



San Juan County, Washington

For County Council Meeting November 4, 2008

Stormwater Ordinance Brief

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- **The Legislative Findings Section**, particularly the Growth Management Act Requirements section, containing items 8, 9 & 10 make it clear that this is being done, in part, to get the county into compliance with the Washington Growth Management Act. This will position San Juan County to meet the GMA requirement to provide adequate storm water management infrastructure to keep pace with growth. The most urgent GMA compliance issue is the Western Washington Growth Management Hearings Board's order of June 2006 concerning non-compliance in Eastsound.
- **The Authorities Section** - Item 22 establishes that the Council is the legislative authority which the Growth Management Act makes responsible for compliance. The Prosecutor has indicated that this – in combination with items 8, 9 & 10 (above) – means that the Council's action in this case should not be subject to a citizens' referendum.
- **New 2** – Establishes a seven person Citizen's Stormwater Committee which will review capital needs, projects and priorities and report to the Council annually. The committee's report would be considered by the Council as it adopts each year's updated six year capital plan, and the cost of those projects would ultimately be reflected in the Stormwater Utility fees the Council sets annually.
- **New Sections 3, 4, and 5** outline the structure of the fee itself
 - A county-wide "Basic Service Charge" to fund monitoring and maintenance studies and administration.
 - A "District-Wide Service Charge" to reflect a portion of the costs of the projects within that district calculated on a rolling 5 year average of the planned capital projects to be built in that district.
 - The Districts are defined in the fee table in Section 5 – each island that will have capital storm water projects during the next five years is an individual district. Islands with no planned projects are included together in a separate district.

- The ordinance did does not specify how the capital costs are to be divided. This has been the area of widest debate among the public and among the council. October 20, 2008, during the Council's first full discussion on the issue, the Council decided by a 4-2 vote to go along with a proposal from the Stormwater subcommittee to divide the cost of capital projects equally between taxable parcels of land county-wide and parcels located on the island where the projects are actually to be built.

Then in a subcommittee discussion last week, there was a general agreement that, in deference to external economic realities, the capital fee for the coming year should be kept minimal and perhaps evenly divided among all parcels county-wide. One figure mentioned was \$5, which would raise \$80,000 county-wide.

Under this proposal, the Basic Service fee of \$22.97 would still be charged so that planning and other essential services could get underway.

The purpose of retaining a relatively token capital fee, was to keep the basic fee structure outlined in the ordinance intact, so that it can be adjusted without having to go back in to amend the fee ordinance next year. (This proposal has not been discussed by the full Council.)

- Public Works has indicated that it can complete at least the work scheduled on the Eastsound projects with grant funds and residual Utility funds collected before the 2007 fee was rescinded.

Note: If changes are to be made to the first year's charges both the first year's fee table in Section 5 and Section 4 Subsection B would need to be updated before the ordinance is adopted.

- **Section 6** simply provides for Stormwater fee bills to go out with the property tax statements and be handled in same manner as similar fees the county already collects for a variety of entities.
- **Section 7** covers appeals. The County Auditor will now be the person who decides whether an appeal is valid.
- **Section 8** states that the funds collected must be deposited in a "Storm Water Fund" and must be spent for the stated purposes.
- **Finally Section 11** states that the capital stormwater fees will expire in 6 years unless the Council renews or readopts them. However, if the Utility has issued bonds or taken on debt, the service charge portion of the fee would continue until the bonds are paid in full.

Urgency:

The San Juan County Treasurer has indicated that a fee structure needs to be established in November to allow time to do the necessary computer programming and other tasks required to insure that the fee can appear on the 2009 tax bills.