



CO00002693

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 01-016

AMENDING SNOHOMISH COUNTY CODE
CHAPTERS 24.20 AND 24.50
RELATING TO SECURITY AND INSURANCE
ADMINISTRATION FEES

WHEREAS, county staff have reviewed land use and building permit regulations and propose fee increases to more fully recover existing service costs, and to move towards self-sufficiency and financial stability for the land use and building divisions of the department of planning and development services.

THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish county council adopts the following findings of fact and conclusions:

1. With dramatically increased numbers of land use development and building permit applications requiring drainage review, the costs of staff review have grown beyond that covered by existing fees.
2. There are currently no fees associated with administration costs for bonds/securities required for performance, warranty, and maintenance purposes by SCC 24.50.015, 24.50.020, and 24.50.025.
3. In Title 19 SCC-Subdivisions, there are existing fees associated with the administration of bonds or other securities for required subdivision improvements.
4. The county council supports amendments to Title 24 SCC to establish fees similar in nature and structure to those in Title 19 SCC for the purpose of administering various securities. These fees are to be assessed in two categories: a per lot fee for subdivisions and short subdivisions; and a per square foot of total impervious area fee for commercial building permit applications.

Section 2. Snohomish County Code Section 24.20.075, added by Ordinance No. 98-055 on August 3, 1998, is **AMENDED** to read:

24.20.075 Drainage review fees.

(1) Purpose. This section establishes the fees required for all drainage reviews, approvals and inspections conducted by Snohomish county in order to compensate the department of planning and development services for the costs of administering this title. These fees apply when a drainage review is a required component of a permit application or is a condition of a land use approval. Such fees are in addition to any other fees required by law.

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2	BASE FEE ⁽¹⁾	
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4	Small Parcel Development	\$100
5	(Residential or Other)	
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7	All Other Applications	\$250
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9	DRAINAGE PLAN REVIEW FEES ⁽²⁾	
10		
11	Targeted Drainage Plan	\$125
12		
13	Full Drainage Plan for	\$60/Lot
14	Small Parcel Development	
15	(Residential or Other)	
16		
17	Small Parcel Development	\$60
18	(Residential or Other)	
19		
20	Commercial Building	\$0.023/Square Foot of Total Impervious
21	Permit or Redevelopment	Area
22		
23	Roads, Private Roads	\$0.25/Lineal Foot-\$300 Maximum
24		
25	Subdivision ⁽³⁾	\$375, Plus \$60/Lot
26		
27	Short Subdivision ⁽³⁾	\$250, Plus \$60/Lot
28		
29	All Other Drainage Plan Reviews	\$375, Plus \$60/Acre
30		
31	SUBSEQUENT REVIEW FEES	
32		
33	Corrections or Minor	\$200 or 50% of Drainage Plan Review Fee-
34	Additions/Revisions ⁽⁴⁾	Whichever is Less
35		
36	Major Additions/Revisions ⁽⁵⁾	50% of Drainage Plan Review Fee
37		
38	WAIVER OR MODIFICATION	\$200
39	APPLICATION	
40		
41	DRAINAGE CONSTRUCTION	Equal to Drainage Plan Review Fee
42	INSPECTION FEE ⁽⁶⁾	
43		
44	<u>SECURITY ADMINISTRATION FEES⁽⁷⁾</u>	
45		
46	<u>Performance Security</u>	<u>\$19.50 per subdivision or short subdivision lot or \$0.005</u>
47		<u>per square foot of impervious area for commercial</u>
48		<u>building permits</u>
49		
50	<u>Warranty Security</u>	<u>\$26.00 per subdivision or short subdivision lot or \$0.007</u>
51		<u>per square foot of impervious area for commercial</u>
52		<u>building permits</u>
53		

1 Maintenance Security

\$15.00 per subdivision or short subdivision lot or \$0.003
per square foot of impervious area for commercial
building permits

8 DRAINAGE FEE TABLE REFERENCE NOTES

9 ~~((1))~~⁽¹⁾ Paid upon submittal of a drainage plan application. Base fees shall compensate
10 PDS for preliminary application screening and administration of the permitting process. For
11 projects where both a targeted and full drainage plan are submitted, only one base fee shall
12 be required.

13 ~~((2))~~⁽²⁾ Paid upon submittal of a drainage plan application. Drainage plan review fees shall
14 compensate PDS for plan review necessary to determine compliance with Snohomish county
15 code and other applicable laws and requirements, and equal the sum of all sub-category
16 amounts that apply.

17 ~~((3))~~⁽³⁾ When three or more contiguous lots are to be developed with a single townhouse
18 building (zero lot line construction), a drainage plan review fee of \$60.00 per building will be
19 charged and the drainage plan review fee will not be based on the number of lots. For tracts
20 or other types of non-building lots, a drainage plan review fee of \$60.00 per tract or lot shall
21 be charged.

22 ~~((4))~~⁽⁴⁾ The applicant shall pay a Subsequent Review Fee for corrections or minor additions
23 or revisions if:

24 (i) Resubmitted plans after the second plan review do not include corrections noted
25 by PDS during previous review; or

26 (ii) Resubmitted plans include minor additions or revisions not included in plans
27 previously reviewed or approved by PDS and which necessitate additional corrections by the
28 applicant.

29 "Minor additions or revisions" means changes to the plans and associated reports which use
30 substantially the same design concepts, layout and location of proposed improvements, and
31 site boundaries.

32 ~~((5))~~⁽⁵⁾ The applicant shall pay a Subsequent Review Fee for major additions or revisions if
33 resubmitted plans include major additions or revisions to plans previously reviewed or
34 approved by PDS. "Major additions or revisions" means substantial changes in design
35 concept, site plan, layout, or road location revisions requiring more than 5,000 cubic yards of
36 additional grading as designed by the engineer.

37 ~~((6))~~⁽⁶⁾ Drainage construction inspection fees shall be paid prior to permit issuance and
38 compensate the department for inspections necessary to determine compliance with the
39 approved plans, Snohomish county code and other applicable laws and requirements.

40 ⁽⁷⁾ These fees cover administration costs for performance, warranty, and maintenance
41 securities required by SCC 24.50.015, 24.50.020, and 24.50.025 respectively.

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43
44 (3) Drainage reviews for grading permit applications prepared by the Snohomish
45 Conservation District for commercial agricultural activities shall not be subject to the
46 drainage plan review and drainage construction inspection fees.

47 (4) Refund of drainage construction inspection fees. Upon receiving an applicant's
48 written request, the director of planning and development services may give a pro-rated
49 refund of drainage construction inspection fees for documented reductions in grading
50 quantities, square footage of impervious surface area, lineal feet of road, number of lots, or
51 acreage. Such a request must be received within six months of project completion or upon
52 acceptance by the county of drawings for recordation.
53

1 **Section 3.** Snohomish County Code Section 24.50.015, added by Ordinance No. 98-055 on
2 August 3, 1998, is **AMENDED** to read:

3
4 **24.50.015 Performance security -- Requirements.**

5 (1) Prior to Permit or Approval. Prior to the issuance of any permit or approval for
6 any development activity for which a full drainage plan is required pursuant to this title, the
7 applicant shall furnish the department a performance security in a form acceptable to the
8 director in the amount of 150 percent of the estimated cost, as determined by the director, of
9 installing and maintaining erosion and sediment control measures and abating potential
10 adverse impacts to public and private drainage facilities from the failure to complete the
11 project.

12 An applicant shall pay a fee per SCC 24.20.075(2) to cover administration costs of
13 the security.

14 The performance security shall remain in effect until final inspection and construction
15 acceptance by the county of all drainage facilities specified by the drainage plan, or until the
16 director accepts a performance security pursuant to subsection (2).

17 If, during the period the performance security is in effect, the director determines the
18 applicant has failed to install and maintain erosion and sediment control measures or has
19 failed to abate potential adverse impacts from the project to public and private drainage
20 facilities, the department shall notify the applicant and specify an appropriate time in which
21 the applicant shall cure the unsatisfactory performance, or perform corrective work as
22 required. If this work is not performed by the applicant either within the time specified or in a
23 manner acceptable to the department, the applicant shall forfeit the performance security to
24 the county. Where a surety bond is posted by the applicant, the surety company shall be
25 required, at the option of the director, to either pay the security amount to the county upon
26 demand or complete the work according to the county's terms and conditions. Forfeiture of
27 the performance security hereunder shall be in addition to any other legal or equitable
28 remedy available to the county.

29 (2) Prior to Recordation or Certificate of Occupancy. The applicant for any
30 development activity for which a drainage plan is required who wishes to construct a portion
31 of the required drainage facilities after recordation of the final plat or issuance of the
32 certificate of occupancy, shall submit a performance security pursuant to this subsection in a
33 form acceptable to the director prior to obtaining approval of final plat or a certificate of
34 occupancy. The director may only accept the performance security for this purpose for
35 drainage facilities for which delayed construction does not pose a threat of significant
36 adverse drainage impacts, as determined by the director. In no case shall the director accept
37 the performance security for delayed construction of retention facilities, detention facilities,
38 storm water treatment facilities, and associated conveyance systems, or erosion and
39 sedimentation control facilities.

40 The performance security required pursuant to this subsection shall be in the amount
41 of 150 percent of the greater of either:

42 (a) the estimated cost, as determined by the director, of constructing all
43 drainage facilities as specified in the approved drainage plan, or

44 (b) the estimated cost, as determined by the director, of monitoring drainage
45 facility performance and designing and constructing any corrective work plus other mitigation
46 measures which may be necessary to correct the effects on-site and off-site of inadequate or
47 failed workmanship, materials or design.

48 The estimated costs shall also include related incidental and consequential costs,
49 and the cost of inspection of the work by the department.

1 An applicant shall pay a fee per SCC 24.20.075(2) to cover administration costs of
2 the security.

3 The performance security shall remain in effect until final inspection and construction
4 acceptance by the county of all drainage facilities specified by the drainage plan, which may
5 occur up to two (2) years after recordation of a final plat or issuance of a certificate of
6 occupancy. The performance security shall not be released until a warranty security is
7 accepted pursuant to SCC 24.50.020.

8 If the work required by this title is not satisfactorily completed by the applicant within
9 two years after recordation or issuance of a certificate of occupancy, the applicant shall
10 forfeit the performance security to the county. Where a surety bond is posted by the
11 applicant, the surety company shall be required, at the option of the director, to either pay
12 the security amount to the county upon demand or complete the work according to the
13 county's terms and conditions. Forfeiture of the performance security hereunder shall be in
14 addition to any other legal or equitable remedy available to the county.

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17 **Section 4.** Snohomish County Code Section 24.50.020, added by Ordinance No. 98-055 on
18 August 3, 1998, is **AMENDED** to read:

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20 **24.50.020 Warranty security -- Requirements.**

21 After final inspection and acceptance of all drainage facilities required by an
22 approved full drainage plan and before recordation of a plat or short plat or issuance of a
23 certificate of occupancy and before the release of any performance bond required pursuant
24 to SCC 24.50.015(2), the applicant shall furnish the department a warranty security in a form
25 acceptable to the director in the amount of 150 percent of the estimated cost, as determined
26 by the director, of monitoring drainage facility performance and designing and constructing
27 any corrective work plus other mitigation measures which may be necessary to correct the
28 effects on-site and off-site of inadequate or failed workmanship or materials, or defective
29 design. The estimated cost shall also include related incidental and consequential costs, and
30 the cost of inspection of the work by the department.

31 An applicant shall pay a fee per SCC 24.20.075(2) to cover administration costs of
32 the security.

33 The warranty security shall remain in effect for a period of two (2) years after final
34 inspection and construction acceptance by the county of all drainage facilities specified by
35 the drainage plan. Where a project is completed in phases, the warranty period shall begin
36 to run after completion and acceptance by the county of the first phase of the work and shall
37 remain in effect for a period of two (2) years after final inspection and construction
38 acceptance of the final phase.

39 Release of the warranty security by the county shall constitute final approval of the
40 drainage facilities of the development activity.

41 If, during the period the warranty security is in effect, the drainage facilities required
42 by an approved full drainage plan do not perform or function satisfactorily or do not
43 accomplish their intended purpose, the department shall notify the applicant and specify an
44 appropriate time in which the applicant shall cure the unsatisfactory performance or perform
45 corrective or restoration work as required. If this additional work is not performed by the
46 applicant either within the time specified or in a manner acceptable to the department, the
47 applicant shall forfeit the warranty security to the county. Where a surety bond is posted, the
48 surety company shall be required, at the option of the director, to either pay the security
49 amount to the county upon demand, or complete the additional work according to the

1 county's terms and conditions. Forfeiture of the warranty security shall be in addition to any
2 other legal or equitable remedy available to the county.
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4 **Section 5.** Snohomish County Code Section 24.50.025, added by Ordinance No. 98-055 on
5 August 3, 1998, is **AMENDED** to read:
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7 **24.50.025 Maintenance security -- Requirements.**

8 Prior to the release of any warranty security required pursuant to SCC 24.50.020, the
9 applicant shall furnish the department maintenance security in a form acceptable to the
10 director in the amount of 10 percent of the warranty security required pursuant to SCC
11 24.50.020 or \$5,000, whichever is greater.

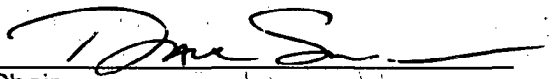
12 An applicant shall pay a fee per SCC 24.20.075(2) to cover administration costs of
13 the security.

14 The maintenance security shall remain in effect for a period of one (1) year beginning
15 from the date of release of the warranty security and final approval of the drainage facilities
16 of the development activity, pursuant to SCC 24.50.020.

17 If, during the period the maintenance security is in effect, the applicant fails to
18 regularly maintain the drainage facilities as required under this title, the department shall
19 notify the applicant and specify an appropriate time in which the applicant shall cure the
20 unsatisfactory performance or perform corrective or restoration work as required. If this
21 additional work is not performed by the applicant either within the time specified or in a
22 manner acceptable to the department, the applicant shall forfeit the maintenance security to
23 the county. Where a surety bond is posted, the surety company shall be required, at the
24 option of the director, to either pay the security amount to the county upon demand or
25 complete the additional work according to the county's terms and conditions. Forfeiture of
26 the maintenance security shall be in addition to any other legal or equitable remedy available
27 to the county.
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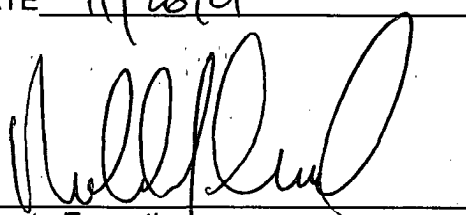
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8 SNOHOMISH COUNTY COUNCIL
9 SNOHOMISH COUNTY, WASHINGTON
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12 _____
13 Chair
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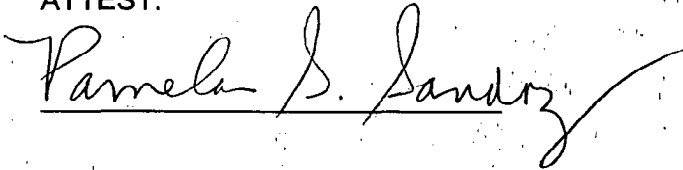
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17 ATTEST:
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22 Clerk of the Council *asst.*
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25 () APPROVED
26 () VETOED
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35 _____
36 County Executive
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39 ATTEST:
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44 Approved as to form only:

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46 _____ 9/27/01
47 Deputy Prosecuting Attorney