

ORDINANCE # 1822

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

WHEREAS, Section 13.24.070 of the Ferndale Municipal Code, in accordance with RCW 35.92.025, imposes a fee to mitigate impacts of certain divisions and developments on the City stormwater system; and

WHEREAS, the Southwest (SW) Stormwater Management Facility was constructed in 2012 by the City of Ferndale to mitigate stormwater runoff per the requirements of the 2005 Department of Ecology Stormwater Management Manual for Western Washington for the Main Street and Church Road Improvement Projects and the SW Stormwater Management Facility Assessment Area; and

WHEREAS, the City of Ferndale received grants from the Department of Ecology for stormwater retrofit within the Southwest Stormwater Management Facility Assessment Area (map attached hereto reflecting the boundary and by this reference made a part of this ordinance) and the Transportation Improvement Board for stormwater mitigation for new construction of City right-of-way within the aforementioned Assessment Area;

WHEREAS, participation in the SW Stormwater Management Facility is mandatory for "reimbursement eligible" lots shown per parcel on City of Ferndale Southwest Stormwater Management Facility Connection Fee Summary (attached hereto and made a part of the ordinance by this reference) within the SW Stormwater Management Facility Assessment Area when development and redevelopment trigger the thresholds of the adopted Stormwater Management Manual for Western Washington;

WHEREAS, the Dargone Apartments (formerly Mountain View Apartments) parcels are under a separate Developer's Agreements, and as a result, are not to be charged as per this ordinance; and

WHEREAS, participation in the SW Stormwater Management Facility provides enhanced treatment and does not provide Operational and Structural Source Control Best Management Practices which may be required by the Department of Ecology dependent on site use; and

WHEREAS, an annual maintenance fee may be implemented for participants in the SW Stormwater Management Facility at a future date and included in the City's Fee Code; and

WHEREAS, The City Council is desirous to adopt the SW Stormwater Management Facility connection fee for future development and redevelopment within the SW Stormwater Management Facility 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:

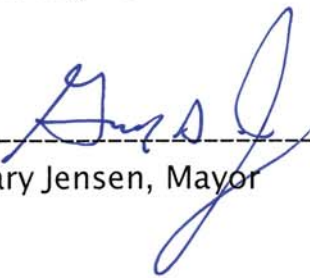
13.24.070 E – SW Stormwater Management Facility Connection Fee:

- A. The SW Stormwater Management Facility Connection Fee shall be as calculated in "Adjusted Costs" column shown per parcel on City of Ferndale Southwest Stormwater Management Facility Connection Fee Summary.
- B. The SW Stormwater Management Facility Connection fee will be due upon the approval of a Permitted or Conditional Use on the subject parcel. Within the context of this ordinance, "approval" shall mean the recording of a subdivision, Planned Unit Development or Specific Binding Site Plan, or the issuance of a building permit, whichever occurs first.

- C. No development or redevelopment shall exceed “Modeled Post Impervious” column on City of Ferndale Southwest Stormwater Management Facility Connection Fee Summary unless authorized by the Public Works Director to implement onsite infiltration Best Management Practices for the impervious exceedance only.
- D. Should a developer combine two or more parcels the allowable impervious surfaces for those combined shall not, in any combination of new lots, exceed that of the original individual lots combined.


Section 2. These fees shall be assessed in accordance with RCW 35.92.025 and shall be reflected in the City’s most current fee schedule together with the annual storm pond maintenance fee (if adopted at a later date).

Passed by the Council of the City of Ferndale, Washington, on this 21st day of January, 2014.



Gary Jensen, Mayor

ATTEST:



Sam Taylor, City Clerk