

# ORDINANCE 1660

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, INCREASING THE CITY'S STORMWATER UTILITY CAPITAL FACILITIES CHARGE; AMENDING THE CITY'S TAXES, RATES AND FEES SCHEDULE ACCORDINGLY; AMENDING NBMC SECTION 13.36.110, CAPITAL FACILITIES CHARGE ESTABLISHED; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of North Bend ("City") owns and operates a stormwater utility for the benefit of City residents and businesses; and

**WHEREAS**, pursuant to RCW 35.92.025, the City may charge a property owner seeking to connect to the City's stormwater utility system in order that the property owner shall bear their equitable share of the cost of such system. These charges are commonly referred to as Capital Facilities Charges ("CFCs"); and

**WHEREAS**, North Bend Municipal Code ("NBMC") Sections 13.36.100 and 13.36.110 provide that the City's stormwater utility CFC is to be established within the City's Taxes, Rates and Fees Schedule; and

**WHEREAS**, the stormwater utility CFC currently set forth in the Taxes, Rates and Fees Schedule has not been increased since 2001, except for automatic inflationary adjustments since 2012; and

**WHEREAS**, revenues from the stormwater utility CFCs have not kept pace with the increasing number of stormwater facilities necessary to service the growth and development occurring within the City; and

**WHEREAS**, in order to adequately support the planning, design, and construction of the City's stormwater capital projects, an increase to the stormwater utility CFC is warranted; and

**WHEREAS**, the City Council finds that an updated stormwater utility CFC would more adequately fund the current needs of the stormwater capital improvement program; and

**WHEREAS**, the City held a public hearing on the proposed change to the stormwater utility CFC at the May 15, 2018 and June 5, 2018, City Council Meetings;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. City's Stormwater Capital Facilities Charge, Increased:** The City's stormwater utility capital facilities charge is hereby increased from the current charge of \$870.00 per equivalent service unit, to \$2,526 per equivalent service unit.

**Section 2. Taxes, Rates & Fees Schedule, Updated:** The City Clerk is directed to amend Section 13.36.110 of the City of North Bend Taxes, Rates and Fees Schedule as set forth below:

**13.36 Stormwater Utility**

13.36.110 Capital Facilities Base Charge ~~\$870.00~~ \$2,526\*  
per equivalent service unit

\* This charge will be automatically increased each year on January 1<sup>st</sup> based on percentage increase or decrease of the ENR CCI for the Seattle Area.

**Section 3. NBMC 13.36.110 (Capital Facilities Charge Established), Amended:** North Bend Municipal Code Section 13.36.110 (Capital Facilities Charge Established) is hereby amended to read as follows:

**13.36.110 Capital facilities charge established.**

A capital facilities base charge is established by the taxes, rates and fees schedule ordinance. The capital facilities base charge shall be adjusted on an annual basis on January 1st of each year using the Engineering News Record (ENR) Construction Cost Index for the Seattle area. ~~December 2001 index of 7335.00 (accordingly establishing the base charge at \$679.31 as of the effective date of the ordinance codified in this section).~~

**Section 4. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on July 1, 2018.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5<sup>TH</sup> DAY OF  
JUNE, 2018.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

Published: June 15, 2018  
Effective: July 1, 2018

**ATTEST/AUTHENTICATED:**

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**Susie Oppedal, City Clerk**