

ORDINANCE NO. 18-3909

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING KELSO
MUNIICIPAL CODE CHAPTER 13.10 AND ORDINANCE 16-3881 RELATING TO
THE ADMINISTRATION OF STORMWATER UTILITY RATES**

WHEREAS, the City operates a stormwater utility, as provided for in Kelso Municipal Code Chapter 13.10, for the maintenance, operation, regulation, and control of stormwater within the City; and

WHEREAS, the City, through the stormwater utility, is required to perform certain duties related to stormwater quality under the City's Phase II National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the City periodically adopts and amends ordinances related to the rates to be charged by the City for the stormwater management utility and performance of the NPDES permit requirements; and

WHEREAS, certain provisions of the rate ordinance as they have been adopted over time relate to definitions and substantive provisions that more properly belong in the City's Municipal Code; and

WHEREAS, subsequent revisions and re-revisions have required reference to several ordinances to determine the adopted language; and

WHEREAS, the City wishes to codify these administrative provisions into the Kelso Municipal Code for ease of future reference and to make administration more efficient; and

WHEREAS, state law at RCW 74.38.070 authorizes the City to provide reduced rates for utility services for low-income senior citizens; and

WHEREAS, the Kelso Municipal Code, at KMC 13.08.403 allows for a reduction in water/sewer utility charges for low income senior citizens for their occupied residential dwellings; and

WHEREAS, Ordinance 16-3881 similarly provides an exemption for stormwater utility charges for low income senior citizens, but because the stormwater utility previously did not apply to vacant parcels, there was no clarification that the exemption applied only to occupied residential dwellings; and

WHEREAS, recent changes to the stormwater utility to apply to vacant parcels has made this clarification necessary; and

WHEREAS, the City wishes to amend the definitions of KMC Chapter 13.10 to be consistent with Ordinance 16-3881; and

WHEREAS, the City wishes to amend and restate Ordinance 16-3881 to reflect the codification of the definitions and administrative provisions;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Public Interest. The Kelso City Council finds it to be in the public interest to adopt these amendments to Ordinance 16-3881 and Kelso Municipal Code Chapter 13.10 for the efficient operation of the utility.

Section 2. Amending Ordinance 16-3881. Section 2 of Ordinance 16-3881 is hereby amended and restated as follows:

That pursuant to Section 13.10.110 of the Kelso Municipal Code, the rates to be charged for use of the storm drainage system effective January 1st of the listed year below shall be as follows:

System of Charges: The following monthly service charges are hereby established for all parcels of real property within the boundaries of the City of Kelso as they now exist or as they may be hereafter established for the purpose of carrying on the responsibilities of the stormwater management utility:

A. Undeveloped Parcels: Undeveloped parcels, as defined in KMC 13.10.050, shall not be charged. ~~For the purposes of this ordinance, an undeveloped parcel is defined as a parcel that has native vegetation, including second-growth forests, and undisturbed native soils that existed prior to Euro-American settlement.~~

B. Single-Family Residential Parcel: The monthly service charge for each single-family Residential Parcel, as defined in KMC 13.10.050 (not including Multi-family parcels which shall be charged as Other Developed Parcels) shall be the single family base rate below hereafter be referred to as the "bBase Rrate." ~~For the purposes of this ordinance, a single-family parcel is defined as a residential parcel with only one residential building that is either a single-family home or a duplex or a triplex. Alternatively, the residential parcel could contain two single-family homes.~~

	2017	2018	2019
Single-Family <u>Base Rate (per house)</u>	-\$ 9.55	\$ 9.93	\$ 10.23

C. Other Developed Parcels: The monthly service charge for ~~O~~Other Developed Parcels, including Multifamily Parcels as defined in KMC 13.10.050, shall be the higher of the Base Rate or the charge determined by multiplying the parcel's impervious area by the parcel's rate found below in the parcel rate schedule table. The parcel's impervious tier is determined by dividing the parcel's total measured impervious surface area by the parcel's total area.

Table: Parcel Rate Schedule

Impervious Tiers for Other Developed Parcels (Per Gross Acre)

Tiers are based on % of impervious area in the parcel

	2017	2018	2019
Very light - 0% to 9%	\$ 4.57	\$ 4.75	\$ 4.89
Moderately light-10% to 24%	\$ 12.02	\$ 12.50	\$ 12.88
Light - 25% to 39%	\$ 20.91	\$ 21.75	\$ 22.40
Moderate - 40% to 54%	\$ 29.91	\$ 31.11	\$ 32.04
Moderately heavy - 55% to 69%	\$ 38.80	\$ 40.35	\$ 41.57
Heavy - 70% to 84%	\$ 49.31	\$ 51.28	\$ 52.82
Very heavy- 85% to 100%	\$ 62.86	\$ 65.37	\$ 67.33
Minimum Charge (base rate):	\$ 9.55	\$ 9.93	\$ 10.23

D. Minimum Charge: Notwithstanding the amount of impervious surface area applicable to any individual parcel or the number of structures on a parcel, the minimum parcel rate for all residential or "Other Developed Parcelss" shall be equal to the bBase rRate.

~~D. Senior Citizens: Senior citizens shall be exempt from the stormwater management utility fee provided they apply and qualify for such a reduction per RCW 74.38.070.~~

~~For purposes of implementing this section, "low-income senior citizen" shall mean a person who is sixty-one (61) years of age or older and whose total income, including that of his/her spouse or co-tenant, does not exceed the amount specified in RCW 84.36.381(5), as it now exists or is hereafter amended. Further, for purposes of implementing this section, the definitions of "combined disposable~~

~~income," "dispsable income," and "co-tenant" shall be as defined in RCW 84.36.383(5), (6), and (7), as they now exist or are hereafter amended~~

E. Capital Recovery Fees - Stormwater Connections:

Base Equivalent Service Charge

<u>2017</u>	<u>2018</u>	<u>2019</u>
<u>\$ 217.00</u>	<u>\$ 267.00</u>	<u>\$ 329.00</u>

Section 3. Amending KMC 13.10.050. Kelso Municipal Code Section 13.10.050-- Rates and Charges--Definitions is hereby amended as follows:

As used in this chapter, the following terms have the meanings set forth below:

- A. "Customer" means a person in whose name service is rendered as evidenced by the signature on the application or contract for that service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her/its name regardless of the identity of the actual user of the service.
 - B. "Equivalent service unit," for the purpose of the stormwater utility, means a measure equal to two thousand five hundred square feet of impervious groundcover or a portion thereof, and is the measure of impervious groundcover to be used by the utility in assessing capital recovery charges against each parcel of property. All detached single-family residences and manufactured homes are deemed to contain one equivalent service unit.
 - C. "Impervious surface" means those hard-surfaced areas which either prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexisting any development on the property, and/or those hard-surfaced areas which cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexisting any development on the property, including, but not limited to, such surfaces as rooftops, asphalt or concrete sidewalks, paving, driveways, parking lots, walkways, patio areas, storage areas, and gravel-oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to the development.
 - D. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented
-

for tax purposes and given a tax account (lot) number by the Cowlitz County assessor.

E. "Developed ~~P~~parcel" means a parcel of real property that no longer contains native vegetation, including second-growth forests, and undisturbed native soils that existed prior to Euro-American settlement. which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

F. "~~Single duplex parcel~~Residential Parcel" means a Developed Parcel ~~parcel~~ which has been actually developed with one or two single-family residences, or a duplex or triplex structure, or associated residential outbuildings, or which is zoned single-family residential containing no built structure.

G. "Multifamily parcel" means a parcel which has been developed with an improvement with four or more residential units.

H. "Undeveloped parcel" means any parcel of real property that has native vegetation, including second-growth forests, and undisturbed native soils that existed prior to Euro-American settlement which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

I. "Low-Income Senior Citizen" means a person who is sixty-one (61) years of age or older and whose total income, including that of his/her spouse or co-tenant, does not exceed the amount specified in RCW 84.36.381(5), as it now exists or is hereafter amended. Further, for purposes of implementing this section, the definitions of "combined disposable income," "disposable income," and "co-tenant" shall be as defined in RCW 84.36.383(5), (6), and (7), as they now exist or are hereafter amended.

Section 4. Adding a new Section KMC 13.10.085. A new Section KMC 13.10.085—Low Income Senior Citizen Discount is hereby added to the Kelso Municipal Code as follows:

Low-Income Senior Citizens occupying residential dwellings shall be exempt from the stormwater management utility fee for the occupied residential property provided they apply and qualify for such a reduction as a low-income senior citizen.pursuant to the authority contained in RCW 74.38.070


Section 5. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. **Severability.** Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 7. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.


PASSED BY THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON THIS 15th DAY OF May, 2018.

CITY OF KELSO



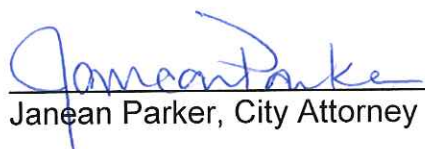
Nancy Malone, Mayor
Deputy Mayor Kim Lefebvre

ATTEST:



Brian Butterfield, City Clerk

APPROVED AS TO FORM:



Janean Parker, City Attorney

Public Hearing:

First reading:

Second Reading/Passage:

Date of Publication:

Effective Date: