

ORDINANCE 2017-06-08

An Ordinance relating to land use and zoning modifying and raising various wetland and habitat fees.

WHEREAS, the Board of County Commissioners approved new development fees for Community Development and Public Works on June 8, 2009; and

WHEREAS, since the initial adoption of fees one department, Environmental services, was extinguished and its functions transferred to other departments; and

WHEREAS, in 2016 Community Development absorbed the staff and workload of the Wetland and Habitat Review Program formerly associated with Environmental Services; and

WHEREAS, Community Development has analyzed the revenue, expense, and deadline performance data from the permitting system and the financial system, and reviewed staff's experience with the program work; and

WHEREAS, current fee information was compared with other jurisdictions; and

WHEREAS, a summary report of this information was presented at a May 10 Board of County Councilors work session; and:

WHEREAS, a legal notice of the Board of County Commissioner's public hearing was published on June 16, 2017; and

WHEREAS, the Board of County Commissioners took public testimony on June 27th 2017 on this matter;

WHEREAS, following a duly advertised hearing, the Board of County Councilors finds and concludes that adoption of this ordinance will further the public health, safety and welfare;

WHEREAS, the Board of County Councilors finds these amendments to be in the public interest; NOW, THEREFORE,

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

Section 1. Amendatory.

Sec. 1 (Ex. 1) of Ord. 2012-02-03 as most recently amended by Sec. 1 of Ord. 2014-12-05) and codified as CCC 6.110A.040 are each amended to read::

6.110A.040 ((~~Environmental services~~)) Wetland and Habitat Review Fees.

Fees for review activities included in Table 6.110A.040 shall be collected prior to processing the application.

Table 6.110A.040 Wetland and Habitat Preliminary/Final Environmental Review Fees

Section	Activity	Fee	Issuance Fee
1	<u>WETLAND AND HABITAT REVIEW ACTIVITIES</u> <u>Environmental Services Fees</u> ^{1, 2, 3⁹, 4⁰, 4²}		
<u>A</u>	Add review of Wetland or Habitat findings to any appeal of a Land Use decision	\$371	
<u>BA</u>	AG <u>Habitat</u> Management Plan ⁴	Free	
	Habitat agriculture plan	Free	N/A
<u>B</u>	Applicant Initiated Hold/Open Record for Hearing ²		
	Any critical area case type	\$174	N/A
<u>C</u>	Appeals to Hearing Examiner		
I	Appeals of an environmental permit decision ⁴ or appeals of community development or public works cases where the appeal could affect critical area permits or have environmental impacts	\$200	\$94
II	Reconsideration by hearing examiner	Reimburse county at hourly rate of examiner	\$94
<u>D</u>	Building Permit Review (not including site visit)		
	Office review for forest/habitat/wetland ordinance applicability and expedited habitat permits ³	\$135	N/A
<u>CE</u>	Final Wetland-Permit Review (as required by a Land Use decision)	\$1645	
	All types	\$1,922	N/A
<u>F</u>	Forest Practice ⁵		
I	Conversion option harvest plan (COHP) with approved current use timber management plan	\$542	\$94
II	COHP without approved current use timber management plan	\$1,030	\$94
III	Class IV-G	\$1,882	\$94
IV	Hazard tree removal determination, stand alone	\$135	\$94
V	Open space/current use taxation	\$1,882	N/A
VI	Type I, single family dwelling moratorium waiver	\$624	\$94
VII	Non-exempt Class I forest practices	\$425	\$94
VIII	Type III moratorium waivers ⁴	\$4,090	\$94
<u>G</u>	Habitat Stewardship Plan ⁵	\$597	\$94
<u>DH</u>	Monitoring <u>Inspection</u> Review (paid for each year of monitoring)	\$247	\$11
I	Single permit monitoring	\$395	N/A
II	Additional fee if both HAB and WET monitoring are combined	\$146	N/A
<u>E</u>	Plan Reviews		

<u>I</u>	<u>Land Use Application submittal fee</u> ⁵	<u>\$42</u>	
<u>II</u>	<u>Building Permit review</u> ⁶ (site inspection may be added)	<u>\$42</u>	
<u>III</u>	<u>Development Engineering Plan Review</u>	<u>\$62</u>	
<u>IV</u>	<u>Final Plat and Site Plan Review</u>	<u>\$42</u>	
<u>F†</u>	Pre-Application Conference Fee	<u>\$103</u>	
	Environmental review (in addition to any engineering or planning fee)	<u>\$137</u>	N/A
<u>GJ</u>	Pre-Determination/Determinations-Concurrent with Permit Review		
<u>I</u>	Standard determination (up to 40-acre sites)	<u>\$371489</u>	<u>\$5394</u>
<u>II</u>	Additional fee if both WET and HAB determinations are combined	<u>\$18677</u>	<u>\$94</u>
<u>III</u>	Mapping error <u>determination</u> ⁷ review-only	Free	N/A
<u>IV</u>	Large/lineal/multi-site projects (sites over 40 acres in size or multiple noncontiguous sites)	Cost recovery ⁸	<u>\$5394</u>
<u>HK</u>	Public Hearing Fee (paid with all appeals and Type III Wetland or Habitat environmental permits <u>not subject to a Land Use review.</u>)	<u>\$1931</u>	
<u>†</u>	Base fee	<u>\$2,461</u>	N/A
<u>H</u>	Hearing continuance fee	<u>\$1,456</u>	N/A
<u>L</u>	Renoticing ²		
	Base fee	<u>\$189</u>	N/A
<u>IM</u>	Revised <u>Mitigation Plan Reviews</u> ⁷	<u>\$371</u>	
	Prior to permit issuance	<u>\$367</u>	N/A
<u>N</u>	SEPA Review		
<u>†</u>	Stand alone SEPAs only	<u>\$1,528</u>	<u>\$94</u>
<u>H</u>	EIS Review ⁸	Cost recovery ⁸	<u>\$94</u>
<u>JQ</u>	Site Inspection Fee ⁹⁵	<u>\$288</u>	
	Including each re-inspection	<u>\$230</u>	N/A
<u>P</u>	Stormwater Review (Wetland Protection)		
	Stormwater plan review	<u>\$439</u>	N/A
<u>KQ</u>	Type I Permit Reviews ⁹⁵		
<u>I</u>	<u>Expedited review (with valid determination)</u>	<u>\$165</u>	<u>\$53</u>
<u>II</u>	<u>Standard Each Type I HAB or WET permit review, 1st critical area (with valid determination)</u>	<u>\$658304</u>	<u>\$5394</u>
<u>III</u>	<u>Standard Each Type I HAB or WET permit review, 2nd critical area (with valid determination)</u>	<u>\$329</u>	
<u>LR</u>	Type II and III Permit Reviews ⁴		
<u>I</u>	<u>1st First HAB or WET permit review- critical area (with valid determination)</u> ⁹⁵	<u>\$1974768</u>	<u>\$5394</u>
<u>II</u>	<u>2nd critical Area (with valid determination) Additional fee if both WET and HAB determinations are combined</u>	<u>\$987373</u>	<u>\$94</u>
<u>2</u>	<u>Procedural Activities (SEPA, appeal, hold,</u>		

	<u>continuance, etc.)</u>		
	<u>Refer activities in Table 6.110A.010 as applicable</u>		

Notes:

- 1 Where on-site work (including but not limited to grading, excavating, cutting or construction) is started prior to the issuance of county permits, the application fee shall be doubled. If work is commenced while the application is being processed, permits will not be issued until an additional application fee is paid. This provision is in addition to the enforcement measures contained in Title 32~~Where a special study is required and the county lacks the expertise to review and comment on the study, the applicant shall pay for an independent consultant with the required expertise. The county shall contract with the independent consultant and require them to review the special study and make.~~
- 2 For review of projects authorized for overtime, an additional fifty percent (50%) will be added to the permit fees, as applicable~~Written request for rescheduling and renoticing of the hearing will be accepted if filed within fourteen (14) days of the original public hearing notice mailing. After this fourteen (14) day period only requests for a hearing continuance will be accepted.~~
- 3 The responsible official may waive any fees for projects that are undertaken entirely for critical area enhancement or creation. Mitigation and/or restoration activities do not qualify~~Applicants may request a site visit if they want staff to see the project site prior to determining if a critical area ordinance is applicable. Staff may also require a site visit if there is insufficient information to determine if a critical area ordinance is applicable.~~
- 4 County Auditor recording fees may apply~~A public hearing fee is required to accompany any Type III permit application/project for which DES will hold a hearing.~~
- 5 Applies only to Land Use reviews when the fee in Table 6.110A.10, row AJ is charged~~One (1) site inspection fee is required to accompany each application for a critical area permit.~~
- 6 Applies only when Wetland or Habitat indicators are mapped on any of the project parcel(s)~~DELETED.~~
- 7 Mapping errors are cases where the mapped indicators can be determined to be clearly incorrect without a site inspection or detailed GIS analysis by qualified specialist County staff~~Revised plan reviews are required any time an alternate version of a project or mitigation plan is submitted after staff has reviewed the previous plan. A revised plan fee must be accompanied by an additional site visit fee if staff has already completed a site visit to review impacts for the previous plan version.~~
- 8 Cost Recovery. Applicant will be required to sign an agreement that they will pay salary, benefits and overhead for staff or consultant's fees required to complete the work. The applicant will be sent an itemized invoice~~billing.~~
- 9 One (1) site inspection fee is required to accompany each application for a critical area permit~~Where on-site work (including but not limited to grading,~~

~~excavating, cutting or construction) is started prior to the issuance of county permits, the application fee shall be doubled. If work is commenced while the application is being processed, permits will not be issued until an additional application fee is paid. This provision is in addition to the enforcement measures contained in Title 32.~~

~~10 For review of projects authorized for overtime, an additional fifty percent (50%) will be added to the permit fees, as applicable.~~

~~11 The responsible official may waive any fees for projects that are undertaken entirely for critical area enhancement or creation. Mitigation and/or restoration activities do not qualify.~~

Section 2. New.

A new section, 6.110A.045, is added to the Clark County code to read:

6.110A.045 Forestry review fees.

Fees for review activities included in Tables 6.110A.045 shall be collected prior to processing the application.

Table 6.110A.045 Forestry Review Fees

Section	Activity	Fee	Issuance Fee
1	Forest Practices¹		
A	Conversion option harvest plan (COHP) with approved Current Use timber management plan	\$542	\$94
B	COHP without approved Current Use timber management plan	\$1,030	\$94
C	Class IV G	\$1,882	\$94
D	Hazard tree removal determination, stand alone	\$135	\$94
E	Non-exempt Class I forest practices	\$425	\$94
F	Site Inspection ²	\$230	
G	Type I, single-family dwelling moratorium waiver	\$624	\$94
H	Type III moratorium waivers	\$4,090	\$94
2	Open space/current use taxation	\$1,882	
3	Procedural Activities (appeal, hold, continuance, etc.)		
	Refer to activities in Table 6.110A.010 as applicable		

Notes:

1 Where on-site work (including but not limited to grading, excavating, cutting or construction) is started prior to the issuance of county permits, the application fee shall be doubled. If work is commenced while the application is being processed, permits will not be issued until an additional application fee is

paid. This provision is in addition to the enforcement measures contained in Title 32.

- 2 One (1) site inspection fee is required to accompany each application for a Forest Practice permit.

(Relocated from CCC 6.110A.040.)

Section 3. Implementation.

Additional time is needed after adoption to modify county software to include the new fee updates. The fee changes shown above will be effective on August 1st, 2017.

Section 8. Instructions to Clerk.

The Clerk to the Board shall:

- 1. Record a copy of this ordinance with the Clark County Auditor.
- 2. Transmit a copy of this ordinance to the State Department of Commerce within ten days of its adoption.

ADOPTED BY ROLL CALL THIS 11 DAY OF ~~JUNE~~ ^{July} 2017.

FOR: Julie Olson; Marc Boldt; Eileen Quiring. Councilor John Blom abstained.
 AGAINST: Councilor Jeanne Stewart absent.

BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON

Attest:

Rebecca Filtn
 Clerk of the Board

Marc Boldt
 Marc Boldt, Chair

Approved as to Form Only:

ANTHONY GOLIK
Prosecuting Attorney

Jeanne E. Stewart, Councilor

By: Christopher Horne
 Christopher Horne
 Deputy Prosecuting Attorney

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

