

RESOLUTION NO. 2015-12-\_\_\_\_\_

A resolution repealing portions of the “Job Creation Resolution” removing dedications of tax revenue, making that action retroactive, and provide timely notice prior to the repeal of the “Job Creation Resolution”.

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 82.02.050 authorizes counties to charge traffic impact fees to cover a proportionate 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 Clark County policy, the Board has adopted a traffic impact fee program, as set forth in Title 40.610 of the CCC; and

WHEREAS, Section 8 of the Resolution 2013-06-06 contains provisions for its eventual review and repeal; and

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

WHEREAS, a sudden repeal of the fee waiver would alter the economic analysis of projects started but not approved; and

WHEREAS, the potential for a sudden repeal would create uncertainty about the risk and economics of initiating new development projects; and

WHEREAS, Clark County wishes to provide an economic environment that is stable and predictable; and

WHEREAS, the existing resolution commits sales tax revenue to repay Traffic Impact Fees (TIF's) waived under this resolution; and

WHEREAS, the Board prefers to use Road Fund resources to repay TIF's and therefore repeal inconsistent provisions in Resolution 2013-06-06; and

WHEREAS, following its own duly advertised public hearing, the Board finds adoption of this resolution will further the public 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 in the recital clauses above as findings supporting this resolution.

SECTION 2. Amendatory. Section 3 of Resolution 2013-06-06 is amended to read:

SECTION 3. Applicability.

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

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

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:

- A. Non-residential developments involving tenant improvements to existing buildings, the construction of new/additional buildings or subject to Site Plan approval (Eligible Developments) shall receive a one hundred percent (100%) waiver of application and service fees set out above and TIFs (Eligible fees). ~~((Clark County businesses moving from one location to another, without increasing the number of employees, are not eligible for any waiver of fees.))~~ Developments excluded from the phrase "non-residential" include hotels, motels, senior housing, and dormitories. Facilities, where medical treatment is provided, are included.
- B. This Resolution does not authorize waiver of Eligible Fees to a Development by any type of governmental agency, district or unit, except the waiver is available to post-secondary school non-residential developments in the University Zoning District.
- C. Where questions of applicability arise, the Community Development Director shall determine development eligibility.
- D. Eligibility under this resolution is limited to those, who by written agreement, commit to the obligations under this resolution. Purchasers of real property with development approvals, subject to waivers under this resolution, must sign an agreement with Clark County and accept both the obligations and benefits under this resolution or pay the fees subject to waiver.

The following information is to be provided up front before the agreement can be granted by the County:

- (1) The estimated additional annual gross sales;
- (2) Additional annual taxable sales; and
- (3) Additional number of full time employees expected by operations accommodated by the development. This information is to allow county staff to post monthly updates that reflect the fruit of this resolution.

~~((The agreement will require, in addition to the other requirements of this ordinance:~~

- ~~(1) the amount of taxable retail sales generated by the business, both one time and on an ongoing basis; and~~
- ~~(2) report on an annual calendar year basis.))~~

SECTION 3. Amendatory. Section 7 of Resolution 2013-06-06 is hereby repealed.

~~((SECTION 7. Program Monitoring and Automatic Review of Resolution~~

~~————— To monitor the effectiveness of the job creation program, staff will report to the Board every six months, the number of job creation permits, the economic health, the unemployment status of Clark County, and the cost and revenue attributed to the projects that have received fee reductions or waivers.~~

~~————— The County discretionary portion of sales tax reported by qualifying businesses shall be identified and used to repay a proportional share of all fees waived under this program.))~~

The repeal of the language in Section 7 shall be retroactive and therefore no funds are to be transferred from sales tax revenues to the TIF fund.

SECTION 3. Amendatory. Section 8 of Resolution 2013-06-06 is hereby amended to read:

8. Re-evaluation.

The Board will review eligibility for waiver of Fees including TIF's, permitting, and development/inspection fees within ~~((sixty))~~ one hundred eighty days after the unemployment rate for covered employment in Clark County is lower than the Washington State average ~~((or immediately if the Board concludes that such action is necessary))~~.

The Board desires to enhance predictability of application costs for new enterprises considering location within the unincorporated area. It is, therefore, the intention of the Board to give a 250 day notice prior to the removal of the current fee waiver recognizing that this provision is not binding on future legislative bodies.

SECTION 4. Effective Date.

This resolution shall take effect immediately.

ADOPTED this \_\_ day of December 2015.

BOARD OF COUNTY COUNCILORS  
FOR CLARK COUNTY

Attest:

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
David Madore, Chair

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

By: \_\_\_\_\_  
Jeanne Stewart, Commissioner

\_\_\_\_\_  
Christopher Horne, WSBA #12557

By: \_\_\_\_\_  
Tom Mielke, Commissioner