

Introduced by: Mayor
Date: 08/16/11
Hearing: 09/20/11
Action: Amended by Substitute
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-32**

**AN ORDINANCE APPROVING A FEE SCHEDULE FOR THE KENAI PENINSULA
BOROUGH AND AMENDING VARIOUS PROVISIONS OF THE KENAI PENINSULA
BOROUGH CODE TO AMEND OR DELETE SPECIFIC FEES AND INSERT
REFERENCE TO A FEE SCHEDULE**

WHEREAS, many departments and service areas throughout the borough impose an assortment of rates, charges, and fees for a variety of activities, services, uses, and permits; and

WHEREAS, many such charges have been approved by the assembly, the mayor, the planning commission, and service area boards through different mechanisms and can be difficult to locate; and

WHEREAS, the administration developed the attached Schedule of Rates, Charges and Fees which lists all such charges imposed by the borough, including some updated and new charges for services, permits, and facility usage; and

WHEREAS, consolidating these charges into a single schedule will ease the administration of and public access to these fees; and

WHEREAS, including all such charges in a single schedule also assists in ensuring consistency in amounts charged by the various departments and service areas of the borough; and

WHEREAS, emergency medical service fees may be varied from this fee schedule by the various service area boards to meet Medicare definitions and rates for maximum reimbursement; and

WHEREAS, the fee schedule also grants the administration discretion to waive or reduce fees in limited specified circumstances;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB Chapter 1.26, Schedule of Rates, Charges and Fees is hereby enacted as follows:

CHAPTER 1.26 SCHEDULE OF RATES, CHARGES AND FEES

1.26.010 Establishment of Schedule of Rates, Charges and Fees Established.

A. The assembly establishes and adopts the Schedule of Rates, Charges and Fees (“Fee Schedule”). The schedule shall be available at the Clerk’s office, on the borough web page, and such other locations as determined by the mayor for ease of access by the public.

1.26.020 Amendments to Schedule of Rates, Charges and Fees.

A. The assembly may amend, delete and include new rates, charges and fees in the Fee Schedule by adoption of a resolution except for fees or charges specifically codified in the borough code or required by law to be adopted by ordinance.

B. The planning commission is authorized to amend the Fee Schedule relating to matters addressed in Titles 20 and 21 of the borough code.

C. Service Area Boards are authorized to amend the Fee Schedule on matters relating to subjects in Titles 14 and 16 that fall within the purview of each such board.

1.26.030 Exemptions and Waivers.

A. Local, state and federal government projects may be exempt from fees when the mayor determines in writing that such exemption is in the best interests of the borough based on findings of fact.

B. Fees may be waived for permits to provide for the immediate response to emergency situations for life and safety issues when time is not adequate to process permits in accordance with other applicable permitting provisions of this chapter as determined by the mayor. All waivers shall be documented to the extent feasible upon issuance of such permits.

SECTION 2. That KPB 4.100.020(B) is hereby amended as follows:

4.100.020 - Form of application.

...

B. The application shall include a deposit in cash or by certified check for the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [ONE HUNDRED DOLLARS]. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.

SECTION 3. That KPB 5.12.050(B) is hereby amended as follows:

5.12.050 - Valuation and flat tax appeal procedure.

...

A. No appeal application may be accepted unless a filing fee [OF \$30.00 FOR A PROPERTY WHOSE ASSESSED VALUE IS LESS THAN \$100,000.00, \$100.00 FOR PROPERTY WHOSE TOTAL ASSESSED VALUE IS AT LEAST \$100,000.00 BUT LESS THAN \$500,000.00, \$200.00 FOR PROPERTY WHOSE TOTAL ASSESSED VALUE IS AT LEAST \$500,000.00 AND LESS THAN \$2,000,000.00, AND \$1,000.00 FOR PROPERTY WHOSE TOTAL VALUE IS \$2,000,000.00 OR GREATER] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees is received by the clerk at the time of filing

...

SECTION 4. That KPB 5.18.230(C) is hereby amended as follows:

5.18.230 - Exemptions/waivers—Exemptions—Nonprofit or government exemption certificate.

...

C. A buyer may apply for a nonprofit or government exemption certificate, on the form provided by the borough. Upon receipt of a completed application, and a fee [OF \$10.00 PER CARD] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees the borough will issue the certificate, which will be valid for the calendar year for which the application is made.

...

SECTION 5. That KPB 5.18.240(B) is hereby amended as follows:

5.18.240 - Exemptions/waivers—Exemptions—Resale certificate.

...

B. A seller may apply for a resale certificate, on the form provided by the borough. Upon approval of a completed application, and a fee [OF \$10.00 PER CARD] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees, the borough will issue the resale certificate, which will be valid for the calendar year for which the application is made.

SECTION 6. That KPB 5.18.310(E) is hereby amended as follows:

5.18.310 - Registration—Certificate issuance—Display required—Compliance agreement—Bond requirements.

...

- E. Upon payment of the fee [ESTABLISHED BY REGULATION] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees, the mayor will issue a duplicate sales tax certificate to any seller whose certificate has been lost or destroyed.

...

SECTION 7. That KPB 5.18.670 is hereby amended as follows:

5.18.670 Enforcement – [SCHEDULE OF F]Fees.

[THE FOLLOWING F]Fees in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be imposed and collected pursuant to this chapter for the following purposes:

- A. Issuance of a duplicate sales tax certificate [AT A RATE ESTABLISHED BY REGULATION];
- B. Missing filing fee [AT THE RATE OF \$25.00 FOR EACH RETURN NOT FILED];
- C. Reinstatement to active roll [AT THE RATE OF \$100.00 PER BUSINESS];
- D. Audit estimate preparation fee at a rate established by regulation but not to exceed \$100.00.

SECTION 8. That KPB 5.28.320(B)(6) is hereby amended as follows:

5.28.320 – Appeal

...

- B. *Contents of appeal.* A written appeal shall, at a minimum, contain the following:

...

- 6. A fee [OF \$300.00] in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

...

SECTION 9. That KPB 5.28.320(H)(2) is hereby amended as follows:

5.28.320 – Appeal

...

- H. *Notice and record on appeal.*

...

2. The purchasing officer shall submit to the clerk the record of the bid or proposal process including the invitation to bid or request for proposal, any amendments thereto, all correspondence to or from all parties, the appeal filed to the mayor and supporting documentation, and the decision issued by the mayor. The clerk shall prepare the record on appeal, to include written statements and all evidence submitted, and provide copies to interested parties upon payment of appropriate copying fees in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. Prior to the scheduled hearing the clerk shall distribute copies of the record to all assembly members, the purchasing officer and the mayor.

SECTION 10. That KPB 14.08.030(B) and (D) are hereby amended as follows:

14.08.030 - General utility right-of-way use permit.

...

- B. There is established [A \$250] an annual base fee for a general utility right-of-way permit in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. Permit renewal fees are due at the beginning of each calendar year.

...

- D. Each service connection installed under a general utility right-of-way permit shall be reported to the planning department in accordance with the provisions of section 14.08.050(C).

1. A one-time fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [OF \$1 (ONE)] for each service connection installed shall accompany the utility's report.
2. The utility bears the responsibility for submitting an accurate report and accounting of all service connections installed on an annual basis.

SECTION 11. That KPB 14.08.040(C) is hereby amended as follows:

14.08.040 – Utility construction project permits.

...

- C. Each application for a utility construction permit shall include a fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. [THE AMOUNT WILL BE CALCULATED AS FOLLOWS:

\$50 MINIMUM BASE FEE FOR START-UP INCLUDING THE FIRST 200 LINEAR FEET OF CONSTRUCTION PLUS \$0.10 PER LINEAR FOOT THEREAFTER UP TO A MAXIMUM AMOUNT OF \$2,500.]

SECTION 12. That KPB 14.10.030(C) is hereby amended as follows:

14.10.030 - Street name map.

...

- C. Copies of the official street name maps shall be made available upon request to any agency and the public upon receipt of payment for reproduction costs in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees, when applicable.

SECTION 13. That KPB 14.10.050(B) is hereby amended as follows:

14.10.050 - Renaming streets.

...

- B. Any person or agency may also propose a street name change by submittal of a petition to the planning commission. The petition shall contain:

...

6. A fee in the amount [DETERMINED BY RESOLUTION OF THE PLANNING COMMISSION] listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

- a. Street names changed by petition shall be in accordance with section 14.10.040.
- b. The procedures for renaming a street by petition shall be in accordance with section 14.10.050(A).

SECTION 14. That KPB 14.31.050 is hereby amended as follows:

14.31.050 - Review of petition application.

- A. After receiving an application for a petition to form a special assessment district, the borough assessor shall determine the boundaries of the proposed district after consulting with the road service area director. Once the borough assessor makes an initial determination that formation of the proposed district is feasible based on the proposed boundaries and criteria set forth in KPB 14.31.080, a filing fee based on the cost of obtaining a professional civil engineer's estimate of the total project costs and petition preparation shall be paid pursuant to one of the methods below, as determined by the road service area board:

1. The petition sponsor shall pay a nonrefundable filing fee consistent with the [following table:] the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. [

ASSESSED VALUE OF PROPERTY SUBJECT TO ASSESSMENT	FILING FEE
\$2,000,000.00 OR LESS	\$1,000.00
\$2,000,000.01 TO \$3,000,000.00	\$1,400.00
\$3,000,000.01 TO \$4,000,000.00	\$1,800.00
\$4,000,000.01 TO \$5,000,000.00	\$2,200.00
ASSESSED VALUE OF PROPERTY SUBJECT TO ASSESSMENT GREATER THAN \$5,000,000.00 SHALL REQUIRE A FILING FEE CONSISTENT WITH THE SCALE IN THIS TABLE.	

If an additional filing fee is necessary to defray the cost of the engineer's estimate for the project cost, the remaining filing fee may be paid by the road service area. One hundred percent of the costs incurred by the borough to complete the project shall be assessed against the benefited parcels in compliance with KPB 14.31.110.

2. The petition sponsor shall pay 100 percent of the [ABOVE DESCRIBED] filing fee, which shall be nonrefundable. One hundred percent of the costs incurred by the borough to complete the project shall be assessed against the benefited parcels in compliance with KPB 14.31.110.

SECTION 15. That KPB 17.10.130(F)(1) is hereby amended as follows:

17.10.130 - Conveyance of the land.

...

F. Where the conveyance instrument contains deed restrictions, those restrictions may be modified by:

1. Submittal of a petition [AND] accompanied by the appropriate fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees to the land management officer requesting modification and stating the justification for the request;

...

SECTION 16. That KPB 17.10.180 (A) and (C) are hereby amended as follows:

17.10.180 - Temporary use of borough land.

A. A person who wishes to use borough land for a temporary use shall apply for a nonrenewable permit on a form provided by the land management division and accompanied by the appropriate application fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates,

Charges and Fees [AS REQUIRED BY THE FEE SCHEDULE]. KPB 17.10.120(F) shall apply.

...

- C. At the time the permit is issued, the applicant shall pay the borough the permit fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [AS REQUIRED BY THE FEE SCHEDULE].

...

SECTION 17. That KPB 17.10.200(C) is hereby amended as follows:

17.10.200 - Materials—Negotiated sale—Small quantities.

...

- C. Application shall be submitted on the form provided by the land management division and accompanied by the [APPROPRIATE] fee the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

...

SECTION 18. That KPB 17.10.210 is hereby amended as follows:

17.10.210 - Materials and forest resources—Commercial quantities.

...

- B. Application shall be submitted on the form provided by the land management division and accompanied by the [APPROPRIATE] fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

...

SECTION 19. That KPB 20.04.040(D) is hereby amended as follows:

20.04.040 - Plats—Required when—Waivers.

...

- D. Subdivisions meeting all provisions of the above subsections A, B, and C shall be granted a waiver of platting regulations by resolution of the commission which shall be recorded in the appropriate district recording office within 30 days after adoption or waiver shall lapse. The applicant shall pay a plat waiver fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [OF \$50.00] and recording fees.

...

SECTION 20. That KPB 20.12.040 is hereby amended as follows:

20.12.040 - Fee required when.

The fee established by the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [PLANNING COMMISSION] shall accompany the submission of the preliminary plat.

SECTION 21. That KPB 20.28.065 is hereby amended as follows:

20.28.065 – Fee required.

The fee established by the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [THE PLANNING COMMISSION BY RESOLUTION] shall accompany the filing of the vacation petition. A fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [OF \$50.00] is required in the case of vacation of a utility easement.

SECTION 22. That KPB 21.01.030 is hereby amended as follows:

21.01.030 - Borough and cities—Central files, maps, photographs.

The borough will maintain central files, maps, and other photographs showing the land use status of each area within the city and other areas of the borough and this information shall be public and made available to the public upon request and payment of any [APPROPRIATE] fee established by the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

SECTION 23. That KPB 21.05.070 is hereby amended as follows:

21.05.070 – Recordation.

Variances, extensions, and expirations may be recorded in the state of Alaska recording district in which the affected parcel is located. A [RECORDING] processing fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees not to exceed the administrative costs of preparing and recording the variance document may be charged as a condition of a variance or variance extension. If the [RECORDING] processing fee is charged the borough shall be responsible for the recording. Failure to record a variance, expiration, or extension will not affect its validity.

SECTION 24. That KPB 21.06.040(C)(6) is hereby amended as follows:

21.06.040 – Administration.

...

C. *Duties and Responsibilities of the Planning Department.* Duties of the planning department shall include, but not be limited to:

...

6. **Fee Required.** The planning department shall charge fees for permits and variances. Fees shall be established by in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [RESOLUTION OF THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH] to be paid by the applicant at the time that the floodplain development permit application is submitted.

...

SECTION 25. That KPB 21.20.250(A) and (B) are hereby amended as follows:

21.20.250 - Appeal of planning commission decision to board of adjustment.

A. *Time; fees.* Any party of record may file an appeal of a decision of the planning commission within 15 days of the date of the notice of the decision with the borough clerk on the forms provided, and by paying the filing and records preparation fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [OF \$300.00]. An appeal may be filed by personal delivery or mail as long as it is complete and received in the clerk's office by 5:00 p.m. on the day the notice of appeal is due.

B. An application to proceed with an appeal as an indigent may be filed with the borough clerk's office on a form provided by the borough clerk in lieu of the [\$300.00] filing fee. The chair of the board of adjustment may allow an applicant who qualifies as an indigent a reduced filing fee, a payment plan, or a waiver of the filing fee where the chair is able to make a written finding, based on information provided by the applicant, that payment of the appeal fee would be a financial hardship for the appellant. Based upon the information provided, the fee may be reduced or waived in accordance with the following schedule:

<i>Annual income as a Percent of current Health and Human Services (HHS) Poverty Guidelines for Alaska</i>	<i>Percent of fee reduc[T]ed</i>
1—100%	100% Waiver
101—149%	75% Waiver
150—174%	50% Waiver
175—199%	25% Waiver
200% plus	No Waiver

Any appellants with income equal to or less than 200 percent of the HHS poverty guidelines for Alaska for the year in which the appeal is filed may apply for a payment plan in which the filing fee shall be paid in full within in six months of the date of filing.

SECTION 26. That KPB 21.20.270(A)(8) and (B) is hereby amended as follows:

21.20.270 – Record on appeal.

A. *Record; contents.* For the purposes of appeal, the record shall include:

...

8. The minutes of the planning commission, or, if provided by a party, a verbatim transcript of the planning commission hearing. All arrangements and costs for preparation of a transcript are the responsibility of the party desiring the transcript. Party submittals of transcripts must be prepared and certified as accurate by a court reporter in order to be admitted. Copies of tapes for transcription will be provided for a [\$5.00] per tape copying fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

B. *Record; preparation.* The planning director shall certify the paginated and indexed record and minutes on appeal within 15 days after the deadline for filing entries of appearance. One copy of the record shall be provided to the party paying the initial filing fee. A copy shall also be provided to the appellee, if the appellee was the initial entitlement applicant or recipient of an enforcement order. A notice of certification of record shall be provided to all parties. Copies of the record may be provided to other parties or any other persons upon payment of a handling charge in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [OF 25 CENTS PER PAGE]. If a party has requested a transcript of the hearing before the planning commission, an additional 15 days shall be allowed for the completion of the transcript which shall be added to the completed record. Completion of a transcript within the time specified is the responsibility of the party requesting the transcript. Any member of the board of adjustment may request that the borough clerk prepare a certified transcript for the board's review. The transcript will be available to the parties at a charge in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [OF 25 CENTS PER PAGE].

SECTION 27. That KPB 21.27.010 is hereby amended as follows:

21.27.010 - Application procedure.

A. In order to obtain a permit, an applicant shall first complete and submit to the borough planning department a permit application, along with the

[APPROPRIATE] fee [AS ESTABLISHED BY] listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [THE PLANNING COMMISSION]. In addition to those items listed below, applicants shall provide any additional information the planning director deems appropriate and necessary to determine compliance with this chapter.

SECTION 28. That KPB 21.28.010 is hereby amended as follows:

21.28.010 - Application procedure.

In order to obtain a CAFO permit, an applicant shall first complete and submit to the borough planning department a permit application, along with the [\$0.20] per animal fee in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. The application shall include the following items:

SECTION 29. That KPB 21.29.030(A) is hereby amended as follows:

21.29.030 - Application procedure.

A. In order to obtain a counter permit or CLUP, an applicant shall first complete and submit to the borough planning department a permit application, along with the [APPROPRIATE] fee [AS ESTABLISHED BY] listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees [RESOLUTION OF THE PLANNING COMMISSION AND APPROVED BY THE BOROUGH ASSEMBLY]. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:

1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
2. Expected life span of the material site;
3. A buffer plan consistent with KPB 21.29.050(A)(2);
4. Reclamation plan consistent with KPB 21.29.060;
5. The depth of excavation;
6. Type of material to be extracted and type of equipment to be used;
7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;

8. A site plan and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. Location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - b. Proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
 - c. Identification of all encumbrances, including, but not limited to easements;
 - d. Points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.
 - e. Anticipated haul routes;
 - f. Location and depth of test holes, and depth of groundwater, if encountered;
 - g. Location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;
 - h. Location of any water body on the parcel, including the location of any riparian wetland as determined by "Wetland Mapping and Classification of the Kenai Lowland, Alaska" maps created by the Kenai Watershed Forum;
 - i. Surface water protection measures for adjacent properties, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence; provide designs for substantial structures; indicate which structures will remain as permanent features at the conclusion of operations, if any;
 - j. Location of any processing areas on parcel, if applicable;
 - k. North arrow;
 - l. The scale to which the site plan is drawn;
 - m. Preparer's name, date and seal;

- n. Field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious.

SECTION 30. That KPB 21.29.070(E) is hereby amended as follows:

21.29.070 - Permit extension and revocation.

...

- E. There shall be no fee for permit extensions approved by the planning director. The fee for a permit modification processed under KPB 21.29.070(D) will be the same as an original permit application in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.

...

SECTION 31. That this ordinance shall take effect October 1, 2011.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2011.

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Yes:

No:

Absent: