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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4330

AN ORDINANCE regarding the application of fees established by Ordinance No. 4258, as amended by Ordinance No. 4316, to certain existing permit and land use applications; and repealing Section 17 of Ordinance No. 4316.

WHEREAS, the City Council has determined that certain permit and land use application fees established by Ordinance No. 4258, as amended by Ordinance No. 4316, and effective January 1, 1992, should apply to certain applications on file at said effective date; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 17 of Ordinance No. 4316 is repealed, and is replaced by Section 2 as follows:

Section 2.

- A. General. Ordinance No. 4258, as amended by Ordinance No. 4316, shall apply to all permits, approvals, and development services for which an application is filed with the City on or after January 1, 1992, and shall apply to applications filed prior thereto as provided in subsections B and C hereof.
- B. Design and Development Land Use Review Fees and Storm and Surface Water Utility Review, Inspection and Development Service Fees - Prior Applications. Any application filed with the City prior to January 1, 1992, shall be subject to the land use review hourly fees set forth in Section 14 of Ordinance No. 4258, as amended by Section 2 (part) of Ordinance No. 4316 and to the hourly review, inspection and development service fees set forth in Section 15 of Ordinance No. 4258, as added thereto by Section 3 of Ordinance No. 4316, for any review, inspection or development services provided after March 1, 1992 (hereafter "hourly fees") including any services provided after permit issuance; provided:
 - 1. A credit against hourly fees under Section 14 shall be allowed to any applicant who filed an application prior to September 1, 1991, for any land use review fees (excluding any hourly fees, land use plan checking fees, permit review processing fees and system development fees) paid under the following: Section 6 of

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Ordinance No. 4146, Section 3 of Ordinance No. 4128, or Section 7 of Ordinance No. 4084 (hereafter "prior fees"). The credit shall be determined as follows:

- (a) The staff hours expended on the application prior to March 1, 1992, shall be multiplied by the appropriate hourly rate set forth in Section 14 as referenced above. That amount shall be subtracted from the amount of any prior fees paid on such application prior to March 1, 1992.
 - (b) If the amount determined under subsection (1) is a positive number, that amount will be allowed as a credit against any fees due under said Section 14, provided, should such credit amount exceed the hourly fees incurred, no refund will be made. If the amount is a negative number, no credit will be given, but no additional charge will be made for those hours.
2. A credit against such hourly fees under Section 15 shall be allowed to any applicant who filed an application for a clearing and grading permit prior to June 12, 1991, for which a fee was paid under the fee schedule adopted by Ordinance No. 3981 (hereafter "prior fees") in the amount of such prior fees; provided further, should such credit amount exceed the hourly fees incurred, no refund will be made.
- C. Any Storm and Surface Water Utility application or other application for which the Utility provides hourly review, inspection or development service filed with the City prior to January 1, 1992, is governed by Ordinance No. 4258, as amended by Ordinance No. 4316, except that subsections 6, 8, 9 and 10 of Section 3 of Ordinance No. 4258, as amended by Section 2 (part) of Ordinance No. 4316 shall not apply to such applications.
- D. Except as provided in subsection C above, all Design and Development applications filed with the City prior to September 1, 1991, are governed by Ordinance Nos. 4146, 4128 and 4084; all applications filed with the City between September 1, 1991, and December 31, 1991, are governed by Ordinance No. 4258.
- E. Administration.

The Directors of Design and Development and the Storm and Surface Water Utility may issue rules for the administration of this Section.

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Section 2. This ordinance shall take effect and be in force five days after passage and legal publication.

PASSED by the City Council this 18th day of February, 1992, and signed in authentication of its passage this 18th day of February, 1992.

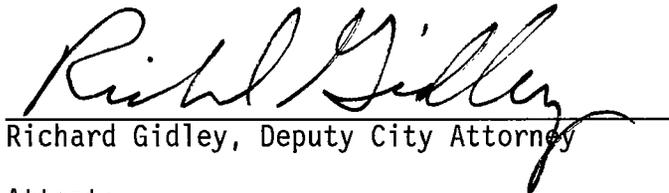
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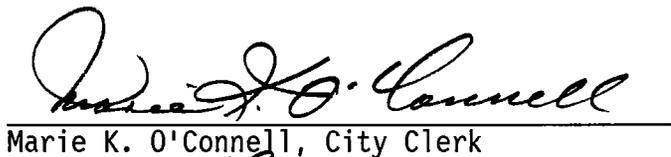
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published February 21, 1992