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6 ORDINANCE NO. 2008-85

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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.**

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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
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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
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22 **Whereas**, this original CWSP was subsequently updated in 1995 (Ordinance No.
23 96-91s) and again in 2003 (Ordinance No. 2003-69); and
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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
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31 **Whereas**, the PWU Department has been performing this function since the
32 adoption of the CWSP; and
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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
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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

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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

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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:

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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

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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

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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

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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

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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

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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

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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

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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

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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,**

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

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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.
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