

**SEATTLE DEPARTMENT OF PARKS AND RECREATION
REVOCABLE USE PERMIT FEE SCHEDULE
Effective January 1, 2011 (as adopted by Ordinance 123469)**

Revocable Permits to Use or Occupy Park Property, commonly called Revocable Use Permits, are issued by the Superintendent of Parks and Recreation, under authority of Seattle Municipal Code (SMC) 18.12.042, 18.12.045, and 18.12.275, for various short-term or on-going (i.e., Limited Term or Continuing Use, respectively) non-park uses of public land under the control of the Department of Parks and Recreation. Permits are revocable upon thirty (30) days notice or immediately upon failure of the Permittee to comply with the terms and conditions of the Permit. Unauthorized use of park property, including failure to apply for and obtain a Revocable Use Permit, is unlawful and subject to enforcement actions or other remedies as specified in SMC 18.30 or other applicable law.

In accordance with the Policy on Non-Park Uses of Park Lands, as endorsed by City Council Resolution 29475, it is the policy of the Department of Parks and Recreation to limit authorized non-park uses of park land to the fullest extent practicable. Fees and conditions set for Revocable Use Permits are intended to discourage private, non-park uses of park lands; encourage the elimination of encroachments; and promote private and public cooperation in maintenance of park lands in a manner consistent with a public park-like character.

Consideration of any permit application requires payment of an Application Fee, unless City action to a public right-of-way resulted in inaccessibility from other than park property. The Application Fee is non-refundable. Issuance of a permit requires payment of a Permit Fee which is:

- a) a fixed daily fee (i.e., Limited Term permit fee); and/or
- b) calculated in accordance with a formula (Continuing Use permit fee); or
- c) a minimum Permit Fee.

Application Fees and Permit Fees are set periodically by ordinance. Under exceptional circumstances, the Superintendent of Parks and Recreation may waive or reduce the Revocable Use Permit Fee, in accordance with criteria established by SMC 18.28.030 or 18.28.040. Creek restoration projects proposed by other City departments are specifically exempted from permit fees of any kind as the City recognizes these projects as valuable enhancements to its parks and recreation assets.

In determining whether the Permit Fee should be waived or reduced, the Superintendent shall be guided by:

- a) the benefit to the public and the direct benefit to the park system;
- b) the frequency and/or amount of usage requested;
- c) the effect on and fairness to other park users;
- d) consistency with policies underlying the fee schedule and SMC Chapter 18; and
- e) the consequences of denying the request.

The Superintendent may, at his or her discretion, authorize the acceptance of permanent, physical improvements, such as constructed improvements or landscaping, as compensation in lieu of the Permit Fee in those circumstances where the proposed in lieu compensation can be shown to be equal to or greater in value than the calculated or set amount of the Permit Fee.

Waiver or reduction of the Permit Fee does not necessarily waive or reduce other fees, charges, requirements, or obligations in connection with issuance of a Revocable Use Permit including Application Fee, Inspection Fee, processing charges, insurance or indemnity requirements, or restoration requirements.

Limited Term Permit Fee

Limited Term permits may be issued for necessary uses of park property for brief periods of time, generally expected to be limited to ninety (90) days or less; however, Limited Term permits may be issued for uses expected to continue beyond ninety (90) days, at the discretion of the Superintendent of Parks and Recreation. Examples of activities for which Limited Term permits may be issued include removal of encroachments, installation of landscaping consistent with Department guidelines, utility installations, and temporary access.

The Limited Term permit fee will be charged at a daily rate from the date the permit is issued or the date the use or occupancy of park property began, whichever is earlier, until the activity is completed and all conditions of the permit, including restoration of any damage to park land, have been satisfied. If seasonal factors, such as planting conditions or construction prohibitions, warrant a delay between the time the use or occupancy of park property is completed and the time the restoration is completed, no Permit Fee shall be charged for the interim period, unless the park land is unavailable for the use or enjoyment of the public.

If a Revocable Use Permit is issued for a use of park land expected to continue for a limited period of time, such as a Limited Term permit, but for a period exceeding ninety (90) days, the fee shall be the daily rate set for Limited Term permits for the first ninety (90) days; the fee for the period exceeding ninety (90) days shall be calculated in accordance with the Continuing Use permit fee.

Under no circumstances shall a Limited Term permit fee be converted to a lesser fee due to extension of the anticipated completion date of the permitted activity. If upon inspection it is determined that the permit conditions have not been satisfied, charges for additional daily fees at the same rate shall accrue until conditions have been satisfied.

Continuing Use Permit Fee

Continuing Use permit fees shall be charged for uses expected to continue for an extended period of time, generally beyond ninety (90) days (e.g., encroachments or other non-park uses that will not be corrected or eliminated within a ninety (90) day period). Continuing Use permit fees shall be calculated using a formula based on land **Value**, **Area** of use, a **Barrier** factor, and a **Rate** of return (**V x A x B x R**).

The **Value** of the park land used shall be determined by calculating the average of the **assessed value per square foot** of the benefited property and the assessed values per square foot of **comparable** (i.e., similarly zoned, having similar amenities such as waterfront or view), **nearby** (within a distance not to exceed 1000 feet) **non-park properties**.

The **Area** shall be the total of the square footage of park land actually used or occupied for non-park purposes and/or the square footage of park land that is subject to a barrier to public use or enjoyment.

The **Barrier Factor** is a multiplier of 1 or less than 1, representing the extent of barrier to public use and enjoyment, as set by the following scale. If two or more Barrier Factors may apply, the greater factor shall apply.

- Factor: **1** Full use and/or occupancy of area, preventing public use or occupancy of the area (e.g., a private structure); or creation of a physical barrier denying public use or access to the area (e.g., a fence or hedge);
- .7** Creation of a perceptual barrier by improvements or actions that capture the public space for private use (e.g., paving, shrubbery, other plantings);
- .35** Private landscaping or other improvements on park land that violate, exceed, or are inconsistent with established design guidelines or reasonable standards intended to preserve the public park-like character of park lands (e.g., private access drive or walkway in excess of standard; private lighting or safety railings that exceed a security function).

The **Rate** of return (i.e., land capitalization rate) is set at 10%.

Continuing Use permit fees for permit periods of less than twelve (12) months are payable in full prior to permit issuance. Continuing use permit fees for permit periods anticipated to continue for twelve (12) months or more may be pro-rated and annualized and payable in advance for such annualized date as the Department shall establish. If the permit period is shorter than anticipated, the permit fees paid in advance shall be prorated for the time used and over-payment shall be refunded, except in the case of revocation due to Permittee's failure to comply with the terms and conditions of the permit, in which case no refund shall be given.

Permits for utility installations, such as electrical, natural gas, or telephone service, shall be charged as Limited Term permits, based on the permit period necessary for installation.

There is no Permit Fee charged for Limited Term permits of 90 days or less issued expressly to allow the removal or elimination of an encroachment onto park land.

There is no Permit Fee charged for certain non-park uses of park land which may be allowable by property right, such as driveway access from the roadway portion of a park boulevard if access is not available from any other right-of-way, or pedestrian walkway from a public sidewalk to the abutting private property, if such uses comply with established design guidelines or reasonable standards intended to preserve the public park-like character of park lands.

Application Fee **\$150** (non-refundable; includes one (1) on-site inspection and two (2) hours of staff time for reviewing and processing application)

Inspection and/or Monitoring Fee **\$150 per hour**
(Application fee includes one on-site inspection. Additional on-site inspection charges at \$150 per hour may be assessed for on-site inspections and/or monitoring, if specified in the Permit or if necessary in the Department's judgment, due to Applicant's or Permittee's action(s) or failure to comply with the terms and conditions of the permit.)

Limited Term Permit Fee **\$200 per day** or **\$250 minimum**, whichever is greater

Continuing Use Permit Fee **determined by formula (V x A x B x R)** or **\$500 minimum**, whichever is greater

Processing Charges **\$100 per hour** (costs of staff time in excess of two (2) hours to review and process permit applications; payable prior to permit issuance.)