



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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MEMORANDUM

TO: Sunfish Lake Planning Commission
Sunfish Lake City Council

FROM: Michelle Barness

DATE: January 13, 2016

RE: Sunfish Lake – Fee Schedule Amendment

FILE: 211.02

BACKGROUND

Sunfish Lake Zoning Ordinance Section 1201.10 establishes a schedule of fees, charges and expenses and a collection procedure for zoning applications, building permits, variances, conditional uses, appeals, and site plan approvals. The City approves this fee schedule on a yearly basis, and a copy of the schedule is also posted to the City website.

City planning and engineering staff are concerned that the fees currently in place for site and building plan reviews are not sufficient to cover the actual cost of site and building plan approvals. The oldest fee schedule amendment staff found on record was from 2006, which reflected the same site plan review fees used today. Site plan review fees have not been increased for at least 10 years, and do not reflect increased review costs related to higher administrative fees (e.g. rise in the cost of postage, paper, etc.) and increased review fees resulting from more comprehensive review practices (e.g. additional time requirement for the review of technical information related to improved stormwater, grading and erosion control standards). This memorandum examines why staff are recommending an increase in site plan review fees. In addition, attached to this report the Planning Commission will find the following supplemental information:

Exhibit A: Site and Building Plan Review Checklist
Exhibit B: Adopted 2015 Fee Schedule (with current fee rates)
Exhibit C: Draft 2016 Fee Schedule Amendment (with amended site plan fees)

ISSUES AND ANALYSIS

According to the City adopted 2015 Fee Schedule, the current fees for the most common land use reviews are as follows:

Major Site Plan Reviews: \$1,450
Minor Site Plan Reviews: \$ 400
Conditional Use Permits: \$ 800
Variances: \$ 800

The following table illustrates several recent major and minor site and building plan reviews in Sunfish Lake. The table details the required application submission fee (which is often a combination of a site plan review fee and a special zoning request fee), the total staff charges to the project, and the remaining escrow to be paid or returned once the City completed the review.

Table 1.

Project	Submitted Application Fee/Escrow	Total Staff Processing and Review Fee	Additional Review Fee or Escrow Refund for Applicant
Major Plan Review #1	\$1,450.00	\$4,408.08	\$2,958.08 (Additional fee)
Major Plan Review #2	\$1,450.00	\$4,517.31	\$3,067.31 (Additional fee)
Major Plan Review & Variance	\$2,250.00	\$6,493.72	\$4,243.72 (Additional fee)
Minor Plan Review & Variance	\$1,200.00	\$2,115.25	\$915.25 (Additional fee)
Minor Plan Review	\$400.00	\$1,282	\$882.00 (Additional fee)

As the table demonstrates the submitted escrow fees for land use applications are regularly insufficient to cover the cost of staff charges for application processing and review time. Currently Zoning Ordinance Section 1201.10 provides a disclaimer stating that “if the review and consideration of the request exceeds the cost covered by the escrow deposit as a consequence of lack of information, site or design problems, or questions raised by the staff, Planning Commission, or City Council, all processing of the request will be halted until an estimation of completion is determined and a new escrow deposit made.” Consequently, all of the projects shown were required to pay significantly more than identified by the City’s established fee submission requirements.

Sunfish Lake is unique in that it requires a very comprehensive planning and zoning review for residential site and building plans. In conducting research on the topic staff was not able to identify another metro area community that requires the in depth residential site plan review that the City of Sunfish Lake has established. The benefit of conducting complete residential site plan reviews is that the City can better guide the

character of development in the community and can more regularly verify site and building conformance with established zoning and design standards. However, the information required for a site and building plan review is extensive and requires significantly more staff review time than a basic zoning review. The site and building plan checklist staff employs in reviewing the completeness of site and building plan submittals is attached to this memorandum for reference (see Exhibit A). The checklist is drawn from the submittal requirements detailed in Zoning Ordinance Section 1208.05, and illustrates the complexity of the information being reviewed by staff in the site plan review process. All required application submittal information relates to established standards within the Zoning Ordinance and the Comprehensive Stormwater Management Plan.

Typical single family residential land use review in other communities is generally limited to a zoning permit review (minimum setbacks, building size / number, and other basic standards) or to reviews for special requests (conditional uses, variances, etc.). The site and building plan application submittal for Sunfish Lake may be more comparable to the degree of information that would be required for a commercial site plan review in other communities (with the exception of information specific to commercial development, such as parking lot design), and requires submission of a significant amount of detailed information for a proposed project.

Staff examined fee schedules in several other metro area communities to better understand what is considered an appropriate fee for a complete site plan or special request review. The following table summarizes the fee findings:

Table 2.

Community	<i>Sunfish Lake</i>	<i>Woodbury</i>	<i>Inver Grove Heights</i>	<i>Albertville</i>	<i>Elko New Market</i>	<i>Minnetrista</i>	<i>Wayzata</i>
Conditional Use Permits	\$800	\$2,000	\$1,750 (impervious surface SFR) \$250 (other SFR)	\$1,800 (< 4 ac.) \$2,800 (4 – 10 ac.) \$5,300 (> 10 ac.)	\$5,400 (Major CUP) \$1,400 (Minor CUP)		\$3,349 (SFR)
Variances	\$800	\$1,300	\$200	\$950	\$1,250		\$3,349 (SFR)
Minor Site Plan Reviews	\$400			\$500			
Major Site Plan Reviews	\$1,450	\$5,500 (SFR exempt)	\$3,500 (SFR exempt)	\$1,800 (< 4 ac.) \$2,800 (4 – 10 ac.) \$5,300 (> 10 ac.)	\$1,400 (SFR exempt)	\$2,100 (SFR exempt) engineering/attorney fees charged separate	\$3,859 (SFR exempt)

Note: SFR = Single Family Residential

In reviewing the above information, it is important to note a few things. First, in Sunfish Lake planning staff performs many administrative duties in the course of a site plan review that may more often be performed by administrative staff in other communities. The charge for basic administrative tasks, such as property owner notices, public hearing notices, and organization and distribution of site plan submission materials, is charged by planning staff to site plan review escrows for individual projects, as opposed to coming out of a general city operating budget.

In addition, staff found that some communities require that portions of the consulting staff review fees be charged in addition to the required site plan review escrow. For example, Minnetrista charges \$2,100 for a site plan review, but applicants are billed additionally for attorney and engineering review costs. If these costs were included in the site plan review fee, it is likely that the fee would need to be significantly higher. Currently planning and engineering staff fees in Sunfish Lake are fairly balanced, and make up a majority of what is charged to a submitted application fee. If the required application fee excluded one staff review fee or the other, it would not be as imperative that the fees be raised. However, as this is not the case, it would be beneficial to raise the fees to better reflect that actual cost of the combined planning and engineering review.

Finally, while it appears that Sunfish Lake fees for special land use requests such as conditional use permits and variances are less than other communities, staff is not recommending an increase in the fees for those requests at this time. Site plan review fees are charged in addition to special land use request fees, and staff feels that it is the site plan review fee that is in most dire need of amendment. Increased staff review fees on a project typically result from required revisions to the site plan submission, as opposed to resulting from the review of information specific to a special request. There are instances when plan revisions and extended staff review times specifically result from issues pertaining to a special land use request (e.g. in the case of a controversial shoreland variances, but this is not as common. The most effective amendment to fees at this time would be to increase site plan review fees, which is the change that is shown on the draft fee schedule amendment attached.

RECOMMENDATION

While staff is certain that site and building plan review fees should be increased to better reflect for applicants the actual cost of a review with the City of Sunfish Lake, it is more difficult to determine exactly what increase is appropriate. The proposed fee increase as shown on the attached fee schedule amendment (Exhibit C), was derived in consideration of the fees other communities charge for site plan reviews and the actual review charges for recent site plan reviews in the City of Sunfish Lake. Staff requests Planning Commission discuss the issue of site plan review fees and review the draft fee schedule amendment in order to make a recommendation on whether the Sunfish Lake 2016 Fee Schedule should be amended as shown.

c: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna and Eric Eckman, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector

CITY OF *Sunfish Lake* MINNESOTA

SITE PLAN REVIEW & BUILDING PERMIT APPLICATION PROCEDURES

A checklist of background information and submission requirements for the processing of site plan reviews and building permits is provided below. The intent of this form is to furnish a clear understanding and detailed indication of the materials and documentation necessary for the review of such requests. City Staff will utilize the attached form as a checklist in review of the information which is submitted. Some items may not be applicable to some projects and may be waived with approval of the City Planner.

Processing Procedures:	<u>Compliance</u> Yes No	
Review the appropriate sections of the City Zoning Ordinances and Comprehensive Plan.		
Meet with City Staff/Engineer/Planner, if necessary, to discuss proposal.		
File application for site plan review/building permit concurrent with submission requirements as set forth below.		
Application/review fees paid and escrow deposits made.		
Major Review: Five (5) full size copies and one reduced (11x17) copy of all submitted plans. Minor Review: Three (3) full size copies and one reduced (11x17) copy of all submitted plans.		
Submittal Requirements for Existing Site Elements:		
Names, addresses, and phone numbers of property owners, applicants, surveyor, architect, engineer, or other persons associated with the project.		
Proof of title and the legal description of the property.		
Complete site survey, containing:		
Property boundary lines in relation to known section, quarter section, or quarter-quarter section lines comprising a legal description of the property and including bearings, distances, curve data, and total acreage of parcel.		
Lot dimensions, including width as measured at the front building setback line.		
Date of plan preparation, north arrow and scale no smaller than one inch equals one hundred feet.		
Existing land uses.		
Layout of buildings, old foundations, septic systems, wells, and other site elements which currently exist on the property and those on adjacent properties to within 350feet.		
Existing building setbacks.		
Adjacent streets and/or rights-of-way (public or private) curb cuts, driveways, etc.		
Existing topography (existing and proposed 2-foot contours must be shown on the same plan).		
Location, size, species, and present condition of all significant trees/vegetation on site. Tree locations should be illustrated on the grading plan.		

	Compliance	
	Yes	No
Shoreline, water elevation, 100-year floodplain/flood fringes/floodways and Ordinary High Water Mark, if applicable.		
Formal delineation of wetlands, lakes, streams, and other public waters on or immediately adjacent to the site, certified by a registered engineer in accordance with the 1991 Wetland Conservation Act. The plans should show shoreline and OHWL.		
Location, dimension, and purpose of all easements.		
Location, size, and elevations of any existing utilities, drainage control devices, or other underground facilities on or adjacent to the property, including drainfields and wells within 50 feet of the property lines on adjacent lands.		
Location and dimensions of existing storm water drainage systems and natural overland drainage patterns, including a calculation (by a qualified engineer) of storm water runoff before construction, if required.		
Subsurface conditions including soil types, rock and groundwater conditions, water quality and availability, results of percolation tests, and proof that no hydric soils exist in the area of development.		
Submittal Requirements for Proposed Design Features:		
Proposed layout of principal and accessory buildings, walls, fences, gates or monuments, and other site structures, showing the proposed structure setbacks from lot lines.		
Architectural elevations (type and materials used in all exterior surfaces) inclusive of top of foundation, finished floor, garage floor, and basement elevations for all structures.		
House plans must show footprint size, total square footage and finished floor area for each level of the structure.		
Top of foundation, finished floor, garage floor and basement elevations must be indicated for all principal structures.		
Building height calculations shall be indicated on site and building plans. The building height limitation shall be determined by taking the average existing grade of the structure and adding thirty (30) feet. The existing grade shall be determined by taking spot elevations at all points around the perimeter of the house and finding the average. The building height as measured on the elevation drawings shall be the distance between the top of foundation and peak of the roof which when added to the top of foundation elevation may not exceed the building height limitation as defined above.		
Proposed driveway(s), curb cuts, streets, and/or rights-of-way (public or private).		
Location and sizing of proposed on-site well water system. Well location must be shown on the site plan.		
Location and size of proposed on-site waste disposal systems, including both primary and back-up drain fields. Drain field locations must be shown on the site plan.		
Grading plan with minimum two foot contours which shall include the proposed grading and drainage of the site, including provision for surface water ponding and drainage. Also to be stipulated are the garage floor, first floor and basement elevations of all structures.		
A plan for soil erosion and sediment control both during construction (erosion control fencing, etc.) and following final grading, after development has been completed.		

	Compliance	
	Yes	No
A drainage plan of the developed site, prepared by a qualified engineer, delineating in which direction and at what rate stormwater runoff will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect.		
Locations and dimensions of all temporary soil or dirt stockpiles.		
Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas in accordance with the Zoning Ordinance and applicable state statutes.		
A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types/locations of trees, and other plantings that are to be installed may also be required.		
A landscape plan showing the proposed species, number, and sizes of trees, shrubs, grasses and other perennials to be planted on site which emphasizes perimeter plantings, screening of the structure from neighboring properties and buffering of garage areas, lighting, mechanical equipment, and other utilitarian type elements. The plan should show the types and locations of ground covers used to permanently stabilize areas disturbed during construction.		
A lighting plan and fixture specifications showing the location, size, type/style, and wattage/ lumens of all exterior lights on site. The source of light shall not be visible from adjacent properties or lakes and all fixtures must be hooded to control the direction of light and glare.		
Where structures are to be placed on lots of five (5) acres or more which are subject to potential replat, a site plan shall indicate a logical way in which the lots could possibly be re-subdivided in the future.		
Applications, statements, and supporting documentation and plans for rezoning, variances, conditional use permits, or other requests being sought in association with site plan/building permit approval.		
Optional fire protection measures such as a sprinkler system in all new construction and/or a dry hydrant or standpipe for utilization of swimming pool water.		
Where applicable, compliance with Airport Noise Abatement regulations must be demonstrated.		
Fences, gates, sheds, free-standing decks, patios or screened porches, docks, and all other accessory structures (proposed and existing) must be shown on plans and will be subject to specific standards outlined in the City's Zoning Ordinance.		
Other information, specified here which may be required by the City: _____		
The applicant is aware that the proposed structure must be clearly staked at least one week before the Planning Commission meeting at which the application will be reviewed.		
Note: Failure on the part of the applicant to supply all necessary information listed herein or any supportive information as requested by the City may be grounds for rejection of the application or denial of the request.		

CITY OF *Sunfish Lake* MINNESOTA
2015 FEE SCHEDULE

ITEM	BASE FEE¹	ESCROW¹	TOTAL²
Subdivision Minor	150	550	700
Major	300	2,700	3,000
Conditional Use Permit / Interim Use Permit / Major Variance / Appeals	200	up to 600	up to 800
Other	200	up to 600	up to 800
Rezoning or Text Amendment	200	600	800
Site Plan Review Minor	n/a	400	400
Major	250	up to 1,200	up to 1,450
Administrative Permit / Minor Variance	n/a	200	200
Site Inspections-Required at Pre-Construction and Post-Construction ³	75 (per inspection)	n/a	150
Water Extraction Permit	300	200	500
Burning Permit	45	n/a	45
Building Permit, Pool Permit and Related Building Permit Fees	See City Code, Section 1004.01		
Grading Permit	See Uniform Building Code Table A-33-B (1997 UBC) for grading fee breakdown by cubic yards. Property owner will also be responsible for all review costs.		
Demolition Permit	See City Code, Section 1004.01		
Septic System Permit	Inspector - 350 (including plan review, inspection, and soil verification) Dakota County - 40 City – 25	n/a	415
Septic System Additional Inspections, Re-inspections, Special Inspections and Special Analysis	55 per hour with one hour minimum	n/a	55 per hour with one hour minimum
Plumbing Permit (Replacement/New Construction)	See City Code, Section 1004.01		
Mechanical Permit (Replacement/New Construction)	See City Code, Section 1004.01		

Zoning Ordinance	\$35 per copy
Subdivision Ordinance	\$15 per copy
Comprehensive Plan	\$35 per copy

¹ The applicant is required to pay a base fee and escrow deposit to be charged against the time and expenses necessary to process the request. The base fee will be applied to the project costs if the project proceeds completely through the review process, however, is non-refundable if a project is abandoned midway through the process. If the review and consideration of the request exceeds the cost covered by the escrow deposit as a consequence of lack of information, site or design problems, or questions raised by the staff, Planning Commission, or City Council, all processing of the request will be halted until an estimation of completion is determined and a new escrow deposit made.

Following the City's decision on the request, **the City Treasurer will refund any portion of the escrow deposit remaining or bill the applicant for the balance due. Permit and site inspection fees are separate from and in addition to the base fee and escrow required to process a planning/zoning request.**

² All fees must be paid at the time of application and any additional fees required as stipulated in ¹ above shall be paid before issuance of a certificate of occupancy permit. If payment is not received from the applicant, the **property owner is liable for the unpaid fee balance either by direct payment or a special assessment against the property.**

³ Depending on the issues of a project, additional site inspections may be required by individual City consultants and will be billed on a time and materials basis.

If work, construction, or improvements have begun prior to the landowner receiving a required land use approval (such as a re-zoning, conditional use permit, interim use permit, variance or site plan approval), then in addition to the fees set forth above, the landowner or applicant must pay an additional fee of \$250.00; this additional fee is for the purpose of defraying the City's administrative and documentation costs in (a) verifying the condition of the property prior to the work (b) verifying and documenting the work that was performed prior to obtaining the requisite approval and (c) analyzing whether the work already performed complies with the City Code standards and the conditions that may be imposed as part of the approval process. Further, the landowner or applicant shall reimburse the City for all legal, planning, forestry and engineering costs incurred by the City relating to the tasks of verifying, documenting and analyzing the prior work.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 2016 - 01

**AN ORDINANCE AMENDING SECTION 1201.10 OF THE SUNFISH LAKE ZONING
CODE RELATING TO FEES AND CHARGES FOR LAND USE AND SITE PLAN
APPROVALS**

The City Council of Sunfish Lake hereby ordains:

SECTION 1. AMENDMENT. Section 1201.10 of the Sunfish Lake Zoning Code is hereby restated, readopted and amended to read as follows:

**SECTION 1201.10 SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND
EXPENSES:**

The Council does hereby establish a schedule of fees, charges and expenses and a collection procedure for zoning applications, building permits, variances, conditional uses, appeals, site plan approvals and other matters as set forth in this Section. The schedule of fees may be altered or amended only by the Council. The following fees and escrow amounts apply to the matters as so identified.

CITY OF Sunfish Lake MINNESOTA 20152016 FEE SCHEDULE			
ITEM	BASE FEE¹	ESCROW¹	TOTAL²
Subdivision Minor	150	550	700
Major	300	2,700	3,000
Conditional Use Permit / Interim Use Permit / Major Variance / Appeals	200	up to 600	up to 800
Other	200	up to 600	up to 800
Rezoning or Text Amendment	200	600	800
Site Plan Review Minor	n/a	400 1,200	400 1,200
Major	250 500	up to 1,200 2,500	up to 1,450 3,000
Administrative Permit / Minor Variance	n/a	200	200
Site Inspections-Required at Pre-Construction and Post-Construction ³	75 (per inspection)	n/a	150
Water Extraction Permit	300	200	500
Burning Permit	45	n/a	45
Building Permit, Pool Permit and Related Building Permit Fees	See City Code, Section 1004.01		

Grading Permit	See Uniform Building Code Table A-33-B (1997 UBC) for grading fee breakdown by cubic yards. Property owner will also be responsible for all review costs.		
Demolition Permit	See City Code, Section 1004.01		
Septic System Permit	Inspector - 350 (including plan review, inspection, and soil verification) Dakota County - 40 City – 25	n/a	415
Septic System Additional Inspections, Re-inspections, Special Inspections and Special Analysis	55 per hour with one hour minimum	n/a	55 per hour with one hour minimum
Plumbing Permit (Replacement/New Construction)	See City Code, Section 1004.01		
Mechanical Permit (Replacement/New Construction)	See City Code, Section 1004.01		

Zoning Ordinance	\$35 per copy
Subdivision Ordinance	\$15 per copy
Comprehensive Plan	\$35 per copy

¹ The applicant is required to pay a base fee and escrow deposit to be charged against the time and expenses necessary to process the request. The base fee will be applied to the project costs if the project proceeds completely through the review process, however, is non-refundable if a project is abandoned midway through the process. If the review and consideration of the request exceeds the cost covered by the escrow deposit as a consequence of lack of information, site or design problems, or questions raised by the staff, Planning Commission, or City Council, all processing of the request will be halted until an estimation of completion is determined and a new escrow deposit made.

Following the City's decision on the request, **the City Treasurer will refund any portion of the escrow deposit remaining or bill the applicant for the balance due. Permit and site inspection fees are separate from and in addition to the base fee and escrow required to process a planning/zoning request.**

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approval and (c) analyzing whether the work already performed complies with the City Code standards and the conditions that may be imposed as part of the approval process. Further, the landowner or applicant shall reimburse the City for all legal, planning, forestry and engineering costs incurred by the City relating to the tasks of verifying, documenting and analyzing the prior work.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ of _____, 2016.

Molly Park, Mayor

ATTEST:

Catherine Iago, City Clerk