

1 RESOLUTION NO. 2016-12-08

2 A RESOLUTION terminating portions of the limited fee waiver program  
3 for commercial and industrial developments.

4  
5 WHEREAS, RCW 82.02.020 authorizes counties to charge an applicant reasonable fees to  
6 cover the cost of processing applications, inspections, and plan and SEPA review;

7  
8 WHEREAS, RCW 82.02.050 authorizes counties to charge traffic impact fees to cover a  
9 proportionate share of the cost of providing road improvements listed in the Capital Facilities  
10 Plan; and

11  
12 WHEREAS, in accordance with RCW 82.02.050-82.02.070 and Clark County policy, the  
13 Board has adopted a traffic impact fee program, as set forth in Title 40.610 of the CCC; and

14  
15 WHEREAS, Section 8 of the Resolution 2013-06-06 contains provisions that temporarily  
16 established the limited fee waiver program and the provisions for its eventual review and repeal; and

17  
18 WHEREAS, projects may require several months to assemble and prepare for application;  
19 and

20  
21 WHEREAS, the board has provided notice to the development community and the public  
22 generally at a public meeting that Resolution 2013-06-06 may be modified or terminated after  
23 December 31<sup>st</sup> 2016; and

24  
25 WHEREAS, the local economy has greatly improved and the marginal costs of a continued  
26 fee waiver exceed the marginal benefit; and

27  
28  
29 WHEREAS, the Clark County Council wishes to review and terminate Resolution 2013-06-  
30 06 as amended by Resolution 2015-12-03 as contemplated by Resolution 2016-0-04; and

31  
32 WHEREAS, the board is considering this matter at an advertised public hearing  
33 and concludes that adoption will further the public health, safety and welfare; now,  
34 therefore

35 BE IT ORDERED, RESOLVED AND DECREED BY THE COUNTY  
36 COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

37           **Section 1. Repealer.** Section 3 of Resolution 2013-06-06 as set out below is  
38 hereby repealed.

39

40 SECTION 3. Applicability.

41           ~~Clark County shall not collect application and service fees normally collected under the~~  
42 ~~following sections at the time of application for developments meeting the requirements of this~~  
43 ~~resolution:~~

- 44           • ~~CCC 6.110A.010 Section 2B; 2D through 2Q, 2T through 2W, excluding the cost of an EIS;~~  
45           ~~and 2X through 2AB, 2AE through 2AI.~~
- 46           • ~~CCC 6.110A.020;~~
- 47           • ~~CCC 6.110A.030;~~
- 48           • ~~CCC 6.110A.035;~~
- 49           • ~~CCC 6.110A.040, excluding Section 1C, and 1F;~~
- 50           • ~~CCC 6.120.040, Sections 1-10; and~~
- 51           • ~~CCC 6.140 Sections 1, 2, and the non-residential portions of 4.~~

52

53 Similarly, ~~Clark County will not collect traffic impact fees required by CCC 40.610.040 for~~  
54 ~~developments that meet the requirements qualifying them for the county's development Traffic~~  
55 ~~Impact fees (TIF) waiver program. The criteria are restated below for reference:~~

56 A. ~~Non-residential developments involving tenant improvements to existing buildings, the~~  
57 ~~construction of new/additional buildings or subject to Site Plan approval (Eligible Developments)~~  
58 ~~shall receive a one hundred percent (100%) waiver of application and service fees set out above and~~  
59 ~~TIFs (Eligible fees). Clark County businesses moving from one location to another, without~~  
60 ~~increasing the number of employees, are not eligible for any waiver of fees. Developments excluded~~  
61 ~~from the phrase "non-residential" include hotels, motels, senior housing, and dormitories. Facilities,~~  
62 ~~where medical treatment is provided, are included.~~

63 B. ~~This Resolution does not authorize waiver of Eligible Fees to a Development by any type of~~  
64 ~~governmental agency, district or unit, except the waiver is available to post-secondary school non-~~  
65 ~~residential developments in the University Zoning District.~~

66 C. ~~Where questions of applicability arise, the Community Development Director shall~~  
67 ~~determine development eligibility.~~

68 D. ~~Eligibility under this resolution is limited to those, who by written agreement, commit to the~~  
69 ~~obligations under this resolution. Purchasers of real property with development approvals, subject to~~  
70 ~~waivers under this resolution, must sign an agreement with Clark County and accept both the~~  
71 ~~obligations and benefits under this resolution or pay the fees subject to waiver.~~

72 ~~\_\_\_\_\_The agreement will require, in addition to the other requirements of this ordinance:~~

73           ~~(1) the amount of taxable retail sales generated by the business, both one-time and on an~~  
74           ~~ongoing basis; and~~

75           ~~(2) report on an annual calendar-year basis.~~

76

77 **Section 2. Repealer.** Section 5 of Resolution 2013-06-06 as set out below is  
78 repealed.

79  
80 ~~SECTION 5 Fully funded Transportation Improvement Program.~~

81 ~~Eligible Applicants may also have the TIF fees, otherwise due, waived if they develop in~~  
82 ~~compliance with this resolution. Developments, for which TIF fees are waived, are not entitled to~~  
83 ~~TIF credits. Public Works staff shall calculate each TIF waived, monitor, and track each project~~  
84 ~~as they qualify for a waiver to ensure compliance with the provisions of this resolution.~~

85 ~~Once the development is granted final occupancy (or final approval for developments not~~  
86 ~~requiring occupancy) the TIF waiver becomes permanent for each development. The waived or~~  
87 ~~exempted TIF fee shall become a public share obligation of the county for Capital facility funding~~  
88 ~~purposes.~~

89  
90 **Section 3. Notice.** Sections 8 of Resolution 2013-06-06 as most recently amended by Section  
91 3 of Resolution 2015-12-03 were each amended by Resolution 2016-07-04 which satisfied and  
92 eliminated the notice provisions of Resolution 2015-12-03.

93  
94 **Section 4. Effective Date.** This resolution shall be effective December 31, 2016.

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96  
97 ADOPTED on this 13<sup>th</sup> day of December 2016.

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99  
100 Attest:

BOARD OF COUNTY COUNCILORS  
CLARK COUNTY, WASHINGTON

101  
102 Rebecca Lita  
103  
104 Clerk of the Board

Marc Boldt  
105  
106 Marc Boldt, Chair

107 Approved as to Form Only:

108 ANTHONY GOLIK

109 Prosecuting Attorney

\_\_\_\_\_  
110 Jeanne E. Stewart, Councilor

111 By: Christopher Horne  
112 Christopher Horne,  
113 Deputy Prosecuting Attorney

\_\_\_\_\_  
114 Julie Olson, Councilor

\_\_\_\_\_  
115 David Madore, Councilor

\_\_\_\_\_  
116 Tom Mielke, Councilor

