

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2008 - 283

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		7/15/2008		7/15/2008	Surface Water
Division Head:					
Dept. Head:					
Prosecutor:	<i>DG</i>	07/15/08			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Res. declaring intention to create stormwater utility pursuant to RCW 36.89

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing ? () Yes () NO
SEPA review completed? () Yes () NO	Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

A Resolution of the Whatcom County Council declaring its intention to create a stormwater utility pursuant to RCW 36.89; and requesting the Executive to investigate various geographic limitations and funding options

COMMITTEE ACTION:

COUNCIL ACTION:

7/15/2008: Council Approved 6-0, Crawford absent Res. 2008-048

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number: R2008-48
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

PROPOSED BY: Consent
SPONSORED BY: Public Works
INTRODUCED: July 15, 2008

RESOLUTION NO. 2008-048

A RESOLUTION OF THE WHATCOM COUNTY COUNCIL DECLARING ITS INTENTION TO CREATE A STORMWATER UTILITY PURSUANT TO RCW 36.89; AND REQUESTING THE EXECUTIVE TO INVESTIGATE VARIOUS GEOGRAPHIC LIMITATIONS AND FUNDING OPTIONS

WHEREAS, untreated stormwater runoff from roads, rooftops, parking lots, residential, commercial, agricultural and industrial development and other impervious areas often carries sediment and pollutants into surface water bodies, impairing their quality; and

WHEREAS, the Whatcom County Council is committed to making responsible, effective investments to help reduce the impact of untreated stormwater on surface water quality; and

WHEREAS, on May 6, 2008 the Whatcom County council adopted the Lake Whatcom Comprehensive Stormwater Plan which calls for capital improvements, programmatic responses and substantial public outreach and education to reduce stormwater runoff in the Lake Whatcom watershed; and

WHEREAS, Whatcom County is the holder of a permit to discharge stormwater under Phase II of the National Pollutant Discharge Elimination System established by the federal Clean Water Act; and

WHEREAS, the area subject to the NPDES Phase II permit held by the County includes Urban Growth Areas surrounding the cities of Bellingham and Ferndale and nearby areas defined as urban by the 2000 federal census; and

WHEREAS, when the NPDES permit is renewed in 2012, if not before, the implementation plan for meeting the Total Maximum Daily Load (TMDL) for phosphorus in the Lake Whatcom watershed will be incorporated into the County's permit; and

WHEREAS, during the County's Comprehensive Water Resources Integration Project, the Council considered a variety of water resource needs and funding mechanisms, including measures to pay the costs of compliance with the NPDES permit requirements, implementation of the Lake Whatcom Comprehensive Stormwater Plan, other county stormwater management activities.; and

WHEREAS, the Council desires to further explore suitable options for providing stormwater services to Whatcom County;

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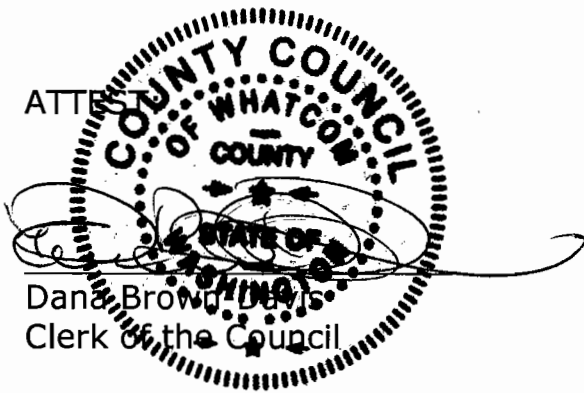
NOW THEREFORE BE IT RESOLVED that the Whatcom County Council declares its intent to create a county stormwater utility under the authority of RCW 36.89, or a comparable mechanism for dedicated stormwater funding; and

BE IT FURTHER RESOLVED that the Council requests the Executive to (1) investigate the appropriate geographic scope of a county stormwater utility, or comparable funding mechanism, that includes the Lake Whatcom watershed, and (2) provide the County Council with funding options. Viable options must honor (1) the legal requirement of connection between the fee charged and the benefit received or harm caused, (2) this Council's desire to encourage voluntary reduction of stormwater impacts from private property, and (3) the Council's desire to make implementation and administration of a Stormwater Utility as equitable and cost-efficient as possible; and

BE IT FINALLY RESOLVED that the Council requests the Executive to seek any necessary authorization to use funds appropriated in the 2008 budget for development of a funding mechanism to implement the Lake Whatcom Stormwater Plan for the purposes identified in this resolution.


Approved this 15 day of July, 2008.

ATTEST



Dana Bronck
Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Chairman
Whatcom County Council

APPROVED AS TO FORM:



Daniel Gibson, Civil Deputy Prosecutor