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6 **ORDINANCE NO. 2008-85**

7
8 **An Ordinance of the Pierce County Council Establishing a Public Works
9 and Utilities – Water Utility Fee to Review Water System
10 Planning Documents; Creating a New Chapter 7.20 of the
11 Pierce County Code, “Pierce County Coordinated Water System
12 Plan Fees”; and Setting an Effective Date.**

13
14 **Whereas**, in response to recent discussions about the state of the County’s
15 revenue situation, the Public Works and Utilities Department was requested to evaluate
16 current services and explore options to augment revenues through fees for service; and

17
18 **Whereas**, one currently unfunded service is for a Water Utility Planner for
19 administration of the Pierce County Coordinated Water System Plan (CWSP), which
20 was originally adopted in 1988 through Ordinance No. 86-116s4; and

21
22 **Whereas**, this original CWSP was subsequently updated in 1995 (Ordinance No.
23 96-91s) and again in 2003 (Ordinance No. 2003-69); and

24
25 **Whereas**, the 1995 CWSP update designated the Pierce County Public Works
26 and Utilities (PWU) Department as the lead agency for administration of the CWSP;
27 including the review of water system plans (WSPs) and maintaining interlocal
28 agreements (referred to as Standard Service Agreements) that establish water service
29 areas in conformance with CWSP policies; and

30
31 **Whereas**, the PWU Department has been performing this function since the
32 adoption of the CWSP; and

33
34 **Whereas**, historically this CWSP review process was only for WSPs (i.e.,
35 expanding systems). However in 2003, the State Legislature enacted the Municipal
36 Water Supply - Efficiency Requirements Act (Municipal Water Supply--Efficiency
37 Requirements, SESSHB 1338, Chapter 5, Laws of 2003, effective 9/9/03), more
38 commonly referred to as Municipal Water Law (MWL). This new law contained a
39 number of changes that affected local review of water utility plans including the
40 requirement for local governments to review WSPs, Small Water System Management
41 Programs (SWSMPs), and Engineering Project Reports, and formally issue a signed
42 Consistency Statement; and

43
44 **Whereas**, on February 14, 2008, new Washington Administrative Code (WAC)
45 language regarding local government consistency review became effective. WAC 246-
46 290 provided local governments 60 days from submittal of a document to issue the
47 Consistency Statement with one 30 day extension allowed; and



1 **Whereas**, at this time, only Group A Water Systems are required to prepare
2 water system plans and currently there are 369 active Group A Water Systems in Pierce
3 County; and

4
5 **Whereas**, prior to Municipal Water Law, the PWU Department typically reviewed
6 about five WSPs per year; however, since 2003 the number of documents submitted to
7 PWU for review has increased dramatically due to the additional submittal of SWSMPs
8 and EPRs and actual increase in submittals because of the new Consistency Statement
9 requirement; and

10
11 **Whereas**, to date the County has not charged any fees for this service.
12 However, the CWSP itself contains a policy which indicates that payment of a fee to the
13 County for this service was intended as follows:

14
15 AD-Policy 11 (page II-6) states in part:

16 “The Pierce County Department of Public Works and Utilities will review each
17 Water System Plan for consistency and compatibility with the applicable land use plan
18 (as defined in this plan) and implementation ordinances. **The Pierce County**
19 **Department of Public Works and Utilities will, upon request by a water purveyor**
20 **and payment of appropriate fees**, review and evaluate the System Plan’s land use
21 designation map for its service area, for consistency and compatibility with the current
22 status of development and applicable plans. ...” [emphasis added]; and

23
24 **Whereas**, fees are generally collected from parties for reviews required to meet
25 regulatory demands; and

26
27 **Whereas**, the proposed fee is established on the actual amount of time to review
28 and approve a water system document and this method is the most precise way of
29 billing a water purveyor based on the actual time and level of complexity to review. The
30 water system document review fee provides for all costs of service performed by the
31 PWU Department including, but not limited to, any staff time to: review the water system
32 document; meet with water system owners or their consultants, including travel time;
33 legal services; amend the County’s Geographic Information System (GIS) to alter water
34 service area boundaries; and all other technical and administrative services provided
35 relative to the review and approval of the water system document. Other related fees
36 may be charged for: advertising, public hearing expenses, meeting room rentals, or
37 travel expenses; and

38
39 **Whereas**, the County currently applies this same fee method for the review of
40 sewer applications through a T&M software, which calculates the billing based on the
41 hourly wage of the reviewer plus overhead; and

42
43 **Whereas**, the estimated time to conduct a complete review process of a water
44 system planning document is between 20 to 25 hours, which at estimated year 2009
45 T&M billing rates would result in an estimated base fee to a water purveyor of between
46 \$1,768.20 to \$2,210.25. These fees could be lower if the document contains all
47 required information or there are no mapping discrepancies or higher if the review is



1 more complex, there are multiple resubmittals or other additional administrative
2 processing fees; and
3

4 **Whereas**, the T&M billing rate would increase each year by the Cost of Living
5 Adjustment (COLA) in wages, assumed at 3%; however, the actual COLA rate increase
6 would be based on each years COLA percentage approved by the County Council,
7 which may be lower or higher than 3%; and
8

9 **Whereas**, the proposed T&M fee method requires payment of a \$500 non-
10 refundable deposit fee at the time the document is submitted for review. Any costs
11 incurred by the County in an amount over the \$500. non-refundable fee will be charged
12 based on a T&M fee rate and progress billings will be sent out once a month; and
13

14 **Whereas**, the proposed T&M fee to review WSP documents was discussed at
15 the August 19, 2008, Pierce County Regional Water Association (RWA) meeting and
16 the September 11, 2008, Pierce County Water Utilities Coordinating Committee
17 meeting; and
18

19 **Whereas**, this fee proposal is categorically exempt from review under the State
20 Environmental Policy Act per WAC 197-11-800(14) and (19); and
21

22 **Whereas**, the Pierce County Council has determined that establishment of a fee
23 for review of water system documents submitted pursuant to the Pierce County CWSP
24 is necessary given the increase in the number of water system documents submitted to
25 the PWU Department for review, changes in State Law regarding the issuance of local
26 consistency statements, and in light of the County's revenue shortfall issues; **Now**
27 **Therefore**,

28
29 **BE IT ORDAINED by the Council of Pierce County:**
30

31 Section 1. The amendments to the Pierce County Code Title 7, "Water Supply,"
32 creating a new Chapter 7.20, "Pierce County Coordinated Water System Plan Fees,"
33 are hereby adopted as shown on Exhibit A, which is attached hereto and incorporated
34 herein by reference.
35



1 Section 2. The effective date of this Ordinance shall be January 1, 2009.

2
3 PASSED this 25th day of November, 2008.

4
5 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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9 Denise D. Johnson
10 **Denise D. Johnson**
11 Clerk of the Council

Terry Lee
12 **Terry Lee**
13 Council Chair

John W. Ladenburg
14 **John W. Ladenburg**
15 Pierce County Executive
16 Approved Vetoed _____, this
17 5 day of Dec,
18 2008.

19
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21 Date of Publication of
22 Notice of Public Hearing: October 23, 2008
23
24 Effective Date of Ordinance: January 1, 2009



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Title 7

WATER SUPPLY

CHAPTERS:

7.10 PIERCE COUNTY WATER UTILITY.

7.20 PIERCE COUNTY COORDINATED WATER SYSTEM PLAN FEES.



1 **"NEW CHAPTER"**
2
3

4 **Chapter 7.20**

5 **PIERCE COUNTY COORDINATED WATER SYSTEM PLAN FEES**
6
7

8 **Sections:**

9 **7.20.010 Purpose.**

10 **7.20.020 Applicability.**

11 **7.20.030 Water System Document Review Fee.**

12 **7.20.040 Timely and Reasonable Dispute Fee. [Reserved]**

13 **7.20.050 Other Fees.**

14 **7.20.060 Water Utility Fund.**

15 **7.20.070 Validity – Severability.**
16

17 **7.20.010 Purpose.**

18 This Chapter establishes fees for services rendered pursuant to the Pierce County
19 Coordinated Water System Plan (Chapter 19D.120 PCC), RCW 43.20.260, RCW 70.116 and
20 WAC 246-290.
21

22 **7.20.020 Applicability.**

23 A. **Water System Documents.** Any water system documents that establish or alter a water
24 service area or require Consistency Review per RCW 43.20.260 and WAC 246-290-108
25 shall require review and approval by the Pierce County Public Works and Utilities
26 Department.

27 B. **Timely and Reasonable Disputes.** [Reserved]
28

29 **7.20.030 Water System Document Review Fee.**

30 A. **Review Fee Services.** The water system document review fee shall provide for all costs
31 of service performed by the Department of Public Works and Utilities including, but not
32 limited to, any staff time to: review the water system document; meet with water system
33 owners or their consultant's, including travel time; legal services; amend the County's
34 Geographic Information System (GIS) to alter water service area boundaries; and all
35 other technical and administrative services provided relative to the review and approval
36 of the water system document.

37 B. **Fee Structure.** The County's costs incurred throughout the duration of the review and
38 approval process will be based on time, equipment and material utilized. County
39 personnel and equipment time rates will be in accordance with the latest established
40 County weighted rates inclusive of overhead costs. Material costs will be based on the
41 actual costs of materials plus 15 percent.

42 C. **Fee Submittal and Non-Refundable Fee.** Water system owners submitting a water
43 system document to the Department of Public Works and Utilities shall, at the time of
44 submittal, pay the County a non-refundable fee of \$500.00. The non-refundable fee
45 shall be credited against the final County costs as outlined in 7.20.030 B. above,
46 provided the final cost exceeds the amount of the non-refundable fee. Additional costs
47 incurred by the County for time and expenses over and above the minimum non-



1 refundable fee amount will be charged to the water system owner on a time and
2 materials basis, as outlined in 7.20.030 B. above.

- 3 D. **Progress Billing.** The County will keep an accurate accounting of costs incurred.
4 Should the total of County costs exceed the amount of the non-refundable fee, the water
5 system owner must pay the additional fees within 30 days following billing by the
6 County and prior to the County granting final approval of the water system document.

7
8 **7.20.040 Timely and Reasonable Dispute Fee. [Reserved]**

9
10 **7.20.050 Other Fees.**

11 Administrative processing costs incurred by the Department of Public Works and Utilities for
12 items related to water system document submittals shall be paid as outlined herein in full prior to
13 the County granting final approval of the water system owner's submittal. Administrative
14 processing costs shall include, but not be limited to, the following items:

- 15 A. Advertising expenses;
16 B. Public hearing expenses;
17 C. Rental of meeting rooms; and
18 D. Travel expenses.

19
20 **7.20.060 Water Utility Fund.**

21 All funds received from review fees, service charges, grant funds, or any other revenue
22 received pursuant to this Chapter shall be deposited in the Water Utility Fund.

23
24 **7.20.070 Validity – Severability.**

25 The invalidity of any Section, subsection, clause, sentence or provisions of this Chapter shall
26 not affect the validity of any part of this Chapter which can be given effect without such part or
27 parts.
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