

NO. **18 - 0 4 6 0**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING )  
REVISED FEES IN CONJUNCTION )  
WITH ADOPTION OF AN INTERIM )  
ORDINANCE FOR STREAM FLOW )  
MITIGATION CERTIFICATES )

**RESOLUTION**

**WHEREAS**, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County, Washington (“Board”) has the care of County property and the management of County funds and business; and

**WHEREAS**, pursuant to the provisions of Article XI, Section 11, of the Washington State Constitution, RCW 36.32.120(7), RCW 82.02.020, and chapters 36.70 and 36.70A RCW, the Board of County Commissioners may make and enforce by appropriate ordinances or resolutions police and sanitary regulations which are not in conflict with state law as well as development regulations; and

**WHEREAS**, the Board adopted an Interim Ordinance known as the Stream Flow Mitigation Certificate Ordinance (Resolution 17-1067) that established eligibility and procedures to acquire Stream Flow Mitigation Certificates; and

**WHEREAS**, the Board adopted Resolution 17-1068 which established fees for Stream Flow Mitigation Certificates.

**WHEREAS**, the Board has repealed the Stream Flow Mitigation Ordinance adopted under Resolution 17-1067 and adopted a Stream Flow Mitigation Interim Ordinance (Resolution \_\_\_\_\_); and

**WHEREAS**, the Stream Flow Mitigation Interim Ordinance specifies that the County is offering Stream Flow Mitigation Certificates for two types of water use: 1. Indoor domestic water use at one single family residence and associated accessory dwelling units located on the same qualifying parcel, and 2. Noncommercial irrigation use for lawns and gardens on a qualifying parcel in blocks of 1,000 ft<sup>2</sup>, up to a maximum of 21,000 ft<sup>2</sup> of irrigation; and

**WHEREAS**, the Stream Flow Mitigation Interim Ordinance establishes that the cost of a stream flow mitigation certificate will be based on the cost to develop the Little Spokane Water Bank, acquire water rights, recording fees, and program administration fees; and

**WHEREAS**, the Environmental Services Department has determined that the cost to develop the Little Spokane Water Bank and acquire water rights is \$3,300 per acre-foot of water; and

**WHEREAS**, program administration fees include staffing costs to process the application, evaluate water use on an ongoing basis, and prepare annual reports for submission to the Washington Department of Ecology in accordance with trust water right agreements; and

**WHEREAS**, the Environmental Services Department has determined that the program administration fees are \$500 per mitigation certificate transaction; and

**WHEREAS**, the Spokane County Auditor establishes recording fees; and

**WHEREAS**, based on the trust water right agreements and a cost of \$3,300 per acre-foot of water, water for indoor domestic water use at one single family residence and associated accessory dwelling units located on the same parcel is \$350, and irrigation of 1,000 ft<sup>2</sup> of non-commercial lawn or garden is \$230; and

**WHEREAS**, the setting of fees is vested in the Board of County Commissioners pursuant to various statutory provisions; and

**WHEREAS**, it has been recommended by the Environmental Services Department and the Building and Planning Department that the Board adopt the fees for Stream Flow Mitigation Certificates; and

**WHEREAS**, the Environmental Services Department provided two mitigation certificates to purchases as authorized under authorized under Resolution 17-1067 at the previous fees established under Resolution 17-1068; and

**WHEREAS**, the Environmental Services Department recommends applying the fees established by this resolution to those purchases and offer to either add water to the current certificates or provide the appropriate refund; and

**WHEREAS**, after consideration, the Board of County Commissioners deems adoption of the fees are necessary to implementation of the adopted interim ordinances, and in the best interest of the public, as well as the public health, safety and welfare; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Spokane County that the Board hereby adopts the following fees in conjunction with the revised interim ordinances adopted for processing building permits and for stream flow mitigation certificates:

- Program administration fee ..... \$500.00
- Indoor domestic water use .....\$350.00
- 1,000 square feet of lawn/garden .....\$230.00
- Recording fees as established by the Spokane County Auditor

**BE IT FURTHER RESOLVED** by the Board of County Commissioners of Spokane County adopts each and every finding of fact, in support of the above action and additionally the Board does:

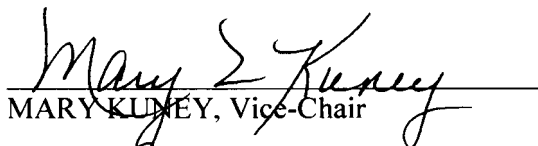
1. Direct the staff of the Spokane County Division of Building and Planning as well as Department of Environmental Services to develop or amend documents necessary to implement the above approved fees
2. Authorizes Environmental Services Department to offer the two prior mitigation certificate purchasers the option to either add water to their current certificates or provide the appropriate refund.
3. Directs that should further modification to the fees be necessary such modifications shall be brought back to the Board of County Commissioners for consideration.

**PASSED AND ADOPTED** this 26th day of June, 2018.

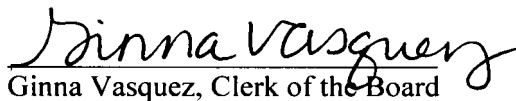


BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

  
JOSH KERNS, Chair

  
MARY KUNEJ, Vice-Chair

ATTEST:

  
Ginna Vasquez, Clerk of the Board

  
AL FRENCH, Commissioner