



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 14, 2015

DATE: March 20, 2015

TO: Board of County Commissioners

FROM: Ben Hutchins, CPA, Division Director, Finance and Administration
Community Services Department, 954-4646, bhutchins@washoecounty.us

Dwayne Smith, P.E., Division Director, Engineering & Capital Projects,
Community Services Department, 328-2043, desmith@washoecounty.us

THROUGH: Dave Solaro, Arch., P.E., Director
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SUBJECT: Public hearing for the second reading and possible adoption of an Ordinance revising the Washoe County requirements for stormwater drainage and flood control service within Washoe County by modifying the service area as well as the amount and basis for calculating stormwater management fees; and other matters properly relating thereto. (Bill No. 1733) This ordinance repeals Ordinance No. 1537. (Commission Districts 4 & 5.)

SUMMARY

The Board of County Commissioners (Board), at its February 25, 2014 meeting, directed staff to modify stormwater management fees related to the North Spanish Springs Floodplain Detention Facility (NSSFDF) to fund the deficit in revenue required to pay operating expenses and debt service and to modify the related ordinance accordingly.

Staff gave presentations at the November 12, 2014 Citizen Advisory Board meeting and subsequently mailed educational information to all customers who would be affected by the modification of user rates and the modified service area. Additionally, invitations were separately mailed to all affected customers encouraging attendance at an informational public meeting that was held on February 19, 2015 (see Attachment A). Staff also mailed educational materials to all affected non-residential customers (commercial, industrial, governmental, nonprofit) and solicited comments pursuant to NRS 237 to assess if higher user rates would impose a direct and significant economic burden on their business or if such an increase would directly restrict the formation, operation or expansion of their business.

Staff has prepared revisions to the existing Stormwater Drainage and Flood Control Service Ordinance (no. 1537) (see Attachment B) by modifying the service area as well as the amount and basis for calculating stormwater management fees and is seeking approval and adoption of said revisions by the Board.

County Goal supported by this item: Sustainability of our financial, social and natural resources.

AGENDA ITEM # 21

PREVIOUS ACTION

On March 24, 2014, the Board held the introduction and first reading of an Ordinance revising the Washoe County requirements for stormwater drainage and flood control service within Washoe County by modifying the service area as well as the amount and basis for calculating stormwater management fees; and other matters properly relating thereto and set the Public Hearing for second reading and possible adoption for April 14, 2015.

On July 8, 2015, the Board held a public hearing and adopted ordinance 1537, revising the Washoe County requirements for stormwater drainage and flood control service within Washoe County by providing options for when an applicant may choose to pay required stormwater facility connection privilege fees.

On February 25, 2014, the Board evaluated an option to develop a stormwater utility for all unincorporated areas of the County to eliminate user rates currently being charged for the NSSFDF. The Board decided not to develop a stormwater utility and directed staff to adjust stormwater management fees in North Spanish Springs to fund the deficit in revenue required to pay operating expenses and debt service associated with the NSSFDF.

On January 11, 2011, the Board approved an early and final payment of \$2.7 million from the City of Sparks for its share of costs for the construction of Stormwater Drainage Facilities within unincorporated Spanish Springs.

On June 27, 2006, the Board adopted Ordinance No. 1305, by amending Ordinance No. 1197, to increase fees in the Spanish Springs Stormwater Drainage and Flood Control Service Area.

On June 15, 2006, the Debt Management Commission approved the County's proposal.

On June 13, 2006, the Board executed a Resolution of Intent to issue bonds in the amount of \$4.6 million to fund the construction of the NSSFDF and directed the Clerk to notify the Washoe County Debt Management Commission of the County's proposal to borrow money and issue the aforementioned bonds.

On October 18, 2005, the Board adopted an ordinance authorizing the issuance of bonds in the amount of \$6.5 million to fund the construction of the NSSFDF.

On March 22, 2005, the Board approved an Interlocal Agreement with the City of Sparks to share in the cost of the construction of Stormwater Drainage Facilities within unincorporated Spanish Springs.

On May 13, 2003, the Board adopted Ordinance No. 1197, establishing a stormwater drainage and flood control service area and fees in unincorporated Spanish Springs for the design, construction, and operation and maintenance of the NSSFDF.

On November 15, 2002, The Spanish Springs Citizen Advisory Board recommended the adoption of an ordinance creating the Spanish Springs Stormwater Drainage and Flood Control Service Area in Spanish Springs.

BACKGROUND

Following a Spanish Springs flood event in 1986 construction of flood control facilities in unincorporated Spanish Springs became a citizen led initiative. Following several years of

planning flood facilities were approved by the Spanish Springs Citizen Advisory Board, and subsequently the Board of County Commissioners approved the Spanish Springs Stormwater Drainage and Flood Control Service Area in May 2003. The project construction was completed in 2008. The facility was designed to mitigate the effects of a high intensity 100 year storm in Spanish Springs, with a 24 hour duration. The flood facility captures, retains, and meters flood flows in Spanish Springs that eventually lead through the City of Sparks' stormwater drainage system and terminating in the Truckee River.

The total cost of the flood facility in Spanish Springs was \$13.9 million of which \$11.1 million was funded by two bond issuances. User rates and fees are charged to residential/business owners within the Spanish Springs Stormwater Drainage and Flood Control Service Area to finance debt service payments and maintenance activities associated with the flood facilities; however, because of a slowdown in development over an extended period of time, user rates and facility connection fees are insufficient to pay debt service and maintenance costs.

On January 11, 2011, the Board approved a payment from the City of Sparks for \$2.7 million to fulfill their share of an Interlocal Agreement for the construction of the NSSFDF. This payment provided sufficient cash flow to temporarily service the debt and provide bond-related restricted cash reserves required under bond covenants, it additionally eliminated the need for rate increases during the height of the economic downturn; however, the cash has since been depleted.

SUMMARY OF FEES AND PAST FINANCIAL ASSUMPTIONS

The monthly residential bill for the facility was \$5.24 in May 2003; once project costs were known the monthly charge increased to \$7.34 in June 2006 with the assumption that \$279,625 in facility connection fees would be received annually from new development to supplement customer rate revenues to pay the annual debt service payment of \$792,360. There has not been a rate increase since June 2006 (just under nine years).

Annual revenue from customer rates between fiscal years 2007 - 2014 range from \$474,412 to \$504,744. Only \$5,612 in facility connection fees were received (in total) during five of the past eight fiscal years with a total deficit of projected facility connection fee revenue of \$1.62 million since the June 2006 assumption was made. Based on this trend, facility connection fees cannot be relied upon to fund debt service payments and maintenance services for the NSSFDF.

BOARD DIRECTION

On February 25, 2014, staff provided options to the Board and requested direction to address insufficient revenue from the stormwater management fund for NSSFDF obligations.

Option No. 1: Evaluate options to increase user rates and facility connection fees

Option No. 2: Eliminate user fees imposed in North Spanish Springs:

- use general funds currently used in the County's Roads/Storm fund to pay NSSFDF debt service;
- develop an Unincorporated Truckee Meadows Stormwater Utility to:

- fund general stormwater drainage services through user rates (consistent with the Cities of Reno and Sparks) rather than general fund and gas tax revenues;
- further enhance the overall funding level for road/storm services due to a 36% decrease in financial resources between fiscal year 2008 and 2014; and
- replace the general funds used for the NSSFDF.

The Board directed staff to implement Option No. 1.

BASIS FOR IMPOSING FEES

While evaluating the stormwater management fees, an evaluation was also performed on the NSSFDF service territory and basis for charging fees.

It was determined that the hydrographic basin would be an appropriate boundary for the NSSFDF service area. The basin boundary well defines the customer base served by the NSSFDF. The hydrographic basin includes the unincorporated areas of Spanish Springs in addition to portions of the City of Sparks within Spanish Springs and is an appropriate service area since the City of Sparks benefits from and has funded 16.9% of, the NSSFDF, and all parcels within the unincorporated and incorporated areas of the hydrographic basin contribute to or benefits from the NSSFDF.

The current ordinance outlines a methodology to charge stormwater management fees for multi-family and non-residential parcels based on acreage; however, the use of an impervious surface method is the industry best practice and a proven and legally defensible method for imposing fees. The impervious surface method utilizes an average calculation of the built residential properties to determine how much impervious land coverage the average residential property creates. This is referred to as an Equivalent Residential Unit (ERU). Multi-family and non-residential parcels are then charged the ERU rate multiplied by the impervious surface of the commercial development. Each commercial property in Spanish Springs was reviewed for impervious surface area.

As outlined during the February 25, 2014, Board meeting, user rates need to be the primary source of revenue to fund debt service and facility maintenance due to the fact that facility connection fees are unstable and unreliable. It was originally estimated that monthly user rates would need to be increased from \$7.34 to approximately \$13.00 per ERU; however, due primarily to the modified service area, monthly user rates, if implemented by the May 2015 billing cycle, will be \$9.31 per ERU.

PUBLIC FEEDBACK

The February 19, 2015, public meeting was held at the Spanish Springs Library and was well attended by approximately 50 people. Staff gave presentations on the history and purpose of the NSSFDF and the related financial background and status. During the meeting three primary suggestions were provided by the public: increase developer facility connection fees (to reduce user rates); reduce user rates once the bonds are fully paid; and provide some form of rate reduction for areas that have their own localized storm detention facilities.

Evaluation of Developer Facility Connection Fees

Subsequent to the February 25, 2014, Board meeting staff worked with FCS Group to evaluate developer facility connection fees. The outcome of this evaluation indicated that an increase in these fees is not warranted.

Reduce User Rates Once Bonds are Fully Paid

Staff indicated that once the bonds were fully paid, an adjustment of user rates would follow. Language to this affect has been added to the Ordinance in Article 1.4.

Rate Reduction for On-site Storm Facilities

The service area was based upon a boundary that considers developed parcels that either contribute to or benefits from the NSSFDF (or both). The NSSFDF is a large regional facility that serves all customers within the service area boundary. Individual storm facilities provide some protection to various neighborhoods and businesses within the service area on a limited scale during typical storm events and may provide some reduction of the magnitude of the peak runoff which contributes to the overall Spanish Springs stormwater drainage and flood control system during a 100-year event. Although some parcels do not directly contribute to the stormwater runoff, they do receive the same service as many of the other customers within the NSSFDF area. These services include, but are not limited to, access of emergency vehicles, open local roads and access to Pyramid highway, the ability to continue commerce in Spanish Springs, protection from localized flooding, etc. These services vary depending on where people live and work; however, some or most of them are present in some form for all customers in the service area.

FINANCIAL EFFECTS OF USER RATE INCREASE

	AUDITED	AUDITED	PROJECTIONS					
	ACTUAL	ACTUAL	FY15	FY16	FY17	FY18	FY19	FY20
OPERATING REVENUES	504,744	496,568	566,138	839,123	839,123	839,123	839,123	839,123
INVESTMENT INCOME	1,080	12,060	9,295	10,000	10,750	11,500	12,250	13,000
FAC CONNECTION FEE REV.*	0	214,504	57,945	0	0	0	0	0
SUBTOTAL PLEDGED REV.	505,824	723,132	633,378	849,123	849,873	850,623	851,373	852,123
OPERATING EXPENSES	39,362	74,849	67,840	54,425	56,059	57,741	59,474	61,258
NET PLEDGED REVENUES	466,462	648,283	565,538	794,698	793,814	792,882	791,899	790,865
DEBT SERVICE	792,361	792,358	792,359	792,359	792,360	792,358	792,360	792,360
DEBT COVERAGE RATIO	0.59	0.82	0.71	1.00	1.00	1.00	1.00	1.00
CAPITAL IMP PROJECTS	0	0	0	0	0	0	0	0
TOTAL CASH @ JULY 1**	775,234	638,805	411,984	414,323	415,777	416,301	415,840	414,345

* Includes a actual facility connection fee revenue through February 2015

** User rate & facility connection fee cash; FY13 and FY14 on accrual basis, FY15 - FY20 on cash basis.

The above financial projections include revenues from billing all customers within the hydrographic basin in Spanish Springs, excluding those billed by the City of Sparks.

The following assumptions were used in the County financial model:

- Increase in monthly Equivalent Residential Unit rate from \$7.34 to \$9.31
- Increase in rates effective with May 2015 billing cycle
- Meet bond covenant debt coverage ratio requirement of 1.0 in FY16
- No capital or expensed infrastructure repair and replacement projects
- No accumulation of reserves to fund depreciation or capital projects
- Approximate annual general maintenance budget of \$25,000
- Minimum cash reserve sufficient for at least one bi-annual debt payment
- Operating expenses exclude depreciation
- Phase-in of investment rate of return; gradual increase of 1.3% to 2.1%
- 3% annual increase in operating expenses
- No future growth

FISCAL IMPACT

The proposed ordinance, if adopted, would increase user-rate revenues by approximately \$340,000 annually and would bring the debt coverage ratio associated with the NSSFDF into compliance with bond covenants, on a per-utility basis, and insure debt service payments would be made as required.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold the public hearing for the second reading and possible adoption of an Ordinance revising the Washoe County requirements for stormwater drainage and flood control service within Washoe County by modifying the service area as well as the amount and basis for calculating stormwater management fees; and other matters properly relating thereto. (Bill No. 1733) This ordinance repeals Ordinance No. 1537.

POSSIBLE MOTION

Should the Board agree with staff's recommendations, a possible motion could be:
"Move to hold the public hearing for the second reading and possible adoption of an Ordinance revising the Washoe County requirements for stormwater drainage and flood control service within Washoe County by modifying the service area as well as the amount and basis for calculating stormwater management fees; and other matters properly relating thereto. (Bill No. 1733) This ordinance repeals Ordinance No. 1537."



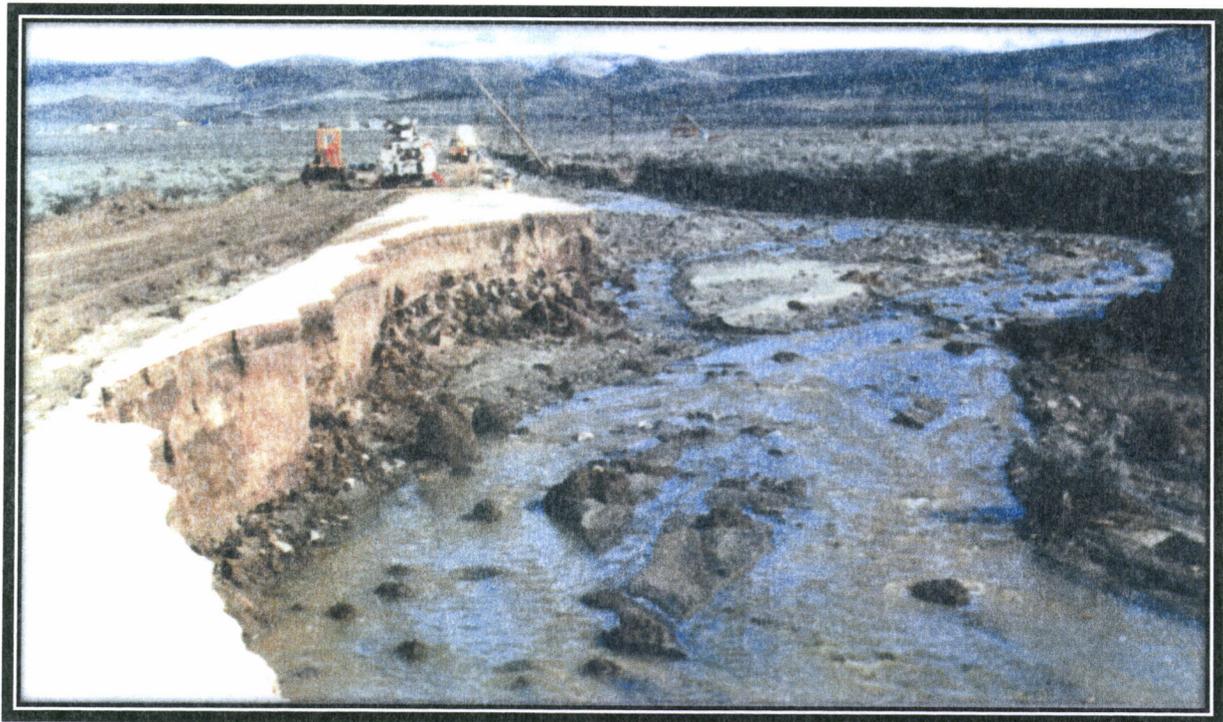
Washoe County

COMMUNITY SERVICES DEPARTMENT

NORTH SPANISH SPRINGS FLOODPLAIN DETENTION FACILITY

- The NSSFDF was contemplated as a result of the 1986 flood that severely damaged various sections of the Calle De La Plata Roadway and Pyramid Highway.
- In 2003, the Spanish Springs Citizen Advisory Board approved and recommended to the Board of County Commissioners (BCC) a service area and fee schedule to fund the construction and operation of the NSSFDF.
- The \$13.9 million project was completed in 2008 and was funded by accumulated cash of \$2.8 million and bonds of \$11.1 million to be paid over 20 years (2006 – 2026).
- The facility consists of a sediment detention basin (20 acres), a floodwater detention basin (96 acres) and associated stormwater conveyance channels (2 miles) and is designed to accommodate a 100 year/24-hour storm event.
- The facility captures and collects stormwater runoff generated in the Spanish Springs Valley, primarily from the Griffith Canyon area, and meters stormwater flows through the northern part of Spanish Springs to the City of Sparks and ultimately to the Truckee River.
- The monthly residential bill for the facility was \$5.24 in May 2003; once project costs were known the monthly charge increased to \$7.34 in June 2006 with the assumption that \$279,625 in facility connection fees would be received annually from new development to supplement customer rate revenues to pay the annual debt service payment of \$792,360. Annual revenue from customer rates between fiscal years 2007 - 2014 range from \$474,412 to \$504,744. Only \$5,612 in facility connection fees were received (in total) during five of the past eight years with a total deficit of projected facility connection fee revenue of \$1.62 million over the past eight years.
- The City of Sparks funded 16.9% of the NSSFDF. Funds received for this purpose allowed for continued debt payments while waiting for the return of new growth to be able to forego the need to increase customer rates.
- Due to insufficient remaining cash in the NSSFDF enterprise fund caused by a halt to new development, and uncertainty in future development, the BCC, in February 2014, directed staff to evaluate and implement customer rate increases to insure the County's ability to accommodate future debt payments.
- During the evaluation, the service territory was also expanded to include all land located within the valley's hydrographic basin which contributes to and/or benefits from the NSSFDF.
- Currently, the expected adjustment to monthly residential rates, anticipated to occur in April 2015, is an increase from \$7.34 to between \$9.31 - \$9.54 depending on if the rate increase occurs immediately or is phased in over a two-year period. Commercial and governmental rates will be calculated based on the amount of impervious surface associated with their facility.
- For more information or if you have additional questions, call Dwayne Smith (328-2043) about facility-related inquiries or Ben Hutchins (954-4646) about financial-related inquiries.

DAMAGE FROM 1986 FLOOD ON CALLE DE LA PLATA



REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKE OUT RED TEXT: DELETE LANGUAGE~~

RED TEXT: NEW LANGUAGE

SUMMARY: Amends sections of Washoe County’s Stormwater Drainage and Flood Control Service Ordinance No. 1537 by modifying the service area as well as the amount and basis for calculating Stormwater Management Fees.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS FOR STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE WITHIN WASHOE COUNTY BY MODIFYING THE SERVICE AREA AS WELL AS THE AMOUNT AND BASIS FOR CALCULATING STORMWATER MANAGEMENT FEES; AND OTHER MATTERS PROPERLY RELATING THERETO. THIS ORDINANCE REPEALS ORDINANCE NO. 1537.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

**WASHOE COUNTY STORMWATER DRAINAGE
AND FLOOD CONTROL SERVICE ORDINANCE**

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THE BOARD OF WASHOE COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

ARTICLE 1. GENERAL PROVISIONS

- 1.1 Short Title. This Ordinance shall be known and may be cited as the Washoe County Stormwater Management Ordinance.
- 1.2 Enabling Statutes. This Ordinance is adopted pursuant to NRS 244.157, NRS 318.116 and NRS 318.135.
- 1.3 Enterprise. The County will furnish, or cause to be furnished, systems used for the provision of stormwater drainage ~~and~~ flood control, including all parts of the enterprise, all appurtenances thereto, and land, easements, right in land, contract rights and franchises.
- 1.4 Stormwater Management Fees. The ~~basis for calculating stormwater management fees is the average square feet of Impervious Surface per Equivalent Residential Unit that either contributes to or benefits from stormwater drainage or flood control facilities. User rates fees imposed by this ordinance shall be set at a level to fully fund operating costs and debt service payments and may be used~~ ~~are necessary~~ to pay for (1) the operation, administration, maintenance, ~~repair,~~ improvement, environmental restoration, and replacement of existing and future stormwater drainage ~~or flood control~~ systems; (2) improving the quality of stormwater runoff; ~~(3) capital costs and related debt service for the construction, replacement or improvement of stormwater drainage or flood control facilities;~~ and ~~(34)~~ complying with local, state, and federal stormwater and flood control regulations. ~~Once bonds are fully paid, user rates will be evaluated and adjusted to reflect the reduction in debt service and to accommodate capital, maintenance and other operating needs known or expected at the time of the adjustment. Facility connection fees may be used for capital costs and related debt service for the initial construction and/or improvements of stormwater drainage or flood control facilities as allowed by law. Owners of developed parcels are responsible for the payment of stormwater management fees. All of the proceeds of these fees are in to support payment for use of~~ the County's stormwater drainage ~~and~~ flood control system ~~by developed parcels and their owners.~~ These fees shall not exceed the reasonable cost of providing the services, facilities, or regulatory activities for which the fees are charged.
- 1.5 Stormwater Management Fund. There is hereby established a special fund in the County treasury entitled the "Stormwater Management Fund", hereinafter referred to as the Fund. All revenues from ~~S~~stormwater ~~M~~management ~~F~~ees established pursuant to Article 4 shall be deposited into the Fund. Monies deposited into this Fund shall be expended for stormdrain, ~~and~~ stormwater drainage ~~or flood control~~ related purposes as described in Section 1.4. Appropriations shall be made as provided for by the Board of County Commissioners. Monies in the Fund, which are received by the County, subject to any limitations on their use, may only be expended in accordance with those limitations.
- 1.6 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared to be unconstitutional.
- 1.7 Relief on Application. After consideration by the Director as provided in Section 3.7, if any person is of the opinion that any provision of this Ordinance is unjust or inequitable by reason of special circumstances as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.
- 1.8 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any special provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, ~~by~~ resolution, order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.

- 1.9 Review by the Board. This Ordinance shall be reviewed by the Board ~~as needed on an annual basis~~ to ensure that the provisions of this Ordinance are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the stormwater drainage and flood control facilities. ~~Article 4, Schedule A, shall be reviewed by the Board 6 months following adoption of this ordinance, to ensure that the charges and fees set out in Schedule A are adequate and appropriate to meet the costs of operating the stormwater facilities.~~
- 1.10 Words and Phrases. For the purposes of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; and all words in the masculine form shall include the feminine.

ARTICLE 2. DEFINITIONS

- 2.1 Account Transfer shall mean any ~~transfer change~~ made to a billing account, including but not limited to new ownership or new tenancy.
- 2.2 Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e. may be billed on a cycle of ~~289~~ to 31 days) ~~and may be monthly, quarterly or annually.~~
- 2.3 Board shall mean the Board of County Commissioners.
- ~~2.4 Commercial/Industrial shall mean any building, structure or facility or a portion thereof, devoted to the purposes of trade or commerce, or industry such as a store, office building, or industrial site or plant.~~
- ~~2.52.4~~ County shall mean the County of Washoe, State of Nevada.
- ~~2.62.5~~ Customer shall mean a person who ~~resides in or owns a developed parcel within a~~ receives stormwater drainage ~~and~~ flood control ~~service~~ Area. ~~from the County within the service area or who owns the parcel that is served.~~
- ~~2.72.6~~ Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.
- ~~2.82.7~~ Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.
- ~~2.92.8~~ Developer shall mean any person engaged in or proposing development of property.
- ~~2.102.9~~ Development shall mean a parcel of property being improved and requiring installation of stormwater drainage ~~and~~ flood control infrastructure from and possibly on the property being improved.
- ~~2.112.10~~ Director shall mean the Director of the Community Services Department ~~Department of Water Resources~~ or a duly authorized representative.
- ~~2.11~~ Easement shall mean an acquired legal right for the specific use of land owned by others.
- ~~2.12~~ _____
- ~~2.12~~ Employee shall mean any individual employed by the County excluding independent contractors, consultants, and their employees.
- ~~2.13~~ Equivalent Residential Unit (ERU) shall mean a unit of measure used to equate the Impervious Surface area on a Non-Residential Parcel or Multi-Family Residential Parcel to that on a comparable number of Single-Family Residential Parcels.
- ~~2.14~~ Impervious Surface shall mean a developed surface that impedes or prevents the infiltration of stormwater into the soil as it would normally infiltrate in natural conditions prior to development.
- ~~2.13~~ _____.

- | ~~2.142.15~~ Law is a statute, rule or regulation established by Federal, State, County, or Municipal authorities.
- | ~~2.152.16~~ May is permissive (see “shall”, Sec. 2.275).
- | ~~2.17~~ Multi-Family Residential Parcel shall mean any residence, apartment, or other dwelling occupied for habitational purposes by more than a single person or family ~~and requiring stormwater drainage and flood control service.~~
- | ~~2.162.18~~ Non-Residential Parcel shall mean a Parcel not intended for habitation, to include without limitation, commercial, industrial, governmental or nonprofit activities. Examples include, but are not limited to, any building, structure, facility, office complex, pavement, or site improvement devoted to trade or commerce, industry, manufacturing, worship or other tax-exempt activities.
- | ~~2.172.19~~ Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.
- | ~~2.182.20~~ Parcel shall means the smallest, separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given an assessor’s identification number by the Washoe County Tax Assessor.
- | ~~2.192.21~~ Parcel Size shall means the size of the parcel measured in acres.
- | ~~2.202.22~~ Person shall mean any individual, firm, association, organization, partnership, trust, company, corporation or entity, and any municipal, political, or governmental corporation, district, body, or agency other than the County.
- | ~~2.212.23~~ Service Area shall mean the place of contributing runoff to stormwater drainage or flood control facilities or the place where a developed parcel benefits from the use of stormwater drainage ~~and~~ flood control facilities infrastructure available to serve ~~the~~ certain areas as designated in Article 7.
- | ~~2.222.24~~ Single-Family Residential Parcel shall mean any residence, ~~apartment,~~ or other dwelling occupied for habitational purposes by a single person or family ~~and requiring stormwater drainage and flood control service.~~
- | ~~2.232.25~~ Specific Plan shall mean the comprehensive plan for the ~~S~~specific ~~P~~planning area as identified in the comprehensive plan and as approved and adopted by the Planning Commission and Board.
- | ~~2.242.26~~ Stormwater or Storm Drainage shall mean the water that enters the County’s storm or flood drainage systems. From the standpoint of sources, it may be a combination of the runoff from residences, commercial buildings, industrial plants or institutions, together with any groundwater and surface water that may be present.
- | ~~2.252.27~~ Shall is mandatory (see “may”, Sec. 2.165).
- | ~~2.262.28~~ Tenant shall mean a person renting or leasing premises from the owner or the owner’s selected representative.

ARTICLE 3. CONDITIONS OF SERVICE

- | 3.1 Area Served. Properties within the boundaries of the service area shall be eligible to receive stormwater drainage or flood control from the County in accordance with this Ordinance.
- | 3.2 Damage to Property. The County will not be liable for damage to property resulting from storm drainage or flooding.
- | 3.3 Tampering With County Property. No one except an employee or representative of the County shall at any time, in any manner, operate the gates or valves of the County’s system; or interfere with the culverts, channels or other parts of the system. Penalty for violation of this Section shall be a fine of \$10,000.
- | 3.4 Ruling Final. All rulings of the Board shall be final, subject only to judicial review as provided by law.

3.5 Notices to Customers. Notices from the County to a Customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the County may resort to notification either by telephone or messenger.

3.6 Notices from Customers. Notice from the Customer to the County may be given by him or by his authorized representative in writing at the County's operating office. The County's operating office is:

Washoe County
Community Services ~~Department of Water Resources~~
P.O. Box 11130 ~~4930 Energy Way~~
 Reno, Nevada 89502-0027
 Telephone: 775-~~328-3600~~ 954-4600
 Fax: 775-~~328-3699~~ 954-4610

3.7 Adjustment of Complaints. The Director shall have the power of discretion in the interpretation and application of this Ordinance, including adjustment or rebate of charges due to special circumstances, if in the Director's opinion and with full documentation, the intent of this Ordinance would not be accomplished and an injustice would result by its strict application. The Director shall develop and publish policies concerning this adjustment application process and consideration of special circumstances. Any person not satisfied with a decision of the Director may appeal to the Board as provided in Section 1.7.

3.8 Customer's Premises. County employees or a designated representative shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality.

3.9 Special Conditions. In the event that conditions arise which are not specifically covered by this Ordinance, the County may take whatever action, including establishing rates and charges which, in its discretion, is warranted.

3.10 Effective Date. This Ordinance shall become effective on the date ~~of its adoption by the Board~~ provided at the bottom of this ordinance.

3.11 Continuity. Adoption of this Ordinance shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment.

ARTICLE 4. STORMWATER MANAGEMENT FEES/CHARGES

4.1 Stormwater Management Fees/Charge. Stormwater management fees shall be imposed as provided in the Schedules set forth below.

4.2 Schedule A – North Spanish Springs Flood Detention Facility (NSSFDF).

Land Use	Monthly User Rates/ Debt Service Fee	Monthly Operation & Maintenance Fee	Total Quarterly User Monthly Rates Charge	Total Annual User Rates -Charge	Facility Connection Fees
<u>Single-Family Residential Parcel</u>	<u>\$9.31 \$6.00</u>	<u>\$1.34</u>	<u>\$27.93 \$7.34</u>	<u>\$111.72 \$88.08</u>	<u>\$1,285</u>
<u>Multi-Family Residential Parcel</u>	<u>\$9.31/ERU \$18.00/acre</u>	<u>\$4.02/acre</u>	<u>\$27.93/ERU \$22.02</u>	<u>\$111.72/ERU \$264.24/acre</u>	<u>\$1,285/ERU \$2,010/acre</u>
<u>Non-Residential Parcel Commercial/Industrial</u>	<u>\$9.31/ERU \$70.00/acre</u>	<u>\$20.12/acre</u>	<u>\$27.93/ERU \$90.12/acre</u>	<u>\$111.72/ERU \$1,081.44/acre</u>	<u>\$1,285/ERU \$2,737.50/acre</u>

4.3 Schedule B – (Reserved for Future Service Areas).

- 4.4 Facility Connection Fees. The above facility connection fees shall be collected either: (i) prior to final map approval; (ii) prior to issuance of the permit; or (iii) prior to issuance of the certificate of occupancy. The applicant may choose to pay the required connection charges at any one of the three options stated above. Facility Connection Fees shall be those in force and effect at the time of payment.

ARTICLE 5. ADDITIONAL CHARGES

- 5.1 Damage to County Property. Any person causing damage to County property or appurtenances to stormwater drainage or flood control facilities by any willful or negligent act shall be responsible for payment of all damages costs incurred by the County.

ARTICLE 6. TIME AND MANNER OF PAYMENT

- 6.1 Issuance of Bills. The charges provided for in Article 4 shall be paid to the County, as billed by the County, by the owner or tenant of each and every developed parcel in a Service Area who shall be presumed to be the primary utility rate payer of the other County utility services unless otherwise agreed to in writing by the County. The stormwater management fees shall be collected with the charges and rates for water and sewer and/or reclaimed water services furnished by the County to such premises, and shall appear upon the same bill as prepared for water and sewer and/or reclaimed water service charges and shall be due and payable monthly at the same time such charges for water and sewer and/or reclaimed water services are due and payable. The total amount due for the charges herein fixed and for charges for water and sewer and/or reclaimed water shall be paid as a unit. In the event a developed parcel does not receive sewer and/or reclaimed water utility service, user rates in Section 4.2 services from the County, facility connection, debt/user service and O & M fees will may be billed separately on a monthly, quarterly or annual basis. In any event the property owner of the parcel or tenant shall be ultimately responsible to pay all unpaid or delinquent stormwater management charges.
- 6.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the offices of Washoe County Treasurer.
- 6.3 Delinquent Accounts. If payment is not received by the first day of the calendar month following the due date of payment specified on the bill, the account shall be considered delinquent and shall be charged a late payment fee of 1.5 percent per month on the outstanding account balance, plus a handling fee of \$4.00 per month for each delinquent account. The handling fee is applied in addition to any other handling fees that may be charged for other utility services.
- 6.4 Lien on Property. Until paid, all rates, tolls and charges provided in this Ordinance constitute a perpetual lien on and against the property served within the Service Area and may be foreclosed upon as provided by law.
- 6.5 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received. If a Customer has not been billed, for any reason whatsoever, the County shall collect all amounts unbilled up to and including six billing cycles and has the discretion to determine what to collect for unbilled amounts in excess of the six billing cycles based on the circumstances. This may include all past amounts due under this Ordinance.
- 6.6 Checks Not Honored by Bank. Checks presented in payment of bills which are returned by a bank shall be treated as though no payment had been made. A \$25.00 handling charge will be levied by the County in addition to any other charges or returned check fees charged by any bank to the County, which shall be reimbursed to the County by the customer. Redemption of returned checks may be required to be made by cash or equivalent.

ARTICLE 7. SERVICE AREAS

- 7.1 Intention. The intent of this Ordinance is to establish Stormwater Management charges for provision of stormwater drainage and flood control service by Washoe County to service areas in unincorporated Washoe County, and further to new service areas that may be created in the future. A separate accounting of each service area's revenues and expenditures need not be maintained under the Stormwater Management Fund.

7.2 Services Areas

- A. The ~~n~~North Spanish Springs flood detention facility Valley-sService ~~a~~A Area shall be the area defined and set forth in Exhibit "A" (Map), attached and incorporated herein by reference.
- B. Such other future service areas in the unincorporated area of Washoe County in which storm drainage and flood control infrastructure will be owned and operated by Washoe County.

AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS FOR STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE WITHIN WASHOE COUNTY BY MODIFYING THE SERVICE AREA AS WELL AS THE AMOUNT AND BASIS FOR CALCULATING STORMWATER MANAGEMENT FEES; AND OTHER MATTERS PROPERLY RELATING THERETO. THIS ORDINANCE REPEALS ORDINANCE NO. 1537.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 20__

Proposed by Commissioners _____

Passed on the _____ day of _____, 20__

Vote:

Ayes: Commissioners:

Nays: Commissioners:

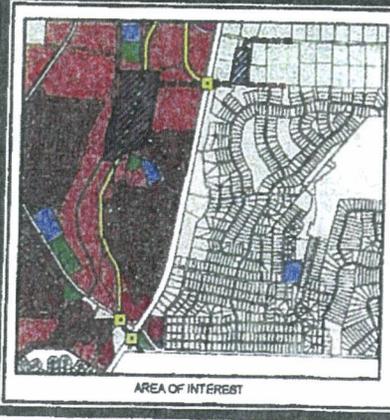
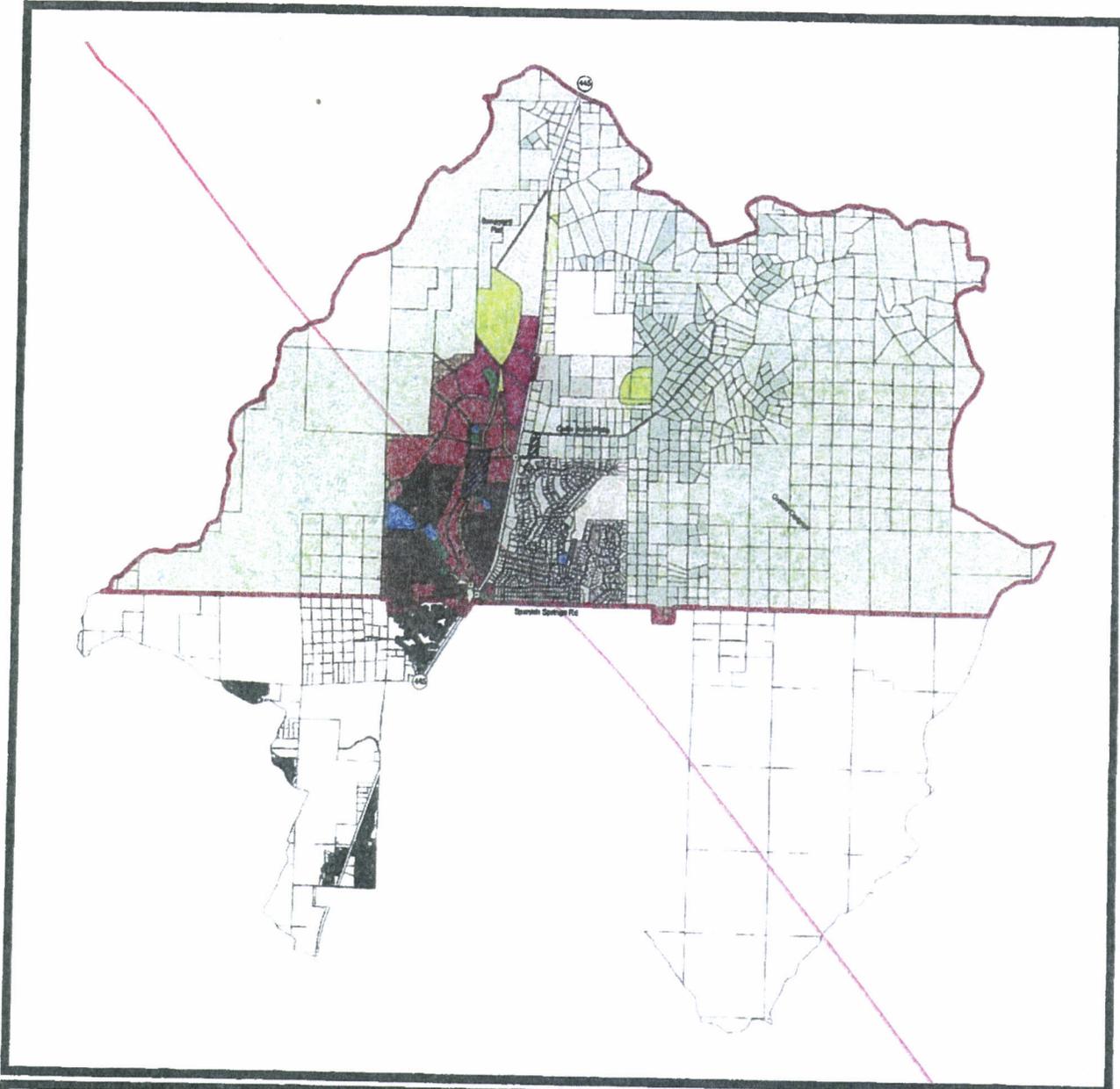
Absent: Commissioners:

Chairman
Board of County Commissioners

ATTEST:

NANCY PARENT, Washoe County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 20__.



Spanish Springs Contributing-Benefit Area

Planned Land Use

- | | |
|---|-----------------------------------|
| Low Density Rural | Neighborhood / Office Commercial |
| High Density Rural | Public and Semi-Public Facilities |
| Low Density Suburban | Parks and Recreation |
| Medium Density Suburban | Open Space |
| General Commercial | General Rural |
| Neighborhood / Office Commercial & Industrial | General Residential |

- | | | |
|--------------|---------|-----------------|
| Benefit Area | Culvert | Detention Basin |
| Channel | Berm | |

NOTE: The style and coloration of all illustrations shown herein are approximate and are not intended as a guide for design or survey work. Reproduction of all pertinent material prior to the publication of the Washoe County Department of Water Resources.



Department of Water Resources
WASHOE COUNTY NEVADA



OCTOBER 2001