

ORDINANCE 1620

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to surface water management, amending DMMC 11.12.020 and DMMC 11.12.030, to adjust surface water service charges and charges for development permits based on the findings and recommendations of the adopted City of Des Moines 2015 Surface Water Comprehensive Plan, prepared by Parametrix, Inc.

WHEREAS, the City Council of the City of Des Moines first established surface water utility rates and charges in Ordinance No. 860, enacted October 11, 1990, and

WHEREAS, Ordinance No. 860 was amended by Ordinance No. 990, enacted November 19, 1992, to apply a cost of living increase of approximately 3.15 percent, effective in 1993, and

WHEREAS, Ordinance No. 990 was amended by Ordinance No. 1065, enacted November 18, 1993, to apply a cost of operation increase of approximately 2 percent, effective in 1994, and

WHEREAS, Ordinance No. 1065 was amended by Ordinance No. 1173, enacted November 21, 1996, to apply a cost of operation increase of approximately five percent (5%), effective in 1997, and

WHEREAS, Ordinance No. 1173 was amended by Ordinance No. 1220-A, enacted October 29, 1998, to apply a cost of operation adjustment to charges for surface water drainage services to be consistent with the Surface Water Management Financial Forecast, and

WHEREAS, Ordinance No. 1220-A was amended by Ordinance No. 1246, enacted November 18, 1999, to apply a cost of operation adjustment to charges for surface water drainage services and to add participation charges for new development permits, and

WHEREAS, on October 13, 2005, the City Council of the City of Des Moines considered the findings and recommendations of the Surface Water Management Rate Study presented by John Ghilarducci of Financial Consulting Solutions Group, Inc., and

WHEREAS, Ordinance No. 1368 was enacted on November 13, 2005, to adjust surface water drainage service charges, to amend

participation charges for development permits, and to apply an inflation adjustment, and

WHEREAS, Ordinance No. 1437 was enacted on September 25, 2008, to adjust surface water drainage services charges, to revise the annual inflation rate calculation, and to specify an effective date for applying the drainage service charges to new development, and

WHEREAS, Ordinance No. 1441 was enacted on November 13, 2008, imposing a six percent (6%) Surface Water Management Utility Tax, and

WHEREAS, Ordinance No. 1496 was enacted on November 18, 2010, to revise the annual inflation index calculation to a minimum rate increase of zero percent, and

WHEREAS, Ordinance No. 1574 was enacted on August 8, 2013, adopting by reference the "Final Report for the Stormwater Rate Structure Study - July 2013", by Financial Consulting Solutions Group, amending the definition equivalent billing unit (EBU), replacing the property classification base rates, eliminating the 70% discount for private streets, and amending DMMC 11.12.080 for rate adjustments in service charges, effective 2014, and

WHEREAS, Ordinance No. 1608 was enacted on November 6, 2014, amending chapter 3.92 DMMC by increasing the City's SWM utility tax rate by two percent (2%) for a period of five years, effective 2015 through 2020, and

WHEREAS, the City Council finds that surface water management is an essential service of the City of Des Moines, and

WHEREAS, on March 12, 2015, the City Council of the City of Des Moines having considered the findings and recommendations of the "City of Des Moines 2015 Surface Water Comprehensive Plan", prepared by Parametrix, Inc., and the City Council having considered recommendation Scenario 3 from the Plan; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 11.12.020 and section 2 of Ordinance No. 860 as amended by section 1 of Ordinance No. 927 as amended by section 1 of Ordinance No. 990 as amended by section 1 of Ordinance No. 1065 as amended by section 1 of Ordinance 1083 as amended by section 1 of Ordinance 1173 as amended by section 1 of Ordinance No. 1220-A as amended by section 2 of Ordinance No. 1246 as amended by section 1 of Ordinance No. 1368 as amended by section 1 of Ordinance No. 1437 as amended by section 1 of Ordinance 1496 as amended by section 4 of Ordinance No. 1574 are each amended to read as follows:

Service charge established for surface water service.

There is established a system of service charges for surface water drainage service against all developed properties in the City.

(1) Monthly surface water utility rates shall be established on the basis of whether the developed property is used for a single-family unit, multifamily units, commercial properties, or nonprofit properties. Rates for all other surface water goods and services shall be established by executive order of the City Manager and published at the office of the Planning, Building and Public Works Department.

(2) The rates for surface water drainage service shall be as reflected on Appendix "A", attached to the Ordinance codified in this section, which is incorporated herein by this reference. The baseline rates contained in Appendix "A" are the effective rates for 2015. Effective January 1, 2016 and January 1st of each succeeding year thereafter, rates for surface water drainage service shall be established by,

first, taking the rate service charge for the previous year (this figure is hereinafter referenced as the "base sum"); second, multiplying the base sum by a combination index of the Engineering News Record (ENR) Construction Cost Index (CCI) for the City of Seattle on March 31st of the current year and the Seattle Consumer Price Index (CPI-Urban Consumers), as measured for the 12-month period ending in June of the previous year as published by the U.S. Bureau of Labor and Statistics. The applicable index shall be calculated for the upcoming year as 30 percent of the ENR CCI for Seattle plus 70 percent of the Seattle CPI; and, third, adding the results to the base sum. On January 1st of each succeeding year, the rates shall be established by applying updated CCI, CPI, and the end figures in like manner to the rates of the previous year. Should the combined CCI/CPI inflation index as calculated above be less than zero, then the base sum shall remain the same as the previous year. Effective January 1, for years 2016, 2017, 2018 and 2019, the rates after applying the CCI/CPI index, shall be increased by an additional 3.70%. Effective January 1, for years 2020 and 2021, the rates after applying the CCI/CPI index, shall be increased by an additional 2.70%

(3) The monthly surface water service charge as applied to new development activity resulting in 500 square feet or more impervious area shall become effective on the date the land was cleared, graded or modified for the development as documented by the public works director. For new subdivisions, the effective date shall be approval date of the plat.

Sec. 2. DMMC 11.12.030 and section 3 of Ordinance No. 860 as amended by section 3 of Ordinance No. 1246 as amended by section 2 of Ordinance No. 1368 are each amended to read as follows:

Charges for development permits.

For properties requesting development permits after January 1, 1991, a development permit is hereby established. The development permit charge reflects the previous costs to the City of providing the storm drainage system serving the property at the time of the request for a development permit. The lack of a physical connection system does not preclude the development permit from this charge. Installation of infiltration systems shall not exempt the property from the development permit charge.

(1) The development permit charge shall be computed on the following basis:

Development Permit Charge Charge	Square Footage of Impervious Area to Be Developed on Property X Base Charge
=	<hr/>
	Equivalent Billing Unit

(2) Effective January 1, 2016, the base charge shall be \$1,550.00.

(3) Effective January 1, 2017, and January 1 of succeeding years, the base charge shall be increased by the ENR CCI for March 31 of the previous year.

(4) The development permit charge shall be computed to the nearest 0.1 EBU.

(5) The minimum development permit charge shall be the Base Charge. There shall be no development permit charge for expansion or remodeling of single-family units.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 4. Effective date. This Ordinance shall take effect and be in full force January 1, 2016.

PASSED BY the City Council of the City of Des Moines this 9th day of April, 2015 and signed in authentication thereof this 9thth day of April, 2015.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: April 14, 2015

Effective Date: January 1, 2016

Appendix "A"

Ordinance No. 1620

Effective January 1, 2015, the following baseline rates shall be charged for goods and services provided by the utility for the City of Des Moines:

(1) Single-family Developed Properties.

(a) The monthly service charge for all single-family developed properties with impervious surface area between 500 square feet and 2,800 square feet on the property are charged \$11.21.

(b) The monthly service charge for single-family developed properties with impervious surface area between 2,800 square feet and 4,350 square feet on the property are charged \$14.76.

(c) The monthly service charge for single-family developed properties with impervious surface area between 4,350 square feet and 7,500 square feet on the property are charged \$21.05.

(d) The monthly service charge for single-family properties with impervious surface area greater than 7,500 square feet on the property is computed in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \begin{array}{r} \$14.76 \times \text{Square Footage of} \\ \text{Impervious Area} \\ \hline 3,450 \text{ sq. ft.} \end{array}$$

(2) Multi-family Properties. The monthly service charge for all multi-family properties is based on the impervious surface area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \begin{array}{r} \$14.76 \times \text{Square Footage of} \\ \text{Impervious Area} \\ \hline 3,450 \text{ sq. ft.} \end{array}$$

(3) Commercial Properties. The monthly service charge for all commercial properties is based on the impervious surface area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \frac{\$14.76 \times \text{Square Footage of} \\ \qquad \qquad \qquad \text{Impervious Area}}{3,450 \text{ sq. ft.}}$$

(4) Nonprofit Properties. The monthly service charge for all nonprofit properties is based on the impervious surface area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Monthly Service} \\ \text{Charge} = \end{array} \qquad \frac{\$14.76 \times \text{Square Footage of} \\ \qquad \qquad \qquad \text{Impervious Area}}{3,450 \text{ sq. ft.}}$$

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1620, Adopted April 9, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to surface water management, amends DMMC 11.12.020 and DMMC 11.12.030, to adjust surface water service charges and charges for development permits based on the findings and recommendations of the adopted City of Des Moines 2015 Surface Water Comprehensive Plan, prepared by Parametrix, Inc.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: April 14, 2015