

ORDINANCE NO. 14 2005

ADDING A NEW SECTION TO THE SAN JUAN COUNTY CODE
REGARDING FORMATION OF A COUNTY STORM WATER UTILITY

WHEREAS, storm water drainage and management in Washington State is the responsibility of local government, and storm water drainage, management, and funding in San Juan County can be regulated through a storm water utility pursuant to RCW 36.89 *et seq.*; and

WHEREAS, the County Engineer and Public Works Director have reported to the Board of County Commissioners with regard to the need for better storm water and drainage management throughout the County; and

WHEREAS, the Board of San Juan County Commissioners authorized and directed County staff to investigate and recommend actions needed to create a San Juan County storm water and drainage utility, and said investigation was made and presented to the Board of County Commissioners; and

WHEREAS, after review of the information presented to the Board of County Commissioners, the Board finds that storm water and drainage facilities in San Juan County should be planned, managed, regulated, and controlled under the unified management of a San Juan County storm water utility to reduce or control erosion, pollution and danger to the health, life, and property of all citizens of San Juan County; and

WHEREAS, San Juan County has the need to address storm water and drainage issues, particularly for its non-municipal urban growth areas, and such issues can be better addressed and resolved through a storm water and drainage utility; and

WHEREAS, the Storm Water Utility Fund created by this ordinance will operate as an enterprise fund, pursuant to the mandates of State law; and

WHEREAS, it is the intent of the Board of County Commissioners to create a storm water utility with all lawful powers to plan, manage, construct, maintain, use and, where necessary, alter the storm water and drainage control facilities within San Juan County, and with all lawful power to cooperate and enter into agreements with other governmental entities; and

WHEREAS, it is a goal to eliminate non-point source pollution runoff from impervious surfaces and point source pollution where it occurs, and prevent flow of polluted waters into the waters of the County and the Puget Sound through progressive reduction until they are reduced to the fullest extent possible or eliminated; and

WHEREAS, it is the intent of the Board to create a utility whose mission includes priority for storm water and drainage management and control that, to the extent possible, uses low impact development solutions to enhance water quality, aquifer recharge, and minimizes adverse impact on the marine environment; and

WHEREAS, it is a goal to do watershed based, and drainage basin and sub-basin storm water and drainage planning, and to have adequate source control.

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NOW, THEREFORE, BE IT RESOLVED AND ORDAINED THAT a new section shall be added to the San Juan County Code to read as follows:

ADDING A NEW SECTION TO THE SAN JUAN COUNTY CODE
REGARDING FORMATION OF A COUNTY STORM WATER UTILITY

NEW SECTION. Section 1. A new section shall be added to the San Juan County Code to read as follows:

ESTABLISHMENT OF STORM WATER UTILITY.

Pursuant to RCW 36.89 et seq., a utility to be known as the San Juan County Storm Water Utility is established under the direction of the Board of County Commissioners, to be administered and operated by the Department of Public Works. The utility is authorized to exercise all lawful powers necessary and appropriate to planning, designing, establishing, acquiring, developing, financing, constructing, operating, managing, improving, maintaining, controlling and requesting stormwater facilities including, without limitation, all lawful powers to fix, alter, regulate and control the rates and charges and conditions for the use thereof and full power to enter into agreements with other governmental entities for such purposes.

NEW SECTION. Section 2. A new section shall be added to the San Juan County Code to read as follows:

PURPOSE.

The San Juan County Storm Water Utility is established to minimize property damage, promote and protect the public health, safety and welfare, minimize water quality degradation by preventing siltation, flooding, contamination and erosion of the County's waterways and drainages, protect aquifers, insure the safety of County roads and rights-of-way, increase educational and recreational opportunities, restore fisheries, encourage the retention of open space, and foster other beneficial public uses including the use of low impact development strategies and technologies to the extent practicable.

NEW SECTION. Section 3. A new section shall be added to the San Juan County Code to read as follows:

STORM WATER UTILITY FUND.

A fund is hereby created, to be known as the Storm Water Utility Fund. All taxes, fees, charges, or other revenues from any source, if any, imposed herein or hereafter under the authority of this section, shall be placed in the Storm Water Utility Fund for the purpose of paying all or any part of the cost of all proper expenses of the San Juan County Storm Water Utility.

NEW SECTION. Section 4. A new section shall be added to the San Juan County Code to read as follows:

DEFINITIONS.

For the purposes of this ordinance, the words or phrases below shall have the following meanings:

- 1) STORM WATER FACILITIES. Shall mean any facility, improvement, development, property or interest thereon, made, constructed or acquired for the purpose of controlling, or protecting life or property from any runoff, storm, waste, flood or surplus waters wherever located within the County, and shall include but not be limited to the improvements and authority described in chapters RCW 86.12 *et seq.* and 86.15 *et seq.*
- 2) LOW IMPACT DEVELOPMENT. Low impact development ("LID") is a decentralized storm water management strategy that uses natural processes, such as the interception and uptake by storm water vegetation, infiltration devices, and detention to simulate pre-development water balance and hydrology.

SECTION 5. SEVERABILITY.

If any provision of this ordinance or its application to any person is held invalid, the remainder of the ordinance or the application to other persons or circumstances will not be affected.

SECTION 6. CODIFICATION.


This ordinance shall be codified in the San Juan County Code in a chapter to be determined by the Code Reviser.

ADOPTED THIS 8th day of November, 2005.


BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY, WASHINGTON



Kevin M. M. Ranker, Chair

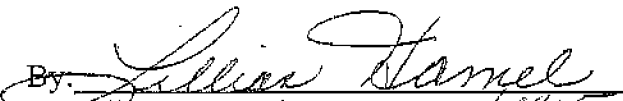


Alan Lichter, Member



Bob Myhr, Member

ATTEST: SI A. STEPHENS, AUDITOR
AND EX-OFFICIO CLERK OF THE BOARD

By: 
Lillian Hamel, Clerk 11/8/05

APPROVED AS TO FORM ONLY:

Randall K. Gaylord
San Juan County Prosecuting Attorney

By: 