

RESOLUTION NO. 2013-02-18

A resolution related to the temporary waiver of application, service/development review and impact fees under the county's transportation impact fee program found in CCC Title 6 and CCC 40.610.040.

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

WHEREAS, RCW 82.02.50 authorizes counties to charge traffic impact fees to cover a small share of the cost of providing road improvements listed in the Capital Facilities Plan; and

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

WHEREAS, the recession experienced in County since 2008 has caused a significant loss of private sector jobs, an unemployment rate exceeding thirteen percent as reported by the Washington State Department of Economic Security (August 2010), and unemployment consistently exceeding ten percent every month since December 2008 with consequent damaging and debilitating ripple effects throughout every sector of the economy and significant decreases in County tax revenues; and

WHEREAS, because of the 2008-2010 economic recession the construction of industrial, mixed use, business park, commercial retail, and office developments has contracted, resulting in adverse effects on the creation of private sector jobs within the County and negative effects on property, sales, real estate excise, and other forms of County tax revenue that would otherwise flow from development activity; and

WHEREAS, Board desires to spur private sector jobs-producing economic development by waiving certain fees for a temporary period as a key strategic initiative to help reduce business costs and thereby stimulate development in Industrial, Mixed Use, Business Park, Commercial retail, and Office Campus zones within County; and

WHEREAS, the Board has previously adopted resolutions waiving Development/Inspection and Traffic Impact fees under Resolutions numbered 2012-05-02 and 2012-05-03; and

WHEREAS, the Board seeks to combine but limit availability of these options to particular developments by amending Resolutions previously enacted; and

WHEREAS, following its own duly advertised public hearing, the Board finds adoption of this resolution to further the public health, and welfare; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON

SECTION 1. Findings.

The Board hereby adopts the findings and conclusions contained the recital clauses above as findings supporting this resolution.

SECTION 2. Amendatory. To the extent inconsistent with this Resolution, Resolutions numbered 2012-05-02 and 2012-05-03 are each amended.

SECTION 3. Applicability.

During the balance of the year 2012 and the year 2013, Clark County shall not collect application and service fees normally collected under CCC 6.110A.010 Section 1, 2A, 2B, 2D through 2AK, 6.110A.020, 6.110A.030, CCC 6.120 Sections 1 to 9, 10 A, B, and D, and Section 11d and CCC 6.140 at the time of application for developments meeting the requirements of this resolution. Similarly, Clark County will not collect traffic impact fees required by CCC 40.610.040 for developments that meet the requirements qualifying them for the county's development Traffic Impact fees (TIF) waiver program. The criteria are restated below for reference:

B. The following shall receive a one hundred percent (100%) waiver of application and service fees set out above and TIFs (Eligible fees):

(1) Non-residential Developments involving the construction of new/additional buildings or subject to Type II Site Plan approval (Eligible Developments) that the property owner can demonstrate will create and maintain for two years a minimum of ten (10) additional full-time equivalent (FTE) jobs and meet the following criteria:

(a) jobs, other than retail sales to the public, that are primarily taxable (but including retail sales jobs paid by commission), such as industrial or service-oriented jobs; or

(b) Developments creating non-retail jobs directly related to information technology, higher education, and international investment.

C. The following shall receive a fifty percent (50%) waiver of the Eligible Fees:

(1) Non-residential Developments that Applicants can demonstrate will create and maintain for two years a minimum of ten (10) additional full-time equivalent (FTE) jobs excluded from subsection B above except as provided in subsection D below.

D. This Resolution does not authorize waiver of Eligible Fees to the following:

- (1) A Development by any type of governmental agency, district or unit; or
- (2) A Development by entities exempt from federal income taxation by Title 26 of the United States Code, except for entities which directly provide health care-related services which are to be governed by subsection B. above.

E. Where questions of applicability arise, the Community Development Director shall determine if the development is eligible.

SECTION 4. Commencement of Construction and Job Creation.

Applicants receiving conditional waivers of Eligible Fees pursuant to this Resolution must:

A. Obtain approval of the first required building inspection on projects subject to this Resolution no later than July 1, 2014 and diligently pursue construction thereafter.

B. Hire 10 full-time equivalent (FTE) eligible employees and retain the filled positions for a period of at least two (2) years.

Applicants failing to meet A or B above are required to remit TIF fees waived in accordance with Section 4 of this Resolution.

SECTION 5. Remittance of Waived Fees.

Any Applicant receiving a waiver of Eligible Fees pursuant to this Resolution who fails to satisfy the requirements of this resolution shall remit to County the full monetary value of waiver(s) granted under this Resolution, plus twelve percent interest compounded annually. In the event of a dispute regarding the applicability of this section, the

Community Development Director shall make the final decision pursuant to the standards in this Resolution.

SECTION 6. Fully-funded Transportation Improvement Program.

Public works staff shall calculate each TIF waived, monitor, and track each project as they qualify for a waiver to ensure compliance with the provisions of this resolution.

Once the period for retaining employees has passed and the TIF waiver becomes permanent for each development, Public Works staff shall prepare supplemental appropriations to repay the TIF districts from the road fund for the amount of the TIF fee waived.

SECTION 7. Termination.

Eligibility for waiver of Eligible Fees including TIF's, permitting, and development/inspection fees shall expire at 12:00 p.m. on December, 31, 2013. Section 3 shall continue in full force and effect for four years following the aforementioned termination date.

SECTION 8. Effective Date.

This resolution shall take effect immediately upon adoption.

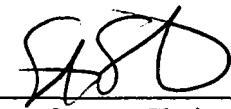
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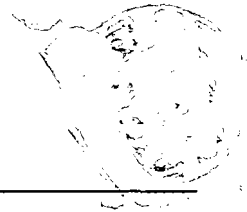
ADOPTED this 26th day of February 2013.

BOARD OF COMMISSIONERS
FOR CLARK COUNTY

Attest:



Clerk to the Board

By: 
Steve Stuart, Chair



Approved as to form only:
ANTHONY F. GOLIK
Prosecuting Attorney

By: _____
Tom Mielke, Commissioner


Christopher Horne, WSBA #12557
Civil Deputy

By: _____
David Madore, Commissioner