

**ORDINANCE NO. 2015-08-**

A resolution relating to stormwater service charges, amending Ordinance 2014-07-08 and CCC 13.30A.050.

WHEREAS, on July 8, 2014, at a duly advertised public hearing, the Clark County Board of Commissioners (“BOCC”) reevaluated the clean water rate structure and fees; and

WHEREAS, on that date, the BOCC unanimously passed Ordinance No. 2014-07-08, which codified amendments to Clark County Code (“CCC”) 13.30A.050; and

WHEREAS, Section 1.F of Ordinance No. 2014-07-08 provides that the rate changes adopted by the ordinance will sunset on August 7, 2015 unless the BOCC either reaffirms that section or receives the results of a study on alternative methods for collecting the clean water fee; and

WHEREAS, the BOCC has determined that it is in the best interests of the public health, safety and welfare to continue the clean water rate structure and fees as adopted and amended by Ordinance 2014-07-08; 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. 2014-07-08 and codified as:

**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>B. Land Use Category</b>	<b>Annual Service Charge Rate Inside the Urban Growth Area</b>	<b>Annual Service Charge Rate Outside the Urban Growth Area</b>
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 <a href="#">90.03.525</a> , industrial, manufacturing and railroad right-of-way, county road and street right-of-way	\$47.00 X number of base units or portion thereof	\$35.00 X number of base units or portion thereof

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 <a href="#">90.03.525</a>	RCW <a href="#">90.03.525</a>

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, 2018, and

2019. This charge will be removed in the year 2020 and will not apply to the 2020 clean water rate.

~~((F.—The board of county commissioners finds that it is crucial to reevaluate the current methodology of assessing the clean water fee. The department of environmental services shall prepare a study and report back to the board of county commissioners within one (1) year of the adoption of the changes to this section, with an examination of alternative methods for collecting the clean water fee. The focus of the study shall be an examination of the allocation of the fee to those whose behaviors and/or conduct generate higher pollutant impacts on the surface and ground water of Clark County. The board of county commissioners shall acknowledge receiving the study through a public resolution and/or reaffirmation of this section. If no resolution is put forward by the board of county commissioners within thirty (30) days of the scheduled receipt of the fee study, the changes to the fee schedule in this section shall sunset, and the previously adopted version of this section shall apply; provided, that the surcharge authorized by subsection (E) of this section is not subject to the sunset provisions of this clause and shall remain in effect until it expires in 2020.))~~

**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 \_\_\_\_\_ day of August 2015.

ATTEST:

BOARD OF COUNTY COUNCILORS  
FOR CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Deputy Clerk of the Board

By \_\_\_\_\_  
David Madore, Chair

Approved as to form only  
ANTHONY F. GOLIK  
Prosecuting Attorney

By \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By \_\_\_\_\_  
Christine Cook  
Sr. Deputy Prosecutor

By \_\_\_\_\_  
Tom Mielke, Councilor