

CO00037581

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 10-073

RELATING TO DRAINAGE AND LAND
DISTURBING ACTIVITY FEES; AMENDING AMENDED
ORDINANCE NOS. 10-023 AND 10-025

WHEREAS, under Revised Code of Washington (RCW) 82.02.020, the county may collect reasonable fees from an applicant to cover the cost to the county of processing applications, inspecting and reviewing plans, and preparing detailed statements required by chapter 43.21C RCW; and

WHEREAS, chapter 30.86 SCC establishes fees required to be paid by an applicant to cover county costs of processing applications, inspecting and reviewing plans, and preparing detailed statements required by chapter 43.21C RCW; and

WHEREAS, Amended Ordinance No.10-025 adopted by the Snohomish County Council on June 9, 2010, adopts fees to cover the cost to the county of processing applications and inspecting and reviewing plans that are necessary to implement stormwater management regulations compliant with the requirements of Snohomish County's National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Stormwater Permit No. WAR04-4502 (NPDES Permit); and

WHEREAS, Amended Ordinance Nos. 10-023 and 10-025 become effective September 30, 2010; and

WHEREAS, in Section 15 of Amended Ordinance No. 10-023, SCC 30.63B.040 requires that fees be paid at the time of application pursuant to SCC 30.86.510; and

WHEREAS, Amended Ordinance No.10-025 adjusts fees to maintain financial self-sufficiency in providing permitting services, to align the fees charged to applicants with the type and level of services provided, and to provide for improved cost recovery, fee simplification and equity; and

WHEREAS, fees were adjusted in Amended Ordinance No. 10-025 based upon a cost of services model and estimates of the cost of providing permitting services at the present level of service and the fees necessary to recover permitting costs; and

WHEREAS, SCC 30.86.510, adopted in section 5 Amended Ordinance No. 10-025, establishes fees related to permits and approvals required for drainage and land disturbing activity including clearing and land conversion; and

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1 WHEREAS, the drainage and land disturbing activity fees in SCC Table
2 30.86.510(2) (A) and (B) combine plan review and inspection fees into one fee
3 payment; and

4
5 WHEREAS, pursuant to SCC 30.86.510(3) the fee for all drainage and land
6 disturbing activity plan review and inspection fees shall be paid at the time of
7 application; and

8
9 WHEREAS, the development approval process for a project may include several
10 major benchmarks including applications for preliminary land use approval, approval of
11 construction plans, and permit issuance when the majority of inspection services are
12 provided; and

13
14 WHEREAS, PDS currently collects drainage review and inspection fees at these
15 submittal and approval benchmarks and does not require the total fee payment when
16 the first application for a development approval is submitted; and

17
18 WHEREAS, the time between permit application submittal and requests for
19 approvals may be many years during which time fees may be adjusted to allow
20 equitable cost recovery for services provided; and

21
22 WHEREAS, collection of fees in effect at the time services are requested would
23 better align collections with the cost of providing services; and

24
25 WHEREAS, applications do not vest to permit fee requirements; and

26
27 WHEREAS, amendments to SCC 30.86.510 of Amended Ordinance No. 10-025
28 are desirable to address the timing of fee collection and the percentage of fees to be
29 paid to recover the cost of inspections when permits are issued for projects in process
30 prior to September 30, 2010; and

31
32 WHEREAS, the proposed amendments to SCC 30.86.510 establish the
33 percentages of the fee established in SCC 30.86.510 to be paid at the time services are
34 requested for new project applications and percentages of the fees to be paid for
35 projects that are vested to previous development regulations and for which only
36 inspection services are yet to be requested/provided; and

37
38 WHEREAS, the proposed percentages of the total fee to be paid are based upon
39 PDS timekeeping and cost of service data; and

40
41 WHEREAS, an amendment to SCC Table 30.86.510(2)(C) is also needed to
42 provide clarity to the investigation penalty by deleting the investigation penalty that
43 applies only to grading and establishing an investigation penalty for land disturbing
44 activity (clearing and grading); and

1 WHEREAS, the proposed fee updates in chapter 30.86 SCC support
2 implementation of new stormwater management regulations adopted in compliance with
3 the NPDES Permit; and
4

5 WHEREAS, the county council held a public hearing on September 22, 2010, to
6 consider the entire record and to hear public testimony on this Ordinance No. 10-073;
7 and
8

9 WHEREAS, the county council considered the entire legislative record, including
10 written and oral testimony submitted during the hearing before the county council.
11

12 NOW, THEREFORE, BE IT ORDAINED:
13

14 Section 1. The foregoing recitals are incorporated herein as findings of fact and
15 conclusions as if set forth in full.
16

17 Section 2. The county council makes the following additional findings of fact and
18 conclusions:
19

- 20 A. In 2002, PDS began soliciting recommendations for permit fee adjustments.
21 Based upon the results of financial analyses in 2002 and 2005, PDS
22 determined that costs were under-recovered for permitting and that permit fee
23 adjustments were necessary.
24
- 25 B. In 2008, the council determined that a comprehensive analysis of permitting
26 fees was necessary for consideration and PDS subsequently established a
27 project team to perform an extensive fee study.
28
- 29 C. The fee study project team developed a methodology (cost of services model)
30 to establish the costs of various development and regulatory services and
31 related fee requirements. The cost of services model also provided the
32 analytical framework to assess the adequacy of current fees to recover
33 permitting costs.
34
- 35 D. The full cost of services basis for setting development fees was based upon
36 four main cost layers: labor (salary and benefits); non-labor expenses; county-
37 wide overhead; and additional costs related to development review. Within the
38 labor cost layer of the cost of services model are three categories (direct,
39 indirect and overhead costs) that are included in the proposed fees.
40
- 41 E. An amendment deleting the provision that fees are to be paid at the time of
42 application is necessary to SCC 30.63B.040 in Amended Ordinance No. 10-023
43 for consistency with proposed amendments to Amended Ordinance No.10-025.
44
- 45 F. In Amended Ordinance No. 10-025, the total number of fees and fee variations
46 (multiple fee payments), pertaining to drainage and grading in the existing code

1 were reduced to prevent overlapping review (for simultaneous drainage and
2 grading review) and to simplify the fee requirements. SCC Table 30.86.510(2)
3 combines drainage and land disturbing activity fees into one fee table to make
4 these fees easier to understand and administer. SCC Table 30.86.510(2)
5 establishes fees for both drainage and land disturbing activities plan review and
6 inspection. The proposed drainage and land disturbing activity fees in SCC
7 Table 30.86.510(2)(A) and (B) reflect progressive levels of project complexity,
8 concurrent plan review and inspection requirements. These fees are structured
9 by project threshold levels for single activities and/or multiple activities and are
10 based upon plan review and inspection labor costs for single and multiple
11 activities.

12
13 G. Amendments to SCC 30.86.510(1) are necessary to explain the meaning of
14 "construction applications" as used in new provisions proposed in SCC
15 30.86.510(4) and (5).

16
17 H. Amendments to SCC 30.86.510(3) are needed to delete the requirement that
18 fees shall be paid at the time of application because the proposed amendments
19 in SCC 30.86.510(4) and (5) require that the total drainage and land disturbing
20 activity fee required by SCC Table 30.86.510(2)(A) and (B) be paid in
21 percentages at the time the service is requested. The provision is amended to
22 require fees to be paid based upon the fee table in effect at the time of
23 payment.

24
25 I. New provisions are proposed in SCC 30.86.510(4) to specify the percentages
26 of the required fees to be paid for complete applications submitted on or after
27 September 30, 2010. Fees are proposed to be required when services are
28 requested at project submittal and approval benchmarks including submittal for
29 preliminary approval, construction applications and permit issuance.

30
31 J. New provisions are proposed in SCC 30.86.510(5) to establish the percentages
32 of the required fees in SCC Table 30.86.510(2)(A) and (B) to be paid to recover
33 the cost of project inspections for complete construction applications submitted
34 prior to September 30, 2010. The payment of the fee percentage is required
35 prior to the issuance of the permit.

36
37 K. The proposed amendments to SCC 30.86.510, including the proposed fee
38 percentages to be paid upon request for services, are based upon PDS
39 timekeeping data and the cost of services model. The proposed method of
40 collecting the drainage and land disturbing activity fees is reasonable and was
41 calculated in accordance with RCW 82.02.020.

42
43 L. In Table SCC 30.86.510(2)(C), the investigation penalty is clarified by deleting
44 an incorrect code reference and the grading investigation penalty. Similar to
45 existing SCC 30.86.400(9), the investigation penalty is proposed to be 100
46 percent of the required drainage and land disturbing activity fee. A footnote is

1 added to the investigation penalty category to explain that a person who
2 commences any land disturbing activity before obtaining the necessary permits
3 must pay an investigation penalty in addition to the required permit fee.
4

5 M. The council concludes that this ordinance is related solely to government
6 procedures, not the Growth Management Act, and therefore, does not adopt
7 development regulations under SCC 30.10.080. Pursuant to SCC
8 30.73.040(2)(b), planning commission review is not required.
9

10 N. Amendments to chapter 30.86 SCC, pertaining to fees, are categorically
11 exempt from SEPA under Washington Administrative Code (WAC) 197-11-
12 800(19).
13

14 O. The council concludes that this ordinance is in the best interest of Snohomish
15 County citizens and will promote the health, safety and welfare of the citizens of
16 Snohomish County.
17

18 Section 3. Section 15 of Amended Ordinance No. 10-023, adopted on June 9,
19 2010, is amended to read:
20

21 **30.63B.040 Land disturbing activity permit fees.**
22

23 (1) Land disturbing activity permit fees shall be paid ~~((at the time of application))~~
24 pursuant to SCC 30.86.510.

25 (2) If utility facilities and any related underground drainage systems must be relocated
26 as a direct result of a project performed under the authority of the director of the
27 department of public works or the county engineer and such relocation work is included
28 in that department's plans, the relocation of the utility facilities and any related
29 underground drainage systems shall be exempt from the land disturbing activity fee
30 requirements of SCC 30.86.510.
31

32 Section 4. Section 5 of Amended Ordinance No. 10-025, adopted on June 9,
33 2010, is amended to read:
34

35 **30.86.510 Drainage and land disturbing activity fees.**
36

37 (1) This section establishes drainage and land disturbing activity fees ~~((for plan review
38 and inspection conducted by the county to compensate the department for the costs of
39 administering this title and issuing land disturbing activity permits and approvals. These
40 fees))~~ that apply when drainage or land disturbing activity review is a required
41 component of a permit application or is a condition of a land use approval. Such fees
42 are in addition to any other fees required by law. Construction applications referenced in
43 this code section include applications for grading permits submitted prior to September
44 30, 2010, and building, right-of-way and land disturbing activity permit applications.

45 (2) Fees for plan review and inspection of drainage plans and land disturbing activities
46 are established in SCC Table 30.86.510(2)(A) and (B). SCC Table 30.86.510(2)(A) and

1 (B) includes fees for plan review and inspection of independent activities as well as fees
2 for plan review and inspection of multiple activities. Whenever two or more proposed
3 activities subject to fees in SCC Table 30.86.510(2) are submitted concurrently as part
4 of the same project, the applicant shall only pay one fee; the applicable fee shall be the
5 one associated with the proposed activity that meets the highest threshold level in SCC
6 Table 30.86.510(2)(A) and (B).

7 (3) Drainage and land disturbing activity fees shall be ~~((paid at the time of application.))~~
8 based upon the fee table in effect at the time of payment.

9 (4) For complete applications submitted to the department on or after September 30,
10 2010, the applicable drainage and land disturbing activity fees in SCC Table
11 30.86.510(2)(A) and (B) shall be paid as follows:

12 (a) For applications that require preliminary land use approval or for which site plan
13 approval is required or requested prior to the submittal of construction applications, the
14 following percentages of the fees shall be paid as follows:

15 (i) Fifty percent of the fees shall be paid upon submittal of the initial
16 application(s) for land use or site plan approval;

17 (ii) Twenty-five percent of the fees shall be paid upon submittal of the
18 construction application(s); and

19 (iii) Twenty-five percent of the fees shall be paid prior to permit issuance;

20 (b) For all other applications, except single-family residential building permit
21 applications, 75 percent of the fees shall be paid upon submittal of the construction
22 application(s) and 25 percent of the fees shall be paid prior to permit issuance; and

23 (c) For single-family residential building permit applications, 50 percent of the fees
24 shall be paid upon submittal of the construction application(s) and 50 percent of the fees
25 shall be paid prior to permit issuance.

26 (5) When inspection services are requested for complete construction applications
27 submitted to the department before September 30, 2010, and for which permits or
28 approvals are issued on or after September 30, 2010, the following percentages of the
29 applicable fees in SCC Table 30.86.510(2)(A) shall be paid as follows:

30 (a) Fifty percent of the fees shall be paid prior to single-family residential building
31 permit issuance when the permit application included the submittal of a stormwater site
32 plan or stormwater pollution prevention plan; and

33 (b) Twenty-five percent of the fees shall be paid prior to permit issuance for all
34 applications, except as provided above in subsection (5)(a).

Table 30.86.510(2)

FEEES FOR DRAINAGE AND LAND DISTURBING ACTIVITIES

(A) FEE LEVELS FOR PLAN REVIEW AND INSPECTION⁽¹⁾	DRAINAGE (new, replaced, or new plus replaced impervious surface in square feet)	GRADING (cut or fill in cubic yards, whichever is greater)	FEE
Level 1(a): Drainage only	1 – 1,999		\$ 375
Level 1(b): Grading only		1 – 500	\$ 350
Level 1(a)+(b): Drainage and Grading	1 – 1,999	and 1 – 500	\$ 725
Level 2	2,000 – 4,999	and ((or)) ((1–500)) 0-500	\$ 1,575
Level 3	5,000 – 9,999	and/or 501 – 4,999	\$ 2,450
Level 4	10,000 – 39,999	and/or 5,000 – 14,999	\$ 4,800
Level 5	40,000 – 99,999	and/or 15,000 – 69,999	\$ 12,700
Level 6	100,000 or more	and/or 70,000 or more	\$ 34,700
(B) FEE LEVELS FOR PLAN REVIEW AND INSPECTION⁽¹⁾	CLEARING⁽²⁾		FEE
Level 1	1 – 6,999 sq. ft.		\$ 750
Level 2	7,000 sq. ft. or more		\$ 1,650
Level 3: Conversion only	Converts three-quarters of an acre (32,670 sq. ft.) or more of native vegetation to lawn/landscaped areas, or converts 2.5 acres (108,900 sq. ft.) or more of native vegetation to pasture.		\$ 2,800
(C) FEES FOR ACTIVITIES NOT OTHERWISE LISTED:			
Pre-application site review			\$ 250
Subsequent plan review ⁽³⁾			\$ 350
Field revisions ⁽⁴⁾			\$ 350
Modification, waiver, or reconsideration issued pursuant to SCC 30.63A.830 through 30.63A.842			See SCC 30.86.515
Investigation penalty ⁽⁷⁾ ((pursuant to SCC 30.52A.210))			((\$ 350 plus \$ 0.33 per cubic yard of earth moved for grading) 100% of the applicable drainage and land disturbing activity fee
Renewal of a land disturbing activity ((approval)) application or permit ⁽⁵⁾			\$400 plus a percentage of the original application or permit fee equal to the percentage of approved or permitted activity to be completed

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Dike or levee construction or reconstruction grading plan review and inspection fee when implementing a Snohomish County approved floodplain management plan	\$ 60 per hour
Drainage plan review for mining operations ⁽⁶⁾	\$ 156 per acre
Monitoring associated with drainage plan review for mining operations	\$ 141 per hour
Consultation pursuant to SCC 30.63B.030(2) or 30.63B.100(2) (a) Land Use (b) Engineering (a)+(b) Land Use and Engineering Combination	(a) \$ 850 (b) \$ 975 (a)+(b) \$ 1,655
(D) SECURITY ADMINISTRATION FEES:	
Performance Security	\$ 19.50 per subdivision or short subdivision lot or \$0.005 per square foot of impervious area for commercial building permits
Warranty Security	\$ 26.00 per subdivision or short subdivision lot or \$0.007 per square foot of impervious area for commercial building permits
Maintenance Security	\$ 15.00 per subdivision or short subdivision lot or \$0.003 per square foot of impervious area for commercial building permits
REFERENCE NOTES:	
<p>(1) Drainage and land disturbing activity reviews associated with projects administered by Snohomish Conservation District shall not be subject to plan review and inspection fees.</p> <p>(2) Fee includes drainage plan review and inspection for clearing activity only. When clearing is combined with other land disturbing activities in SCC Table 30.86.510(2)(A), fee levels 1 – 6 for drainage and/or grading plan review and inspection also apply.</p> <p>(3) These fees apply on third and subsequent plan review submittals when an applicant fails to submit required corrections noted on “markup” plans, drawings, or other required submittal documents.</p> <p>(4) These fees apply whenever an applicant proposes changes, additions, or revisions to previously approved plans, drawings, or other required submittal documents.</p> <p>(5) Requests for renewals of land disturbing activity approvals or permits must include a written statement of the percentage of approved or permitted activity that remains to be completed. Applicants may provide this written statement for all level 1 projects. The engineer of record must provide the written statement for all other projects.</p> <p>(6) Acreage for drainage plan review for mining operations is based on mined area. Mined area includes all area disturbed in conjunction with the mining operation which shall include, but is not limited to, areas cleared, stock piles, drainage facilities, access roads, utilities, mitigation areas, and all other activity which disturbs the land. Fees for phased mine developments and mining site restoration plans of phased mine developments shall be calculated separately for each phase of mining based upon the area for each phase.</p>	

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(7) Any person who commences any land disturbing activity before obtaining the necessary permits shall be subject to an investigation penalty in addition to the required permit fees.

Section 5. Effective date. The effective date of this ordinance will be September 30, 2010.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 22nd day of September, 2010.


SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson


ATTEST:


Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

 9/23/10
County Executive Date

ATTEST:


Cora E. Palmer

Approved as to form:

Deputy Prosecuting Attorney

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D-16