



ORDINANCE NO. 2009-07-06

**An Ordinance** adopting revised fees for Development Inspection and Utility Inspection.

**Whereas**, Ordinances 2008-02-01 and 2008-07-05 setting fees were adopted by the Board of County Commissioners after considering the action at a duly advertised public hearing; and

**Whereas**, pursuant to CCC 6.100.020 it is the general policy of Clark County that the department of public works adopt inspection fees at the level necessary to cover the costs of conducting the inspection service. Fees for inspection should generally be collected by the county as close as possible to the time the expenses are incurred; and

**Whereas**, the costs of providing Development Inspection and Utility Inspection services includes direct, division administration, department administration, county wide indirect, and permit service costs; and

**Whereas**, the Board directed that fees be updated annually; and

**Whereas**, RCW 82.02.020 provides that counties may impose reasonable fees to recover the costs of development and utility inspection; and

**Whereas**, a study was performed to calculate the cost of processing various applications for permits and the fees adopted hereby reflect those costs; and

**Whereas**, this matter was considered at a duly advertised public hearing after which the Board of County Commissioners concluded that adoption of this ordinance would further the public health, safety and welfare, now therefore:

**BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON**, as follows:



Section 1. Amendatory. The fee table codified as:

CCC 6.110A.030 Development Inspection Fees

is amended to read as shown in Exhibit "A" which is attached hereto and incorporated herein by this reference. Further the implemented fees may vary from the fees in the Exhibit "A" by up to \$0.02 due to rounding differences in the computer programming.

CCC Chapter 13.12A "Utility Permits" is amended to read as shown in Exhibit "B" which is attached hereto and incorporated herein by this reference.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be effective July 14, 2009, or at such later time as all fees have been programmed into the county's permit system; provided that in no event shall the effective date be later than thirty days after the adoption of this ordinance.

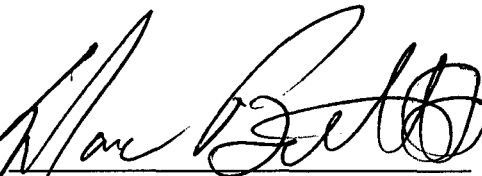
Section 4. Instructions to Clerk. The Clerk to the Board shall record a copy of this ordinance with the Clark County Auditor.

**ADOPTED** this 14 day of July, 2009.

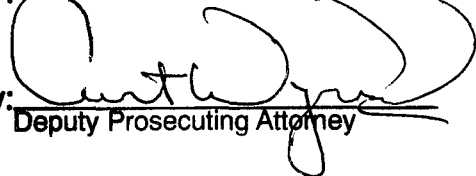
Attest:

**BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON**

  
Clerk of the Board

By   
Marc Boldt, Chair

**Approved as to form only:**

By:   
Deputy Prosecuting Attorney

By \_\_\_\_\_  
Steve Stuart, Commissioner

By \_\_\_\_\_  
Tom Mielke, Commissioner

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**EXHIBIT "A"**

**6.110A.030 Development Inspection Fees.**

Fees for those development inspection activities included in Table 6.110A.030 shall be collected prior to inspection.

**Table 6.110A.030 - Development Inspection Fees**

| <b>Development Inspection Fees</b> |  |   |  |                       |
|------------------------------------|--|---|--|-----------------------|
| <b>Section</b>                     | <b>Activity</b>  | <b>2008 Fee</b>   | <b>Proposed Fee for July 14, 2009, Public Hearing</b>                        | <b>Percent Change</b> |
| <b>1</b>                           | <b>Planning Fees</b>   |   |  |                       |
| <b>A</b>                           | <b>Wetland<sup>1</sup></b>   |   |  |                       |
| I                                  | Request release of performance assurance   | 79  |  |                       |
| II                                 | Request release of maintenance assurance   | 103   |  |                       |
| III                                | Monitoring Inspection/Permit   |   |  |                       |
| a                                  | First Year   | 600   |  |                       |
| b                                  | Subsequent Years   | 300   |  |                       |
| <b>B</b>                           | <b>Habitat</b>   |   |  |                       |
| I                                  | Monitoring Inspection/Permit   |   |  |                       |
| a                                  | First Year   | 600   |  |                       |
| b                                  | Subsequent Years   | 300   |  |                       |
| <b>12</b>                          | <b>Engineering Inspection Fees</b>   |   |  |                       |
| <b>A</b>                           | <b>Critical Aquifer Recharge Area Permit (CARA) Category I Only</b>  |   |  |                       |
| I                                  | All Types 4 Site plan inspection   | 590   | 754  | 28%                   |
| II                                 | Type 2 Site plan inspection  | 870   |  |                       |
| <b>B</b>                           | <b>Drainage Project</b>  |   |  |                       |
|                                    | Stormwater inspection fee  | 831   | 1,400  | 69%                   |
| <b>C</b>                           | <b>Grading Permit - Inspection</b>   |   |  |                       |
| I                                  | 100 c.y. or less   | 254   | 697  | 174%                  |
| II                                 | over 100 to 10,000 c.y.  | 862   | 1,386  | 61%                   |
| III                                | over 10,000 c.y.   | 2,028   | 2,640  | 30%                   |
| <b>D</b>                           | <b>Grading Permit - Surcharge</b>  |   |  |                       |
| I                                  | Activity lasts 6 to 12 months beyond issuance date   | 16%   | 16%  | 0%                    |
| II                                 | Activity lasts 12 or more months beyond issuance date  | 32%   | 32%  | 0%                    |
| III                                | Activity lasts months beyond permit time, surcharge in A or B above as applicable, plus                    | 8%  | 8%   | 0%                    |
| IV                                 | Work without permit  | Double fee  | Double fee   | na                    |
| V                                  | Review of Engineered Grading Report  | 386   |  |                       |
| <b>E</b>                           | <b>Inspection - Stormwater &amp; Transportation</b>  |   |  |                       |
|                                    | Inspection per hour after normal work hours and any reinspection (regardless of time of day) <sup>13</sup> | Actual salary and benefits for employees performing work plus overhead at a rate of 30% | Actual salary and benefits for employees performing work plus overhead rate. | na                    |

**EXHIBIT "A"**

**Table 6.110A.030 - Development Inspection Fees**

| <b>Development Inspection Fees</b> |  |                 |   |                       |
|------------------------------------|--|-----------------|---|-----------------------|
| <b>Section</b>                     | <b>Activity</b>  | <b>2008 Fee</b> | <b>Proposed Fee for July 14, 2009, Public Hearing</b> | <b>Percent Change</b> |
| <b>F</b>                           | <b>Shoreline Inspection</b>  | 278             | 665   | 139%                  |
| <b>G</b>                           | <b>Short Plat</b>  |                 |   |                       |
| I                                  | Inspection - Stormwater  | 2,068           | 2,772   | 34%                   |
| II                                 | Inspection - Transportation  | 2,068           | 2,772   | 34%                   |
| III                                | Rural Driveways  | 265             | 348   | 31%                   |
| <b>H</b>                           | <b>Site Plan</b>   |                 |   |                       |
| I a                                | Transportation and stormwater<br>Base fee - Small projects (less than 1.0 acre of impervious surface <sup>2</sup> )  | 1,520           | 3,253   | 114%                  |
| b                                  | Per sq. ft. fee - Small projects (less than 1.0 acre of impervious surface <sup>2</sup> )  | 0.0204          | 0.0204  | 0%                    |
| II a                               | Base fee - Medium projects (1.0 acre to 4.99 acres of impervious surface <sup>2</sup> )  | 3,041           | 5,312   | 75%                   |
| b                                  | Per sq. ft. fee - Medium projects (1.0 acre to 4.99 acres of impervious surface <sup>2</sup> )   | 0.0100          | 0.0100  | 0%                    |
| III a                              | Base fee - Large projects ( <del>over</del> 5.0 acres <u>or greater</u> of impervious surface <sup>2</sup> )   | 6,086           | 9,367   | 54%                   |
| b                                  | Per sq. ft. fee - Large projects ( <del>over</del> 5.0 acres <u>or greater</u> of impervious surface <sup>2</sup> ) { <del>maximum base fee + per sq. ft. fee \$11,000</del> } | 0.0039          | 0.0039  | 0%                    |
| IV                                 | Unoccupied commercial and utility structures - base fee  | 507             | 1,097   | 116%                  |
| V                                  | Tenant improvements  | 152             | 911   | 499%                  |
| VI                                 | Final Site Plan Inspection   | 507             | 1,097   | 116%                  |
| <b>I</b>                           | <b>Subdivision (all sizes)</b>   |                 |   |                       |
| I                                  | Stormwater<br>Base fee   | 1,409           | 2,466   | 75%                   |
| II                                 | Per lot fee  | 140             | 140   | 0%                    |
| III                                | Transportation<br>Base fee   | 4,440           | 4,667   | 5%                    |
| IV                                 | Per lot fee  | 39              | 39  | 0%                    |
| <b>J</b>                           | <b>System Integrity Review</b>   |                 |   |                       |
|                                    | Maintenance Warranty   | 878             | 1,164   | 33%                   |
|                                    | Stormwater System Failure - Engineering Review   | 1,285           | 1,552   | 21%                   |

**Notes:**

- 1 ~~The director may waive a part or all of the wetland permit fees for wetland and buffer enhancements, provided (1) the project is not intended to mitigate for wetland buffer impacts, and (2) the project is not the result of an enforcement action.~~
- 2 ~~((If projects with an approved master plan paid for preliminary stormwater and transportation plan reviews at the time of the master plan application, subsequent stages of development in accordance with the master plan are exempt from preliminary stormwater and transportation plan reviews.))~~
- 1 3 Cost recovery - Contractor will be required to sign an agreement that they will pay actual costs of the inspection. Actual costs will be salary and benefits for employees performing work plus overhead at the rate of thirty percent (30%). The contractor will be sent an itemized billing.
- 2 Impervious surface is defined in Section 40.100.070 and 40.385.010D, Clark County Code.
- 4 ~~For review of projects authorized for overtime, an additional fifty percent (50%) will be added to the permit fees, as applicable.~~

**Chapter 13.12A  
UTILITY PERMITS**

EXH B

Sections:

- 13.12A.010 Purpose.  
13.12A.020 Permit required.  
13.12A.030 Application and fees.  
13.12A.040 Requirements.

**13.12A.010 Purpose.**

It is necessary for Clark County in exercising its responsibilities to protect and preserve the county road system and to safeguard the health, safety and welfare of its citizens to be informed of the exact location and to regulate the construction and maintenance of each utility installation placed on, over or under a right-of-way owned and maintained by Clark County and platted areas where rights-of-way will be dedicated to the county. (Sec. 2 of Ord. 1999-11-15)

**13.12A.020 Permit required.**

Unless exempted, a permit, to be known as the "utility permit," is required prior to installation by a utility company or other organization providing utility service. The term "utility" includes, but is not limited to: gas lines, electricity, telephone cables, water pipes and sewer lines. Permit applications will be submitted in writing to the Clark County engineer on forms provided by that office. Installation of utilities will not be undertaken until after receipt of the returned, approved permit and notification is made to the county engineer or designee indicating when work will commence. The provisions of this chapter shall apply only to utilities installed under properties owned by Clark County and properties that are or will be dedicated to the county for road rights-of-way. (Sec. 2 of Ord. 1999-11-15)

**13.12A.030 Application and fees.**

- (A) Applications for the permit required in this section shall specifically show the exact location of each utility installed on, over or under county property or property that will be dedicated to the county for road rights-of-way. The application shall be accompanied by an application and review fee of two ~~one~~ hundred dollars ~~(\$100)~~ (\$200) for each permit. The ~~one~~ two hundred dollar ~~(\$100)~~ (\$200) application and review fee will include inspection for the first one hundred eleven ~~(100)~~ (111) feet of underground utility to be

installed. An additional inspection fee for additional utility to be installed shall be calculated from the following:

- (1) ~~Forty~~ One dollar and eighty cents (~~\$.40~~) (\$1.80) for each foot up to and including two ~~one~~-thousand (~~1,000~~) (2,000) feet;
- (2) ~~Thirty-five~~ One dollar and zero cents (~~\$.35~~) (\$1.00) for each additional foot over two ~~one~~ thousand (~~1,000~~) (2,000) feet ~~up to and including five thousand (5,000) feet;~~
- (3) ~~Twenty~~ Fifty cents (~~\$.20~~) (\$0.50) for each additional foot over five thousand (5,000) feet

In all cases where there is a proposed attachment of a utility to a county bridge or structure, there will be an additional plan review fee, not to exceed one thousand~~two hundred fifty~~ dollars (\$1,000~~250~~), to be determined by the county engineer based on the complexity of the plan review.

- (B) Fees and inspection cost may be revised upward or downward on a biennial basis in conjunction with the county's regular budget cycle and/or at the beginning of each calendar year at the discretion of the board of county commissioners by resolution adopted after thirty (30) days' public notice published in the official paper of Clark County and written notification to utilities involved.
- (C) In some locations two (2) or more utility companies may wish to use a common trench line for simultaneous installation of underground utilities. In this case each utility company will pay the two ~~one~~ hundred dollar (\$200) (~~\$100~~) minimum permit fee, and the additional footage ~~the inspection fee~~ will be charged as if one (1) utility were being installed. (Sec. 2 of Ord. 1999-11-15)

#### **13.12A.040 Requirements.**

It shall be required that installation of all utilities conform to the locations and specifications designated and approved by the county engineer on the application for the permits issued hereunder. (Sec. 2 of Ord. 1999-11-15)

July 14, 2009 DRAFT

**CLARK COUNTY  
STAFF REPORT**

**DEPARTMENT/DIVISION:** Public Works /Development Engineering and Construction Management

**DATE:** July 10, 2009

**REQUEST:** Consider approval of amendments to service fees that are found in Clark County Code Chapter 6.100, Table 6.100A.030, which is for Development Inspection Fees. Also amendments to Public Works Utility Fees that are found in Clark County Code Chapter 13.12A.

**CHECK ONE:**   X   Hearing        Consent        Chief Administrative Officer

**BACKGROUND:** The BOCC held a public hearing on June 16, 2009, related to development fees. At that hearing, the BOCC was presented with proposed modifications to Public Works Development Engineering fees, which included both development-related engineering review and inspection fees. Due to an oversight in the public notice for the June 16th hearing, the BOCC was only able to act on the engineering portion of the fees and not the inspection portion. The July 14 hearing is to consider adopting the development inspection fees.

In addition, Public Works proposes to increase the fees for utility permits, which are charged when utilities are installed within the public right-of-way. These fees were last increased in 1999 and the existing fees no longer cover the cost of performing the work.

**COMMUNITY OUTREACH:** Notice of Public Hearing was published June 29, 2009. Proposed fee changes were available to the public on the county's website. The proposed utility fees were presented to utility representatives at a July 6<sup>th</sup> meeting. The proposed fees were also presented to the Development Engineering Advisory Board on July 9<sup>th</sup>.

**BUDGET AND POLICY IMPLICATIONS:** The budget and policy implications will be presented during the July 14 public hearing. In general, the fee proposal would reduce the revenue gap between the existing fees and the cost to perform the appropriate level-of-service. Without the fee increase, another funding source will be necessary or the level-of-service will be reduced.

**FISCAL IMPACTS:**  Yes  No

Fiscal impacts will be presented at the July 14 public hearing.

**ACTION REQUESTED:** Approve the attached ordinance revising Development Inspection and Utility fees.

**DISTRIBUTION:** Please return copies of the approved ordinance to Public Works Administration.

  
\_\_\_\_\_  
Kevin Gray, P.E.  
Deputy Public Works Director

  
\_\_\_\_\_  
Peter Capell, P.E.  
Public Works Director/County Engineer

APPROVED:   
\_\_\_\_\_  
CLARK COUNTY, WASHINGTON  
BOARD OF COMMISSIONERS

c: Carolyn Heniges, Sue Stepan, PW Central Files

PW 09-067