BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO. 5-2014

IN THE MATTER OF UPDATING CHAPTER 12.09.110 OF THE YAKIMA COUNTY CODE (YCC) TITLE 12.09, STORMWATER MANAGEMENT UTILITY, AND DISSOLUTION OF DRAINAGE IMPROVEMENT DISTRICTS 33, 34, 43, 44 AND 46 UNDER RCW 85.38.225 – ALTERNATIVE DISSOLUTION PROCEDURE, DRAINAGE AND DRAINAGE IMPROVEMENT DISTRICTS

WHEREAS, the ordinance requires the stormwater utility boundary shall be updated "as changes to urban growth areas or census areas are made, or as lands are annexed into cities. The utility service area shall be adjusted annually to reflect said actions." Drainage Improvement Districts 33, 34, 43, 44 and 46 are inactive districts but the facilities still function as drainage system. Incorporating the districts into the stormwater utility boundary eliminates double drainage charges and provides comprehensive approach to addressing water quantity and water quality. The map and specific parcel numbers affected in Exhibits 1 and 2 of the current Code are hereby amended based on the 2010 census and incorporation of the rural drainage improvement districts into the stormwater utility boundary, and are hereby incorporated into this chapter.

WHEREAS, Revised Code of Washington (RCW) 85.38.225 allows alternative dissolution procedure of drainage and drainage improvement district (District). If the District is absorbed in the drainage and surface water utility management utility, RCW 85.38.225 states that the following shall apply:

(1) The county storm drainage and surface water management utility shall assume responsibility for payment or settlement of outstanding debts of the dissolved drainage district or drainage improvement district, and shall notify the county treasurer at such time of the assumption of responsibility.

(2) All assets, including money, funds, improvements, or property, real or personal, shall become assets of the county storm drainage and surface water management utility in which the dissolved drainage district or drainage improvement district was located.

(3) Notwithstanding RCW 85.38.220, the county storm drainage and surface water management utility may determine how to best manage, operate, maintain, improve, exchange, sell, or otherwise dispose of all property, real and personal, of the dissolved drainage district or drainage improvement district, and may determine to modify, cease the operation of, and/or remove any or all facilities or improvements to real property of the dissolved drainage district or drainage improvement district.

WHEREAS, the time and date of the public hearing were published on the 9th and 23rd of October, 2014 issues of the Yakima Herald-Republic newspaper; and,

WHEREAS, testimony from members of the public has been presented to the Board before or at the October 28, 2014 public hearing, and are incorporated herewith; now, therefore,

IT IS HEREBY ORDAINED by the Board of County Commissioners of Yakima County Washington, that Chapter 12.09.110 of Yakima County Code Title 12.09 is amended as follows:
Title 12 – Water and Sewage
(Chapter 12.09 Stormwater Management Utility)
Section 12.09.110
Delineation of Stormwater Utility Boundary

12.09.110 Delineation of Stormwater Utility Boundary.

The County Commissioners find that there is a large variation in the density of development and the proportion of the land covered by impervious surfaces within the County. The County Commissioners further find that there is also a variation in the number of stormwater regulations and stormwater management benefits that apply between different land uses of the County, thus affecting the intensity of the required stormwater management programs. The County Commissioners find that utility services are currently necessary within specific, defined areas of the County but not within other, generally less developed, areas of the County. Therefore, County parcels shall be divided into two (2) categories:

(1) those that fall within a defined service area and subject to the charges set forth in this chapter; and
(2) those that fall outside the defined service area and shall not be subject to the charges set forth in this chapter.

The boundary of the utility service area shall include parcels within the following area: (a) the boundary of the Yakima Urbanized Area as defined by the federal Census Bureau; and (b) the unincorporated areas within the urban growth boundaries of the cities of Yakima, Union Gap, Selah, and Sunnyside.

The current boundary of the utility service area shown in Exhibit 1 is hereby incorporated into this chapter. A list of all parcels currently included in the utility service area is attached as Exhibit 2 and is hereby incorporated into this chapter. Exhibit 1 is the updated boundary of the utility service area. Exhibit 2 includes a list of parcels in the updated utility service area. The revised utility service area incorporates Drainage Improvement Districts 33, 34, 43, 44 and 46, and are absorbed in the utility service area. The attached Exhibits 1 and 2 are incorporated in this chapter. Stormwater charges shall apply to parcels created by future land division or merger of parcels listed in Exhibit 2.

The boundaries of, and parcels included in, the service area shall change as changes to urban growth areas or census areas are made, or as lands are annexed into cities. The utility service area shall be adjusted annually to reflect said actions.

The utility service area may otherwise shall be reviewed and amended annually as determined by the Board of County Commissioners by the Public Services Director.

(Ord. 11-2007 § 1, 2007).

Exhibit 1 – Map of 2015 Yakima County Stormwater Management Utility Service Area (Reviewed and updated annually)
### Exhibit 2 – Table of 2015 Parcels Included Within the Yakima County Utility Service Area (Reviewed and updated annually)

IT IS ALSO HEREBY ORDAINED by the Board of County Commissioners of Yakima County Washington, that Drainage Improvement Districts 33, 34, 43, 44 and 46 are dissolved under RCW 85.38.225 and are incorporated in the stormwater utility.

Effective Date. This ordinance shall become effective the first day of January 2015.

ADOPTED and PASSED by the Board of County Commissioners of Yakima County, Washington the 4th day of November, 2014

[Signature]
Kevin J. Bouchey, Chairman

[Signature]
J. Rand Elliott, Commissioner

Attest: Mandy Burkett
Deputy Clerk of the Board

Michael D. Leta, Commissioner
Constituting the Board of County Commissioners for Yakima County, Washington