

ORDINANCE NO. 2017-10-02

An ordinance relating to stormwater service charges, reducing fees authorized in CCC 13.30A.050.

WHEREAS. The legislative body of Clark County is authorized by the state constitution and RCW 36.32.120 to enact ordinance necessary for the public health, safety and welfare; and

WHEREAS, the County is obligated pursuant to its National Pollution Discharge Elimination System permit to take steps necessary to prevent degradation of stormwater flowing into the streams of the state; and

WHEREAS, Clark County has previously imposed a surcharge fee scheduled to end in 2020; and

WHEREAS, Revenue generated by this discharge has exceeded predictions due to development and other causes; and

WHEREAS, County staff have projected a surplus if the fee is kept in place through the end of 2019; and

WHEREAS, County Council wishes to consider the termination of the surcharge before its scheduled end date; and

WHEREAS, this matter is being considered at a duly advertised public hearing and the Board concludes that adoption of this ordinance will further the public welfare, now, therefore,

BE IT ORDERED, RESOLVED AND DECREED by the Board of County Councilors of Clark County, State of Washington, as follows:

Section 1. Amendatory. Sec. 3 of Ord. 1999-11-09 as most recently amended by Sec. 1 of Ord. 2015-08-01 and codified as CCC 13.30A.050 are each amended to read:

13.30A.050 Rate structure and fees.

A. The service charges shall be based upon the relative contribution to increased surface and stormwater runoff from developed parcels and based upon the land use of the parcel. The service charge shall be imposed on all developed parcels within the unincorporated areas of the county with improvements having a value of ten thousand dollars (\$10,000) or more. Land uses are categorized as single-family residential lots, single-family residential large lots, multifamily residential lots, commercial, industrial and other nonresidential lots, and undeveloped lots. A base unit is used to calculate the service charge for each commercial, industrial or other nonresidential lot. The service charge for single-family residential lots of one-

half (1/2) acre or less shall be calculated as a single base unit. Larger single-family residential lots shall be charged an amount less than the full annual service charge as set forth in this section. The annual service charge rate for multifamily residential lots shall be thirty-five dollars (\$35.00) multiplied times the number of residential units located on the lot. The base unit is three thousand five hundred (3,500) square feet of impervious surface area, which is the average impervious surface area for single-family residential lots within the urban growth area of the county. The annual service charge imposed for each base unit of impervious surface area within the urban growth area is forty-seven dollars (\$47.00). The annual service charge imposed for each base unit of impervious surface outside the urban growth area is thirty-five dollars (\$35.00).

B. Land Use Category	Annual	Annual
	Service Charge Rate Inside the Urban Growth Area	Service Charge Rate Outside the Urban Growth Area
No. 1 Single-family residential detached	\$47.00/single-family residence	\$35.00/single-family residence
No. 2 Single-family residential large lots:		
More than 0.5 acre to 1 acre	\$43.70	\$31.70
More than 1 acre to 5 acres	\$40.40	\$28.40
More than 5 acres to 20 acres	\$37.10	\$25.10
More than 20 acres	\$33.80	\$21.80
No. 3 Multifamily residential lots	\$47.00 X number of residential units	\$47.00 X number of residential units
No. 4 Retail, commercial, offices, churches, hospitals, airports, public or private utility installations, public or private schools, golf courses, government structures, other public facilities, subject to RCW <u>90.03.525</u> , industrial, manufacturing and railroad right-of-way, county	\$47.00 X number of base units or portion thereof	\$35.00 X number of base units or portion thereof

road and street right-of-way

No. 5 State highway

\$14.10 X

\$10.50 X

number of base units

number of base units

or portion thereof

or portion thereof

subject to

subject to

RCW 90.03.525

RCW 90.03.525

C. For the purpose of defining total land area of properties in land use category numbers 4 and 5 above, the storm and surface water program shall use the county assessor's current records and such other records as necessary to measure the property to within one hundred (100) square feet.

D. The board of county commissioners further finds that many of the difficulties in managing of surface and stormwater problems result in part from the general lack of public knowledge about the relationship between human actions and surface and stormwater management. In order to achieve a comprehensive approach to surface and stormwater management, the county should provide general information to the public about land use and human activities that affect surface and stormwater management. Pursuant to RCW 36.89.085, the board of county commissioners further finds that public and private schools can provide significant benefits to the county regarding surface and stormwater management through educational programs, on-site facilities, and community activities related to protection and enhancement of the surface and stormwater management system. These programs, facilities and activities can provide students with an understanding of human activities and land use practices that create surface and stormwater problems by providing students firsthand exposure to the difficulties of such problems after they occur. Public and private schools providing such programs, and complying with best management practices for their facilities and activities as set forth in the county's best management practices manual, may apply to the county director of environmental services for a reduction of the applicable service charge. The reduction shall be based on the nature and extent of the programs, facilities and activities provided, the extent to which the programs, services and facilities mitigate the impacts of surface and stormwater runoff and any other matters that are relevant to managing surface and stormwater.

E. For the purpose of establishing a fund and providing revenue to pay a settlement of previous noncompliance with the NPDES Phase 1 municipal stormwater permit, a surcharge of

five dollars (\$5.00) shall apply to each base unit during the years 2015, 2016, 2017, and 2018(~~and 2019~~). This charge will be (~~removed in the year 2020~~) eliminated at the end of 2018 and will not apply to the (~~2020~~) 2019 clean water rate.

Section 2. Instructions to Clerk. The Clerk to the Board shall:

1. Transmit a copy of this ordinance to the Clark County Assessor and the Clark County Treasurer, the Director of the Department of Environmental Services and the Director of the Budget Office.
2. Record a copy of this resolution with the Clark County Auditor.

DATED this 31st day of Oct., 2017 ~~August 2015~~.

ATTEST:

Rebecca Titor
Deputy Clerk of the Board

BOARD OF COUNTY COUNCILORS
FOR CLARK COUNTY, WASHINGTON

By Marc Boldt
Marc Boldt, Chair

Approved as to form only
ANTHONY F. GOLIK
Prosecuting Attorney

By _____
Jeanne E. Stewart, Councilor

By Christopher Horne
Christopher Horne
Deputy Prosecutor

By _____
Julie Olson, Councilor

By: _____
John Blom, Councilor

By _____
Eileen Quiring, Councilor

