

RESOLUTION 226 - 2021

A RESOLUTION UPDATING THE DEPARTMENT OF COMMUNITY DEVELOPMENT FEE POLICIES

WHEREAS, the Board of County Commissioners previously adopted Resolution No. 080-2021, updating the Department of Community Development (DCD) Fee Policies and providing administrative clarification on DCD Fee Policies; and

WHEREAS, Kitsap County finds that it is necessary to amend the DCD Fee Policies to mitigate volatility in permit fees related to COVID-19 and temporary increases to lumber shortage costs and correct a scrivener's error; and,

WHEREAS, current DCD Fee Policy #3 specifies permits, plans reviews and inspections subject to the International Building Code will be assessed a fee based on valuation tables and methodologies established by the International Code Council (ICC) with adjustments in building permit fees occurring annually based on the August publication of valuation fees by the ICC; and,

WHEREAS, the ICC "strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact" of published valuation fees; and,

WHEREAS, DCD has evaluated and assessed the impact of the August publication of valuation fees; and,

WHEREAS, as a result, it was determined that the ICC published increase to 19.93% was likely due to temporary COVID-19 related increases to lumber shortage costs; and,

WHEREAS, DCD has determined that updating DCD Fee Policy #3 to specify the February publication, a 5.58% increase of valuation fees, as opposed to the August publication will help to mitigate volatility in permit fees; and,

WHEREAS, the 2021 DCD Fee Policy updates inadvertently reverted Fee Policy #8 to old language that was subsequently updated and approved in 2017; and,

WHEREAS, DCD has identified the scrivener's error and desires to reinstate Fee Policy #8 language previously approved in 2017 related to the operating reserve; and,

WHEREAS, the Board of County Commissioners held a public hearing on December 6, 2021 concerning the adoption of the updated Community Development Fee Policies to be effective January 1, 2022;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners in regular session assembled that the updated Community Development Fee Policies are hereby adopted.

ADOPTED this 6 day of December, 2021.

**BOARD OF COUNTY COMMISSIONERS
Kitsap County Washington**



Robert Gelder, Chair

NOT PRESENT

Edward E. Wolfe, Commissioner



Charlotte Garrido, Commissioner

ATTEST:



Dana Daniels
Clerk of the Board





FEE POLICIES

COMMUNITY DEVELOPMENT



Background

The Department of Community Development (DCD) transitioned from a General Fund Department to a Special Revenue Fund in 2008. Fees assessed and collected beginning January 1, 2008 were maintained in an established Special Revenue Fund and adhered to the guiding principles and fee policies as established by DCD and approved by the Kitsap County Board of County Commissioners on January 28, 2008.

Guiding Principles

- Fees should be regionally competitive while allowing for timely, high-quality service delivery by staff.
- Fee based services are defined as operations related to permit/application processing, inspections, plan reviews, State Environmental Policy Act documents, land use appeals, and code enforcement.
- Applicants should pay for the services received.
- Fees shall include direct and indirect costs associated with service delivery.
- The funding structure should support the department's operations through economic cycles and fluctuations in workload.
- Fees should be predictable and understandable to the customer.
- The fee system should be efficient and cost-effective to manage.

Fee Policies

Policy 1: DCD will establish a cost recovery objectives model for service delivery to the applicant. The cost recovery objectives of the model will be approved by the Board of County Commissioners.

Policy 2: Land use and development fees are charged a flat fee based on the average processing time to review/process the application. The flat fee includes two iterations of plans review (first submittal comments and review of second submittal comments), as well as intake and closeout of the application. Any additional review beyond two iterations of plans review will be charged monthly at the approved hourly rate and must be paid in full prior to issuance. No applicant will be charged for additional hours without a review by the appropriate manager to ensure the hours are valid. Inspections may or may not be included in the flat fee. Inspections that are not included in the flat fee are identified in the DCD Fee Schedule and will be charged monthly at the approved hourly rate and must be paid in full prior to final inspection. DCD has established and published adjudication procedures for applicants who disagree with assessed fees higher than the base or flat fee.

Policy 3: Permits, plans reviews, and inspections subject to the international building code will be assessed a fee based on valuation tables and methodologies established by the International Building Code Committee. Adjustments in building permit fees will occur annually based on the February publication of valuation fees by the International Building Code Committee. The determination of Kitsap County’s valuation factor will be consistent with the methodology established by the International Building Code Committee.

Policy 4: Permit fees associated with major component systems of a structure will be charged as follows: Commercial systems will be based on the valuation of the system being installed. For example, a plumbing system would be assessed at the value of the total system versus charging by individual components. Fees for plumbing and mechanical systems are included in the building permit fee for new single family residences. All other permit types are based on valuation.

Policy 5: Applicants or individuals making appeals to the Hearing Examiner shall pay the fee as established in the current fee schedule.

Policy 6: Indirect costs associated with the permit process will be recovered. Indirect costs are defined as the following: administrative costs; personnel support costs; training and public education costs; Hearing Examiner, County Administrator, and Attorney time spent directly on a permit; technology costs; and, facilities costs. Other indirect costs may be identified in the future and may be charged in the fee structure providing they are associated with the permit process and linkage can be clearly identified.

Policy 7: Indirect costs will be calculated on a ratio of personnel supported. For example, if 80 percent of the Department’s line staff is involved with the permitting, review, and inspection processes, then 80% of the Department’s indirect costs will be charged to fees.

Policy 8: The Department of Community Development (DCD) Special Revenue Fund #00168 establishes criteria for financial liabilities and reserves financed by permit and application fees. The Department has an obligation to report the status of the DCD Fund Balance quarterly to the Board of County Commissioners. The DCD Fund Balance Report will include the following 3 components of the DCD Fund Balance:

1	2	3
Pre-Paid Permit Fee Liability	Technology Reserve / Process Improvement	Operating Reserve
<ul style="list-style-type: none"> ○ Open Land Use & Development Permits ○ Staff Consultation Credits ○ Open Building Permits 	<ul style="list-style-type: none"> ○ Technology Reserve Plan 	<ul style="list-style-type: none"> ○ Core Staffing ○ Attrition

1. **Pre-Paid Fee Liability:** DCD holds cash reserves for its pre-paid fee liability, ensuring that applicant fee revenue is set aside to fund completion of work-in progress in subsequent years. Pre-paid fee liabilities will include, but not be limited to the following:
 - a. Open Land Use and Development Permits
 - b. Staff Consultation Credits
 - c. Open Building Permits
2. **Technology Reserve / Process Improvements:** DCD holds cash reserves to fund permitting related acquisitions, ensuring that sufficient funding is in place when technology investments are required. These acquisitions will include new computers, permitting integration system hardware and software, and other miscellaneous equipment and technology. The maximum set aside for reserves will be sufficient to cover the anticipated cost of technology acquisitions as specified in the DCD Strategic Technology Reserve Plan and shall not exceed \$1,000,000. In the event that the fund balance exceeds \$1,000,000, the technology surcharge will be decreased.
3. **Operating Reserve:** DCD holds cash reserves to fund core permitting staff, attrition and other necessary obligations, ensuring that its financial obligations are met if fee revenues decline rapidly and unexpectedly. These reserves are evaluated quarterly and triggering events, as defined below, are implemented within the next quarterly cycle. The maximum set aside balance will be sufficient to cover the anticipated gap between permit fee revenues and the cost of the minimum acceptable resource level for the duration of a downturn. This reserve allows the department to better manage its cash flow from year to year, to improve the financial stability for services that are subject to economic cycles, and to minimize the volatility of fees.
 - a. Operating reserves shall be equal to a one year rolling total of operating expenses and shall not exceed this under any circumstances.
 - b. In the event the Operating Reserves exceed a one year rolling total of operating expenses, the department may adjust the Permit Fee Multiplier (in increments of .10%) to reduce fees on building permits.
 - c. In the event the Operating Reserves is less than a one year rolling total of operating expenses, the department may adjust the Permit Fee Multiplier (in increments of .10%) to increase fees on building permits

The Department shall report the status of the Fund and provide a recommendation to the Board of County Commissioner's quarterly. Based on the Commissioner's direction the Department will adjust the PFM within the next quarterly cycle.

Policy 9: Each building permit fee covers the cost of servicing the permit, including but not limited to intake, plans review, and inspections. Fees are based on two iterations of plans review (first submittal comments and review of second submittal comments) and two iterations of inspections (initial inspection and follow up inspection). When a plan review or inspection is required three or more times, the applicant will be required to pay the hourly rate for review and subsequent inspections.

Policy 10: Other county departments who utilize the DCD will pay the appropriate fees per the fee schedule with the exception of Public Works Road Fund projects.

Policy 11: Applicants may seek third party or outside review from a DCD approved contractor, providing they are willing to pay for the additional costs. Requests are subject to the approval of the Director and/or their designee and dependent on staff availability. Such reviews are limited to the scope of DCD review steps, unless authorized by other Kitsap County departments (i.e., Public Works).

Policy 12: Department personnel who are revenue funded will be “protected” from personnel reductions as long as the revenues are sufficient to cover their costs.

Policy 13: When it is determined that it is more economical to waive a fee than process it, the Director or his/her designee has the authority to make such a waiver. For example, if an applicant submits a plan amendment that would take less than one hour to review, it may be feasible to waive the plan review charge as the administrative cost might exceed the fee processing time.

Policy 14: Fees are due and payable at the time services are requested unless otherwise specified in the established fee schedule and policies. Failure to pay established fees may result in one or more of the following:

- No additional inspections, including final inspections, will be scheduled or performed until all outstanding fees are paid.
 - No Temporary or Final Certificate of Occupancy will be approved or issued for a project with any outstanding fees on any permit associated with the project. Exceptions may be authorized by the Building Official or Director only.
 - An approved or issued permit may be revoked for non-payment of fees.
 - Any outstanding fees or portions of fees shall be added to the required fee(s) of any future plan review or permit prior to application acceptance or permit issuance.
 - The collection of outstanding fees may be assigned to a collection agency, pursuant to RCW 19.16.500, or a civil action may be commenced to collect outstanding fees, associated interest, fines, penalties and reasonable fees associated with collection agency fees incurred. Interest will be charged at the rate of one percent per month. No debt may be assigned to a collection agency until at least 30 days have elapsed from the time the county attempts to notify the person responsible for the debt.
 - A lien may be placed on the property.
- In those cases where an applicant appeals the imposition of fees pursuant to Policies 5 and 13, such fees shall be paid prior to the appeal, but may be paid “under protest.”

Cost Recovery Model

Service	Cost Recovery Objectives
Code Development	0%
Comprehensive Plan Development	0%
Site Specifics (Changes to Comprehensive Plan)	100%
Land Use Review	100%
Environmental Review/SEPA	100%
Permit Acceptance and Processing	100%
Public Notification for Permit Applications	100%
Engineering Review	100%
Building Plans Review	100%
Site Inspections	100%
Pre-application Review	100%
Fire Investigations	0%
Code Enforcement (Open Permits)	100%
Code Enforcement (Other)	100%
Hearing Examiner Costs	100%
Appeals to Hearing Examiner	100%
Review by Third Party Agencies	100%
Administrative Support Costs	100%