

# TOWN OF WOODWAY

## ORDINANCE 2024-654

AN ORDINANCE OF THE TOWN OF WOODWAY AMENDING WOODWAY MUNICIPAL CODE (WMC) CHAPTER 11.01 - STORM AND SURFACE WATER UTILITY; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town of Woodway enacted a storm and surface water utility, codified in WMC 11.01, in June 2007; and

WHEREAS, the Town incorporated the service charges and capital facilities charges into WMC 11.01; and

WHEREAS, the existing service charges fail to provide adequate revenue to meet the operational costs of the utility and the Town Council has determined it is necessary and in the public interest to increase administrative flexibility and decrease the administrative burden by moving those fees to the fee schedule and adding an annual increase based on the June-to-June CPI-U for Seattle-Tacoma-Bellevue; and

WHEREAS, certain changes to the definitions set forth in WMC 11.01.040 are appropriate and in the public interest;

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. WMC Section 11.01.110: Storm and surface water service charges, as amended in Exhibit A, is hereby adopted.

Section 2. WMC Section 11.01.150: Capital Facilities Charges, as amended in Exhibit B, is hereby adopted.

Section 3. WMC Section 11.01.040: Definitions, as amended in Exhibit C, is hereby adopted.

Section 4. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.

Section 5. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

PASSED this 20<sup>th</sup> day of February 2024 by the Town Council of the Town of Woodway.


TOWN OF WOODWAY

  
Michael S. Quinn, Mayor

ATTEST:

  
Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:

  
Greg Rubstello, Town Attorney

Date Passed by the Town Council: 20 February 2024  
Date Published: 23 February 2024  
Effective Date: 28 February 2024

# TOWN OF WOODWAY

## ORDINANCE 2024-654 | EXHIBIT A

### WMC SECTION 11.01.110:

#### STORM AND SURFACE WATER SERVICE CHARGES ~~SCHEDULE~~

##### 11.01.110 STORM AND SURFACE WATER SERVICE CHARGES ~~SCHEDULE~~.

- A. Utility Service Charges. The storm and surface water utility service charges shall be as set forth in the Town's Fee Schedule authorized by WMC Section 3.32.010, as now or hereafter amended. The service charges established in the Town's fee schedule shall increase annually by the June-to-June CPI-U for Seattle-Tacoma-Bellevue, with a minimum increase of 3%, rounded up to the nearest whole number. ~~Schedule.~~ The monthly schedule for storm and surface water service charges shall be:

Zone	Avg. Impervious Surface	Base Fee	Avg. Lot Fee	Monthly Fee incl. Base Fee
UR	4,954 sq/ft	\$7.42	\$5.39	\$12.81
R14.5	4,656 sq/ft	7.42	5.06	12.48
R43	8,256 sq/ft	7.42	8.98	16.40
R87	10,587 sq/ft	7.42	11.51	18.93

- B. Town Reserves the Right to Make Changes. The Town Council recognizes that future State and/or Federal stormwater requirements, as well as increased costs in identified projects or additional costs of new projects, may require additional adjustments to the ~~rate~~ service charge structure and/or ~~rates~~ service charges. ~~The Council believes that the adopted rate structure contains sufficient flexibility to meet these future needs.~~ Because not all needs or requirements of the utility are foreseeable, ~~however,~~ the Council retains the ability and authority to modify service charges rates and the service charge rate structure as needed.
- C. ~~Annual Review of Schedule.~~ The Town Council should review the storm and surface water management service charges annually to ensure the long-term fiscal viability of the program and to guarantee that any debt covenants are met.

# TOWN OF WOODWAY

## ORDINANCE 2024-654 | EXHIBIT B

### WMC SECTION 11.01.150: CAPITAL FACILITIES CHARGES

#### 11.01.150 CAPITAL FACILITIES CHARGES.

- A. The purpose of this section is to establish storm and surface water capital facilities charges for all development activity. The capital facilities charge is established to recover the fair share of the prior public investment in infrastructure capacity installed to accommodate the additional storm and surface water runoff generated with construction of new development. The storm and surface water utility capital facilities charges shall be as set forth in the Town's Fee Schedule authorized by WMC Section 3.32.010, as now or hereafter amended. ~~The capital facilities charge shall be calculated by multiplying the monthly service charge for the subject property times the number of months having passed from the beginning of storm and surface water service charge collection to the time of building permit issuance; provided, that the charge shall be calculated on a maximum number of one hundred eighty months.~~
- B. At the time of building permit issuance, a capital facilities charge will be collected and the service charge for that parcel shall begin to be collected in accordance with the Town storm and surface water service charge rate ~~rate~~ structure.



# TOWN OF WOODWAY

## ORDINANCE 2024-654 | EXHIBIT C

### WMC SECTION 11.01.040: DEFINITIONS

#### 11.01.040 DEFINITIONS.

For purposes of this chapter, the definitions in the State of Washington Department of Ecology's "Stormwater Management Manual for the Puget Sound Basin" (the technical manual, 2005 Edition) and all amendments and additions thereto, are adopted by this reference except as stated below. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine, and words used in the feminine gender include the masculine. Unless otherwise defined herein, the definitions in Chapter 11.02 shall apply.

- A. "Capital facilities charge" means the fee applied to properties at the time of development enabling the Town to recover the prior public investment in infrastructure capacity installed to accommodate additional storm and surface water runoff generated by future development.
- B. "Developed parcel" means any parcel or parcels of property altered from the natural state by the construction, creation, or addition of impervious surfaces ~~that singly or together are used for the purpose of one single-family residence.~~
- C. "Director" means the Mayor or ~~his/her~~their designee.
- D. "Drainage basin" means the geographic region within which water drains into a particular aquatic system or other body of water.
- E. "Drainage facility" means the system of collecting, conveying, and storing storm and surface water runoff. Drainage facilities shall include, but not be limited to, all storm and surface water conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and constructed.
- F. "Impervious surface" means a surface that greatly reduces or stops the transmission of water, including, but not limited to, asphalt and Portland cement paving, paving blocks, compacted soils and gravel for parking areas, rooftops, or any manmade material that impedes the flow of water and is permanently fixed to the ground. Lattice work paving systems that have a portion of their areas open to the subgrade shall not be considered impervious as to the portion that is open.
- G. "Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure or equipment.
- H. "Natural surface water drainage system" means such landscape features as streams, swales, lakes and wetlands.

- I. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area ~~which~~ that is documented for property tax purposes and given a tax lot number by the Snohomish County Assessor.
- J. "Person" means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the State or local government unit, however designated.
- K. "Property owner of record" means a person or persons shown in the records of the County Assessor to be the owner of property ~~and to whom property tax statements are directed~~.
- L. "Rate category" means the classification in this chapter given to a parcel in the service area based on the land use designation of the parcel.
- M. "Rates" means the dollar amount charged per developed parcel.
- ~~N. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.~~
- ~~O.N.~~ "Service charges" means charges to property owners for storm and surface water management services.
- ~~P.O.~~ "Storm and surface water management services" means the services provided by the utility, including, but not limited to, planning, facility design and construction, facilities maintenance, regulation, financial administration, and public involvement.
- ~~Q.P.~~ "Storm and surface water" means the water originating from rainfall and other precipitation that is found on the ground surface and in drainage facilities, streams, springs, seeps, ponds and wetlands.
- ~~R.Q.~~ "Storm and surface water management system" means constructed drainage facilities and any natural surface water drainage features ~~which~~ that collect, store, control, treat and/or convey storm and surface water runoff.
- ~~S.R.~~ "Storm and surface water program" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, land use management regulations, and any other measures adopted by the Town for managing storm and surface water management facilities and features within the Town.
- ~~T.S.~~ "Undeveloped parcel" means any parcel that has not been altered by construction, and/or creation or addition of impervious surface(s), and is not otherwise considered a developed parcel.
- ~~U.T.~~ "Undeveloped vegetated area" means an area of primarily native vegetation ~~which~~ that is unaltered by construction or other land alteration activity.