

ORDINANCE NO. 2012-12-062

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 15.16 TO MODIFY SURFACE AND STORM WATER RATES AND CHARGES.

WHEREAS, Chapter 35.67 RCW authorizes cities to provide water, sewer, and surface and storm water public-utility services and to fix, alter, regulate and control the rates and charges for the use of said public utilities; and

WHEREAS, the City of Bellingham (the "City") owns and operates a surface and storm water utility in accordance with Chapter 35.67 RCW to provide for the conveyance and treatment of surface and storm water; and

WHEREAS, the City has unique challenges and opportunities related to natural resources that can be effectively managed through the surface and storm water utility; and

WHEREAS, the City's surface and storm water utility is required to comply with state and federal laws and regulations and that as the laws and regulations change the City is obligated to change its operations and policies related to the surface and storm water utility; and

WHEREAS, Bellingham Municipal Code ("BMC") Chapter 15.16 establishes surface and storm water rates for all customers; and

WHEREAS, the cost to the City to operate and maintain the surface and storm water utility increases as regulations increase; and

WHEREAS, the City Council has determined that addressing surface and storm water treatment and collection facilities citywide is a top priority for the surface and storm water utility and that additional funding is needed for these projects; and

WHEREAS, further cuts to the operation and capital program or additional use of reserves will result in the surface and storm water utility not being able to sustain the minimum level of service set by law and Council policy; and

WHEREAS, the City retained an independent consultant, the FCS Group, to evaluate the revenue requirements to operate the surface and storm water utility in compliance with all relevant regulations and City policies, to recommend a rate structure based on a cost of service analysis and to propose a rate schedule sufficient to meet the revenue requirements of the surface and storm water utility; and

WHEREAS, the FCS Group has completed the study and has presented the results to the City Council in an open public meeting; and

WHEREAS, public input was sought, received and considered;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 15.16.010 shall be amended to read as follows:

A.-D. [UNCHANGED]

E. Pre-developed Condition: For areas that drain directly or indirectly to a river or stream, pre-developed conditions shall mean the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement. For areas that only drain directly or indirectly to marine or estuarine waters, pre-developed conditions shall mean the site conditions as of September 1, 1995.

F. Duplex Parcel means a parcel that has been developed and constructed to contain one duplex, and continues to be used solely for that purpose.

G. Dwelling Unit means a single unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

H. Garage, Private means an accessory building or a portion of the main building other than a carport used or intended to be used for the parking or storage of motor vehicles.

I. Impervious Surface means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, paved parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

J. Large Footprint Residential Parcel means a single-family residential parcel with a building footprint of greater than 3,000 square feet. Large Footprint Residential Parcels are billed based on actual impervious area.

K. Medium Footprint Residential Parcel means a single-family residential parcel with a building footprint of greater than 1,000 square feet and less than or equal to 3,000 square feet.

L. Multiple Family Dwelling Unit means a building or portion thereof, designed for or occupied by three or more families living independently in separate dwelling units.

M. Nonresidential Parcel means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multiple family dwelling units and all property owned by governmental and nonprofit entities.

N. Parcel means any area of land within the City of Bellingham that is deemed a distinct property as identified by the Whatcom County Assessor's Office, whether or not the parcel is considered taxable.

O. Public Works Director means the duly appointed Director of the City of Bellingham Department of Public Works.

P. Right-of-Way means a strip of parcel of land dedicated for public uses including street, mass transit, bicycle, and pedestrian uses as well as emergency access, utility, drainage, vegetation management, view corridor or other necessary public uses .

Q. Single-Family Residential Parcel means a parcel which has been developed and constructed to contain one dwelling unit and continues to be used solely for that purpose.

R. Small Footprint Residential Parcel means a single-family residential parcel with a building footprint of less than or equal to 1,000 square feet.

Section 2: Bellingham Municipal Code Section 15.16.030 shall be amended to read as follows:

A. The monthly Surface and Storm Water Utility Service rate shall be as follows:

1. Small footprint residential parcel:

\$5.08 per month effective on January 1, 2013;
\$5.39 per month effective on January 1, 2014;
\$5.71 per month effective on January 1, 2015;
\$6.05 per month effective on January 1, 2016;
\$6.42 per month effective on January 1, 2017.

2. Medium footprint residential parcel:

\$8.47 per month effective on January 1, 2013;
\$8.98 per month effective on January 1, 2014;
\$9.52 per month effective on January 1, 2015;
\$10.09 per month effective on January 1, 2016;
\$10.69 per month effective on January 1, 2017

- 3. Large footprint residential parcel:**
\$0.00282 per square foot of impervious surface area per month effective on January 1, 2013;
\$0.00299 per square foot of impervious surface area per month effective on January 1, 2014;
\$0.00317 per square foot of impervious surface area per month effective on January 1, 2015;
\$0.00336 per square foot of impervious surface area per month effective on January 1, 2016;
\$0.00356 per square foot of impervious surface effective on January 1, 2017
- 4. Duplex parcel and nonresidential parcel with an impervious surface area of greater than 300 square feet and less than or equal to 1,000 square feet:**
\$5.08 per month effective on January 1, 2013;
\$5.39 per month effective on January 1, 2014;
\$5.71 per month effective on January 1, 2015;
\$6.05 per month effective on January 1, 2016;
\$6.42 per month effective on January 1, 2017
- 5. Duplex parcel and nonresidential parcel with an impervious surface area of greater than 1,000 square feet and less than or equal to 3,000 square feet:**
\$8.47 per month effective on January 1, 2013;
\$8.98 per month effective on January 1, 2014;
\$9.52 per month effective on January 1, 2015;
\$10.09 per month effective on January 1, 2016;
\$10.69 per month effective on January 1, 2017
- 6. Duplex parcel and nonresidential parcel with an impervious surface area of greater than 3,000 square feet:**
\$0.00282 per square foot of impervious surface area per month effective on January 1, 2013;
\$0.00299 per square foot of impervious surface area per month effective on January 1, 2014;
\$0.00317 per square foot of impervious surface area per month effective on January 1, 2015;
\$0.00336 per square foot of impervious surface area per month effective on January 1, 2016;
\$0.00356 per square foot of impervious surface effective on January 1, 2017
- 7. Duplex parcels and nonresidential parcels with an impervious surface area of less than or equal to 300 square feet are exempt from the storm and surface water service rate.**

8. The rate charged by the City of Bellingham to the Washington State Department of Transportation for state highway right-of-way shall be 30% of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525, as now enacted or hereafter amended.


9. The rate charged to the City of Bellingham's Public Works Street Operations, Road and Street General Services Fund for city right-of-way shall be 30% of the rate for comparable real property in terms of impervious surface coverage.

10. Unless otherwise abrogated by the City Council, beginning January 1, 2018 and each year thereafter, the surface and storm water utility rates levied in 2017 shall continue with an annual adjustment each year in January by an inflationary factor tied to the Consumer Price Index, All Urban Consumers (CPI-U), Seattle-Tacoma-Bremerton index. The inflationary factor shall be calculated and rates shall be adjusted by the Finance Director in September of each year using 12 prior months of Consumer Price Index data.

B. [UNCHANGED]


Section 3: Effective Date: This ordinance shall take effect January 1, 2013.

PASSED by the Council this 10th day of December, 2012.



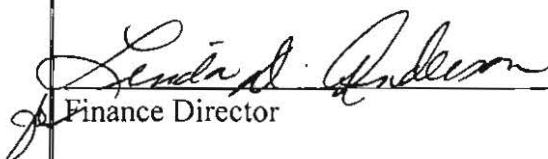
Council President

APPROVED by me this 18th day of December, 2012.




Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

December 14, 2012
