ADOPTION OF ORDINANCE AMENDING THE SURFACE AND STORM WATER MANAGEMENT UTILITY CODE, DCC CHAPTER 19.40

WHEREAS, the East Wenatchee City Council and the Douglas County Board of Commissioners held a joint special meeting on Tuesday, October 8, 2013 to conduct a public hearing beginning at 6:00 PM at the East Wenatchee City Hall, Council Chambers, 271 9th Street NE, East Wenatchee, Washington to consider the following proposals relating to the Surface and Stormwater Management Utility Codes of the City and County:

WHEREAS, on September 25, 2013, Douglas County Storm Water Utility and the Douglas County Treasurer entered into an Agreement for Storm Water Utility Billing and Collection, and

WHEREAS, amendment of the Code is necessary for implementation and administration of Douglas County Code 19.40;

NOW THEREFORE, BE IT HEREBY ORDAINED by the Board of County Commissioners that Chapter 19.40 of the Douglas County Code and is hereby amended as attached in Exhibit A.

This ordinance shall be effective immediately.

SIGNED this day of October 8, 2013, in East Wenatchee, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Steven D. Jenkins, Chair

Dale Snyder, Vice Chair

Ken Stanton, Member

ATTEST:

Dayna Prewitt, Clerk of the Board
19.40.210 Rates and charges.

A. Rate Structure Policy. The utilities rate structure shall be based upon the amount of impervious surface area within each parcel, as measured and established by this chapter.

B. ESU Standards and Calculations. The service charge levied against a parcel shall be based upon the ESUs contained within such parcel as of January 1st each year. The following ESU standards and calculations shall apply within the service area:

1. A detached single-family residence shall equal one ESU.

2. A duplex shall equal one ESU.

3. A triplex or four-plex shall equal two ESUs.

4. For all other parcels, the ESUs shall be calculated by dividing the total area in square feet of impervious surfaces by two thousand seven hundred fifty square feet and rounding the quotient to the nearest whole number; provided, that no developed parcel shall contain less than one ESU.

5. Undeveloped parcels shall not contain an ESU.

6. Changes to impervious surfaces or development of a previously undeveloped parcel shall not affect the parcel's ESU standard or calculation until January 1st of the following year.

C. Service Charges, Credits and Exemptions.

1. Service Charges. A service charge of forty-five-thirty-five dollars per ESU shall be levied annually against each developed parcel within the service area. The service charge shall increase to forty dollars per ESU on January 1, 2010. The service charge shall increase to forty-five dollars per ESU on January 1, 2011.
2. Credits. Parcels having stormwater facilities that are designed, constructed and maintained to
the standards of DCC Chapter 20.34 of this code, as the same exists now or may hereafter be
amended, shall be entitled to a credit using the following formula:

a. Facilities that are a combination of public and private ownership and/or maintenance, the
owner may be eligible to receive a credit equal to twenty percent of the service charge levied
against the parcel.

b. Facilities that are entirely located on private property and maintained privately shall be
eligible for a credit equal to fifty percent of the service charge levied against the parcel.

c. Parcels having facilities designed as multiple-use facilities shall be entitled to an
additional service charge credit equal to five percent of the service charge levied against
the parcel.

D. To qualify for a service charge credit:

a. The owner must provide documentation from an engineer that all facilities are designed
and constructed in accordance with the standards of DCC Chapter 20.34, and that the
facilities are capable of accommodating all surface water and stormwater generated by the
design storm specified in DCC Chapter 20.34. The owner must submit an agreement that
all future maintenance shall be in accord with DCC Chapter 20.34;

b. The owner must sign a right of entry and inspection agreement that grants the county
the right to enter onto the parcel to inspect the facilities and verify all information submitted
by the owner’s engineer;

c. The owner’s documentation and engineer’s information shall be verified and approved
by the county; and

d. When requesting credit for multiple-use facilities, the owner must provide
documentation that the facilities have been dedicated to and accepted for public use.
E. The service charge credit shall become effective on December 31st January 1st of the following year and applicable to the following service charge billing, so long as all requirements are completed prior to October 1st.

1. Exemptions. An owner of a single-family residence parcel who qualifies for the senior citizen exemption applicable to real property taxes shall be exempt from the service charges so long as such residence is owner-occupied.

An owner of property that donates an easement or right-of-way to Douglas County for stormwater facilities shall be eligible for an exemption from the service charge for development existing at the time the donation occurs. The exemption shall not apply to development that occurs following the donation. (Ord. TLS 09-12-54C Exh. A (part): Res. TLS 02-25B Exh. A (part))


A. Billing Date. Service charges shall be billed by March 1st July 15th of each year.

B. Due Date. Service charges shall be due and payable to Douglas County on or before April 30th August 31st of the year levied and are delinquent thereafter.

C. Refund, Credit and Adjustment Requests. The management team may authorize a refund, credit, or other adjustment of a service charge determined to be the result of an error, miscalculation, or mistake upon receipt of a request from the owner. The owner’s request shall be in writing and clearly state the nature and basis of the request. The management team shall investigate the request and determine if a service charge refund, credit or other adjustment is due. The determination shall be in writing and clearly state the basis for authorizing or denying the request. The determination shall be issued and mailed to the owner within sixty days after receipt of the request. A request for a refund, credit or adjustment must be received within one year after the date the service charge was billed. The amount of any authorized refund, credit or adjustment shall not include or accrue any interest.

D. Interest on Delinquency. Service charges not paid by April 30th August 31st of the year billed shall be delinquent. Delinquent service charges shall bear interest at the rate of eight percent per annum from the date due until paid.
E. Liens. Pursuant to RCW 36.89.090, the county shall have a lien for delinquent service charges and interest against the parcel that is the subject of the service charge billed. The lien shall be superior to all other liens and encumbrances, except general taxes and local and special assessments of the county. The lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. The county TLS administrator shall periodically certify delinquencies to the county auditor that exceed one year. (Ord. TLS 09-12-54C Exh. A (part); Res. TLS 02-26B Exh. A (part))