS:**

**Police –** Chief Kiblinger

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

**A. Council Standing Committees and Regional Committees**

- Councilmember Deady – Chair – Public Safety Committee; Budget, Finance and Administration Committee; Domestic Violence Committee
- Councilmember Morgan – Planning and Community Service Committee; Cemetery and Parks Committee; Water Resource Inventory Area Committee (WRIA 9)

- Councilmember Edelman – Chair - Budget, Finance, Administration Committee; Chair - Planning and Community Service Committee; Public Issues Committee (PIC)
- Councilmember Goodwin – Cemetery and Parks Committee; Public Works Committee
- Councilmember Taylor, Chair - Public Works Committee; Public Safety Committee

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**ADJOURNMENT:**

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

| ITEM INFORMATION  |                                 |                 |
|---|---------------------------------|-----------------|
| <b>SUBJECT: Land Use and Zoning;<br/>Processing of Project Permit<br/>Applications, vesting<br/>AB15-036</b>  | <b>Agenda Date: May 7, 2015</b> |                 |
|   | <b>AB15-036</b>                 |                 |
|   | Mayor Carol Benson              |                 |
|   | City Administrator              |                 |
|   | City Attorney Carol Morris      | <b>Cam 4/30</b> |
|   | City Clerk – Brenda L. Martinez |                 |
|   | Com Dev/Nat Res –               |                 |
|   | Finance – May Miller            |                 |
|   | MDRT/Ec Dev – Andy Williamson   |                 |
| Cost Impact (see also Fiscal Note): \$0.00  | Police – Chief Kiblinger        |                 |
| Fund Source: --   | Public Works – Seth Boettcher   |                 |
| Timeline:   | Court – Stephanie Metcalf       |                 |
| <b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator |                                 |                 |
| <b>Attachments:</b> Proposed Ordinance; YarrowBay Comments; C. Morris Memo  |                                 |                 |

## SUMMARY STATEMENT:

**I. Background.** The City of Black Diamond has adopted a code that allows every “project permit application” to be subject to the vested rights doctrine. BDMC Section 18.14.030(A). This means that when a **complete** project permit application is submitted to the City, it must be reviewed under the zoning and other land use control ordinances in effect at that time. “Project permits” are “any land use or environmental permit or license required from the city for a project action, including building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by sensitive area or critical area ordinances, master planned developments and site specific rezones authorized by a comprehensive plan or subarea plan.” BDMC Section 18.14.010>

This is an **extremely liberal** vested rights policy, and is, to the City Attorney’s knowledge, totally unique in the State of Washington. Most cities do not have any provisions in the code relating to vesting, and instead rely upon state law (RCW 58.17.033 for preliminary and short plats; RCW 19.27.095 for building permits) or case law to determine whether an application is subject to the vested rights doctrine. Washington and only a few other states are in the minority in recognizing certain applications to vest at the time of complete application. Therefore, (unless there is some other city with a similar vested rights provision) the effect of Black Diamond’s vested rights code is absolutely the most advantageous to developers in the State of Washington.

The Washington courts have held that “development interests and due process rights protected by the vested rights doctrine come at a cost to the public interest. . . . If a vested right is too easily granted, the public interest is subverted.” *Erickson & Associates, Inc. v. McLerran*, 123 Wash.2d 864, 874, 872 P.2d 1090 (1994). A recent case has also narrowed the application of the vested rights doctrine in cities without a code like Black Diamond’s. *Potala Village v. Kirkland*, 183 Wash. App. 191, 334 P.3d 1143 (2014).

Based on the above, an ordinance was drafted to eliminate this vested rights policy in Black Diamond, which would mean that state law (statutory or case law) would apply to determine whether a particular

type of application was subject to the vested rights doctrine. In a letter dated March 10, 2015, Yarrow Bay commented to the Planning Commission by providing a document prepared by the Municipal Research Services Center (MRSC), claiming that this document proves that my position in drafting this ordinance was erroneous, as "city or county policies may grant broader vested rights than explicitly set forth in state law."

However, there is no dispute on this point. The *Erickson* court made it clear that cities and counties had the ability to adopt their own vested rights policies. In drafting an ordinance eliminating the Black Diamond policy which allows **all project permit applications** to vest, I have not stated that the current policy is illegal. I am recommending that such a broad vested rights policy be eliminated because the City Council should consider the rights of all members of the public, and not provide such a favorable advantage to developers – an advantage that is likely unprecedented in the State of Washington.

The proposed ordinance allows vesting to be determined by applicable law and does not adopt a Black Diamond policy on the issue whether any project permit application is subject to the vested rights doctrine. Again, this is how most cities and counties address vesting.

The proposed ordinance also includes a process that allows the City to determine that once the City has requested additional information from an applicant, and the information is not forthcoming within 90 days, the City can take steps to determine that the application has expired for lack of information. (Section 18.14.020(G)(2).) In addition, the proposed ordinance also addresses a problem that has occurred in a number of jurisdictions, where the applicant asks that the City "hold" a complete application and not process it for an indefinite period of time. Because the City is required to process certain applications to a final decision within a specific deadline, the City staff cannot "hold" applications to suit the convenience of developers. (Section 18.14.020(H).) The proposed ordinance establishes a deadline for materials to be submitted prior to the time a decision is made on the application or before a public hearing on the application. (Section 18.14.030.) This is designed to address the problem where materials are submitted by an applicant at the very last minute, which could mean that the public comes to the public hearing without complete information, and the staff hasn't had an opportunity to include such information in the staff report (or otherwise provide a response at the public hearing). The proposed ordinance addresses the situation where the developer may make changes to the application while the application is being processed. (Section 18.14.040.) Finally, the proposed ordinance addresses expiration of permits. (Section 18.14.050.)

In its letter to the Planning Commission, Yarrow Bay complains that "the City appears to require that all documents and evidence in support of an application and relied upon by the applicant for approval be submitted no more than 7 days after issuance of a notice of application. This is inconsistent with the 14-day comment period following a notice of application as set forth in BDMC 18.08.120(B)(7)." Here is the pertinent language from Section 18.14.030: "All documents and other evidence in support of an application and relied upon by the applicant for approval shall be submitted to the Community Development Director no more than seven days after the City issues the notice of application **or the notice of public hearing on the application.**" So, the proposed ordinance is not inconsistent with the existing code where a public hearing will be held on the application. The consequences for the applicant's failure to submit the documents within this time frame is that it "may be too late to include [such late materials] with or to integrate in the staff report and staff's evaluation of the application." *Id.*

Yarrow Bay wants the City to allow "for a time period after public comment periods are submitted (sic) in which an applicant could submit responses to such comments or modify its application accordingly." Here is the short answer to this concern: if the developer wants to submit additional information or comments in response to public comments after the deadline, it can do so. However, if there is no cutoff for the submission of materials, no one but the developer will be prepared for the public hearing. The



new information will not be in the staff report, it will likely arrive on the hearing examiner's desk on the night of the hearing and be delivered to the public at the same time. With regard to the developer's choice to modify its application, there is absolutely no prohibition on this. The developer can do so at any time, so this concern is misplaced.

**II. Planning Commission.** The Planning Commission held a hearing on this on April 7, 2015. The Planning Commission's recommendation was that the City Council clarify which applications vest, standardize the criteria for deeming a permit application complete and better define the timeframes associated with granting extensions for specific permit types.

**III. Recommendation.** Adoption of the proposed ordinance is recommended for the reasons set forth above. At this point in time, the City Attorney does not recommend that the City adopt its own local rule as to which permit applications vest, because vesting is addressed by existing law (statutory and case law). This ordinance does not address the criteria for determining whether an application is complete. The City is required to list all of the elements of a complete application in the code, **for each different type of permit**. This ordinance does not address those criteria, it only describes the procedure to be followed by the staff to determine whether the application is complete. Finally, the timeframes for granting extensions for permits are addressed in the ordinance, to the extent that extensions are not addressed elsewhere in the code. As you know, the City's code needs a substantial overhaul, and this is the type of change that is better addressed when each new chapter is adopted.

FISCAL NOTE (Finance Department):

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt AN ORDINANCE OF BLACK DIAMOND, WASHINGTON, RELATING TO PROJECT PERMIT PROCESSING, REPEALING THE CITY'S EXISTING REGULATIONS ON VESTING, ADDING DEFINITIONS, DESCRIBING THE PROCEDURE FOR DETERMINING THE COMPLETENESS OF A PROJECT PERMIT APPLICATION, DESCRIBING THE EFFECT OF A DETERMINATION THAT THE APPLICATION IS COMPLETE/INCOMPLETE, ADDING A NEW PROCEDURE THAT ALLOWS THE CITY TO DETERMINE THAT AN APPLICATION HAS EXPIRED FOR THE APPLICANT'S FAILURE TO PROVIDE THE INFORMATION REQUESTED BY THE CITY AND PROHIBITING THE "HOLDING" OF APPLICATIONS BY THE STAFF FOR INDEFINITE PERIODS OF TIME, ADDRESSING EXPIRATION OF PROJECT PERMIT APPLICATIONS, REPEALING CHAPTER 18.14 AND ADDING A NEW CHAPTER 18.14 TO THE BLACK DIAMOND MUNICIPAL CODE AND SETTING AN EFFECTIVE DATE.**

|                                 |               |             |
|---------------------------------|---------------|-------------|
|                                 |               |             |
| <b>RECORD OF COUNCIL ACTION</b> |               |             |
| <i>Meeting Date</i>             | <i>Action</i> | <i>Vote</i> |
| , 2015                          |               |             |
|                                 |               |             |

**CITY OF BLACK DIAMOND, WASHINGTON  
ORDINANCE NO. 15-1053**

**AN ORDINANCE OF BLACK DIAMOND, WASHINGTON, RELATING TO PROJECT PERMIT PROCESSING, REPEALING THE CITY’S EXISTING REGULATIONS ON VESTING, ADDING DEFINITIONS, DESCRIBING THE PROCEDURE FOR DETERMINING THE COMPLETENESS OF A PROJECT PERMIT APPLICATION, DESCRIBING THE EFFECT OF A DETERMINATION THAT THE APPLICATION IS COMPLETE/INCOMPLETE, ADDING A NEW PROCEDURE THAT ALLOWS THE CITY TO DETERMINE THAT AN APPLICATION HAS EXPIRED FOR THE APPLICANT’S FAILURE TO PROVIDE THE INFORMATION REQUESTED BY THE CITY AND PROHIBITING THE “HOLDING” OF APPLICATIONS BY THE STAFF FOR INDEFINITE PERIODS OF TIME, ADDRESSING EXPIRATION OF PROJECT PERMIT APPLICATIONS, REPEALING CHAPTER 18.14 AND ADDING A NEW CHAPTER 18.14 TO THE BLACK DIAMOND MUNICIPAL CODE AND SETTING AN EFFECTIVE DATE.**

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WHEREAS, the City of Black Diamond is required to adopt procedures for the processing of project permit applications (as defined in RCW 36.70B.020) to conform to chapter 36.70B RCW; and

WHEREAS, RCW 36.70B.070 requires that the City establish procedures to determine the completeness of applications, which requires that the City provide a determination of completeness or incompleteness in writing to an applicant within 28 days after the submission of an application; and

WHEREAS, once the City issues a notice of incompleteness to an applicant, the applicant has the discretion to submit additional information or not; and

WHEREAS, the City desires to establish a clear process whereby an application will expire or lapse, if the applicant fails to respond to the City’s notice of incomplete application by providing the requested information by a certain deadline; and

WHEREAS, although the City’s existing code provisions describe a process for “lapsing” of applications, it is mixed with an interpretation of the vested rights doctrine that is not consistent with applicable law; and

WHEREAS the City’s existing code includes provisions relating to the vested rights doctrine that are unnecessary and are inconsistent with state law and applicable case law (RCW 19.27.095(1) and RCW 58.17.033; *Potala Village Kirkland LLC v. City*

*of Kirkland*, 183 Wash. App. 191, 334 P.3d 1143 (2014) by extending the vested rights doctrine to all “project permit applications;” and

WHEREAS, the City SEPA Responsible Official determined that this Ordinance was exempt from SEPA under WAC 197-11-800(19); and

WHEREAS, there was a public hearing on this Ordinance before the Planning Commission on April 7, 2015 and the Planning Commission recommended that the City Council look to make clearer what permit applications vest, standardizing the criteria for deeming a permit application complete and better define the timelines associated with granting extensions for specific permit types;

WHEREAS, the City Council introduced this Ordinance on May 7, 2015, during a regular Council meeting; and

WHEREAS, the City Council considered this Ordinance for adoption on May 7, 2015; Now, Therefore,

IT IS HEREBY ORDAINED BY THE BLACK DIAMOND CITY COUNCIL AS FOLLOWS:

Section 1. Chapter 18.14 of the Black Diamond Municipal Code is hereby repealed.

Section 2. A new Chapter 18.14 of the Black Diamond Municipal Code is hereby added, which shall read as follows:

Permit Processing Standards  
CHAPTER 18.14

**Sections:**

- 18.14.010 Definitions.**
- 18.14.020 Determination of Completeness.**
- 18.14.030 Deadline for Submission of Materials Prior to Hearing.**
- 18.14.040 Changes or Additions to Application During Review Period.**
- 18.14.050 Duration of Approvals.**

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**18.14.010 Definitions.** For purposes of this chapter, the following definitions apply:

A. “Complete project permit application” means a project permit application that meets the requirements established in the Black Diamond Municipal Code and administrative regulations needed for a complete application, including the payment of applicable fees.

B. “Lapse” means that any project permit application submitted to the City for processing is expired and/or void under BDMC Section 18.14.050.

C. “Project Permit” means any land use or environmental permit or license required from the City for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by sensitive area or critical area ordinances, master planned developments and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, master planned development regulations or other development regulations.

**18.14.020. Determination of completeness.**

A. *Deadline.* Within twenty-eight (28) days after receiving a project permit application, the City shall mail or personally deliver to the applicant, a determination which states either: (1) that the application is complete; or (2) that the application is incomplete and exactly what is necessary to make the application complete.

B. *What must be included.* If more than one application is submitted under the consolidated permit review process, the determination of completeness shall include all project permits being reviewed in a consolidated manner. To the extent known by the City, other agencies with jurisdiction over the project shall be identified in the determination of completeness. However, it is the applicant’s responsibility to determine which permits are required from other agencies for a development, and to submit the appropriate permit applications.

D. *Required elements.* A determination of completeness is made by the City when the application includes all of the elements identified in the development regulations in this chapter as well as the chapter relating to the individual permit/approval. The City’s issuance of a determination of completeness means that the application is sufficiently complete to initiate review, even though additional information may be required by the City during processing or when subsequent application modifications are made. Issuance of a determination of completeness does not bar the City from requesting additional information or studies whenever new information is required, or substantial changes are made to the proposal.

E. *Deemed Complete.* If a determination of completeness is not issued by the City as provided in this section and within the deadlines

established herein, the permit/approval application shall be deemed complete.

F. *Effect of Determination of Completeness or Application Deemed Complete.* If an application has been determined complete or deemed complete under this section, it does not mean that the application is “vested” to the applicable development regulations in place at the time the application was determined complete or deemed complete under this section. Not all project permit applications are subject to the vested rights doctrine. An application that is “deemed complete” may not trigger vesting. The City will not make any determination whether an application is vested prior to the time that the City has determined that the application is consistent with the applicable development regulations.

G. *Incomplete Applications.* Once the applicant receives notice of an incomplete application, the applicant has two choices. The applicant may:

1. Submit the information requested by the City within ninety (90) days. If the additional information is submitted within this time period, the Community Development Director shall re-initiate the process for a determination of completeness in Subsection A above, and notify the applicant within fourteen (14) days of the receipt of the additional information whether the application is complete or incomplete. If another notice of incomplete application is sent to the applicant, the process shall continue until the City issues a determination of completeness.

2. Fail (or refuse) to submit the information requested by the City within ninety (90) days. After this period expires, the Planning Director shall send a letter by certified mail to the applicant, informing the applicant that unless the information is received within thirty (30) days from the date of the letter, the Director will make written findings and issue a decision that the application has expired for lack of the information necessary to complete review and processing. The decision shall be sent to the applicant, and will also state that the City shall take no further action on the application, and if no arrangements are made within thirty (30) days to pick up the application materials, they will be destroyed. If the application expires under this procedure, the applicant may request a refund of the application fee remaining after the City’s determination of incompleteness. A decision that an application has expired does not preclude the applicant from submitting new applications which are the same or substantially similar to the expired application.

H. *“Holding” of Applications.* Applicants may not request that the City “hold” incomplete *or* complete applications in abeyance, indefinitely or for any set period of time. Once an application is submitted to the City,

it will be processed according to the timeframes in this Title to a final decision, or the applicant may withdraw the application.

**18.14.030. Deadline for Submission of Materials Prior to Decision/Hearing.** All documents and other evidence in support of an application and relied upon by the applicant for approval shall be submitted to the Community Development Director no more than seven (7) days after the City issues the notice of application or the notice of public hearing on the application. Documents or evidence submitted after that date shall be received by the Director, but may be too late to be considered in the decision (if no hearing is allowed before an appeal). If a hearing is allowed on the application, documents or evidence received after that date shall be received by the Director and transmitted to the hearing body, but may be too late to include with or to integrate in the staff report and staff's evaluation of the application.

**18.14.040 Changes or Additions to Application During Review Period.**

A. When documents or other evidence are submitted by the applicant during the review period but after the application is determined (or deemed) complete, the assigned reviewer shall determine whether or not the new documents or other evidence submitted by the applicant significantly revise the application. Some of the factors that the City may consider as significantly revising the application include, but are not limited to, adding/subtracting from the property originally included in the application, making changes in the proposed use, expansion of any proposed structures, revisions requiring additional potable water and/or sewer, etc.

B. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred. Such a determination may trigger the need for additional review and submission of additional information, including, but not limited to, revised application materials and a new SEPA Checklist. In the alternative, the reviewer may inform the applicant either in writing, or orally at the public hearing, that such changes may constitute a significant change (see subsection C below), and allow the applicant to withdraw the new materials submitted.

C. If the applicant's new materials are determined to constitute a significant change in an application that was previously determined complete, the City shall take one of the following actions:



1. If the applicant chooses to withdraw the new materials which constitute a significant change in the application, the City shall continue to process the existing application without considering the new documents or other evidence; or
2. Allow the applicant to submit a new application with the proposed significant changes, immediately after the existing application is withdrawn. If the applicant chooses this option, the application shall be subject to an additional fee, separate review for completeness, and will be subject to the standards and criteria in effect at the time the complete new application was submitted.

**18.14.050. Duration of approvals – Effect of permit expiration.**

A. Except where a different duration is established elsewhere in the Black Diamond Municipal Code or by an executed development agreement or applicable law, all project permits shall expire two years after the date of issuance if construction of the project has not substantially begun; provided, an extension of the permit may be granted as allowed under subsection B.

B. The City may extend the date of permit expiration for permits subject to subsection A above for up to two years with good cause shown by the permittee, and as long as the permittee submits a written request at least thirty days prior to the expiration of the permit. Requests for extensions shall be submitted in writing, together with payment of a fee equal to one-half of the permit application fee in effect at the time the request for an extension is filed. The “good cause” that must be described in the written request for an extension shall include documentation of the facts supporting the permittee’s claim that he/she was unable to substantially begin construction during the life of the original permit because of circumstances that were beyond the permittee’s control and not foreseeable at the time of permit issuance. The permittee must also demonstrate the ability to complete the project within the extended time period.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Black Diamond this 7<sup>Th</sup> day of May, 2015.

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Mayor Carol Benson

AUTHENTICATED:

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City Clerk, Brenda L. Martinez

APPROVED AS TO FORM:  
Office of the City Attorney

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Carol Morris, City Attorney

PUBLISHED:  
EFFECTIVE DATE:

**TO:** Aaron Nix, Community Development Director  
**FROM:** Carol Morris, City Attorney  
**DATE:** March 13, 2015  
**RE:** **Vested Rights Doctrine**

Aaron, this is a response to the November 25, 2008 Memo on the Proposed Permits Vesting Ordinance with Lapsing Provision written by Tom Guilfoil, Assistant City Attorney, with the VSI Law Group. As a preliminary matter, it should be noted that there is absolutely **no** authority cited in this memo to support this "legal analysis."

1. What is vesting?

Note that in the explanation provided here, the focus is on the **developer**. There is no mention of the effect of the vested rights doctrine on the City or the public. As the City Attorney, my focus is on the City and the public interest.

Consider that "Washington's vesting rule runs counter to the overwhelming majority rule that 'development is not immune from subsequently adopted regulations until a building permit has been obtained and substantial development has occurred in reliance on the permit.'" *Erickson & Associates, Inc. v. McLerran*, 123 Wash.2d 864, 868, 872 P.2d 1090 (1994). There are only a few states with a vested rights doctrine similar to Washington's, which is already **very** favorable to developers. Given that developers are given this extraordinarily favorable treatment in Washington, the City needs to ask whether it is a good idea to expand the vested rights doctrine even further within the City of Black Diamond.

"Washington's doctrine of vested rights entitles developers to have a land development proposal processed under the regulations in effect at the time a complete building permit application is filed, regardless of the subsequent changes in zoning or other land use regulations." *West Main Assocs. V. Bellevue*, 106 Wash.2d 47, 720 P.2d 782 (1986). As you can see, the Washington rule has nothing to do with restaurant menus and it is limited to **building permits**,

The vested rights doctrine **does not apply to all permits**. The ordinance drafted by VSI and adopted by the City expands this doctrine so that it applies to all permits. While the City has the authority, we need to ask whether this is in the public interest. Here is the language from the *Erickson* case:

Development interests and due process rights protected by the vested rights doctrine come at a cost to the public interest. The practical effect of recognizing a vested right is to sanction the creation of a new nonconforming use. A proposed development which does not conform to newly adopted laws is, by definition,

inimical to the public interest embodied in those laws. If a vested rights is too easily granted, the public interest is subverted.

This court recognized the tension between public and private interests when it adopted Washington's vested rights doctrine. The court balanced the private property and due process rights against the public interest by selecting a vesting point which prevents 'permit speculation,' and which demonstrates substantial commitment by the developer, such that the good faith of the applicant is generally assured. The application for a **building permit** demonstrates the requisite level of commitment. . . .

*Erickson*, 123 Wash.2d at 874 (emphasis added).

Based on the above, and recent case law (*Potala Village Kirkland, LLC v. City of Kirkland*, 183 Wash. App. 191, 334 P.3d 1143 (2014)), my recommendation is that the City should recognize that two types of permits vest – building permits (under RCW 19.27.095(1) and preliminary plats (under RCW 58.17.033(1)). If the City has a binding site plan ordinance, the preliminary binding site plan should also vest.

2. Why VSI believed the expansive vesting ordinance was needed.

The explanation of the vested rights doctrine in this memo is not consistent with the case law (cited above) or state law. The Washington courts have not held that all "land use applications" have a "vested right to develop land in accordance with the land use laws and regulations in effect at the time of application." Loren Combs and the VSI Law Firm discovered that their interpretation of the vested rights doctrine was completely erroneous when their developer client submitted a site plan application to the City of Bonney Lake without a building permit, the City subsequently adopted a zoning change and then denied the project in *Abbey Road Group, LLC v. City of Bonney Lake*, 167 Wash.2d 242, 128 P.3d 180 (2009). The court in *Abbey Road* determined that the site plan did not vest the project and that the City of Bonney Lake's denial was proper.

Mr. Guilfoil is incorrect in his statement that "the law is also silent on when permit fees and charges vest." The Washington courts have determined that impact fees do not vest. *New Castle Investments v. LaCenter*, 98 Wn. App. 224, 989 P.2d 569 (1999). Water and sewer connection fees do not vest. *Irvin Water District No. 6 v. Jackson Partnership*, 109 Wn.App. 113, 34 P.3d 840 (2001). It is better for a city not to adopt a rule allowing impact fees to vest prior to building permit issuance because impact fees usually increase over time and rarely decrease. Therefore, it is not in the City's best interest to adopt a rule allowing a developer to vest impact fees at preliminary plat or even final plat approval.

Anyone working for a City would **never** suggest that permit fees vest because these fees must be established so that the City's administrative costs associated with the processing of the permit are reimbursed to the City. Otherwise, if the City's permit fees were "frozen" at a certain level, the City would be providing an unconstitutional gift of public funds to developers.

3. What the ordinance allowing all permits and fees to vest does.

It is true that the City is required by RCW 36.70B.080 to adopt ordinances which describe the elements of a complete application. However, there is no statutory authority that **requires** a City to adopt an ordinance which extends the vested rights doctrine beyond that already established in state law.

The City is required to issue a final decision on a project permit application within 120 days (usually) after it is determined complete. While I agree that a permit application should expire if the applicant does not provide information required to make the application complete or for continued processing, 180 days is too long. My model code has a provision addressing this.

The development agreement language is completely contrary to state law. RCW 36.70B.170(1). That is why I recommended that the development agreement sections be repealed and a new ordinance adopted. The City can't use development agreements to waive or deviate from "pesky" development regulations. Use of development agreements to "create" the development regulations that apply to a particular project avoids the public process inherent in the procedures that a GMA city must follow when adopting development regulations.

The discussion regarding grading, filling and storm water is outdated and should be disregarded as a result of *Potala Village v. Kirkland*, 183 Wash. App. 191, 334 P.3d 1143 (2014). The City should not be issuing stand-alone storm water permits anyway – an underlying development permit is required.

With regard to the discussion on suspension or revocation of permits – there are very limited circumstances under which the City can suspend or revoke a permit, once it issued. In most situations, if the property owner has violated a permit condition, the City initiates a code enforcement action. Revoking a permit is the way to ensure that the City will be immediately slapped with a damage lawsuit.

4. When other fees and charges vest.

Here, the attorney attempts to explain why the code allows impact fees to vest at three different times. However, impact fees don't vest and the City shouldn't adopt a rule allowing them to vest. *New Castle Investments v. LaCenter*, 98 Wn. App. 224, 989 P.2d 569 (1999). Impact fees should be paid in order to obtain a building permit. The City should not adopt provisions in the code which vest impact fees at an earlier point in time.

The VSI attorney explains that the City is free to decide when connection fees vest. Again, is there ever a situation when the City's connection fees have decreased over time? Under state law, connection fees don't vest. *Irvin Water District No. 6 v. Jackson Partnership*, 109 Wn. App. 113, 34 P.3d 840 (2001). So, it is not in the public interest to adopt an ordinance allowing connection fees to vest earlier than the date that a developer submits a request for a water or sewer connection.

If you have any other questions, please let me know. Thanks.





March 10, 2015

Planning Commission  
City of Black Diamond  
P.O. Box 599  
Black Diamond, Washington 98010

Re: Public Hearing Testimony  
Planning Commission Meeting Agenda, March 10, 2015, Item 4(a)  
Repealing Ch. 18.14 Vesting and Replacing it with New Language, Related to  
Permit Processing and Vesting

Dear Black Diamond Planning Commissioners:

BD Village Partners, LP and BD Lawson Partners, LP (collectively "Yarrow Bay") hereby respectfully submits the following comments on the yet unnumbered draft ordinance included in the Planning Commission's March 10, 2015 packet proposing the repeal of BDMC Ch. 18.14 and replacing it with new language related to permit process and vesting, i.e. Item 4(a) on tonight's agenda. By way of these comments, please include Yarrow Bay as a party of record in the City's consideration of this new legislation and include this comment letter in the written record associated with such ordinance.

To aid in the Planning Commission's review and discussion of this new draft ordinance concerning vesting, Yarrow Bay has attached to this letter an article entitled "Vested Rights" by Municipal Research and Services Center (MRSC), a Washington State nonprofit organization dedicated to proactively supporting the success of local governments state-wide. Contrary to the assertions set forth in the recitals to the draft ordinance, and as acknowledged within MRSC's attached article, "city or county policies may grant broader vested rights" than explicitly set forth in state law.

Yarrow Bay also suggests that the Planning Commission give careful consideration to the various timeframes for permit processing and review set forth in the draft ordinance. For example, in draft Section 18.14.030 of the new ordinance, the City appears to require that all documents and other evidence in support of an application and relied upon by the applicant for approval be submitted no more than 7 days after issuance of a notice of application. This timeframe is inconsistent with the 14-day public comment period following a notice of application as set forth in BDMC 18.08.120(B)(7). Efficient and effective planning practice would allow for a time period after public comment periods are submitted in which an applicant could submit responses to such comments or modify its application accordingly.

Because it appears that the City will be making additional amendments to the current draft ordinance, we do not include here a point by point analysis. However, we do note that

there are numerous other practical and legal issues with the current draft ordinance. Yarrow Bay looks forward to reviewing updated drafts.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Colin Lund', with a stylized, cursive script.

Colin Lund



## Vested Rights

### Introduction

In Washington State, the vested rights doctrine "refers generally to the notion that a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the application's submission." *Noble Manor v. Pierce County* (<http://courts.mrsc.org/mc/courts/zsupreme/133wn2d/133wn2d0269.htm>), 133 Wn.2d 269, 275 (1997). The doctrine was originally applied by the state supreme court and in a different manner than is applied in a majority of states, where it is invoked only when substantial development has occurred in reliance on an issued permit. See *Hull v. Hunt* (<http://courts.mrsc.org/mc/courts/zsupreme/053wn2d/053wn2d0125.htm>), 53 Wn.2d 125, 128-30 (1958). The rationale for the Washington courts rejecting the majority approach and applying the doctrine upon permit application is to provide certainty and predictability in land use regulations. *West Main Assocs. Inc. v. City of Bellevue* (<http://courts.mrsc.org/mc/courts/zsupreme/106wn2d/106wn2d0047.htm>), 106 Wn.2d 47, 51 (1986) ("Society suffers if property owners cannot plan developments with reasonable certainty, and cannot carry out the developments they begin.") The Washington approach is, according to the courts, based on "constitutional principles of fairness and due process, acknowledging that development rights are valuable and protected property interests." *Weyerhaeuser v. Pierce County* (<http://courts.mrsc.org/mc/courts/zappellate/095wnapp/095wnapp0883.htm>), 95 Wn. App. 883, 891 (1999).

In a major new decision clarifying the scope of the vested rights doctrine, Division I of the state court of appeals, in *Potala Village Kirkland, LLC v. City of Kirkland* (<http://www.courts.wa.gov/opinions/pdf/705423.pdf>), 183 Wn. App. 191 (2014), held that the statutory vested rights doctrine replaced, rather than supplemented, the common law (court-made) vested rights doctrine. Thus, under this decision, vested rights apply only in the context of building permit applications (RCW 19.27.095 (<http://app.leg.wa.gov/rcw/default.aspx?cite=19.27.095>)), short subdivision and subdivision applications (RCW 58.17.033 (<http://app.leg.wa.gov/rcw/default.aspx?cite=58.17.033>)), and development agreements (RCW 36.70B.180 (<http://app.leg.wa.gov/rcw/default.aspx?cite=36.70B.180>))), although city or county policies may grant broader vested rights.

The right to continue a nonconforming use despite a zoning ordinance that prohibits that use in that zone is sometimes referred to as a vested right. *Rhod-A-Zalea v. Snohomish County* (<http://courts.mrsc.org/mc/courts/zsupreme/136wn2d/136wn2d0001.htm>), 136 Wn.2d 1, 6 (1998). Though, this right in the context of a nonconforming use refers only to the right not to have the use immediately terminated in the face of a zoning ordinance that prohibits it. *Id.*

### Statutory Application of Doctrine

The legislature has codified the vested rights doctrine as applied to:

- Building permit applications (RCW 19.27.095 (<http://app.leg.wa.gov/rcw/default.aspx?cite=19.27.095>)):

A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

- Subdivision applications (RCW 58.17.033 (<http://app.leg.wa.gov/rcw/default.aspx?cite=58.17.033>)):

A proposed division of land, as defined in RCW 58.17.020 (<http://app.leg.wa.gov/rcw/default.aspx?cite=58.17.020>), shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

- Development agreements (RCW 36.70B.180 (<http://app.leg.wa.gov/rcw/default.aspx?cite=36.70B.180>)):

A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement.

## Common Law Application of Doctrine

(See discussion in Introduction of *Potala Village Kirkland, LLC v. City of Kirkland* (<http://www.courts.wa.gov/opinions/pdf/705423.pdf>) (2014), where the court held that the statutory doctrine replaces the common law doctrine.) The courts have applied the doctrine to the following:

- Conditional use or special use permit application - *Beach v. Board of Adjustment* (<http://courts.mrsc.org/mc/courts/zsupreme/073wn2d/073wn2d0343.htm#073wn2d0343>), 73 Wn.2d 343, 347 (1968); *Weyerhaeuser v. Pierce County* (<http://courts.mrsc.org/mc/courts/zappellate/095wnapp/095wnapp0883.htm>), 95 Wn. App. 883 (1999)
- Stormwater drainage ordinances - *Phillips v. King County* (<http://courts.mrsc.org/mc/courts/zsupreme/136wn2d/136wn2d0946.htm>), 136 Wn.2d 946, 963 (1998)
- Planned unit development application, if combined with a preliminary plat application - *Schneider Homes v. City of Kent* (<http://courts.mrsc.org/mc/courts/zappellate/087wnapp/087wnapp0774.htm>), 87 Wn. App. 774, 779-80 (1997), *review denied*, 134 Wn.2d 1021 (1998)
- SEPA policies - *Victoria Tower P'ship v. City of Seattle* (<http://courts.mrsc.org/mc/courts/zappellate/049wnapp/049wnapp0755.htm>), 49 Wn. App. 755, 761-62 (1987)
- Shoreline substantial development permit application - *Talbot v. Gray* (<http://courts.mrsc.org/mc/courts/zappellate/011wnapp/011wnapp0807.htm>), 11 Wn. App. 807, 811 (1974)
- Grading permit - *Juanita Bay Valley Comm'ty Ass'n v. Kirkland* (<http://courts.mrsc.org/mc/courts/zappellate/009wnapp/009wnapp0059.htm>), 9 Wn. App. 59, 84, *review denied*, 83 Wn.2d 1002 (1973)

The courts have held that vested rights do not apply to:

- Application for site development plan review, absent a building permit application - *Abbey Rd. Group, LLC v. City of Bonney Lake* (<http://courts.mrsc.org/mc/courts/zsupreme/167wn2d/167wn2d0242.htm>), 167 Wn.2d 242 (2009)



- Impact fees - *New Castle Invs. v. City of La Center* (<http://courts.mrsc.org/mc/courts/zappellate/O98wnapp/O98wnapp0224.htm>), 98 Wn. App. 224 (1999), *review denied*, 140 Wn.2d 1019 (2000)
- Master use permit application - *Erickson & Assocs., Inc. v. McLerran* (<http://courts.mrsc.org/mc/courts/zsupreme/123wn2d/123wn2d0864.htm>), 123 Wn.2d 864, 876-77 (1994)
- Connection fees - *Lincoln Shiloh Assoc., Ltd. v. Mukilteo Water Dist.* (<http://courts.mrsc.org/mc/courts/zappellate/O45wnapp/O45wnapp0123.htm>), 45 Wn. App. 123, 128, *review denied*, 107 Wn.2d 1014 (1986)
- Rezones - *Hale v. Island County* (<http://courts.mrsc.org/mc/courts/zappellate/O88wnapp/O88wnapp0764.htm>), 88 Wn. App. 764 (1997); *Teed v. King County* (<http://courts.mrsc.org/mc/courts/zappellate/O36wnapp/O36wnapp0635.htm>), 36 Wash. App. 635 (1984)

In addition, the courts have held with respect to the vested rights doctrine:

- Vested rights are not waivable; developer cannot selectively benefit from old and new regulations - *East County Reclamation Co. v. Bjornsen* (<http://courts.mrsc.org/mc/courts/zappellate/125wnapp/125wnapp0432.htm>), 125 Wn. App. 432, *review denied*, 155 Wn.2d 1005 (2005).
- Vested rights survive annexation - *Schneider Homes v. City of Kent* (<http://courts.mrsc.org/mc/courts/zappellate/O87wnapp/O87wnapp0774.htm>), 87 Wn. App. 774, 781 (1997), *review denied*, 134 Wn.2d 1021 (1998).
- Submission of a completed plat/short plat application vests the developer with the right to both divide the property and to develop it in the manner disclosed in the application in accordance with the land use and zoning laws in effect on the date of submission of the application - *Noble Manor v. Pierce County* (<http://courts.mrsc.org/mc/courts/zsupreme/133wn2d/133wn2d0269.htm>), 133 Wn.2d 269 (1997).
- Preapplication procedures that delay the vesting point until well after a developer first applies for project approval and that reserve almost unfettered ability to change ordinances in response to a developer's proposals violate the vested rights doctrine - *West Main Assocs. v. Bellevue* (<http://courts.mrsc.org/mc/courts/zsupreme/106wn2d/106wn2d0047.htm>), 106 Wn.2d 47 (1986).
- Vested rights apply regardless of the existence of an enacted but not yet effective zoning change - *Allenbach v. City of Tukwila* (<http://courts.mrsc.org/mc/courts/zsupreme/101wn2d/101wn2d0193.htm>), 101 Wn.2d 193, 197 (1984).

## Significant Court Decisions

The following links to state supreme court and court of appeals decisions address vested rights in various land use contexts.

- *Potala Village Kirkland, LLC v. City of Kirkland* (<http://www.courts.wa.gov/opinions/pdf/705423.pdf>), 183 Wn. App. 191 (2014) - shoreline substantial development permit

The court held that that the filing of an application for a shoreline substantial development permit, without filing an application for a building permit, does not vest rights to zoning or other land use control ordinances. The court held that, since RCW 19.27.095(1) does not include shoreline substantial development permits, the legislature intended that the vested rights doctrine would not extend to such permits. The court relied on the state supreme court's recent statement in *Town of Woodway v. Snohomish County* (<http://www.courts.wa.gov/opinions/pdf/884056.pdf>), 180 Wn.2d 165 (2014), "While it originated at common law, the vested rights doctrine is now statutory." The court rejected the argument that the vested rights statutes - RCW 19.27.095 (building permits), RCW 58.17.033 (subdivisions), and RCW 36.70B.180 (development agreements) - supplement common law vesting, concluding rather that they replaced the common law doctrine.

- *Town of Woodway v. Snohomish County* (<http://www.courts.wa.gov/opinions/pdf/884056.pdf>), 180 Wn.2d 165 (2014) - vesting despite SEPA noncompliance

The vested rights doctrine applies to permit applications filed under plans and regulations that were later found to be noncompliant with SEPA. Local land use plans and development regulations enacted under the Growth Management Act are presumed valid upon adoption. Should a valid plan or regulation later be found to violate SEPA, the exclusive remedies provided by the GMA affect only future applications for development - not development rights that have already vested.

- *Lauer v. Pierce County* (<http://courts.mrsc.org/mc/courts/zsupreme/173wn2d/173wn2d0242.htm>), 173 Wn.2d 242 (2011), overruling *Lauer v. Pierce County* (<http://courts.mrsc.org/mc/courts/zappellate/157wnapp/157wnapp0693.htm>), 157 Wn. App. 693 (2010) - building permit application containing misrepresentations does not vest

The court concluded that the applicant's 2004 building permit application, which contained knowing misrepresentations and omissions of material fact, did not vest because it was not valid and did not comply with the regulations in place at the time it was submitted. The fact that the application was deemed complete as under RCW 36.70B.070(4)(a), because the county did not provide a written determination of incompleteness to the applicant within 28 days of submission, does not mean the application vests under RCW 19.27.095. To vest under that statute, a building permit application must be "valid and fully complete," which this application was not.

- *Kelly v. Chelan County* (<http://courts.mrsc.org/mc/courts/zappellate/157wnapp/157wnapp0417.htm>), 157 Wn. App. 417 (2010) - application incompatible with the comp plan does not vest

Where a local jurisdiction's code authorizes the issuance of a conditional use permit only if the proposed development is compatible with the jurisdiction's comprehensive plan, an application for a conditional use permit does not vest the developer with the right to develop the property in the manner disclosed in the application according to the land use laws and regulations in effect on the date the application was filed if the proposed development is incompatible with the comprehensive plan.

- *Deer Creek Developers, LLC v. Spokane County* (<http://courts.mrsc.org/mc/courts/zappellate/157wnapp/157wnapp0001.htm>), 157 Wn. App. 1 (2010) - site plan review and vesting



A developer does not have a due process right to the vesting of development rights under existing land use laws and regulations upon the filing of an application for site plan review if, under applicable laws and regulations, site plan review approval is not a prerequisite to the submission of a building permit application and the developer is not prohibited from filing a building permit application at the same time the site plan application is filed.

- *Abbey Rd. Group, LLC v. City of Bonney Lake*

(<http://courts.mrsc.org/mc/courts/zsupreme/167wn2d/167wn2d0242.htm>), 167 Wn.2d 242 (2009) - site plan review and vesting

After the developer applied for site development plan review but before applying for a building permit, the city council passed an ordinance rezoning the subject property to a zoning category that precluded the sort of multifamily development the developer sought to construct. Concluding that *Erickson & Assocs., Inc. v. McLerran*, 123 Wn.2d 864 (1994), was controlling and upholding a prior court of appeals decision, the state supreme court held that the developer, having failed to file a building permit application, did not have vested rights in the prior zoning. The court determined that the developer was not prohibited by the city code from submitting a building permit application at the same time as applying for site development plan review.

- *East County Reclamation Co. v. Bjornsen*

(<http://courts.mrsc.org/mc/courts/zappellate/125wnapp/125wnapp0432.htm>), 125 Wn. App. 432, review denied, 155 Wn.2d 1005 (2005) - can't waive vested rights

Vested rights are not waivable; a developer cannot selectively benefit from old and new regulations. If an applicant wishes to take advantage of a change in the law allowing a previously prohibited use, it may do so by withdrawing its original application and submitting another, but it may not select which laws will govern its application.

- *Westside Bus. Park, LLC v. Pierce County*

(<http://courts.mrsc.org/mc/courts/zappellate/100wnapp/100wnapp0599.htm>), 100 Wn. App. 599, review denied, 141 Wn.2d 1023 (2000) - short plat application vesting

Because the county accepted the developer's short plat application as complete and knew of the developer's intended use for the plat, RCW 58.17.033 vested the developer's right to have the storm water drainage ordinance in effect at the time of its short plat application apply to that application.

- *New Castle Investments v. City of La Center*

(<http://courts.mrsc.org/mc/courts/zappellate/098wnapp/098wnapp0224.htm>), 98 Wn. App. 224 (1999), review denied, 140 Wn.2d 1019 (2000) - no vesting for impact fees

RCW 58.17.033 does not apply to transportation impact fees of a city because they do not fall within the definition of "land use control ordinances."

- *Weyerhaeuser v. Pierce County*

(<http://courts.mrsc.org/mc/courts/zappellate/095wnapp/095wnapp0883.htm>), 95 Wn. App. 883 (1999) - conditional use permit vesting

A developer's submission of an application for a conditional use permit vests the developer with the right to use and develop the property in the manner disclosed in the application according to the land use laws and regulations in effect on the date the application was filed.

- *Phillips v. King County* (<http://courts.mrsc.org/mc/courts/zsupreme/136wn2d/136wn2d0946.htm>), 136 Wn.2d 946 (1998) - surface water drainage code vesting

Although a new surface water drainage code was adopted by King County in 1990, it did not apply to the challenged project because the project was vested to the prior code pursuant to RCW 58.17.033.

- *Rhod-A-Zalea v. Snohomish County* (<http://courts.mrsc.org/mc/courts/zsupreme/136wn2d/136wn2d0001.htm>), 136 Wn.2d 1 (1998) - nonconforming uses and vesting

While nonconforming uses cannot be prohibited under new zoning ordinances, they are still subject to reasonable regulations under a local government's police power to protect the public health, safety, and welfare.

- *Noble Manor v. Pierce County* (<http://courts.mrsc.org/mc/courts/zsupreme/133wn2d/133wn2d0269.htm>), 133 Wn.2d 269 (1997) - subdivision vesting

Under RCW 58.17.033, a developer's submission of a completed short plat application vests the developer with the right to divide the property and develop it in the manner disclosed in the application according to the land use and zoning laws in effect on the date of submission.

- *Hale v. Island County* (<http://courts.mrsc.org/mc/courts/zappellate/088wnapp/088wnapp0764.htm>), 88 Wn. App. 764 (1997) - rezone procedure and vesting

The county had established a two-step rezone process, and the developer obtained preliminary approval (the first step) for a rezone. Before final approval, the growth management hearings board invalidated the zoning provisions under which preliminary approval had been granted. The court held that when local regulations provide that a rezone may be granted under a two-step procedure involving (1) preliminary use approval and (2) final site plan approval, a rezone applicant's rights vest upon preliminary use approval if preliminary use approval binds the local jurisdiction to the rezone decision. Under RCW 36.70A.250, a growth management hearings board may invalidate land use regulations prospectively only.

- *Schneider Homes v. City of Kent* (<http://courts.mrsc.org/mc/courts/zappellate/087wnapp/087wnapp0774.htm>), 87 Wn. App. 774 (1997), review denied, 134 Wn.2d 1021 (1998) - vested rights survive annexation

When the developer submitted its preliminary plat application to the county, it became entitled to have not only that application, but also its companion PUD application, considered under the county ordinances then in effect, and even though the land was annexed by a city in the interim.



- *Thurston County Rental Owners Assn. v. Thurston County* (<http://courts.mrsc.org/mc/courts/zappellate/085wnapp/085wnapp0171.htm>), 85 Wn. App. 171, review denied, 132 Wn.2d 1010 (1997) - construction permit for septic system

A construction permit to build a new septic system does not allow an owner to use the system where the board of health also requires septic system owners to obtain operation permits in order to use their systems. Because a construction permit alone does not authorize the use of a septic system, requiring an operation permit does not deprive owners of a vested right.

- *Matson v. Clark County Bd. of Comm'rs* (<http://courts.mrsc.org/mc/courts/zappellate/079wnapp/079wnapp0641.htm>), 79 Wn. App. 641 (1995) - interim zoning controls and moratoriums

The adoption of interim zoning controls and moratoriums under RCW 35.63.200 does not violate the vested rights doctrine. Although the county may not change the rules applicable to an already submitted application, it may enact a moratorium on new applications; and, in changing zoning rules, the county may enact emergency rules without a public hearing to prevent subsequent development applications from rendering the changes moot.

- *Erickson & Assocs., Inc. v. McLerran* (<http://courts.mrsc.org/mc/courts/zsupreme/123wn2d/123wn2d0864.htm>), 123 Wn.2d 864, 876-77 (1994) - local vesting schemes

The court held that, "[w]ithin the parameters of the doctrine established by statutory and case law, municipalities are free to develop vesting schemes best suited to the needs of a particular locality." The city's master use permit process, which allows vesting either when the developer submits a complete building permit application or when the City earlier issues a master use permit without a building permit application, comports with the vested rights doctrine.

- *Friends of the Law v. King County* (<http://courts.mrsc.org/mc/courts/zsupreme/123wn2d/123wn2d0518.htm>), 123 Wn.2d 518 (1994) - ambiguous vesting ordinance

In the absence of an ordinance specifying the requirements for a "fully completed" preliminary plat application, a developer's good faith attempt to comply with the ambiguous terms of existing ordinances may be sufficient to vest the application upon its submission under RCW 58.17.033.

- *Adams v. Thurston County* (<http://courts.mrsc.org/mc/courts/zappellate/070wnapp/070wnapp0471.htm>), 70 Wn. App. 471 (1993) - EIS and vesting

A municipal ordinance requiring that a final environmental impact statement (EIS) be completed before a previously submitted preliminary plat application is deemed a fully completed application for purposes of determining when development rights vest conflicts with RCW 58.17.033(1), which vests development rights on the date a complete and legally sufficient preliminary plat application is submitted, and is invalid. The inclusion of an EIS as a contingent requirement for a fully completed plat application would violate the intent of RCW 58.17.033 and frustrate the purpose of the vesting rule.



- *Valley View Indus. Park v. Redmond*  
(<http://courts.mrsc.org/mc/courts/zsupreme/107wn2d/107wn2d0621.htm>), 107 Wn.2d 621 (1987) - exception to vesting requirement

The state supreme court applied the exception to the vested rights rule that was developed in *Parkridge v. Seattle* (<http://courts.mrsc.org/mc/courts/zsupreme/089wn2d/089wn2d0454.htm#089wn2d0454>), 89 Wn.2d 454 (1978). The court determined that the exception applied because: (1) the developer diligently and in good faith attempted to obtain building permits; (2) city officials explicitly frustrated the developer's attempts; and (3) as a result, the developer's building permit applications were incomplete.

- *Victoria Tower P'ship v. City of Seattle*  
(<http://courts.mrsc.org/mc/courts/zappellate/049wnapp/049wnapp0755.htm>), 49 Wn. App. 755 (1987) - SEPA and vesting

The court held that the vested rights doctrine applies to SEPA policies.

- *West Main Assocs. Inc. v. City of Bellevue*  
(<http://courts.mrsc.org/mc/courts/zsupreme/106wn2d/106wn2d0047.htm>), 106 Wn.2d 47 (1986) - delaying point of vesting

The city's ordinance prohibited the filing of a building permit application for any proposed project until after several approvals are obtained. The court held that the ordinance upsets the vesting doctrine's protection of a citizen's constitutional right to develop property free of the "fluctuating policy" of legislative bodies by delaying the vesting point until well after a developer first applies for project, thus reserving for the city an almost unfettered ability to change its ordinances in response to a developer's proposals.

- *Lincoln Shiloh Assoc., Ltd. v. Mukilteo Water Dist.*  
(<http://courts.mrsc.org/mc/courts/zappellate/045wnapp/045wnapp0123.htm>), 45 Wn. App. 123, review denied, 107 Wn.2d 1014 (1986) - no vesting of connection charge

Vested rights that follow upon the filing of a building permit application do not apply to a utility's connection charge.

- *Allenbach v. City of Tukwila* (<http://courts.mrsc.org/mc/courts/zsupreme/101wn2d/101wn2d0193.htm>), 101 Wn.2d 193 (1984) - building permit vesting

An applicant for a building permit has a vested right to have the application considered under the zoning regulations in effect at the time the application is filed, regardless of the existence of an enacted but not yet effective zoning change that makes the development a nonconforming use.

- *Teed v. King County* (<http://courts.mrsc.org/mc/courts/zappellate/036wnapp/036wnapp0635.htm>), 36 Wn. App. 635 (1984) - rezone

The vested rights doctrine is not applicable to a rezone request.

- *Parkridge v. Seattle*

(<http://courts.mrsc.org/mc/courts/zsupreme/089wn2d/089wn2d0454.htm#089wn2d0454>), 89 Wn.2d 454 (1978) - vesting exception

The court created in this decision a limited exception to the requirement of completeness of building permit applications for vesting purposes, where the developer makes diligent attempts to complete the application prior to the zoning change but is obstructed by the local government.

- *Ford v. Bellingham-Whatcom County Dist. Bd. of Health*

(<http://courts.mrsc.org/mc/courts/zappellate/016wnapp/016wnapp0709.htm>), 16 Wn. App. 709 (1977) - septic tank permit

A property owner has a right to obtain a septic tank permit under existing septic tank regulations when the owner makes a valid application for a septic tank permit.

- *Talbot v. Gray* (<http://courts.mrsc.org/mc/courts/zappellate/011wnapp/011wnapp0807.htm>), 11 Wn. App. 807 (1974) - shoreline permit vesting

Vested rights apply after the filing of an application for a substantial development permit under the Shoreline Management Act.

- *Juanita Bay Valley Comm'ty Ass'n v. Kirkland*

(<http://courts.mrsc.org/mc/courts/zappellate/009wnapp/009wnapp0059.htm>), 9 Wn. App. 59, review denied, 83 Wn.2d 1002 (1973) - grading permit vesting

As with a building permit application, the vested rights doctrine extends to grading permits.

- *Beach v. Board of Adjustment*

(<http://courts.mrsc.org/mc/courts/zsupreme/073wn2d/073wn2d0343.htm#073wn2d0343>), 73 Wn.2d 343 (1968) - conditional use permit

Vested rights apply after the filing of an application for a conditional use permit.

- *Hull v. Hunt* (<http://courts.mrsc.org/mc/courts/zsupreme/053wn2d/053wn2d0125.htm>), 53 Wn.2d 125 (1958) - building permit application

Deviating from the majority rule, the state supreme court stated: "we prefer to have a date certain upon which the right vests to construct in accordance with the building permit." The court determined that vested rights are established upon the filing of a building permit application if it is consistent with the zoning ordinances and building codes in force at the time of application. The permit applicant does not have to be the property owner for this rule to apply.

## Ordinance/Code Provisions

"Within the parameters of the doctrine established by statutory and case law, municipalities are free to develop vesting schemes best suited to the needs of a particular locality." *Erickson & Assocs., Inc. v. McLerran* (<http://courts.mrsc.org/mc/courts/zsupreme/123wn2d/123wn2d0864.htm>), 123 Wn.2d 864, 873 (1984).



## Vested Rights Rules

- Bellevue Municipal Code Sec. 20.40.500  
(<http://www.codepublishing.com/wa/bellevue/LUC/BellevueLUC2040.html#20.40.500>) - Vesting and expiration of vested status of land use permits and approvals
- Blaine Municipal Code Sec. 17.06.080  
(<http://www.codepublishing.com/wa/blaine/html/Blaine17/Blaine1706.html#17.06.080>) - Vesting of applications
- Chelan County Code Sec. 14.08.040  
(<http://www.codepublishing.com/WA/ChelanCounty/html/Chelco14/Chelco1408.html#14.08.040>) - Application vesting
- Everett Municipal Code Ch. 15.28  
(<http://www.codepublishing.com/wa/everett/html/everett15/Everett1528.html#15.28>) - Vested Rights
- Marysville Municipal Code Sec. 22G.010.250  
(<http://www.codepublishing.com/WA/Marysville/html/Marysville22G/Marysville22G010.html#22G.010.250>) - Vesting (conditional use permit)
- Mount Vernon Municipal Code Sec. 14.05.120  
(<http://www.codepublishing.com/WA/MountVernon/html/MountVernon14/MountVernon1405.html#14.05.120>) - Vesting; Sec. 15.40.140  
(<http://www.codepublishing.com/wa/mountvernon/html/MountVernon15/MountVernon1540.html#15.40.140>) - Vesting (critical areas)
- Pierce County Code Ch. 18.160 (<http://www.co.pierce.wa.us/DocumentCenter/View/1155#page=119>) - Vesting
- Redmond Community Development Guide Sec. 20F.10.60  
(<http://www.codepublishing.com/WA/redmond/CDG/RCDG20F/RCDG20F1060.html>) - Vesting
- Tumwater Municipal Code Ch. 15.44  
(<http://www.codepublishing.com/wa/tumwater/html/Tumwater15/Tumwater1544.html#15.44>) - Vesting of Development Rights
- Whatcom County Code Sec. 20.04.031  
(<http://www.codepublishing.com/wa/whatcomcounty/html/whatco20/whatco2004.html#20.04.031>) - Vesting of permits
- Woodinville Municipal Code Sec. 21.40.035  
(<http://www.codepublishing.com/wa/woodinville/html/Woodinville21/Woodinville2140.html#21.40.035>) - Vesting

## Defining "Complete Application" for Vesting Purposes

- Burlington Municipal Code Sec. 15.16.010  
(<http://www.codepublishing.com/wa/burlington/html/burlington15/Burlington1516.html#15.16.010>) - Building permit application - Consideration - Requirements
- Edmonds Municipal Code Sec. 19.00.025  
(<http://www.codepublishing.com/wa/edmonds/html/edmonds19/Edmonds1900.html#19.00.025>) (G) - Fully complete application

## Articles

- Washington's Vested Rights Doctrine: How We Have Muddled a Simple Concept and How We Can Reclaim It (<http://digitalcommons.law.seattleu.edu/sulr/vol24/iss3/4/>), by Roger D. Wynne, 24 Seattle U. L. Rev. 851, 2001 - This article explores many of the problems with the details of the vested rights doctrine and outlines a statutory solution to them.

Last Modified: March 04, 2015

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# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

| ITEM INFORMATION   |                                 |          |
|--|---------------------------------|----------|
| <b>SUBJECT:</b><br><b>AB15-037</b><br><br><b>Resolution authorizing a contract with Susan Drummond, PLLC</b>   | <b>Agenda Date: May 7, 2015</b> |          |
|  | <b>AB15-037</b>                 |          |
|  | Mayor Carol Benson              |          |
|  | City Administrator              |          |
|  | City Attorney Carol Morris      |          |
|  | City Clerk – Brenda L. Martinez |          |
|  | Com Dev/Nat Res –               |          |
|  | Finance – May Miller            |          |
|  | MDRT/Ec Dev – Andy Williamson   | <b>X</b> |
| Cost Impact (see also Fiscal Note): \$ 5000.00   | Police – Chief Kiblinger        |          |
| Fund Source: -- MDRT   | Public Works – Seth Boettcher   |          |
| Timeline:  | Court – Stephanie Metcalf       |          |
| <b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator  |                                 |          |
| <b>Attachments: Resolution No. 15-1025; Proposed Contract</b>  |                                 |          |
| <p><b>SUMMARY STATEMENT:</b></p> <p>The City is pursuing a second connection to the Tacoma Pipe Line 5 and is in need of legal assistance City staff along with the City Attorney recommend Susan Drummond , PLLC to perform this work</p> |                                 |          |
| <p><b>FISCAL NOTE (Finance Department):</b> The full cost of Legal Assistance for the second connection to Tacoma Pipe Line 5 will be paid through the MDRT Consultant in the funding agreement budget.</p>                                |                                 |          |
| <p><b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b> Finance Committee Reviewed this contract at their April 30, 2015 meeting and recommended approval.</p>  |                                 |          |
| <p><b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 15-1025, authorizing the Mayor to sign a contract with Susan Drummond, PLLC.</b></p>  |                                 |          |
| RECORD OF COUNCIL ACTION   |                                 |          |
| Meeting Date   | Action                          | Vote     |
| May 7, 2015  |                                 |          |
|  |                                 |          |

**RESOLUTION NO. 15-1025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT FOR ATTORNEY SERVICES WITH SUSAN  
DRUMMOND, PLLC TO ASSIST THE CITY WITH THE  
SECOND CONNECTION TO TACOMA PIPELINE FIVE**

**WHEREAS**, the City would like to have a second connection to Tacoma Water from pipe line 5; and

**WHEREAS**, Susan Drummond, PLLC is currently working with the City on water rights and she has the expertise and familiarity necessary to provide this assistance; and

**WHEREAS**, the City staff along with the City Attorney believes it is in the City's best interest and will provide cost savings to have Susan Drummond, PLLC perform this work; and

**WHEREAS**, the cost for this assistance is covered under the 2014/2015 MDRT budget;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to execute an agreement for Attorney Services with Susan Drummond, PLLC to assist the City in the second connection with Tacoma Water, substantially in the form attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF MAY, 2015.**

CITY OF BLACK DIAMOND:

---

Carol Benson, Mayor

Attest:

---

Brenda L. Martinez, City Clerk



## **AGREEMENT FOR ATTORNEY SERVICES**

THIS AGREEMENT is made between the City of Black Diamond, a Washington municipal corporation (hereinafter the "City") and the Law Offices of Susan Elizabeth Drummond, PLLC, a limited liability corporation organized under the laws of the State of Washington, located and doing business at 5400 Carillon Point, Bldg. 5000, Ste. 476, Kirkland, WA 98033 (hereinafter the "Attorney").

Section 1. Purpose. The purpose of this Agreement is to ensure that the City receives professional services from the Attorney in an effective, timely and cost efficient manner while ensuring that the Attorney is appropriately and fairly compensated for services rendered.

Section 2. Scope of Service. The Attorney agrees to provide legal services, as requested by the City, in connection with establishing a new point of connection to the Tacoma Regional Supply Pipeline. Work may include reviewing and responding to correspondence, legal research, and meetings/conference calls.

Section 3. Compensation. The City hereby agrees to pay Attorney for legal services at the rate of Two Hundred Twenty Dollars (\$220.00) per hour up to a not-to-exceed amount of Five Thousand Dollars (\$5,000.00). This is the maximum amount to be paid under this Agreement for the services described in Section 2 above, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed amendment to this Agreement. The Attorney agrees that the hourly rate charged for the Attorney's services contracted for herein shall remain locked in at the negotiated rate for a period of one (1) year from the effective date of this Agreement. Attorney agrees to use every appropriate method to contain her fees on these matters.

The charges for legal services provided will be based on actual time or based on increments which are no greater than 6 minutes. The Attorney may bill for travel time, but for no more than one hour from portal to portal during one day. No separate charges shall be paid for the following ordinary costs of doing business: local and long distance telephone costs and charges, postage, meals, clerical staff work, supplies and word processing. The City agrees to reimburse the extraordinary expenses incurred by Attorney, at cost with no mark-up as follows: legal messenger services, large volume photocopies prepared at the Attorney's office shall be reimbursed at the rate of \$.15 per page, large volume photocopies prepared by outside reproduction service shall be reimbursed at cost; computerized legal research over and above the Attorney's monthly fee shall be reimbursed at cost but only when approved in advance by the City Attorney.

Section 4. Independent Contractor Status. It is expressly understood and agreed that Attorney, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and is not an employee of the City. The parties agree that the Attorney has the ability to control and direct the performance and details of her work, the City being interested only in the results obtained.



Section 5. Billings. Attorney shall submit to the Black Diamond Economic Development and Master Planned Development Review Team Director ("MDRT Director"), Andy Williamson, monthly bills for the assigned matter describing the legal services provided during the previous month. Attorney shall not bill for duplicate services performed by more than one person or for services to correct Attorney errors or oversights. Attorney shall bill for only one participant in a conference or consultation between members of Attorney's firm.

Attorney's monthly bills shall include, at a minimum, the following information for each specific matter to which such services or costs pertain: the name of the matter; a brief description of the legal services performed; the date the services were performed; and the amount of time spent on each date services were performed and by whom. In addition to providing copies of all documents as specified below, Attorney shall provide any information that will assist the City in performing a thorough review and/or audit of the billings, as may be requested by the City.

Unless the City objects to all or any portion of an invoice, the City shall pay the full amount within sixty (60) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Attorney of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

Any invoices reflecting separate charges for computerized legal research must include copies of the invoice for such computerized legal research associated with the services provided to the City.

Section 6. Advice and Status Reporting. Attorney shall provide the City Attorney and City Council with timely notice and advice of all significant developments arising during performance of her services hereunder, orally or in writing, as appropriate or as requested. Attorney shall provide the City Attorney and/or MDRT Director, Andy Williamson, with copies of all e-mails, pleadings, motions, discovery, correspondence, and other documents prepared by the Attorney, including research memoranda, or received by the Attorney unless they have been otherwise provided to the City.

Section 7. Communications. Attorney will communicate primarily with MDRT Director, Andy Williamson, and Carol Morris, City Attorney.

Section 8. Non-Assignment. The parties recognize hereto that a substantial inducement to the City for entering into this Agreement was, and is, the professional reputation and competence of the Attorney. Neither this Agreement nor any interest therein may be assigned by Susan Drummond without the prior written approval of the City.

Section 9. Indemnification and Insurance.

A. The Attorney shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Attorney in the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. Attorney's obligations and indemnity under this paragraph shall be effective only to the extent of Attorney's negligence. The provisions of this indemnification shall survive the termination or expiration of this Agreement. The indemnification clause is reciprocal, with City indemnifying Attorney consistent with the Attorney obligations set forth herein.

B. The Attorney shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the services provided by the Attorney, its agents, representatives or employees.

The Attorney's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Attorney to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

Minimum Scope of Insurance. The Attorney shall obtain insurance of the types and limits below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. There must be a minimum combined single limit for bodily injury and property damage of \$1,000,000.00 per accident.

2. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

3. Professional Liability malpractice insurance, written with limits no less than \$1,000,000.00 per claim and \$1,000,000.00 policy aggregate limit.

The Attorney's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Attorney's insurance and shall not contribute with it.

The Attorney's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.



Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

Attorney shall furnish the City with certificates and any amendments before providing services under this Agreement.

Section 10. Licenses. Attorney warrants that she is a member in good standing with the Washington State Bar, and that any license or licenses that are required in order to perform the legal services under this Agreement have been obtained and are valid.

Section 11. Termination. This Agreement may be terminated by either party upon written notice with or without cause. In the event of termination, the Attorney shall be entitled to compensation as provided for in this Agreement, for services performed satisfactorily to the effective date of termination; provided, however, that the City may condition payment of such compensation upon Attorney's delivery to the City of any and all documents, photographs, computer software, video and audio tapes, and other materials provided to Attorney or prepared by or for Attorney or the City in connection with this Agreement.

Section 12. Notices. Notices required under this Agreement shall be personally delivered or mailed, postage prepaid, as follows:

Attorney: At the office address on the first page.

To the City: City of Black Diamond  
24301 Roberts Dr.  
P.O. Box 599  
Black Diamond, WA 98010

And to: Carol Morris, City Attorney  
Morris Law, P.C.  
3304 Rosedale Street N.W., Suite 200  
Gig Harbor, WA 98335

Notices given by personal delivery shall be effective immediately. Notices given by mail shall be deemed to have been delivered 72 hours after having been deposited in the United States mail.

Section 13. Ownership of Materials. Any and all documents, including draft documents where completed documents are unavailable, or materials prepared or caused to be prepared by Attorney pursuant to this Agreement shall be the property of the City at the moment of their completed preparation.

Section 14. Conflict of Interest. Attorney warrants and covenants that Attorney presently has no interest in, nor shall any interest be hereinafter acquired in, any matter which will render the services required under the provisions of this Agreement a

violation of any applicable state, local or federal law or any rule of professional conduct. In the event that any conflict of interest should nevertheless hereinafter arise, Attorney shall promptly notify the City of the existence of such conflict of interest.

Section 15. Time is of the Essence. Attorney agrees to diligently prosecute the services to be provided under this Agreement to completion and in accordance with any schedules specified herein. In the performance of this Agreement, time is of the essence.

Section 16. Confidentiality. Attorney agrees to maintain in confidence and not disclose to any person, association, or business, without prior written consent of the City, any secret, confidential information, knowledge or data relating to the products, process or operation of the City and/or any of its departments and divisions. Attorney further agrees to maintain in confidence and not disclose to any person, association, or business any data, information or material developed or obtained by Attorney during the term of this Agreement. The covenants contained in this paragraph shall survive the termination of this Agreement for whatever cause. This provision shall be interpreted to impose such duties only to the extent consistent with the Rules of Professional Conduct and applicable laws. This provision shall not be construed to prohibit the sharing of information as necessary to represent the City's interests, such as coordinating with technical consultants and attorneys representing other parties but on the same side as the City.

Section 17. Amendments. This Agreement is not subject to modification or amendment, except by a written authorization executed by both the Attorney and the duly authorized representative of the City, which written authorization shall expressly state that it is intended by the parties to amend the terms and conditions of this Agreement.

Section 18. Waiver. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement.

Section 19. Severability. Should any part of this Agreement be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of the Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the parties.

Section 20. Controlling Law. The laws of the State of Washington shall govern this Agreement and all matters relating to it.

Section 21. Whole Agreement. This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.



Section 22. Disputes. In the event that the parties are unable to resolve any dispute regarding the performance of the legal services or this Agreement, any litigation brought to enforce the terms of this Agreement shall be filed in King County Superior Court. The prevailing party shall be entitled to recover its reasonable attorney's fees and costs from the non-prevailing party.

IN WITNESS WHEREOF, Attorney and the City, by the signatures below, have executed this Agreement on the dates indicated below.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF BLACK DIAMOND


By: \_\_\_\_\_  
Carol Benson, Mayor

ATTEST:

By: \_\_\_\_\_  
Brenda Martinez, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Carol A. Morris, City Attorney

By:   
Susan Drummond, Managing Member  
Law Offices of  
Susan Elizabeth Drummond, PLLC

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

| ITEM INFORMATION   |                                 |          |
|--|---------------------------------|----------|
| <b>SUBJECT:</b><br><b>AB15-038</b><br><br><b>Resolution authorizing a new City Official Fee Schedule as shown in Exhibit A.</b>  | <b>Agenda Date: May 7, 2015</b> |          |
|  | <b>AB15-038</b>                 |          |
|  | Mayor Carol Benson              |          |
|  | City Administrator              |          |
|  | City Attorney Carol Morris      |          |
|  | City Clerk – Brenda L. Martinez |          |
|  | Com Dev/Nat Res – Aaron Nix     |          |
|  | Finance – May Miller            | <b>X</b> |
|  | MDRT/Eco Dev – Andy Williamson  |          |
| Cost Impact (see also Fiscal Note):  | Police – Chief Kiblinger        |          |
| Fund Source: Various Revenues  | Public Works – Seth Boettcher   |          |
| Timeline:  | Court – Stephanie Metcalf       |          |
| <b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator  |                                 |          |
| <b>Attachments: Resolution No. 15-1026, Exhibit A-2015 Fee Schedule and 2013 Fees</b>  |                                 |          |
| <b>SUMMARY STATEMENT:</b><br><br><p>The City's Official Fee Schedule was last updated on February 7, 2013 by Resolution No. 13-855 and needed to be updated.</p> <p>Mayor Benson, Staff, and Finance Committee members have spent considerable time reviewing and updating each section of the Fees Schedule. The majority of the changes were in the Public Works or Community Development areas, which needed to have fees in place to cover community development and Public Works costs. Some changes were also made to clarify descriptions, add fees to recover cost or restructure fees such as Grade and Clearing. Due to the amount of changes a new Fee Schedule is proposed in Exhibit A. This schedule shows the proposed new Fees. The 2013 Fee schedule is also included for comparison.</p> <p><b>FISCAL NOTE (Finance Department):</b> The new Official Fee Schedule provides fees and revenue needed to cover city costs.</p> |                                 |          |
| <b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b> The Finance Committee reviewed the Fees Schedule many times and most recently at their April 30, 2015 meeting. They recommended approval.  |                                 |          |
| <b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 15-1026 adopting a new City Official Fee Schedule as shown in Exhibit A.</b>   |                                 |          |
| RECORD OF COUNCIL ACTION   |                                 |          |
| Meeting Date   | Action                          | Vote     |
| May 7, 2015  |                                 |          |
|  |                                 |          |

**RESOLUTION NO. 15-1026**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF BLACK DIAMOND, KING COUNTY, WASHINGTON,  
ADOPTING A NEW OFFICIAL CITY FEE SCHEDULE**

**WHEREAS**, as codified in Chapter 2.62 of the Black Diamond Municipal Code, the City of Black Diamond has previously authorized and adopted an official schedule of fees that specifies the amounts to be charged for services provided by city employees and their agents; and

**WHEREAS**, this fee schedule is updated from time to time to add or change fees for services the city provides; and

**WHEREAS**, the number of changes, additions and re-organization warranted a new fee schedule to be adopted;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City Council hereby adopts a new Official Fee Schedule as attached hereto as exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7<sup>th</sup> DAY OF MAY, 2015.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Carol Benson, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND

# 2015 FEE SCHEDULE



Adopted by Council  
00/00/2015



|    | A                                    | B  | C | D                   |
|----|--------------------------------------|--|---|---------------------|
| 1  | Fee Title                            | Description  |   | Fee                 |
| 2  |                                      |  |   |                     |
| 3  | <b>POLICE</b>                        |  |   |                     |
| 4  | <b>Fingerprinting</b>                | Non-Resident   |   | \$15                |
| 5  |                                      | Resident   |   | \$10                |
| 6  | <b>Electronic Monitoring-Police</b>  | Per Day, Payable In Advance  |   | \$17/day            |
| 7  | Hook-up Fee                          | One Time Application Fee<br>(Non Refundable  |   | \$25                |
| 8  |                                      | Within 20 Mile Radius  |   | Current IRS<br>Rate |
| 9  |                                      | Outside 20 Mile Radius   |   | Current IRS<br>Rate |
| 10 | Equipment Deposit                    | Refundable   |   | \$350               |
| 11 | <b>Concealed Pistol License</b>      |  |   |                     |
| 12 | Original                             | Original License   |   | \$52.50             |
| 13 | Renewal                              | Valid License Renewal  |   | \$32                |
| 14 | Late                                 | Within 90 Days After<br>Expiration   |   | \$42                |
| 15 | Replacement                          |  |   | \$10                |
| 16 | <b>Process Service</b>               | Civil and Court  |   | \$25                |
| 17 | Mileage for process service          |  |   | Current IRS<br>Rate |
| 18 | <b>False Alarm Responses</b>         |  |   |                     |
| 19 |                                      | First Occurrence   |   | None                |
| 20 |                                      | Second Occurrence Per Year   |   | \$50                |
| 21 |                                      | Third or More Per Year   |   | \$75                |
| 22 | <b>Discovery --copies</b>            | No Charge For One Copy of<br>Documents Provided In<br>Compliance With Defense<br>Requests On Municipal Court<br>Cases. |   | None                |
| 23 | <b>Traffic Safety School</b>         | Per Class  |   | \$200               |
| 24 | <b>Police Reports</b>                | Per Case Reports   |   | \$.15/page          |
| 25 | <b>Photographs</b>                   |  |   |                     |
| 26 | Copies                               | Each   |   | \$0.15              |
| 27 | <b>CD Reproduction</b>               | Each   |   | \$1.50              |
| 28 | <b>Firearms Dealer Fee</b>           | Annual - Set by US Govt  |   | \$125               |
| 29 | <b>Firearms Clearance Letter</b>     | For Foreign Countries  |   | \$15                |
| 30 | <b>Local Record Clearance Letter</b> | In-House Records Check   |   | \$15                |
| 31 | <b>Work Crew</b>                     | Screening fee (non-<br>refundable)   |   | \$25                |
| 32 |                                      | Per Day, State Fee   |   | \$15                |
| 33 | <b>Work Release</b>                  | Per Day, Payable in Advance  |   | Per Contract        |

|    | A  | B  | C | D                                |
|----|--|--|---|----------------------------------|
| 1  | Fee Title  | Description                                |   | Fee                              |
| 34 | <b>PASSPORTS</b>   |  |   |                                  |
| 35 | Passport fee check is made payable to the US Department of State. The execution fee check is made payable to the City of Black Diamond |  |   |                                  |
| 36 | <b>Passport Book</b>   |  |   |                                  |
| 37 | Passport Fee**   | Age 16 and over                            |   | \$110                            |
| 38 | Execution Fee  |  |   | \$25                             |
| 39 |  |  |   | Total \$135                      |
| 40 | Passport Fee**   | Under age 16                               |   | \$80                             |
| 41 | Execution Fee  |  |   | \$25                             |
| 42 |  |  |   | Total \$105                      |
| 43 | <b>Passport Card</b>   |  |   |                                  |
| 44 | Passport Fee**   | Age 16 and over                            |   | \$30                             |
| 45 | Execution Fee  |  |   | \$25                             |
| 46 |  |  |   | Total \$55                       |
| 47 | Passport Fee**   | Under age 16                               |   | \$15                             |
| 48 | Execution Fee  |  |   | \$25                             |
| 49 |  |  |   | Total \$40                       |
| 50 | <b>Expediting Fee (Book only)</b>  |  |   | \$60                             |
| 51 | <b>File Search Fee</b>   |  |   | \$150                            |
| 52 | <b>Overnight Delivery Return Fee</b>   |  |   | \$14.85                          |
| 53 | <b>Overnight Delivery Fee to Agcy.</b>   |  |   | Current US Postal Rate           |
| 54 | **Other conditions and restrictions may apply. See City Clerk's office for more details.   |  |   |                                  |
| 55 | <b>BUSINESS LICENSES</b>   |  |   |                                  |
| 56 | <b>Regular Business License</b>  | Annual                                     |   | Initial fee \$70<br>renewal \$60 |
| 57 | <b>Regular Business License Annual partial</b>   | Pro-rate: 50% fee reduction after June 30. |   | \$35                             |
| 58 | <b>Utility Business license</b>  | Annual                                     |   | \$60                             |
| 59 | <b>Penalty Late Renewal Payment</b>  | Feb. 1-28                                  |   | \$10                             |
| 60 |  | Mar. 1-31                                  |   | \$20                             |
| 61 |  | Apr. 1-30                                  |   | \$30                             |
| 62 |  | May 1 and after                            |   | double renewal fee, collections  |
| 63 | <b>Temporary Business License (30 days)</b>  | per 30 day license, maximum of 2 per year  |   | \$15                             |
| 64 | <b>Duplicate Business License</b>  | per copy                                   |   | \$10/copy                        |
| 65 | <b>Relocation/Reissue</b>  | Business moves locations                   |   | \$10                             |
| 66 | <b>Business Inspection Fee</b>   | As needed - per inspections                |   | \$75                             |

|    | A  | B  | C | D                                |
|----|--|--|---|----------------------------------|
| 1  | Fee Title                                | Description  |   | Fee                              |
| 67 | <b>Specialty Licenses</b>                |  |   |                                  |
| 68 | Solicitors and mobile vendors            | Annual   |   | \$70                             |
| 69 |  | Temporary (30 day)   |   | \$50                             |
| 70 | <b>Adult Entertainment</b>               | Per establishment  |   | \$1,000                          |
| 71 | per establishment                        | Operator license   |   | \$100                            |
| 72 |  | Employees license  |   | \$50                             |
| 73 | <b>UTILITIES</b>                         |  |   |                                  |
| 74 |  |  |   |                                  |
| 75 | <b>Meter Testing Charge</b>              | One hour   |   | \$76                             |
| 76 | <b>Customer Requested Turn Off</b>       | After Business Hours, 2 hour minimum                       |   | \$175                            |
| 77 | <b>Lifeline Utility Relief Rate</b>      | City Water, Sewer and Stormwater only (excluding KC Metro) |   | 50%                              |
| 78 | <b>Door Hanger charge,10 day warning</b> |  |   | \$10                             |
| 79 | <b>Door Hanger w/Shut Off/Turn On</b>    | During Working Hours 8-5                                   |   | \$45                             |
| 80 |  | After Working Hours  |   | \$75                             |
| 81 |  | Holidays   |   | 100                              |
| 82 | <b>Meter Rental/Water Purchase</b>       | Collect Deposit, Rental fee, and Water Purchase            |   | Deposit \$1,000                  |
| 83 |  | Base Rental Fee Plus Double the Current Water Rate         |   | Rental per day \$25              |
| 84 |  | Base Rental Fee Plus Double the Current Water Rate         |   | Rental per week \$100            |
| 85 | See BDMC 13.04.280                       | Base Rental Fee Plus Double the Current Water Rate         |   | Rental, per month \$250          |
| 86 | <b>Non Account Water Purchase</b>        |  |   | Double out of city rates         |
| 87 | <b>Emergency Repair</b>                  | Working hours-if prior locate                              |   | Time and Materials               |
| 88 |  | Working hours-if no locate                                 |   | 3 times Time and Materials       |
| 89 |  | After hours, if prior locate                               |   | 1 1/2 Time and Materials         |
| 90 |  | After hours, no locate                                     |   | 3 times 1 1/2 Time and Materials |
| 91 |  | Holidays   |   | Double Time to above rates       |

|     | A   | B  | C | D                      |
|-----|---|--|---|------------------------|
| 1   | Fee Title   | Description  |   | Fee                    |
| 92  | <b>PARKS</b>  |  |   |                        |
| 93  | <b>Park Use / Special Event Permit</b>                    | <b>Fee</b>   |   | \$100                  |
| 94  |   | Deposit required for events over 150 people - amount set by size/length of event (\$500-\$10,000)        |   | Actual cost            |
| 95  | <b>Gym Rental</b>   | Drop In Over 18  |   | \$3 per person over 18 |
| 96  |   | Sports or Special Events   |   | \$30 per hour          |
| 97  |   | Contract Events  |   | Per Contract           |
| 98  |   |  |   |                        |
| 99  | <b>Parking fee at boat launch</b>                         | Per vehicle  |   | \$5                    |
| 100 | <b>Annual parking pass - Lake Sawyer</b>                  | Per vehicle (non-transferable)   |   | \$60                   |
| 101 | <b>Annual parking pass - Lake Sawyer</b>                  | Per vehicle for senior citizens 65 years and older   |   | \$35                   |
| 102 | <b>Annual parking pass - Lake Sawyer</b>                  | Per vehicle for persons with a valid State of Washington Disable Vehicle Permit                          |   | \$35                   |
| 103 | <b>Lost parking pass replacement or change in vehicle</b> |  |   | \$10                   |
| 104 | <b>CEMETERY</b>   |  |   |                        |
| 105 | <b>Casket Burial</b>                                      | Coordination, Excavation; Liner and Installation; Casket Placement; Backfill and compaction; Landscaping |   | \$1,500                |
| 106 | <b>Tent For Service In The Rain</b>                       | Set Up The Tent, Take Down, Dry in the Warehouse   |   | 200                    |
| 107 | <b>Vault</b>  |  |   | Actual cost            |
| 108 | <b>Saturday Service Fee</b>                               | Additional Charge to be Added to Burial Costs  |   | \$1,000                |
| 109 | <b>Placement of Cremated Remains</b>                      | Site Measurements, Location Records, Excavation and Restoration  |   | \$200                  |
| 110 | <b>Saturday Placement of Remains</b>                      |  |   | \$350                  |
| 111 | <b>Plot</b>   | Per Plot   |   | \$1,500                |
| 112 | <b>Niche Purchase</b>                                     |  |   | \$350                  |
| 113 | <b>Niche Remain Placement</b>                             | Open/Close; Secure and Record  |   | \$100                  |
| 114 | <b>Headstone Placement</b>                                | Excavation and Setting According to Cemetery Standards. Normal up to 44" x 20" (880 sq. in.)             |   | \$100                  |

|     | A   | B   | C | D  |
|-----|---|---|---|--|
| 1   | Fee Title   | Description   |   | Fee  |
| 115 | <b>Headstone Placement-Large</b>                          | Larger than 44"x20" (example 45"x21") 45x21=945 sq. in. 945-880=65 65 sq. in. x \$.50=\$32.50   |   | \$.50 Per Square Inch In Excess of 880 Sq. In.       |
| 116 | <b>Exhumation</b>   |   |   | \$5,000 or Actual Contract Cost Whichever Is Greater |
| 117 | <b>MISCELLANEOUS FEES</b>                                 |   |   |  |
| 118 | <b>Photocopying</b>                                       | Materials copied on the copier on legal, letter or ledger size paper (includes packet material, ordinances, resolutions, minutes, contracts, etc. |   | \$.15/page   |
| 119 | Oversized Documents                                       | per page, black & white   |   | Actual Cost  |
| 120 |   | per page, color   |   | Actual Cost  |
| 121 | <b>Duplication Audio Tapes/CDs</b>                        | Per tape/CD   |   | \$1.50   |
| 122 | <b>CD or DVD Disk</b>                                     | Per disk  |   | \$1.50   |
| 123 | <b>Transcription Preparation</b>                          | Staff Time  |   | Actual cost  |
| 124 |   | Deposit   |   | \$300  |
| 125 | <b>City Clerk Certification of Documents</b>              | Per page  |   | \$1  |
| 126 | <b>King Co. Recording Fee</b>                             | Per page, pass through King County fees   |   | Actual cost from King County                         |
| 127 | <b>Return check fee</b>                                   |   |   | \$35   |
| 128 |   |   |   |  |
| 129 | <b>City of Black Diamond Maps</b>                         |   |   |  |
| 130 |   | oversized 18x 24 or larger (Black and White)  |   | \$5  |
| 131 |   | Color   |   | \$7  |
| 132 |   | 11 x 17   |   | \$3  |
| 133 | <b>Code/Comprehensive Planning Documents Reproduction</b> |   |   |  |
| 134 | <b>Zoning Code</b>  |   |   | Actual Cost  |
| 135 | <b>Comprehensive Plan</b>                                 |   |   | Actual Cost  |
| 136 | <b>Water Comprehensive Plan</b>                           |   |   | Actual Cost  |
| 137 | <b>Sewer Comprehensive Plan</b>                           |   |   | Actual Cost  |
| 138 | Engineering Design and Construction Standards/Guidelines  |   |   | \$100  |
| 139 | Each Section  |   |   | \$10   |
| 140 | <b>Municipal Code</b>                                     |   |   | Actual Cost  |
| 141 | <b>Public Notice Boards (BDMC 18.08)</b>                  |   |   | Actual Cost  |
| 142 | <b>Liquor Use Permit</b>                                  |   |   | \$25   |

|     | A   | B                             | C | D                              |
|-----|---|-------------------------------|---|--------------------------------|
| 1   | Fee Title   | Description                   |   | Fee                            |
| 143 | <b>CITY STAFF RATES</b>   |                               |   |                                |
| 144 |   | <b>All rates are per hour</b> |   |                                |
| 145 | City Administrator  |                               |   | \$94                           |
| 146 | Assistant City Administrator/City Clerk/Human Resources Manager |                               |   | \$84                           |
| 147 | Deputy City Clerk   |                               |   | \$51                           |
| 148 | Finance Director  |                               |   | \$81                           |
| 149 | Deputy Finance Director   |                               |   | \$60                           |
| 150 | Senior Accountant   |                               |   | \$54                           |
| 151 | Community Development Director/Natural Resources Director       |                               |   | \$81                           |
| 152 | Permit Technician Supervisor                                    |                               |   | \$54                           |
| 153 | Permit Technician   |                               |   | \$47                           |
| 154 | Economic Development Director                                   |                               |   | \$78                           |
| 155 | Building Official/Code Official                                 |                               |   | per contract                   |
| 156 | Building Plans Examiner   |                               |   | per contract                   |
| 157 | Fire Inspector  |                               |   | \$45                           |
| 158 | Public Works Director   |                               |   | \$81                           |
| 159 | Capital Project/Program Manager                                 |                               |   | \$68                           |
| 160 | Utilities Supervisor  |                               |   | \$76                           |
| 161 | Utility Operator  |                               |   | \$48                           |
| 162 | Utility Worker  |                               |   | \$45                           |
| 163 | Seasonal Worker   |                               |   | \$22                           |
| 164 | Facilities Coordinator  |                               |   | \$52                           |
| 165 | Police Chief  |                               |   | \$89                           |
| 166 | Police Commander  |                               |   | \$84                           |
| 167 | Police Officer with vehicle                                     |                               |   | \$85                           |
| 168 | Senior Planner  |                               |   | \$68                           |
| 169 | Information Services  |                               |   | per contract                   |
| 170 | MDRT Inspector/Construction Superintendent                      |                               |   | 78                             |
| 171 | MDRT Senior Planner   |                               |   | \$68                           |
| 172 | Clerical Staff  |                               |   | \$31                           |
| 173 | Engineer  |                               |   | per contract                   |
| 174 | City Attorney   |                               |   | per contract                   |
| 175 | Landscape Architect   |                               |   | per contract                   |
| 176 | Consultant Planner  |                               |   | per contract                   |
| 177 | Other Consultants/Contract.                                     |                               |   | \$1,000 Deposit<br>Actual cost |
| 178 | Hearing Examiner  | Hearing Fee                   |   | \$788                          |
| 179 |   | Actual Costs                  |   | Actual Cost                    |

|     | A   | B                                      | C          | D            |
|-----|---|--|------------|--------------|
| 1   | Fee Title   | Description                            |            | Fee          |
| 180 | <b>SIGNS/TREES/FIREWORKS</b>  |  |            |              |
| 181 | Wall Sign electric  |  |            | \$125-\$225  |
| 182 | Wall Sign, non electric   |  |            | \$105-\$205  |
| 183 | Ground, non electric  |  |            | \$145-\$245  |
| 184 | Ground electric   |  |            | \$165-\$265  |
| 185 | All signs less than 25 sf   |  |            | \$407        |
| 186 | Change of sign, all sizes   |  |            | \$413        |
| 187 | Street Signs Charge   | Sign Post                              |            | Actual Cost  |
| 188 |   | Installation                           |            | \$138        |
| 189 | Tree Permit   | Level 1 application fee                |            | \$267        |
| 190 |   | Level 2 application fee                |            | \$487        |
| 191 |   | Exemption Review                       |            | \$110        |
| 192 | Fireworks Display   | Plan review and inspection fee         |            | per contract |
| 193 | Temporary Fireworks Stand   | Permit fee                             |            | \$100        |
| 194 |   | Removal bond-refundable                |            | \$750        |
| 195 | <b>LAND USE AND DEVELOPMENT</b>   |  |            |              |
| 196 | Public Works-Streets  |  |            |              |
| 197 | Right-of-Way Use Permit   | Base Amount CD Fee                     |            | 60           |
| 198 |   | 2 inspections and 1/2 hour City Review |            | \$263        |
| 199 | Right-of-Way Extra Inspection   | 1 hour minimum                         |            | \$138        |
| 200 | Right-of-Way Extra City Staff Review  | 1 hour minimum                         |            | \$138        |
| 201 | Failure to call for inspection  | Right of Way - Work Without a Permit   |            |              |
| 202 | Street Cleaning   |  |            | Actual cost  |
| 203 | Right-of-Way Vacations Processing   | Application Fees                       |            | \$1,000      |
| 204 | ULID or LID   | City Costs                             |            | Actual cost  |
| 205 | <b>GRADE AND CLEAR CIVIL PW</b>   |  |            |              |
| 206 | a. The Clearing and Grading permit shall be calculated by adding applicable amounts from Clearing and Grading Fee Tables. |  |            |              |
| 207 | <b>Clearing Fee Table</b>   |  |            |              |
| 208 |   | <b>Clearing Fee (ac)</b>               | <b>Fee</b> |              |
| 209 | <b>Min</b>  | <b>Max</b>                             | <b>Min</b> | <b>Max</b>   |
| 210 | -   | 1                                      | \$680      | \$680        |
| 211 | 1   | 10                                     | \$680      | \$1,112      |
| 212 | 10  | 40                                     | \$1,112    | \$2,702      |
| 213 | 40  | 120                                    | \$2,702    | \$3,352      |
| 214 | 120   | -                                      | \$4,452    | -            |

|     | A                                       | B  | C          | D   |
|-----|---|--|------------|---|
| 1   | Fee Title                               | Description  |            | Fee   |
| 215 | <b>Grading Fee Table</b>                |  |            |   |
| 216 | <b>Grading Volume (cv)</b>              |  | <b>Fee</b> |   |
| 217 | <b>Min</b>                              | <b>Max</b>   | <b>Min</b> | <b>Max</b>  |
| 218 | 0-100                                   |  |            | No Charge   |
| 219 | 100                                     | 1,000  | \$432      | \$720   |
| 220 | 1,000                                   | 10,000   | \$720      | \$2,160   |
| 221 | 10,000                                  | 100,000  | \$2,160    | \$4,860   |
| 222 | 100,000                                 |  |            |   |
| 223 | b. Plan revision fee                    |  |            |   |
| 224 | Base fee, each occurrence               |  |            | \$417   |
| 225 | Plus hourly fee                         |  |            | \$138   |
| 226 | <b>PUBLIC WORKS CIVIL</b>               |  |            |   |
|     | Infrastructure Civil Permit--PW         |  |            | \$494 (plus an additional per hour rate if review exceeds 5 hours, (Actual cost)) |
| 227 |   | Engineering Plan Review Fee                        |            |   |
| 228 | PW                                      | Construction Permit--Includes Inspection           |            | 3% of total cost of project   |
| 229 | PW                                      | As-Built Review Fee                                |            | \$210   |
| 230 | PW                                      | Engineering Alternative Methods Request (per item) |            | \$263   |
|     | <b>Civil Plan-Long Plat Projects PW</b> | Engineering Plan Review Fee                        |            | \$494 (plus an additional per hour rate if review exceeds 5 hours (Actual cost))  |
| 231 |   |  |            |   |
| 232 | PW                                      | Engineering Permit Fee                             |            | \$1,439   |
| 233 | PW                                      | Inspection Fee                                     |            | 3% of total cost of project   |



|     | A  | B                                  | C | D  |
|-----|--|------------------------------------|---|--|
| 1   | Fee Title  | Description                        |   | Fee  |
| 234 | <b>PLANNING/LAND USE</b>                         |                                    |   |  |
| 235 | <b>Postage</b>                                   |                                    |   | Actual cost  |
| 236 | <b>Preliminary Plat CD</b>                       | Base Application Fee               |   | \$2388 (Up to first 20 hours, over plus additional hourly rate)  |
| 237 | <i>See Residential Land Development Below</i> CD | per lot charge                     |   | \$100  |
| 238 | PW   | Public Works-Per Lot Charge        |   | \$100  |
| 239 | CD   | Plat Alteration or Vacation        |   | \$1,812 (Up to first 36 hours, over plus additional hourly rate) |
| 240 |  | Time Extension - 1 year            |   | \$1,050  |
| 241 | <b>Final Plat CD</b>                             | Base Application Fee               |   | \$4,238 (Up to the first 36 hours additional hourly rate)        |
| 242 | PW   | Engineering Review Per Lot Charge  |   | \$76   |
| 243 | <b>Binding Site Plan CD</b>                      | Base Application Fee               |   | \$2,918 (Up to first 24 hours additional hourly rate)            |
| 244 | PW   | Engineering Review-per acre charge |   | \$100  |
| 245 | <b>Preliminary Short Plat CD</b>                 | Base Application Fee               |   | \$1,944 (Up to first 16 hours additional hourly rate)            |
| 246 | PW   | Per Lot Charge                     |   | \$100  |
| 247 | PW   | Engineering Review-per lot charge  |   | \$300  |
| 248 | CD   | Modified Short Plat                |   | \$1,944 (Up to first 16 hours additional hourly rate)            |
| 249 | <b>Final Short Plat CD</b>                       | Application Fee                    |   | \$1,040 (Up to first 8 hours additional hourly rate)             |
| 250 | PW   | Engineering Final Review           |   | \$76   |

|     | A                                     | B                           | C | D  |
|-----|---------------------------------------|-----------------------------|---|--|
| 1   | Fee Title                             | Description                 |   | Fee  |
| 251 | <b>Lot Line Adjustment</b> <b>CD</b>  | Residential application fee |   | \$1,019 (Up to first 8 hours additional rate @ actual)   |
| 252 | <b>PW</b>                             | Engineering Final Review    |   | \$152  |
| 253 | <b>Lot Line Elimination</b> <b>CD</b> | Application Fee             |   | \$442  |
| 254 | <b>PW</b>                             | Engineering Final Review    |   | \$152  |
| 255 | <b>Master Plan Development</b>        | Application Fee             |   | \$26, 250  |
| 256 |                                       | Per Acre charge             |   | \$100  |
| 257 | <b>Development Agreement</b>          | Application Fee             |   | \$1,575  |
| 258 |                                       | Staff Review Time           |   | Staff hours  |
| 259 | <b>Annexation</b>                     |                             |   |  |
| 260 |                                       |                             |   | \$10,000 deposit, cost                                   |
| 261 | <b>Postage</b>                        |                             |   | Cost   |
| 262 | <b>Conditional Use</b>                | Application Fee             |   | \$2,918 ( Up to first 24 hours additional cost @ actual) |
| 263 |                                       | Engineering Review          |   | \$304  |
| 264 | <b>Administrative Conditional Use</b> | Application Fee             |   | \$1,459 (Up to first 12 hours additional cost @ actual)  |
| 265 | <b>Variance</b>                       | Single Family Lot           |   | \$1,944 (Up to first 16 hours)                           |
| 266 |                                       | All Others                  |   | \$2,384 (Up to first 20 hours additional cost @ actual)  |
| 267 | <b>Administrative Variance</b>        | Application Fee             |   | \$1,504 (Up to first 12 hours additional cost@actual)    |
| 268 | <b>Accessory Dwelling Unit</b>        | Application Fee             |   | \$1,064 (Up to first 8 hours additional cost@actual)     |
| 269 | <b>Shoreline Exemption</b>            | Application Fee             |   | \$487  |

|     | A  | B                         | C | D  |
|-----|--|---------------------------|---|--|
| 1   | Fee Title  | Description               |   | Fee  |
| 270 | <b>Shoreline Substantial Development</b>   | Application Fee           |   | \$2,824 (Up to first 24 hours additional cost @ actual)        |
| 271 | <b>Shoreline Variance Fee</b>  | Application Fee           |   | \$2,824 (Up to first 24 hours additional hourly rate)          |
| 272 | <b>Shoreline Conditional Use</b>   | Application Fee           |   | \$2,824 (Up to first 24 hours additional hourly rate @ actual) |
| 273 | <b>Site Plan Review</b>  | Application Fee           |   | \$2,824 (Up to first 24 hours additional cost @ actual)        |
| 274 | <b>PW Engineering Review</b>   |                           |   | \$100 per acre   |
| 275 | <b>Comprehensive Plan Amendment</b>  | Application Fee           |   | \$2,734 (Up to first 24 hours additional cost @ actual)        |
| 276 | <b>Text Amendment, Title 16-19</b>   | Application Fee           |   | \$2,734 (Up to first 24 hours additional hourly rate)          |
| 277 | <b>Rezone</b>  | Application Fee           |   | \$2,734 (Up to first 24 hours additional cost @ actual)        |
| 278 | <b>SEPA Checklist</b>  |                           |   | \$597 (Up to first 5 hours additional cost @ actual)           |
| 279 |  |                           |   |  |
| 280 |  | for each additional study |   | \$267  |
| 281 | In the review of a land-use permit application, including but not limited to environmental (SEPA) review, the City may determine that such review requires the retention of professional consultant services. In addition to the above development fees that an applicant is required to submit, the applicant shall also be responsible for reimbursing the City for the cost of professional consultant services if the City determines that such services are necessary to complete its review of the application submittal. The City may also require the applicant to deposit an amount with the City which is estimated, at the discretion of the Community Development Director, to be sufficient to cover anticipated costs of retaining professional consultant services and ensure reimbursement to the City for such costs. |                           |   |  |

|     | A  | B   | C | D   |
|-----|--|---|---|---|
| 1   | Fee Title  | Description   |   | Fee   |
| 282 | <b>Environmental Impact Statement</b>  | Per consultant contract   |   | Contract  |
| 283 | <b>Appeal of Administrative Decision</b><br><b>(filing fee is \$487.00, which must be paid before the appeal deadline)</b> | Where the appellant prevails in the appeal, reimbursement may be requested of the City. |   | \$487   |
| 284 | <b>Appeal of SEPA Decision (filing fee is \$487.00, which must be paid before the appeal deadline)</b>                     | Where the appellant prevails in the appeal, reimbursement may be requested of the City. |   | \$487   |
| 285 | <b>Appeal of Notice of Violation Fee</b><br><b>(filing fee is \$487.00, which must be paid before the appeal deadline)</b> | Where the appellant prevails in the appeal, reimbursement may be requested of the City. |   | \$487   |
| 286 | <b>Temporary Use Permit</b>  | After fee is paid the City's actual costs will be charged                               |   | \$532   |
| 287 | <b>Transfer Development Rights</b>   | Application Fee   |   | \$525   |
| 288 |  | per development credit  |   | \$50  |
| 289 | <b>Treasured Place Status</b>  |   |   | \$263   |
| 290 | <b>Reasonable Use Exception</b>  | Application Fee   |   | \$487   |
| 291 | <b>Sensitive Areas Permit</b>  | Application Fee   |   | \$1,147 (Up to first 10 hours additional cost @ actual) |
| 292 | <b>Sensitive Area Utility Exception</b>  | Application Fee   |   | \$1,050   |
| 293 | <b>Formal Code Interpretation</b>  | Application Fee   |   | \$487 (Up to first 4 hours additional cost @ actual)    |
| 294 | <b>Pre-Application Meeting</b>   | 1 hour meeting/review   |   | \$267   |
| 295 |  | Additional Meetings   |   | Staff time  |
| 296 | <b>Hearing Examiner</b>  | Hearing Fee   |   | \$880 (Up to first 8 hours additional cost @ actual)    |
| 297 |  | Plus Examiner Costs   |   | Actual Cost   |
| 298 | <b>Public Notice Boards</b>  | Per BDMC 18.08  |   | Actual Cost   |
| 299 | BDMC 2.62.012 may require the posting of a deposit and payment of actual city costs for certain permits.                   |   |   |   |
| 300 | <b>Late Fee (If not paid within 30 days of invoicing)</b>  | Per Month   |   | \$25  |



|     | A                           | B           | C | D   |
|-----|-----------------------------|-------------|---|---|
| 1   | Fee Title                   | Description |   | Fee   |
| 301 | <b>BUILDING PERMIT FEES</b> |             |   |   |
| 302 | <b>General</b>              |             |   |   |
| 303 | Total Project Valuation     |             |   |   |
| 304 | \$1.00 to \$500             |             |   | \$35  |
| 305 | \$501 to \$2,000            |             |   | \$35 for first \$500. plus \$7 for each additional \$100 or fraction thereof up to and including \$2,000            |
| 306 | \$2,001 to \$25,000         |             |   | \$140 for first \$2,000 plus \$17 per each additional \$1,000 or fraction thereof up to and including \$25,000      |
| 307 | \$25,001 to \$50,000        |             |   | \$531 for the first \$25,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$50,000.  |
| 308 | \$50,001 to \$100,000       |             |   | \$881 for the first \$50,000 plus \$13 for each additional \$1,000 or fraction thereof, to and including \$100,000. |

|     | A   | B   | C | D   |
|-----|---|---|---|---|
| 1   | Fee Title                                   | Description   |   | Fee   |
| 309 | \$100,001 to \$500,000                      |   |   | \$1,531 for first \$100,000 plus \$13 per each additional \$1,000 or fraction thereof up to and including \$500,000   |
| 310 | \$500,001 to \$1,000,000                    |   |   | \$6,731 for first \$500,000 plus \$9 per each additional \$1,000 or fraction thereof up to and including \$1,000,000. |
| 311 | \$1,000,000 and Up                          |   |   | \$11,231 for the first \$1,000,000 plus \$9 per each additional \$1,000 or fraction thereof.                          |
| 312 | <b>Building Plan Check Fee</b>              | Based on project valuation per IBC 2012 Section 109 |   | 65% of permit fee, see above  |
| 313 | Other Inspections and Fees                  |   |   | \$138 Per Hour  |
| 314 | <b>Change of Use w/o a TI</b>               | Permit fee and deposit                              |   | \$200 deposit, Actual cost  |
| 315 | <b>Re-Roof permit Residential</b>           | Permit fee  |   | \$138   |
| 316 | <b>Re-Roof permit Commercial/MF</b>         | Permit fee and plan check                           |   | Based on valuation, see Building Permit section   |
| 317 | <b>Miscellaneous Permit</b>                 | Permit fee  |   | \$100 deposit and actual cost   |
| 318 | <b>Investigation Fee- work w/o a permit</b> | Permit fee  |   | Double required permit fees   |
| 319 | <b>Temporary Certificate of Occupancy</b>   | Per 30 day TCO                                      |   | \$263   |
| 320 | <b>Permit Extension</b>                     | 180 day extension                                   |   | \$50  |
| 321 | <b>Application Extension</b>                | 90 day extension                                    |   | \$50  |
| 322 | <b>Consultant/Peer Review</b>               | Consultant fees                                     |   | per contract  |

|     | A   | B           | C | D                                       |
|-----|---|-------------|---|---|
| 1   | Fee Title   | Description |   | Fee                                     |
| 323 | <b>Coal Mine Hazard Report Review</b>   |             |   | \$138                                   |
| 324 | 1. Inspections outside of normal business hours   |             |   | \$172                                   |
| 325 | 2. Re-Inspection fees   |             |   | \$86                                    |
| 326 | 3. Inspections for which no fee is specifically indicated   |             |   | \$86 per hour, minimum charge, one hour |
| 327 | 4. Additional plan review due to additions or revisions to plans  |             |   | \$86 per hour, minimum charge, one hour |
| 328 | 5. Additional plan review due to Deferred Submittals  |             |   | \$86 per hour, minimum charge, one hour |
| 329 | 6. For use outside consultants for plan checking and inspections or both  |             |   | Actual cost                             |
| 330 | Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, equipment, hourly wage and fringe benefits of the employees involved. |             |   | Actuals                                 |
| 331 |   |             |   |   |
| 332 |   |             |   |   |
| 333 | <b>MECHANICAL PERMIT</b>  |             |   |   |
| 334 |   |             |   |   |
| 335 | New Single Family Residence - Permit  |             |   | \$200                                   |
| 336 | Commercial Mechanical Permit Plan Review  |             |   | 65% of mechanical permit fee            |
| 337 | For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table.           |             |   | \$14                                    |

|     | A  | B           | C | D     |
|-----|--|-------------|---|-------|
| 1   | Fee Title  | Description |   | Fee   |
| 338 | <b>Permit Issuance and Heaters</b>   |             |   |       |
| 339 | 1. For issuing a mechanical permit associated with a building permit   |             |   | \$50  |
| 340 | 2. For issuing a mechanical permit not associated with a current building permit   |             |   | \$138 |
| 341 | 3. Technology Fee-PLM/MEC  |             |   | \$45  |
| 342 | Unit Fee Schedule (Note: the following do not include permit issuing fee)  |             |   |       |
| 343 | <b>1. Furnaces</b>   |             |   |       |
| 344 | For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 btu/h (29.3kW)  |             |   | \$20  |
| 345 | For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3kW)   |             |   | \$23  |
| 346 | For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater   |             |   | \$26  |
| 347 | <b>2. Appliance Vents</b>  |             |   |       |
| 348 | For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit   |             |   | \$23  |
| 349 | <b>3. Repairs or Additions</b>   |             |   |       |
| 350 | For the repair of, the alternation of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code |             |   | \$17  |
| 351 | <b>4. Boilers, Compressors and Absorption Systems</b>  |             |   |       |
| 352 | For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6kW) or each absorption system to and including 1,000,000 BTU/h  |             |   | \$22  |
| 353 | For the installation or relocation of each boiler or compressor over 3 horsepower (10.6kW) to and including 15 horsepower (52.7kW) or each absorption system over 500,000 btu/h (293.1kW) to and including 1,000,000 btu/h (293.1kW).                                    |             |   | \$36  |
| 354 | For the installation or relocation of each boiler or compressor over 15 horsepower (105kW) to and including 20 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 btu/h (512.9kW).                                    |             |   | \$51  |



|     | A                                 | B   | C | D     |
|-----|-----------------------------------|---|---|-------|
| 1   | Fee Title                         | Description   |   | Fee   |
|     |                                   | For the installation or relocation of each boiler or compressor over 30 horsepower (105kW) to and including 50 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 btu/h (512.9kW).   |   | \$73  |
| 355 |                                   |   |   |       |
|     |                                   | For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 btu/h (512.9kW)  |   | \$120 |
| 356 |                                   |   |   |       |
| 357 | <b>5. Air Handlers</b>            |   |   |       |
|     |                                   | For each air handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto (Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance cooling system, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code. |   | \$15  |
| 358 |                                   |   |   |       |
| 359 |                                   | For each air-handling unit over \$10,000 cfm (4719 L/s)   |   | \$26  |
| 360 | <b>6. Evaporative Cooler</b>      |   |   |       |
|     |                                   | For each evaporative cooler other than a portable type.   |   | \$15  |
| 361 |                                   |   |   |       |
| 362 | <b>7. Ventilation and Exhaust</b> |   |   |       |
|     |                                   | For each ventilation fan connected to a single duct   |   | \$12  |
| 363 |                                   |   |   |       |
|     |                                   | For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit   |   | \$15  |
| 364 |                                   |   |   |       |
|     |                                   | For the installation of each hood which is served by a mechanical exhaust, including the ducts for each hood.   |   | \$15  |
| 365 |                                   |   |   |       |
| 366 | <b>8. Incinerators</b>            |   |   |       |
|     |                                   | For the installation or relocation of each domestic-type incinerator  |   | \$26  |
| 367 |                                   |   |   |       |
|     |                                   | For the installation or relocation of each commercial or industrial type incinerator  |   | \$22  |
| 368 |                                   |   |   |       |
| 369 | <b>9. Gas Piping</b>              |   |   |       |
| 370 |                                   | Gas piping systems 1-5 outlets  |   | \$10  |
|     |                                   | For each additional gas outlet over 5   |   | \$6   |
| 371 |                                   |   |   |       |
|     |                                   | Hazardous process piping system (HPP)   |   |       |
| 372 |                                   |   |   |       |
| 373 |                                   | 1-4 outlets   |   | \$10  |
| 374 |                                   | each outlet over 5  |   | \$6   |
| 375 | <b>10. Miscellaneous</b>          |   |   |       |
| 376 |                                   |   |   |       |
| 377 |                                   |   |   |       |

|     | A  | B   | C | D     |
|-----|--|---|---|-------|
| 1   | Fee Title  | Description                               |   | Fee   |
| 378 | <b>Technology Fee</b>  | per application                           |   | \$45  |
| 379 |  | per \$10,000 in project value (graduated) |   | \$3   |
| 380 | The technology fee for permit tracking software costs is assessed for each of the following transactions: building permits, fire permit, sign permit, demolition permit, right-of-way use permit and most land use permits. A technology fee will be assessed at land use application submittal. |   |   |       |
| 381 | <b>Other Inspections and Fees</b>  |   |   |       |
| 382 | 1. Inspections outside of normal business hours, per hour (minimum charge 2 hours)   |   |   | \$240 |
| 383 | 2. Inspections for which no fee is specifically indicated, per hour (minimum charge one-half hour)   |   |   | \$120 |
| 384 | 3. Revisions to plans or to plans for which an initial review has been completed (minimum charge one-half hour)  |   |   | \$60  |
| 385 | <b>PLUMBING PERMIT</b>   |   |   |       |
| 386 | <b>Permit Issuance</b>   |   |   |       |
| 387 | New Single Family Residence - Permit   |   |   | \$200 |
| 388 | 1. For issuing a plumbing permit associated with a building permit   |   |   | \$38  |
| 389 | 2. For issuing a plumbing permit not associated with a current building permit   |   |   | \$100 |
| 390 | 3. For issuing each supplemental permit  |   |   | \$15  |
| 391 | 4. Technology Fee - PLM/MEC  |   |   | \$45  |
| 392 | <b>Unit Fee Schedule</b> (Note the following do not include permit-issuing fee)  |   |   |       |
| 393 | 1. For each additional plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and back flow protection thereof.   |   |   | \$12  |
| 394 | 2. For each building sewer and each trailer park sewer   |   |   | \$23  |
| 395 | 3. Rainwater systems - per drain (inside building)   |   |   | \$12  |
| 396 | 4. For each water heater and/or vent   |   |   | \$9   |
| 397 | 5. For each industrial waste pretreatment interceptor including its trap and vent except kitchen-type grease interceptors functioning as fixture traps.  |   |   | \$12  |
| 398 | 6. For each installation, alteration or repair of water piping and/or water treatment, each  |   |   | \$12  |
| 399 | 7. For each repair or alteration of a drainage or vent piping, each fixture  |   |   | \$12  |

|     | A   | B                              | C | D                            |
|-----|---|--------------------------------|---|------------------------------|
| 1   | Fee Title   | Description                    |   | Fee                          |
| 400 | 8. For each lawn sprinkler system on any one meter including back flow protection devices thereof.                            |                                |   | \$12                         |
| 401 | 9. For atmospheric-type vacuum breakers not included in item 12:  |                                |   |                              |
| 402 | 1 to 5  |                                |   | \$10                         |
| 403 | over 5, each  |                                |   | \$6                          |
| 404 | 10. For each backflow protective device other than atmospheric type vacuum breakers:  |                                |   |                              |
| 405 | 2 inch (51mm) diameter and smaller  |                                |   | \$12                         |
| 406 | over 2 inch (51mm) diameter   |                                |   | \$23                         |
| 407 | 11. For initial installation and testing for a reclaimed water system   |                                |   | \$40                         |
| 408 | 12. For each annual cross-connection testing of a reclaimed water system (excluding initial test)                             |                                |   | \$40                         |
| 409 | 13. For each medical gas piping system service one to five inlet(s) for a specific gas  |                                |   | \$68                         |
| 410 | 14. For each additional medical gas inlet(s)/outlet(s)  |                                |   | \$10                         |
| 411 | <b>OTHER</b>  |                                |   |                              |
| 412 | <b>1. Inspections outside of normal business hours</b>  |                                |   | \$200                        |
| 413 | <b>2. Re-inspection fee</b>   |                                |   | \$138                        |
| 414 | <b>3. Inspections for which no fee is specifically indicated</b>  |                                |   | \$138                        |
| 415 | <b>4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge one-half hour)</b> |                                |   | \$93                         |
| 416 | <b>Demo-SFR out building etc.</b>   | Permit fee and deposit         |   | \$120 permit, \$1000 deposit |
| 417 | <b>Relocation Permit</b>  |                                |   | \$250                        |
| 418 | <b>Mobile Home Title Elimination</b>  | Permit fee                     |   | \$138                        |
| 419 | <b>Driveway (stand alone)</b>   | expansion and new              |   | \$250                        |
| 420 |   |                                |   |                              |
| 421 | <b>Fuel/Oil Tank Decommission/Remove</b>  | Base permit fee                |   | \$138                        |
| 422 |   | Plan review and inspection fee |   | per contract                 |
| 423 | <b>Residential LPG Tanks</b>  | Base Permit Fee                |   | \$126                        |
| 424 |   | Tank Under 125 gal.            |   | \$46                         |
| 425 |   | 126-500 gal.                   |   | \$74                         |
| 426 |   | 501 and up, additional         |   | \$100                        |
| 427 |   | Each 500 gal additional        |   | \$126                        |

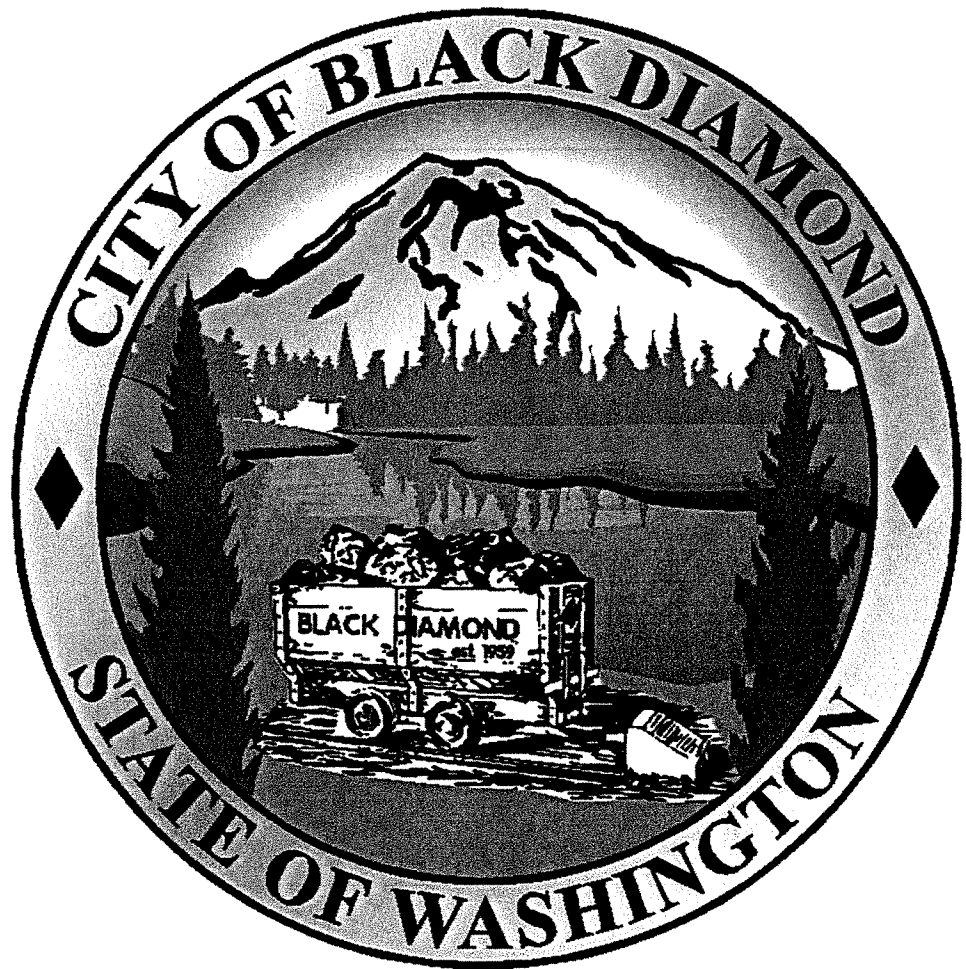
|     | A   | B  | C | D                  |
|-----|---|--|---|--------------------|
| 1   | Fee Title   | Description  |   | Fee                |
| 428 | <b>FIRE PERMIT</b>  |  |   |                    |
| 429 | <b>Commercial Building Permit</b>                         | Plan review and inspection fee   |   | per contract       |
| 430 | <b>Multi-family Building Permit</b>                       | Plan review and inspection fee   |   | per contract       |
| 431 | <b>Single-family Building Permit</b>                      | Plan review and inspection fee   |   | per contract       |
| 432 | <b>Annual Code Enforcement Inspection</b>                 |  |   | per contract       |
| 433 | <b>Final and correction inspections</b>                   |  |   | per contract       |
| 434 | <b>Fire Permit</b>  | Base fee   |   | \$105              |
| 435 | <b>Fire Sprinkler/Alarm Sys. Rev</b>                      | Plan review and inspection fee   |   | per contract       |
| 436 | <b>PUBLIC WORKS-WATER</b>                                 |  |   |                    |
| 437 | Water Connection Fee                                      | Per BDMC 13.04.295   |   |                    |
| 438 | <b>Drop In Meter Charges</b>                              |  |   |                    |
| 439 | 5/8" meter  | City Installed   |   | \$500              |
| 440 | 3/4" meter  | City Installed   |   | \$500              |
| 441 | 1" meter  | City Installed   |   | \$600              |
| 442 | 1 1/2" meter thru 6" meter                                | City Installed   |   | meter cost         |
| 443 | Irrigation 5/8" meter                                     | City Installed   |   | \$500              |
| 444 | Cross Connection Control                                  | Per Occurrence   |   | \$138              |
| 445 | <b>In-Fill Lots Installation of Water Service Charges</b> | Homeowner Incurs ALL Costs, Plus Deposit per BDMC 13.040.050                           |   | Deposit \$1,000    |
| 446 | <b>Water Service Line Review/Inspection Fee</b>           |  |   | \$138              |
| 447 | <b>Unauthorized connection fine</b>                       | No Meter Present or Bypassing  |   | \$1,200            |
| 448 |   | Others   |   | Per BDMC 13.04.295 |
| 449 | Back Flow Device Inspection                               |  |   | \$138              |
| 450 | <b>Water Investigation Needs Report</b>                   | Residential (Not required for lots within approved city subdivisions and short plats)  |   | \$105              |
| 451 |   | Multi-Family, Commercial, Industrial, Public   |   | \$210              |
| 452 | <b>Hydraulic Model for Water System</b>                   | Note: Some applications will require the use of outside consultants. See BDMC 2.60.050 |   | Actual cost        |
| 453 |   | Deposit  |   | \$500              |



|     | A   | B   | C | D                       |
|-----|---|---|---|-------------------------|
| 1   | Fee Title   | Description   |   | Fee                     |
| 454 | <b>Water Equipment and Parts</b>  |   |   | Actual cost             |
| 455 | <b>SEWER</b>  |   |   |                         |
| 456 | <b>Grease Interceptor</b>   | Per Occurrence  |   | \$138                   |
| 457 | <b>Reinsertion Fee</b>  | Per Occurrence  |   | \$138                   |
| 458 | <b>Sewer Connection Fee</b>   |   |   | Per BDMC<br>13.20.080   |
| 459 | <b>Sewer Investigation Certificates</b>   | Residential   |   | \$138                   |
| 460 |   | Multi-Family, Commercial,<br>Industrial, Public   |   | \$300                   |
| 461 | <b>Side Sewer Review/Inspection</b>   |   |   | \$138                   |
| 462 | <b>Engineered Hydraulic Flows to<br/>Sewer System</b>                               | Deposit Cost  |   | Deposit \$1,000         |
| 463 | <b>STORMWATER</b>   |   |   |                         |
| 464 | <b>Stormwater Drainage</b>  | Plan Review-per single family<br>lot  |   | \$138                   |
| 465 |   | Inspection per single family<br>lot   |   | \$138                   |
| 466 | <b>Commercial Storm Water System<br/>Inspections</b>                                | Per Inspection  |   | \$138                   |
| 467 | <b>OTHER</b>  |   |   |                         |
| 468 | <b>Public Works Final Inspection--<br/>Building Permit</b>                          |   |   | \$138                   |
| 469 | <b>Deviation of Public Works Standards</b>  | Application Fee   |   | \$300                   |
| 470 | <b>Traffic Engr. Review Fees</b>  | Note: Some applications will<br>require the use of outside<br>consultants. See BDMC<br>2.60.050 |   | Actual Cost             |
| 471 |   | Deposit   |   | \$1,000                 |
| 472 | <b>Review of<br/>Resubmitted/Reinsection<br/>Inspections Outside Business Hours</b> | Per Occurrence  |   | \$138                   |
| 473 |   |   |   | \$176                   |
| 474 |   |   |   |                         |
| 475 |   |   |   |                         |
| 476 | <b>Equipment Fee w/o Operator</b>   | City Dump Truck   |   | \$75/hour               |
| 477 |   | City Vehicle  |   | \$50/hour               |
| 478 |   | City Backhoe  |   | \$75/hour               |
| 479 |   | Miscellaneous Small Utility<br>Equipment  |   | \$30/hour               |
| 480 |   | Shoulder Mower  |   | \$75/hour               |
| 481 |   | Riding Mower  |   | \$30/hour               |
| 482 |   | Parts   |   | Actual Cost             |
| 483 | <b>Temporary Erosion Sediment Control</b>   | Inspection \$500 deposit  |   | Per Inspection<br>\$138 |

CITY OF BLACK DIAMOND

# 2013 FEE SCHEDULE



Adopted by Council  
02/07/2013

| POLICE                         |  |                                   |
|--------------------------------|--|-----------------------------------|
| TYPE                           | DESCRIPTION  | FEE                               |
| Animal License                 |  | By King Co Ordinance              |
| Fingerprinting                 | Non-Resident   | \$15.00                           |
| Fingerprinting                 | Resident   | \$10.00                           |
| Equipment Deposit              | refundable   | \$350.00                          |
| Electronic Monitoring (police) | Per Day, payable in advance  | \$17.00                           |
| Hook Up Fee                    | One Time Application Fee (non-refundable)  | \$25.00                           |
|                                | within 20 mile radius  | Current IRS Rate                  |
|                                | outside 20 mile radius   | Current IRS Rate                  |
| Concealed Pistol License       |  |                                   |
| Original                       | Original License   | \$52.50                           |
| Renewal                        | Valid License Renewal  | \$32.00                           |
| Late                           | Within 90 days after expiration  | \$42.00                           |
| Replacement                    |  | \$10.00                           |
| Process Service                |  | \$25.00                           |
| Mileage for process service    |  | Current IRS Rate                  |
| False Alarm Responses          | First Occurrence   | None                              |
|                                | Second Occurrence per year   | \$50.00                           |
|                                | Third or more per year   | \$75.00                           |
| Discovery                      | No charge for one copy of documents provided in compliance with defense requests on Muni Court cases | \$0.00                            |
|                                | others:  | \$0.15                            |
| Civil Service Testing          | Per Applicant  | Contract w/ Public Safety Testing |
| Work Release                   | Per day, payable in advance  | Contract Amount                   |
| Traffic Safety School          |  | \$200.00                          |
| Booking Processing Fee         | Per booking  | Contract Rate                     |
| Police reports                 | Per Case Reports   | \$0.15 per page                   |
| Photographs                    |  |                                   |
| Copies                         | each   | \$0.15                            |
| CD Reproduction                | each   | \$1.50                            |
| Audio Tape Reproduction        | each   | \$1.50                            |
| Expungements                   |  | \$35.00                           |
| Firearms Clearance Letter      | For Foreign Countries  | \$15.00                           |
| Local Record Clearance Letter  | In-House Records Check   | \$15.00                           |
| Vehicle Storage                | For other PD only, per day   | \$1.50                            |
| Work Crew                      | screening fee (non-refundable)   | \$25.00                           |
|                                | per day, state fee   | \$15.00                           |

| PUBLIC WORKS - GENERAL                                      |  |                      |
|---|--|----------------------|
| TYPE  | DESCRIPTION  | FEE                  |
| Erosion Sediment Control                                    | Plan Review - per single family lot  | \$35.00              |
|   | Inspection Fee - per single family lot   | \$110.00             |
| Stormwater Drainage   | Plan Review per single family lot  | \$110.00             |
|   | Inspection per single family lot   | \$110.00             |
| Final Inspect - Building Permit                             |  | \$110.00             |
| Deviation of Public Works Standards                         | Application fee  | \$300.00             |
| Traffic Engineering Review Fees                             | Note: some applications will require the use of outside consultants. See BDMC 2.60.050 | Actual cost plus 10% |
|   | Deposit  | \$1,000.00           |
| Revision/Resubmittals                                       | hourly rate  | \$110.00             |
| Inspections outside of Business Hours                       | hourly rate, 2hr. Minimum  | \$142.50             |
| Annual Inspections (CCC, Storm Systems, Grease Interceptor) | hourly rate  | \$110.00             |
| Reinspection Fee  |  | \$110.00             |

| PUBLIC WORKS - STREETS                 |                                      |                       |
|--|--------------------------------------|-----------------------|
| TYPE                                   | DESCRIPTION                          | FEE                   |
| Right-of-Way Use Permit                | incl. 2 Inspect. & 1/2hr City Review | \$263.00              |
| ROW Extra Inspection                   | 1 hour minimum, per hour             | \$110.00              |
| ROW Extra City Staff Review            | 1 hour minimum, per hour             | \$50.00               |
| Fines- ROW Use Permits                 | Failure to call for an inspection    | \$1,000.00            |
| Street Cleaning                        |                                      | Cost, plus 10%        |
| Street Signs Charge                    | Sign Purchase                        | Actual cost plus 10%  |
|  | Installation                         | Hourly Rates          |
| Street, Alley, City Property Vacations | Application Fees                     | \$788.00              |
|  | Deposit                              | \$1,000.00            |
| U.L.I.D. or L.I.D.                     | City Costs                           | Actual Costs plus 10% |

| PUBLIC WORKS - WATER         |   |                             |
|------------------------------|---|-----------------------------|
| TYPE                         | DESCRIPTION   | FEE                         |
| Unauthorized connection      | no meter present or bypassing                             | \$1,200.00                  |
| Meter Testing charge         |   | Cost plus actual staff time |
| Customer Requested Turn Off  | After Business Hours, 2 hour min.                         | staff time                  |
| Lifeline Utility Relief Rate | City water, sewer, & stormwater only (excluding KC Metro) | 50%                         |

| PUBLIC WORKS - WATER (cont'd)         |  |                            |
|---------------------------------------|--|----------------------------|
| TYPE                                  | DESCRIPTION  | FEE                        |
| DROP IN METER CHARGES                 |  |                            |
| 5/8" meter                            | City Installed   | \$500.00                   |
| 3/4" meter                            | City Installed   | \$500.00                   |
| 1" meter                              | City Installed   | \$600.00                   |
| 1-1/2" meter thru 6" meter            | City Installed   | meter cost, plus 10%       |
| Irrigation 5/8" meter                 | City Installed   | \$500.00                   |
| Installation of water service charges | Homeowner incurs ALL costs, plus deposit per BDMC 13.040.050                           | Deposit \$1000.00          |
| Installation Re-Inspection Fees       | per hour, 1/2 hour minimum   | \$110.00                   |
| Cap. Facilities Connection Fee        | per ERU  | Per BDMC 13.04.295         |
| Door Hanger Charge, Warning           |  | \$10.00                    |
| Door Hanger w/ Shut Off               |  | \$20.00                    |
| Unpaid Account Reconnect Fee          | During Working Hours   | \$25.00                    |
|                                       | After Working Hours  | 1 1/2 time, 2hr minimum    |
|                                       | Holidays   | Double Time, 2hr minimum   |
| Lien Release                          |  | \$120.00                   |
| Meter Rental/water purchase           | Collect Deposit, Connect Fee, Rental Rate  | Deposit \$1000.00          |
|                                       | Connection Fee dbl. current basic rate plus  | Rental, per day \$25.00    |
|                                       | Connection Fee dbl. current basic rate plus  | Rental, per week \$100.00  |
|                                       | Connection Fee dbl. current basic rate plus  | Rental, per month \$250.00 |
| Water Investigation Certificates      | Residential  | \$105.00                   |
|                                       | Multi-Family, Commercial, Industrial, Public   | \$210.00                   |
| Hydraulic Model for Water System      | Note: some applications will require the use of outside consultants. See BDMC 2.60.050 | Actual cost plus 10%       |
|                                       | Deposit  | \$500.00                   |
| Non-Account Water Purchase            |  | Double out of city rates   |
| Water Equipment and Parts             |  | Actual Costs plus 10%      |

| PUBLIC WORKS - SEWER                       |  |                    |
|--|--|--------------------|
| TYPE                                       | DESCRIPTION                                  | FEE                |
| Sewer Connection Fee                       |  | Per BDMC 13.20.080 |
| Sewer Investigation Certificates           | Residential                                  | \$105.00           |
|  | Multi-family, Commercial, Industrial, Public | \$210.00           |
| Side Sewer Review/Inspection               |  | \$110.00           |
| Engineered Hydraulic Flows to Sewer System | Deposit                                      | \$1,000.00         |
| PW Plan Review                             |  | Hourly rate        |



| PUBLIC WORKS - CLEARING & GRADING, CIVIL  |  |  |
|---|--|--|
| TYPE  | DESCRIPTION  | FEE  |
| Clearing & Grading Permit Fee   | Permit Fee   | \$200.00   |
|   | Inspection Fee                                     | 3% of total cost of the project  |
|   | Plan Review Fee                                    |  |
|   | Clearing Only                                      | \$74.00  |
|   | 0-50 Cubic Yards                                   | \$137.00   |
|   | 51-100 Cubic Yards                                 | \$252.00   |
|   | 101-1,000 Cubic Yards                              | \$536.00   |
|   | 1,001-10,000 Cubic Yards                           | \$798.00   |
|   | 10,001-100,000 Cubic Yards                         | \$1,050.00   |
|   | 100,001-Cubic Yards and up                         | \$1,302.00   |
| Civil Plan-Commercial, Multi-Family, Short Plat Projects                              | Engineering Plan Review Fee                        | \$494.00 (plus an additional per hour rate if review exceeds 5 hours, as outlined in Note 1) |
|   | Engineering Permit Fee                             | \$315.00   |
|   | Inspection Fee                                     | 3% of total cost of the project  |
|   | As-Built Review Fee                                | \$210.00   |
|   | Engineering Alternative Methods Request (per item) | \$263.00   |
| Civil Plan-Long Plat Projects   | Engineering Plan Review Fee                        | \$494.00 (plus an additional per hour rate if review exceeds 5 hours, as outlined in Note 1) |
|   | Engineering Permit Fee                             | \$1,439.00   |
|   | Inspection Fee                                     | 3% of total cost of the project  |
| *Note 1: Hourly rates will be charged using the current billable rates of City Staff. |  |  |

| PUBLIC WORKS - UTILITY EMERGENCY CALL OUT CHARGES |                                 |                                  |
|---|---------------------------------|----------------------------------|
| TYPE  | DESCRIPTION                     | FEE                              |
| Emergency Repair                                  | Working hours, if prior locate  | Time and materials               |
|   | Working hours, if no locate     | 3 times, time and materials      |
|   | After hours, if prior locate    | 1 1/2 Time and materials         |
|   | After hours, no locate          | 3 Times, 1 1/2 time and material |
|   | Holidays                        | Double time to above rates       |
| Equipment Fee without Operator                    | City Dump Truck                 | \$75.00 per hour                 |
|   | City Vehicle                    | \$50.00 per hour                 |
|   | City Backhoe                    | \$75.00 per hour                 |
|   | Miscellaneous Utility Equipment | \$25.00 per hour                 |
|   | Parts                           | Cost plus 10%                    |

| PUBLIC WORKS - CEMETERY      |                 |            |
|------------------------------|-----------------|------------|
| TYPE                         | DESCRIPTION     | FEE        |
| Opening and Closing          | For Normal Lots | \$500.00   |
| Opening and Closing          | For Cremation   | \$100.00   |
| Single Lot Purchase          |                 | \$1,500.00 |
| Double Lot Purchase (2 lots) |                 | \$2,500.00 |
| Saturday Service - Burial    | 11am to 1pm     | \$1,000.00 |
| Saturday Service - Cremation | 11am to 1pm     | \$250.00   |

| PUBLIC WORKS - CEMETERY (cont'd) |                         |   |
|----------------------------------|-------------------------|---|
| TYPE                             | DESCRIPTION             | FEE   |
| Liner                            |                         | Actual Cost plus 10%                        |
| Liner Setting Fee                |                         | \$250.00                                    |
| Liner Pickup & Delivery Fee      | per unit                | \$100.00                                    |
| Vault                            |                         | Actual Cost plus 10%                        |
| Vault Setting Fee                |                         | \$250.00                                    |
| Vault Pickup & Delivery Fee      | per unit                | \$100.00                                    |
| Niche                            | Single                  | \$325.00                                    |
|                                  | Double                  | \$425.00                                    |
| Head Stone Placement             | Normal, up to 44" x 20" | \$100.00                                    |
|                                  | Oversized Stone         | \$.15 per square inch                       |
| Exhumation                       |                         | Lesser of \$5000.00 or Actual Contract Cost |

| PLANNING/LAND USE       |  |                                  |
|-------------------------|--|----------------------------------|
| TYPE                    | DESCRIPTION  | FEE                              |
| Consultant Fees         | NOTE: some applications will require the use of outside consultants. See BDMC 2.60.050 | Actual Cost plus 10%             |
|                         | Deposit  | \$1000 min, per consultant quote |
| Preliminary Plat        | Base Application Fee   | \$2,100.00                       |
|                         | per lot charge   | \$100.00                         |
|                         | Engineering Review - per lot charge  | \$75.00                          |
|                         | Plat Alteration or Vacation  | \$1,575.00                       |
|                         | Time Extension - 1 year  | \$1,050.00                       |
| Final Plat              | Base Application Fee   | \$1,575.00                       |
|                         | per lot charge   | \$100.00                         |
|                         | Engineering Final Review   | \$300.00                         |
| Binding Site Plan       | Base Application Fee   | \$1,575.00                       |
|                         | per lot charge   | \$100.00                         |
| Preliminary Short Plat  | Base Application Fee   | \$788.00                         |
|                         | per lot charge   | \$100.00                         |
|                         | Engineering Review - per lot charge  | \$75.00                          |
|                         | modified short plat  | \$788.00                         |
| Final Short Plat        | Application Fee  | \$788.00                         |
|                         | Engineering Final Review   | \$300.00                         |
| Lot Line Adjustment     | Residential application fee  | \$315.00                         |
|                         | Non-Residential application fee  | \$630.00                         |
| Lot Line Elimination    | Application Fee  | \$263.00                         |
| Master Plan Development | Application Fee  | \$26,250.00                      |
|                         | per acre charge  | \$100.00                         |

| PLANNING/LAND USE (cont'd)        |                                   |                                   |
|-----------------------------------|-----------------------------------|-----------------------------------|
| TYPE                              | DESCRIPTION                       | FEE                               |
| Development Agreement             | Application Fee                   | \$1,575.00                        |
|                                   | staff review time                 | Staff Hours + 10%                 |
| Annexation                        | 10% Notice of Intent              | \$1,050.00                        |
|                                   | 60% Petition                      | \$5000 deposit, actual staff time |
| Conditional Use                   | Application Fee                   | \$1,050.00                        |
| Administrative Conditional Use    | Application Fee                   | \$263.00                          |
| Variance                          | Single Family Lot                 | \$525.00                          |
|                                   | All Others                        | \$1,050.00                        |
| Administrative Variance           | Application Fee                   | \$263.00                          |
| Accessory Dwelling Unit           | Application Fee                   | \$263.00                          |
| Shoreline Exemption               | Application Fee                   | \$105.00                          |
| Shoreline Substantial Development | Application Fee                   | \$1,050.00                        |
| Shoreline Variance                | Application Fee                   | \$1,050.00                        |
| Shoreline Conditional Use         | Application Fee                   | \$1,050.00                        |
| Site Plan Review                  | Application Fee                   | \$788.00                          |
|                                   | Engineering Review                | \$300.00                          |
| Comp Plan Amendment               | Application Fee                   | \$2,100.00                        |
| Text Amendment, Title 16-19       | Application Fee                   | \$2,100.00                        |
| Rezone                            | Application Fee                   | \$1,050.00                        |
| SEPA Checklist                    | w/ land use or permit application | \$420.00                          |
|                                   | w/o permit application            | \$525.00                          |
|                                   | for each additional study         | \$263.00                          |
| Environmental Impact Statement    | Per consultant contract           | Actual Costs plus 10%             |
| Appeal of Administrative Decision | Application Fee                   | \$263.00                          |
| Appeal of SEPA action             | Application Fee                   | \$263.00                          |
| Appeal of Notice of Violation     | Application Fee                   | \$263.00                          |
| Temporary Use Permit              | Application Fee                   | \$105.00                          |
| Transfer Development Rights       | Application Fee                   | \$525.00                          |
|                                   | per development credit            | \$50.00                           |
|                                   | Treasured Place Status            | \$263.00                          |

| PLANNING/LAND USE (cont'd)       |  |                              |
|----------------------------------|--|------------------------------|
| TYPE                             | DESCRIPTION  | FEE                          |
| Tree Permit                      | Level 1 application Fee  | \$263.00                     |
|                                  | Level 2 application Fee  | \$525.00                     |
|                                  | Exemption Review   | \$100.00                     |
| Reasonable Use Exception         | Application Fee  | \$263.00                     |
| Sensitive Areas Permit           | Application Fee  | \$525.00                     |
| Sensitive Area Utility Exception | Application Fee  | \$1,050.00                   |
| Formal Code Interpretation       | Application Fee  | \$158.00                     |
| Pre-Application Meeting          | 1 hour meeting and review of submittal                             | No Charge                    |
|                                  | Additional meetings  | \$210.00                     |
| Hearing Examiner                 | Hearing Fee  | \$788.00                     |
|                                  | actual costs   | Hourly Rate + 10%            |
| Public Notice Boards             | Per BDMC 18.08   | 3rd Party Vendor Charge      |
| Special Event Permit             | 1 day event  | no charge                    |
|                                  | Multi-Day event requiring Council approval                         | \$200.00                     |
|                                  | Multi-Day event requiring Council approval & charging an entry fee | \$200.00 + Hourly Staff Time |
| Signs                            |  |                              |
| Wall Sign, non electric          | 25-50sf, 51-99sf, 100+ sf  | \$105.00, \$155.00, \$205.00 |
| Wall Sign, electric              | 25-50sf, 51-99sf, 100+ sf  | \$125.00, \$175.00, \$225.00 |
| Ground, non-electric             | 25-50sf, 51-99sf, 100+ sf  | \$145.00, \$195.00, \$245.00 |
| Ground, electric                 | 25-50sf, 51-99sf, 100+ sf  | \$165.0, \$215.00, \$265.00  |
| All signs less than 25sf         |  | \$95.00                      |
| Change of sign, all sizes        |  | \$95.00                      |
| Permit Review                    | per hour   | \$50.00                      |

BDMC 2.62.012 may require the posting of a deposit and payment of actual city costs for certain permits.

Deposits that are listed on the General Fee Schedule are require to be paid in addition to the Permit Fees. The Deposit is used to cover staff costs, engineering, and or other professional consultant costs plus 10%. Deposits will be tracked on a monthly basis. If the cost exceeds the deposit, an additional deposit invoice will be sent in writing. If the additional deposit is not paid within 30 days, the city may discontinue review or work on the project or deem the project incomplete.

At the end of the project, the city will invoice in writing any final costs over the deposits, or refund any remaining balance to the person who made the deposit. Final invoices are due within 30 days.

| BUILDING - FIRE  |                                       |                                   |
|--|---------------------------------------|-----------------------------------|
| TYPE   | DESCRIPTION                           | FEE                               |
| Building Permit Fee  | Based on Project Valuation            | See page 10                       |
| Building Plan Check Fee  | Based on Project Valuation            | 65% of permit fee, see page 10    |
| Mechanical Permit  | Flat Fee plus fixture count           | See page 12                       |
| Plumbing Permit  | Flat Fee plus fixture count           | See page 11                       |
| Training Fee   | Per application (I-Code permits only) | \$1.00                            |
| Change of Use w/o a TI   | Permit Fee & Deposit                  | \$200 deposit, actual staff hours |
| Demo - SFR, out-building etc.  | Permit Fee & Deposit                  | \$120 permit, \$1000 deposit      |
| Relocation Permit (incl mfg home)  |                                       | \$210.00                          |
| Mobile Home Title Elimination  | Permit Fee                            | \$105.00                          |
| Driveway (stand alone)   | expansion & new                       | \$210.00                          |
| Re-Roof permit - Residential   | Permit Fee                            | \$105.00                          |
| Re-Roof permit - Commercial/ MF  | Permit Fee & Plan Check               | based on valuation, see page 10   |
| Miscellaneous Permit   | Permit Fee                            | \$100 deposit + actual hours      |
| Investigation Fee-Work w/o a permit  | Permit Fee                            | Double Req'd permit fees          |
| Temporary Certificate of Occupancy   | Per 30 day TCO                        | \$263.00                          |
| Permit Extension   | 180 day extension                     | \$50.00                           |
| Application Extension  | 90 day extension                      | \$50.00                           |
| Consultant/Peer Review   | consultant fees                       | per contract plus 10%             |
| Coal Mine Hazard Report Review   |                                       | \$100.00                          |
| Fire Permit  | Base Fee                              | \$105.00                          |
| Fire Sprinkler/Alarm System Review   | Plan Review & Inspection Fee          | per contract plus 10%             |
| Fireworks Display  | Plan Review & Inspection Fee          | per contract plus 10%             |
| Temporary Fireworks Stand  | Permit Fee                            | \$100.00                          |
|  | Removal Bond-refundable               | \$750.00                          |
| Fuel/Oil Tanks   | Base Permit Fee                       | \$105.00                          |
| Decommission/Remove  | Plan Review & Inspection Fee          | per contract plus 10%             |
| Residential LPG Tanks  | Base Permit Fee                       | \$126.00                          |
|  | Tank Under 125 gallons, additional    | \$46.00                           |
|  | 126 to 500 gallons, additional        | \$74.00                           |
|  | 501 gallons and up, additional        | \$100.00                          |
|  | Each 500 gallons additional           | \$126.00                          |
| Technology Fee   | per permit application                | \$25.00                           |
|  | per \$10,000 in project value         | \$2.00                            |
| The technology fee is assessed for each of the following transactions: Building Permits, Fire Permit, Sign Permit, Demolition Permit, Right of Way Use Permit and most Land Use permits. Land Use Exemption applications are exempt from the fee. The fee is collected at the time of issuance for building permits and right-of-way use permits. A technology fee will be assessed at Land Use application submittal. |                                       |                                   |



| LICENSES                           |   |                                 |
|------------------------------------|---|---------------------------------|
| TYPE                               | DESCRIPTION                               | FEE                             |
| Regular Business License           | Annual                                    | Initial Fee \$70 Renewal \$60   |
| Regular Business License (partial) | Pro-rate: 50% fee reduction after June 30 | \$35.00                         |
| Temp Business License (30 days)    | per 30 day license, maximum of 2 per year | \$15.00                         |
| Duplicate Business License         | per copy                                  | \$10.00                         |
| Relocation/Re-issue                | business moves locations                  | \$10.00                         |
| Specialty Licenses                 |   |                                 |
| Pawnbrokers                        | Yearly                                    | \$100.00                        |
| Firearms Dealer                    | Federal Firearms License, yearly          | \$125.00                        |
| Solicitors and mobile vendors      | Annual                                    | \$70.00                         |
|                                    | Temporary (30 Days)                       | \$15.00                         |
| Carnivals, circus, and shows       | per event                                 | \$50.00                         |
| Adult Entertainment License        | per establishment                         | \$1,000.00                      |
|                                    | operator license                          | \$100.00                        |
|                                    | employees license                         | \$50.00                         |
| Utility License                    | Annual                                    | \$60.00                         |
| Penalty, Late Renewal Payment      | Feb 1-28                                  | \$10.00                         |
|                                    | Mar 1-31                                  | \$20.00                         |
|                                    | April 1-30                                | \$30.00                         |
|                                    | May 1 and after                           | double renewal fee, collections |

| CITY STAFF RATES                    |             |                    |
|-------------------------------------|-------------|--------------------|
| TYPE                                | DESCRIPTION | FEE                |
| City Administrator                  | Per Hour    | \$94.00            |
| Asst. City Administrator/City Clerk | Per Hour    | \$84.00            |
| Deputy City Clerk                   | Per Hour    | \$50.00            |
| Finance Director                    | Per Hour    | \$70.00            |
| Deputy Finance Director             | Per Hour    | \$58.00            |
| Senior Accountant                   | Per Hour    | \$40.00            |
| Community Development Director      | Per Hour    | \$73.00            |
| Permit Technician Supervisor        | Per Hour    | \$54.00            |
| Permit Technician                   | Per Hour    | \$44.00            |
| Economic Development Director       | Per Hour    | \$75.00            |
| Natural Resources                   | Per Hour    | \$73.00            |
| Building Official/Code Official     | Per Hour    | Per Contract + 10% |
| Building Plans Examiner             | Per Hour    | Per Contract + 10% |
| Public Works Director               | Per Hour    | \$80.00            |
| Public Works Admin. Asst. 3         | Per Hour    | \$51.00            |
| Utilities Supervisor                | Per Hour    | \$76.00            |
| Utility Operator                    | Per Hour    | \$47.00            |
| Utility Worker                      | Per Hour    | \$44.00            |
| Facilities Coordinator              | Per Hour    | \$51.00            |
| Police Chief                        | Per Hour    | \$89.00            |
| Police Officer w/ vehicle           | Per Hour    | \$75.00            |
| Senior Associate Planner            | Per Hour    | \$48.00            |
| Information Services Manager        | Per Hour    | \$73.00            |

| CITY STAFF RATES (cont'd)       |             |                    |
|---------------------------------|-------------|--------------------|
| TYPE                            | DESCRIPTION | FEE                |
| Clerical Staff                  | Per Hour    | \$28.00            |
| City Engineer                   |             | Per Contract + 10% |
| City Attorney                   |             | Per Contract + 10% |
| Landscape Architect             |             | Per Contract + 10% |
| Consultant Planner              |             | Per Contract + 10% |
| Other Consultant or Contractors |             | Per Contract + 10% |
| Hearing Examiner                |             | Per Contract + 10% |

| PARKS                     |              |         |
|---------------------------|--------------|---------|
| TYPE                      | DESCRIPTION  | FEE     |
| Liquor Use Permit         | Per Event    | \$25.00 |
| Overnight Camping Permit  | Per Campsite | \$10.00 |
| Vending Permit            | Per Event    | \$50.00 |
| Overnight Moorage Permit  | Per Boat     | \$10.00 |
| Parking Fee @ Boat Launch | Per Vehicle  | \$5.00  |

| PASSPORTS  |                    |                       |
|--|--------------------|-----------------------|
| TYPE   | DESCRIPTION        | FEE                   |
| passport fee check is made payable to the US Department of State. The execution fee check is made payable to the |                    |                       |
| <b>Passport Book</b>   |                    |                       |
| Passport Fee **  | Age 16 and over    | \$110.00              |
| Execution Fee  |                    | \$25.00               |
|  |                    | <b>Total \$135.00</b> |
| Passport Fee **  | Under Age 16       | \$80.00               |
| Execution Fee  |                    | \$25.00               |
|  |                    | <b>Total \$105.00</b> |
| <b>Passport Card</b>   |                    |                       |
| Passport Fee **  | Age 16 and over    | \$30.00               |
| Execution Fee  |                    | \$25.00               |
|  |                    | <b>Total \$55.00</b>  |
| Passport Fee **  | Under Age 16       | \$15.00               |
| Execution Fee  |                    | \$25.00               |
|  |                    | <b>Total \$40.00</b>  |
| Expediting Fee (Book Only)   |                    | \$60.00               |
| File Search Fee  |                    | \$150.00              |
| Overnight Delivery Return Fee  | Passport book only | \$12.72               |
| Overnight Delivery Fee to Agency   |                    | \$19.95               |
| ** Other conditions and restrictions may apply, see City Clerk's office for more details.                        |                    |                       |

| MISCELLANEOUS FEES                                     |  |                             |
|--|--|-----------------------------|
| TYPE   | DESCRIPTION  | FEE                         |
| Photocopying   | Materials copied on the copier on legal, letter or ledger size paper (includes packet material, ordinances, resolutions, minutes, contracts, etc.) | \$0.15                      |
| Oversize Documents/Plotter copies                      | per page, black & white  | \$5.00                      |
|  | per page, color  | \$7.00                      |
| Duplication Audio Tapes CD's                           | Per tape/CD  | \$1.50                      |
| CD or DVD Disk   | Per disk   | \$1.50                      |
| Transcription Preparation                              | staff time or outside agency   | actual cost                 |
|  | Deposit  | \$300.00                    |
| City Clerk Certification of Documents                  | per page   | \$1.00                      |
| King County Recording Fee                              | Per page, pass through King County fees  | actual cost per King County |
| Return Check Fee                                       |  | \$35.00                     |
| Return Check Fee plus door hanger for utility payments |  | \$45.00                     |
| City of Black Diamond Maps                             |  | \$5.00                      |
| Black Diamond Zoning Map                               | Oversized 18x24 or larger  | \$7.00                      |
|  | 11x17  | \$3.00                      |
| Zoning Code  |  | \$50.00                     |
| Comprehensive Plan                                     |  | \$85.00                     |
| Water Comp Plan  |  | \$80.00                     |
| Sewer Comp Plan  |  | \$80.00                     |
| Municipal Code   |  | Current Publishing Price    |
| Public Works Standards                                 |  | \$50.00                     |
| BD Design Standards & Guidelines                       |  | \$50.00                     |
| Each Section   |  | \$10.00                     |

# Exhibit 1

## Table 1-A BUILDING PERMIT FEES

| TOTAL VALUATION  | FEE  |
|--|--|
| \$1.00 TO \$500.00   | \$23.50  |
| \$501.00 TO \$2,000.00   | \$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00              |
| \$2,001.00 TO \$25,000.00  | \$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00        |
| \$25,001.00 TO \$50,000.00   | \$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00      |
| \$50,001.00 TO \$100,000.00  | \$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00      |
| \$100,001.00 TO \$500,000.00   | \$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00     |
| \$500,001.00 TO \$1,000,000.00   | \$3,233.00 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,001.00 AND UP  | \$5608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof                                 |
| <b>Other Inspections and Fees:</b>   |  |
| 1. Inspections outside of normal business hours.....   | \$119.03 per hour <sup>1</sup><br>(Minimum charge – two hours)   |
| 2. Re-Inspection fees.....   | \$104.15 per assessment <sup>1</sup>   |
| 3. Inspections for which no fee is specifically indicated.....   | \$104.15 per hour <sup>1</sup><br>(Minimum charge – one hour)  |
| 4. Additional plan review due to additions or revisions to plans.....  | \$104.15 per hour <sup>1</sup><br>(Minimum charge – one hour)  |
| 5. Additional plan review due to Deferred Submittals.....  | \$104.15 per hour <sup>1</sup><br>(Minimum charge – 1 hour)  |
| 6. For use outside consultants for plan checking and inspections or both.....  | Actual cost + 20%  |
| 7. Plan review shall be 65% of the permit fee when required.   |  |
| <u>Public Improvement Projects Fee Waiver.</u> The city administrator may, in his discretion, waive any or all of the permit fees required under the Uniform Building Code and any amendments thereto, for any public improvement project for which the city is providing some or all of the funding for said project. |  |

<sup>1</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Exhibit 2 - PLUMBING PERMIT FEES****Permit Issuance**

|   |          |
|---|----------|
| 1. For issuing a plumbing permit associated with a building permit              | \$40.00  |
| 2. For issuing a plumbing permit not associated with a current building permit. | \$100.00 |
| 3. For issuing each supplemental permit   | \$12.00  |
| 4. Technology Fee - PLM/MEC   | \$5.00   |

**Unit Fee Schedule (note the following do not include permit-issuing fee):**

|  |         |
|--|---------|
| 1. For each additional plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and back flow protection thereof) | \$9.00  |
| 2. For each building sewer and each trailer park sewer   | \$19.00 |
| 3. Rainwater systems - per drain (inside building)   | \$9.00  |
| 4. For each water heater and/or vent   | \$9.00  |
| 5. For each industrial waste pretreatment interceptor including its trap and vent except kitchen-type grease interceptors functioning as fixture traps   | \$9.00  |
| 6. For each installation, alteration or repair of water piping and/or water treatment, each  | \$9.00  |
| 7. For each repair or alteration of a drainage or vent piping, each fixture  | \$9.00  |
| 8. For each lawn sprinkler system on any one meter including back flow protection devices thereof  | \$9.00  |
| 9. For atmospheric-type vacuum breakers not included in item 12:   |         |
| 1 to 5   | \$7.00  |
| over 5, each   | \$2.00  |
| 10. For each backflow protective device other than atmospheric type vacuum breakers:   |         |
| 2 inch (51 mm) diameter and smaller  | \$19.00 |
| over 2 inch (51 mm) diameter   | \$49.00 |
| 11. For initial installation and testing for a reclaimed water system  | \$36.00 |
| 12. For each annual cross-connection testing of a reclaimed water system (excluding initial test)  | \$36.00 |
| 13. For each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas   | \$61.00 |
| 14. For each additional medical gas inlet(s)/outlet(s)   | \$7.00  |
| 15. Spa & Hot Tubs   |         |
| 16. Swimming Pool  |         |

**Other Inspections and Fees:**

|   |          |
|---|----------|
| 1. Inspections outside of normal business hours   | \$125.00 |
| 2. Re-inspection fee  | \$93.00  |
| 3. Inspections for which no fee is specifically indicated   | \$93.00  |
| 4. Additional plan review required by changes, additions or revisions to approved plans (min. charge one-half hour) | \$93.00  |



**Exhibit 3 - MECHANICAL PERMIT FEES****Permit Issuance and Heaters:**

|   |          |
|---|----------|
| 1. For issuing a mechanical permit associated with a building permit  | \$40.00  |
| 2. For issuing a mechanical permit not associated with a current building permit.                                 | \$100.00 |
| 2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized | \$9.00   |
| 3. Technology Fee - PLM/MEC   | \$5.00   |

**Unit Fee Schedule (Note: the following do not include permit-issuing fee):****1. Furnaces**

|   |         |
|---|---------|
| For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 btu/h (29.3kW) | \$18.00 |
| For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3kW)                | \$22.00 |
| For the installation or relocation of each floor furnace, including vent  | \$18.00 |
| For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater  | \$18.00 |

**2. Appliance Vents**

|  |        |
|--|--------|
| For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit | \$9.00 |
|--|--------|

**3. Repairs or Additions**

|   |         |
|---|---------|
| For the repair of, the alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code | \$17.00 |
|---|---------|

**4. Boilers, Compressors and Absorption Systems**

|  |          |
|--|----------|
| For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6kW) or each absorption system to and including 1,000,000 BTU/h  | \$18.00  |
| For the installation or relocation of each boiler or compressor over 3 horsepower (10.6kW) to and including 15 horsepower (52.7kW) to and including 30 horsepower (105.5kW) or each absorption system over 500,000btu/h (146.6kW) to and including 1,000,000 Btu/h (293.1kW) | \$45.00  |
| For the installation or relocation of each boiler or compressor over 30 horsepower (105.5kW) to and including 50 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 Btu/h (512.9kW)                                       | \$67.00  |
| For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 Btu/h (512.9kW)   | \$112.00 |

**5. Air Handlers**

|   |         |
|---|---------|
| For each air handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto (Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance cooling system, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code) | \$14.00 |
|---|---------|

|   |         |
|---|---------|
| For each air-handling unit over 10,000 cfm (4719 L/s) | \$22.00 |
|---|---------|

**6. Evaporative Cooler**

|  |         |
|--|---------|
| For each evaporative cooler other than a portable type | \$14.00 |
|--|---------|

**7. Ventilation and Exhaust**

|   |        |
|---|--------|
| For each ventilation fan connected to a single duct | \$9.00 |
|---|--------|

|   |         |
|---|---------|
| For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit | \$14.00 |
|---|---------|

|  |         |
|--|---------|
| For the installation of each hood which is served by a mechanical exhaust, including the ducts for each hood | \$14.00 |
|--|---------|

**8. Incinerators**

|  |         |
|--|---------|
| For the installation or relocation of each domestic-type incinerator | \$18.00 |
|--|---------|

|  |         |
|--|---------|
| For the installation or relocation of each commercial or industrial type incinerator | \$18.00 |
|--|---------|

**9. Gas Piping**

|                                |         |
|--------------------------------|---------|
| Gas piping systems 1-5 outlets | \$17.00 |
|--------------------------------|---------|

|                                       |        |
|---------------------------------------|--------|
| For each additional gas outlet over 5 | \$3.00 |
|---------------------------------------|--------|

**10. Miscellaneous**

|  |         |
|--|---------|
| For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table | \$14.00 |
|--|---------|

**Other Inspections and Fees:**

|  |          |
|--|----------|
| 1. Inspections outside of normal business hours, per hour (min. charge 2 hours)                              | \$125.00 |
| 2. Inspections for which no fee is specifically indicated, per hour (min. charge one-half hour)              | \$93.00  |
| 3. Revisions to plans or to plans for which an initial review has been completed (min. charge one-half hour) | \$93.00  |

\*Building Official Contract fee + 10%

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

| ITEM INFORMATION  |  |             |
|---|--|-------------|
| <b>SUBJECT:</b><br><b>AB15-039</b><br><b>Resolution authorizing a grant application to the King County Community Development Block Grant (CDBG) program for the King County Housing Accessibility Improvements project</b>  | <b>Agenda Date: May 7, 2015</b> <span style="float: right;"><b>AB15-039</b></span> |             |
| Cost Impact (see also Fiscal Note): \$170,000 potential revenue<br>Fund Source: King County CDBG<br>Timeline: May 2015  | Mayor Carol Benson   |             |
|   | City Administrator   |             |
|   | City Attorney Carol Morris   |             |
|   | City Clerk – Brenda L. Martinez  |             |
|   | Com Dev/Nat Res –  |             |
|   | Finance – May Miller   |             |
|   | MDRT/Ec Dev – Andy Williamson  |             |
|   | Police – Chief Kiblinger   |             |
|   | Public Works – Seth Boettcher  | <b>X</b>    |
|   | Court – Stephanie Metcalf  |             |
| <b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input checked="" type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator   |  |             |
| <b>Attachments: Resolution No. 15-1027; concept map</b>   |  |             |
| <b>SUMMARY STATEMENT:</b><br>The King County Senior Housing development (Rainier View) currently does not have ADA access to the downtown area and post office. Public Works staff proposes removing the existing, broken sidewalk on 1 <sup>st</sup> Ave. south of Baker St. and replacing it with new sidewalk, curb ramps, and any necessary stormwater upgrades. A new curb ramp on the existing sidewalk on Baker St. and crosswalk will also be installed across Baker St. to allow pedestrian access to existing pedestrian facilities. This project will need to be added to the upcoming Transportation Improvement Plan update. |  |             |
| <b>FISCAL NOTE (Finance Department):</b><br>City staff is requesting \$170,000 CBDG Grant. If approved this would pay \$15,000 to King County CDBG for environmental review. The remaining \$155,000 be used for design, construction, and reimbursement of City project management costs. There is no match requirement.   |  |             |
| <b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b><br>Public Works Committee recommends approval   |  |             |
| <b>RECOMMENDED ACTION: MOTION to adopt Resolution 15-1027, authorizing the Mayor to execute a grant application to the King County CDBG program for the King County Housing Accessibility Improvements project.</b>   |  |             |
| RECORD OF COUNCIL ACTION  |  |             |
| <i>Meeting Date</i>   | <i>Action</i>  | <i>Vote</i> |
| May 7, 2015   |  |             |
|   |  |             |

**RESOLUTION NO. 15-1027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING A GRANT APPLICATION TO THE KING  
COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT  
(CDBG) PROGRAM FOR THE KING COUNTY HOUSING  
ACCESSIBILITY IMPROVEMENTS PROJECT**

**WHEREAS**, the Community Development Block Grant (CDBG) program requires that grant applications submitted by cities be signed by the Mayor and authorized by the City Council; and

**WHEREAS**, a copy of the City Council meeting minutes must be submitted with the application; and

**WHEREAS**, the King County Housing Accessibility Improvements project is a recommended addition to the City's Transportation Improvement Plan; and

**WHEREAS**, City staff is seeking \$170,000 in this grant application;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to execute a grant application to the King County CDBG program for the King County Accessibility Improvements project.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7<sup>TH</sup> DAY OF MAY, 2015.**

CITY OF BLACK DIAMOND:

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Carol Benson, Mayor

Attest:

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Brenda L. Martinez, City Clerk



# King County Housing Accessibility



## Legend

-  New Sidewalk
-  New Curb Ramp
-  New Crosswalk

0 50 100 Feet

**Existing**

**Proposed**

