

**MINUTES  
CLARK COUNTY BOARD OF COMMISSIONERS  
JULY 14, 2009, 9:45 A.M.**

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Mielke, Stuart, and Boldt, Chair, present.

**9:45 A.M.**

**PROCLAMATION – PARKS AND RECREATION MONTH**

Commissioner Stuart read a proclamation declaring July 2009 to be Parks and Recreation month in Clark County, Washington.

Peter Mayer, Director, Vancouver-Clark Parks and Recreation, accepted the proclamation.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Commissioners led the Pledge of Allegiance.

**CONSENT AGENDA**

**Discussion**

**Item 4:** Request from Parks & Recreation/Property Management for approval of agricultural lease agreement for park property, Daybreak – Agricultural

Commissioner Boldt noted that they would be pulling item 4 from the agenda.

**Item 2:** Request from Engineering/Real Property for approval of a Quit Claim Deed to the city of Vancouver for the transfer of 7 rights-of-way and 43 stormwater facilities now within the city limits

Commissioner Mielke asked staff to clarify.

Kevin Gray, Deputy Public Works Director, stated that it would transfer actual ownership of the rights-of-way and stormwater facilities to the City of Vancouver.

**Item 11:** Environmental Services Cooperative Agreement Modification with the federal government for funding of remediation of Camp Bonneville for additional funding for the DOE's oversight of cleanup

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Commissioner Stuart wanted to know where they were in terms of further communications with the Federal government, specifically the Army, about getting more money for the cleanup of Camp Bonneville.

Bill Barron, County Administrator, stated that they had sent a letter to the Army requesting additional funds based on the DOE's evaluation and mandate in the cleanup document that is now official.

Commissioner Boldt remarked that some funding would be held back until completion.

Gray said they were in ongoing negotiations between the Army and Ecology to free up the appropriate funds to complete the cleanup plan.

**Item 7:** Statutory Warranty Deed from Landmark 75 Acres Vancouver for the NE 119 Street road project

Commissioner Mielke asked for more information.

Gray explained that the land was intended to provide the stormwater facilities and management for the 119<sup>th</sup> Street project. Also, they were looking at possible trail connections and multiple uses for the site.

Commissioner Boldt asked how they came up with the price.

Nikki Bushaw, Department of Public Works-Real Property Services, said they paid the appraised value.

Commissioner Mielke wanted to know if this was land that the Department of Transportation would sell to the Parks Department to Legacy Lands.

Gray stated that at this time they were using Road Fund dollars to purchase the property; however, they were going to try and parlay as many different fund sources as possible to get the maximum use out of the property.

**ACTION:** There being no public comment, moved by Stuart to **APPROVE** consent agenda items 1 through 3 and 5 through 16. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**PUBLIC COMMENT**

None

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**PUBLIC HEARING**

**Item Description:** Consideration of amendments to Community Development application and service fees found in Clark County Code 6.100, Table 6.110A.030, which is for Development Inspection Fees. Also, amendments to Public Works Utility Fees that are found in Clark County Code 13.12A.

**Department:** Public Works

**Staff Contact:** Kevin Gray, Deputy Director of Public Works

**Staff Summary:**

Kevin Gray, Department of Public Works, presented. Mr. Gray explained that as discussed at the June hearing, there was a \$712,000 gap between anticipated revenues to support the service level to provide Development Engineering fee activity. Of that deficit, engineering review and pre-application activities represented about \$415,000 and inspection accounted for about \$297,000. He said that funding gap was closed significantly when the board directed fee increases in Development Engineering equivalent to 75% of what was necessary to provide the recommended level of service. Following that same approach, Gray said the proposed fee table for Development Inspection recovers 75% of the anticipated \$297,000 funding gap between the recommended level of service and the Development Inspection revenues. In terms of the Utility Inspection program, Gray stated that its intention was to preserve and protect the public's investment from the impacts of utility work in existing rights-of-way. He said this program had not been updated in 10 years and as a result it has been considerably subsidized by the county Road Fund. They were anticipating that the program for 2009/2010 would be about 58% subsidized through the county Road Fund. He further explained. He said the proposed fee increase would cover the full cost of the program and would be recovered entirely from utilities that actually physically impact the rights-of-way.

Commissioner Boldt asked if the \$110,000 previous to the Road Fund went to the budget through the diversion.

Gray said they budgeted for it through their standard budgeting process to support the Utility Inspection Program. He further explained.

Commissioner Boldt said for the Development Inspection Fees he noticed that some things could overlap on the stormwater inspection. He asked if they charged more than once for a project.

Gray responded that the rate structure for development was based upon the site of the development. He said if you had two identical subdivisions, but one has 1,000 feet of offsite storm pipe that needs to be installed, their current rate structure for development would not recover any cost for the inspection and review of the offsite stormwater

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impacts on the right-of-way. Their current policy is to treat the stormwater as a utility so they would be charged the separate fee for the offsite work.

**Comments from the public:**

- 1) Eric Golemo, Development Engineering Advisory Board (DEAB), said the DEAB was recommending that the county look into the following suggested efficiencies: review and inspection of stand alone utilities versus those that are part of a permitted development; and review and inspection of county owned/regulated utilities (such as stormwater) versus those that are non-county owned/regulated. Also, Mr. Golemo said the proposed fee increases are significant.

[Staff and the Board further discussed utility permit fees]

- 2) Steve Bacon, Clark Regional Wastewater District, commented that the district had concerns regarding the financial implications of the proposed fees for larger utility installations and requested that the code revision accommodate for that. He said that could be accomplished by using a Reimbursable Work Order system.

Gray said that was a great point and it would be his preference to enter into reimbursable agreements whenever possible to conduct work in concert. He noted that it's rare that they see large utility cuts extending for thousands of feet and it's tough to customize in an ordinance, based upon rare exceptions. He said they are trying to keep it simple, consistent, and reasonable and going to a cost-of-service model, which they intend to do, should satisfy some of the concerns.

- 3) Mike Bomar, Building Industry Association, said the BIA was opposed to fee increases. He pointed out that larger extensions for utility fees, which would be multi-hundred percent increases, would be difficult for projects to adjust to and might not be collected because those projects would simply not happen. Mr. Bomar echoed the DEAB's comments as far as looking for efficiencies and said the more cost recovery they look for from development, the more intense they need to be in scrutinizing how things are being done. Bomar clarified that they felt an appropriate cost sharing would be 75% of the total cost—50% ideally. Regarding the cost-per-hour basis, especially if they move closer to 100% cost recovery, Bomar cautioned that it would create a lot more scrutiny as far as how work is being done.

Commissioner Mielke asked Mr. Bomar if he thought there was another way this might work, in general.

Bomar responded that nationwide there was a larger view of impact fees and how they are being calculated, looking at levels of service, transportation improvement districts, etc.—areas where the tax base can be spread out so that while there's still some strong relationship to those benefiting, there's not such a sharp impact and in general just looking at the cost of doing business.

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- 4) Norm Harker, Commissioner, Clark Regional Wastewater District, referenced Chapter 13.12A.030(A)(3), Utility Permits – Application & Fees, the fee increase for each additional foot over 5,000 feet to \$0.50 from \$0.20. He suggested it be reworded to say if it's in excess of 5,000 feet, then a reimbursement work order be entered into as opposed to a flat dollar-per-foot.

Commissioner Mielke commented about self-inspection with expanded warranty, which might be an alternative. He asked Mr. Harker if he thought that would work.

Harker stated that in Washington County developers have an option of hiring the county to do the inspection or can hire a licensed professional engineer where the liability would then be transferred from the county to the professional engineer.

[Discussed continued regarding liability and bonding]

Commissioner Stuart wanted to know why they didn't just state instead of \$0.20 for each additional foot it's \$0.50.

Gray said they were trying to keep it simple and consistent.

Commissioner Boldt asked Mr. Harker about the force main discussion and if it was five miles of force main within the right-of-way of cut pavement that would be inspected.

Harker said the anticipation was that it would be within public right-of-way to avoid all the problems of having to buy 20,000 easements, but probably not under pavement though. He said most of it was going to be in a rural area without curbs and sidewalks.

Commissioner Boldt asked if there would still be the possibility of the road going over that.

Gray said yes, and if they are in the road way right-of-way, they would typically permit and inspect.

Commissioner Mielke noted that the county inspector keeps a log of his work, which would help in the future or opt for actual costs.

Gray said yes, they are tracking by the project, task, and hour.

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**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

Commissioner Stuart stated that he would want to amend Chapter 13.12A.030(A) to bring back Sub (3) to set the rate at \$0.50 so the gradient would continue in the same direction as Sub (1) and Sub (2) and recognize the efficiency of scale. He said they are moving towards an actual hourly rate calculation and the possibility of having reimbursable rate agreements.

**ACTION:** Moved by Stuart to **AMEND** staff's proposal to Chapter 13.12A Utility Permits for 13.12A.030(A), Sub (3) Application and Fees, to read "Fifty cents (\$0.50) for each additional foot over five thousand (5,000) feet." Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**ACTION:** Moved by Stuart to **APPROVE** Ordinance 2009-07-06 – Development Inspection Fees and Utility Inspection Fees. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**Additional Comments:**

Commissioner Stuart said his hope for this was that they were truly moving toward a system that will recognize the cost of providing services, as well as efficiencies to make sure they are doing what they should be doing.

Commissioner Mielke commented that addressing rates as an actual use fee was a lot easier to understand. Also, he liked the idea of looking at the possibility of self-inspection with expanded liability, which he thought was important to address costs.

**COMMISSIONER COMMUNICATIONS**

- Commissioner Stuart said he attended a memorial celebration for Ellis Dunn and it was a good opportunity to hear from those who knew him. Also, Stuart pointed out that they had a couple of news releases out—Streams and Stormwater Quality and a Ban on Outdoor Burning. Lastly, he noted that the time for the Tuesday evening board hearings has been changed from 7:00 p.m. to 6 p.m.

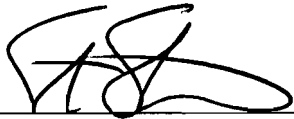
Hearing adjourned

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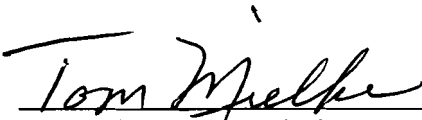
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Marc Boldt, Chair



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Steve Stuart, Commissioner



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Tom Mielke, Commissioner

ATTEST:



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Clerk of the Board

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Please Note: The Board of Commissioners' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Commissioners' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org))