

ORDINANCE # 1698

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AN ORDINANCE OF THE CITY OF FERNDALE, WASHINGTON, AMENDING SECTION 13.24.070 OF THE FERNDALE MUNICIPAL CODE BY REVISING THE DIVISION AND DEVELOPMENT FEE FOR MITIGATION OF IMPACTS ON THE EXISTING CITY STORM SEWER SYSTEM

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WHEREAS, Section 13.24.070 of the Ferndale Municipal Code imposes a fee to mitigate impacts of certain divisions and developments on the city storm sewer system; and

WHEREAS, the Vanderyacht Regional Stormwater Pond was created in 2001 by the City of Ferndale to mitigate stormwater runoff for the six (6) month storm event with 5.67 acre foot capacity for the Vanderyacht Regional Stormwater Pond Special Assessment Area; and

WHEREAS, participation in the Vanderyacht Regional Stormwater Pond is mandatory for development and redevelopment that meets the threshold for all minimum requirements in the most current Department of Ecology (DOE) Stormwater Management Manual for Western Washington in said Vanderyacht Regional Stormwater Pond Special Assessment Area (map attached hereto reflecting approximate boundaries and by this reference made a part of this ordinance) as long as capacity remains; and

WHEREAS, if development or redevelopment does not meet the DOE threshold for all minimum requirements and conveyance is not available, on-site stormwater controls designed and stamped by an engineer licensed in the State of Washington and approved by the City of Ferndale may be implemented; and

WHEREAS, certain parcels in this area are subject to prior Developer's Agreements which dedicated land to the City and, as a result, are not to be charged for conveyance but only detention and treatment; and

WHEREAS, participation in the Regional Stormwater Pond does not preclude participants from providing Operational and Structural Source Control Best Management Practices on their site appropriate for the intended use; and

WHEREAS, an annual maintenance fee will be implemented for participants in the Vanderyacht Regional Stormwater Pond at a future date and included in the City's Fee Code; and

WHEREAS, The City Council is desirous to adopt the Vanderyacht Regional Stormwater Pond connection fee for future development and redevelopment within the Vanderyacht Regional Stormwater Pond Special Assessment Area.

NOW THEREFORE, the Ferndale City Council does ordain as follows:

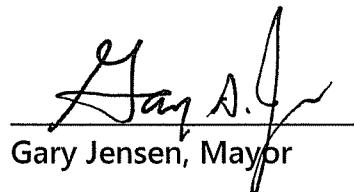
Section 1. A new Section 13.24.070(E) is hereby added to read as follows:

13.24.070 E – Vanderyacht Regional Storm Pond Connection Fee:

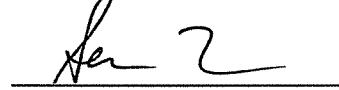
- A. The Vanderyacht Regional Stormwater Pond Connection fee shall be \$48,683 per acre foot for development when, in compliance with prior Developer's Agreements, they are not to be charged for conveyance costs.
- B. The Vanderyacht Regional Stormwater Pond Connection fee shall be \$48,683 per acre foot for detention and treatment and \$54,359 per acre foot for conveyance for all other development that is not subject to a prior Developer's Agreement.
- C. Capacity shall be tracked by the City of Ferndale Public Works Stormwater Department.

Section 2. These amended fees shall be reflected in the City's most current fee schedule together with the annual storm pond maintenance fee.

Passed by the Council of the City of Ferndale, Washington, on this 6<sup>th</sup> day of February, 2012.

  
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Gary Jensen, Mayor

ATTEST:

  
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Sam Taylor, City Clerk