

# Ordinance No. 3434

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repeals Ords. 2171, 2178, 2249, 2403, 2667 & 3098  
(Sec. 11.03.730) Amends Ord. 3080 (per Roger Lubovich  
on 1/12/99)

**ORDINANCE NO. 3434**

**AN ORDINANCE** of the City Council of the City of Kent, Washington repealing Ordinances 2171, 2178, 2249, 2403, 2667 and 3098 and amending Section 11.03.730 of the Kent City Code pertaining to the fee schedule for planning and land use applications filed with the City of Kent.

WHEREAS, Ordinance No. 2171 established certain fees for planning and land use applications filed with the City of Kent; and

WHEREAS, this fee schedule has been amended by Ordinance Nos. 2178, 2249, 2403, 2667, and 3098; and

WHEREAS, the City has conducted a review of the current fee schedule and has determined that the existing fees are no longer appropriate and that a new fee schedule should be established by city council resolution; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Ordinance Nos. 2171, 2178, 2249, 2403, 2667, and 3098 are hereby repealed in their entirety.

**SECTION 2.** Section 11.03.730 of the Kent City Code is hereby amended as follows:

**Sec. 11.03.730. Fees.** The city shall require the following fees for its activities in accordance with the provisions of this chapter:

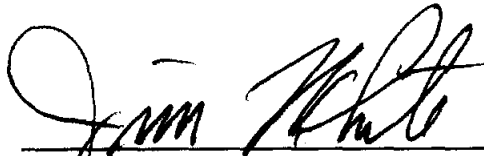
1. *Threshold determination.* For every environmental checklist the city will review when it is lead agency, the city shall collect a fee as established by the City Council ~~of one hundred fifty dollars (\$150.00)~~ from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee, and receipt of the checklist by the planning department. When the city completes the environmental checklist at the applicant's request, an additional fee shall be collected. This fee shall be based on the actual preparation time and rate of salary and benefits for staff time.
2. *Environmental impact statement.*
  - a. When the city is the lead agency for a proposal requiring an environmental impact statement and the environmental impact statement is prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the environmental impact statement. Costs will be determined based upon the costs of staff assigned to the preparation of the environmental impact statement, including hourly salary and benefits. The responsible official shall advise the applicants of the projected costs for the environmental impact statement prior to actual preparation. The applicant shall post bond or otherwise ensure payment of such costs.
  - b. The city reserves the right under WAC 197-11-420 to contract directly with a consultant for the preparation of an environmental impact statement, or a portion of an environmental impact statement, at the determination of the city. Consultants shall be selected by the city after a call for proposals. Consultant actions in preparing an environmental impact statement or portions thereof shall be exclusively managed and administered by the city to assure that the environmental impact statement is prepared in a

professional manner and with appropriate interdisciplinary methodology. The applicant shall post a minimum one- thousand-five-hundred-dollar deposit with the city to ensure payment of consultant costs and the preparation of an environmental impact statement. Further, the costs incurred in the preparation of an environmental impact statement shall be paid by the applicant to the city, who shall then make payment to the consultant.

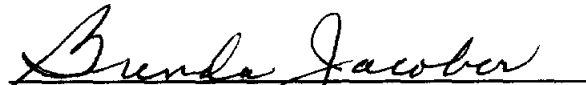
- c. If a proposal is modified so that an environmental impact statement is no longer required, the responsible official shall refund any fees collected under subsection 2.a. or b. above which remain after incurred costs are paid.
3. *State environmental policy act appeals.* For every appeal filed under section 11.03.520, the city shall collect a ~~one hundred fifty dollar~~ fee as established by the City Council.
4. The city shall not collect a fee for performing its duties as a consulted agency.
5. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by ~~RCW ch.~~ Ch. 42.17 RCW.

**SECTION 3. Severability.** If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

**SECTION 4. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval, and publication as provided by law.

  
JIM WHITE, MAYOR

ATTEST:

  
BRENDA JACOBES, CITY CLERK

APPROVED AS TO FORM:

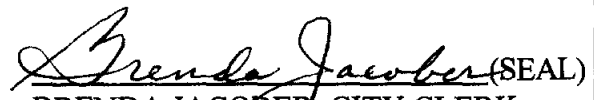
  
ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 8<sup>th</sup> day of December, 1998.

APPROVED: 9<sup>th</sup> day of December, 1998.

PUBLISHED: 11<sup>th</sup> day of December, 1998.

I hereby certify that this is a true copy of Ordinance No. 3434, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

  
BRENDA JACOBES, CITY CLERK

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