

**Project title:** An Ordinance Relating to Stormwater Controls in the Combined Sewer Area, amending Ordinance No. 3731-20.

**Council Bill #** *interoffice use*  
CB 2107-23

**Agenda dates requested:**  
*Dates requested for council action*

Briefing –  
Proposed action X  
Consent  
Action –  
Ordinance  
1<sup>st</sup> Reading – 7/28/2021  
2<sup>nd</sup> Reading – 8/4/2021 3<sup>rd</sup>  
Reading – 8/11/2021  
Public hearing  
..... Yes      X No

**Budget amendment:**  
..... Yes      X No

**PowerPoint presentation:**  
..... Yes      X No

**Attachments:**  
Ordinance Relating to Stormwater Controls in the Combined Sewer Area, amending Ordinance No. 3731-20

**Department(s) involved:**  
Public Works

**Contact person:**  
Souheil Nasr

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*BLS*  
Department head  
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Administration

Council President

**Project:** Amending Ordinance No. 3731-20 Relating to Stormwater Controls

**Partner/Supplier:** N/A

**Location:** Combined Sewer Area in North Everett

**Preceding action:** Ordinance No. 3731-20

**Fund:** 401

**Fiscal summary statement:**

Ordinance No. 3731-20 established an option for developers in specific sub-basins within the combined sewer area that have been separated to either provide stormwater control facilities as required or opt for paying a fee in-lieu-of constructing these facilities and connecting directly to the City’s combined sewer system. This ordinance clarifies the application of the in-lieu-of-stormwater control fee and other matters.

No City expenditure will be required.

**Project summary statement:**

On Feb 19, 2020, the City Council passed Ordinance No. 3731-20, which among other provisions, established an in-lieu-of-stormwater control fee for certain eligible sub-basins within the City’s Combined Sewer Area.

The purpose of this Ordinance is to make certain technical changes to clarify Ordinance No. 3731-20 with respect to the in-lieu-of-stormwater control fee and other matters.

**Recommendation (exact action requested of Council):**

Adopt an Ordinance Relating to Stormwater Controls in the Combined Sewer Area, amending Ordinance No. 3731-20.

**ORDINANCE NO.** \_\_\_\_\_

An Ordinance Relating to Stormwater Controls in the Combined Sewer Area, amending Ordinance No. 3731-20.

**WHEREAS,**

- A. In 2020, the City Council passed Ordinance No. 3731-20, which among other provisions established an in-lieu-of-stormwater control fee for certain eligible sub-basins within the City's Combined Sewer Area.
- B. The purpose of this Ordinance is to make certain technical changes to clarify Ordinance No. 3731-20 with respect to the in-lieu-of-stormwater control fee and other matters.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** Section 1 of Ordinance 3731-20 (which is codified at 14.08.185) is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added:

**Stormwater Controls/Establishment of In-Lieu-Of Stormwater Control Fee in Eligible Sub-Basins.**

This Section establishes requirements for certain stormwater controls and establishes the in-lieu-of stormwater control fee. The stormwater controls apply to the entire Combined Sewer Area. The fee only applies within eligible sub-basins in the Combined Sewer Area as defined by the City Engineer and depicted in the City's Combined Sewer Area map.

~~This Fee shall apply to all new development and redevelopment, within eligible sub-basins in the Combined Sewer Area as defined by the City Engineer and depicted in the City's Combined Sewer Area map, that creates and/or redevelops a net new total of 200 square feet or more of impervious area:~~

A. Stormwater Controls. New development or redevelopment in the Combined Sewer Area may be required to provide additional stormwater controls such that the resulting flow does not result in an increase in Sanitary Sewer Overflows and/or basement flooding in the Combined Sewer Area. No connections of roof drains to side sewers or laterals shall be allowed in the Combined Sewer Area without prior approval by the City Engineer.

B. In-Lieu-Of Stormwater Control Fee. All new developments and redevelopments within the eligible sub-basins in the Combined Sewer Area that add a net new total of 200 square feet or more of

impervious area, are required either (a) to provide additional flow controls and shall comply with either chapter 6 of the City of Everett's current DCSS "Design and Construction Standards" (DCSS) or (b) voluntarily to pay the City's In-Lieu-of Stormwater Control Fee as listed in the schedule below. Voluntary payment of the In-Lieu-of Stormwater Control Fee shall eliminate the developer's facility requirements as stated in chapter 6 of the current DCSS.

~~C.~~ 1. Public Infrastructure development/redevelopment (such as road and utility construction) within the Public Right of Way is exempt from the in-lieu-of stormwater control fee ~~this fee.~~

~~D. No connections of roof drains to side sewers or laterals shall be allowed without prior approval by the City Engineer.~~

~~E.~~ 2. In-Lieu-Of Stormwater Control Fee Schedule

Customer Type	In-Lieu-Of Stormwater Control Fee
All Customers/ Parcels <u>within the eligible sub-basins</u> in Combined Sewer Area	\$3.72/square foot of net new impervious area. The first net new total of 200 square feet of impervious area is exempt from these fees.

~~F.~~ 3. All in-lieu-of stormwater control fees collected shall be held in a fund specifically for the benefit of stormwater and combined sewer in the Combined Sewer Area and may be used to pay for capital projects within the Combined Sewer Area and any outstanding debt associated with those capital projects.

~~G.~~ 4. ~~Such contributions~~ Payment of the in-lieu-of stormwater control fee shall not exempt property from monthly stormwater fees (i.e., stormwater rates) used for operations, maintenance and capital construction not covered by this fee.

**Section 2.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 3.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 4.** The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_