



City Council Agenda Bill

20130

Bill Number

Subject: Ordinance amending BMC 15.36.020 allowing limited sewer main extensions in the Lake Whatcom Water and Sewer District service area to protect basic public health and environment.

Summary Statement: Staff have been working with the Lake Whatcom Water and Sewer District on a new agreement for wastewater treatment. City and District staff have worked closely to develop a mutually-beneficial agreement that provides for long-term treatment for the District, cost recovery for the City, protection of Lake Whatcom and limitations on demand. The final point of contract negotiations is centered around BMC 15.36 which would limit the ability of the District to provide sewer when necessary to protect the public health and environment, such as a failing septic system in the watershed. The District is requesting changes to the BMC to allow for narrow exceptions to protect public health and the environment.

Previous Council Action: n/a

Fiscal Impact: Revenue from the District supports the operation of the sewer utility.

Funding Source: Sewer Fund

Attachments: Draft Ordinance with propose changes to BMC

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Vote Requested	30-Sep-2013	Vote to Approve	Ted Carlson, PW Director Eric Johnston, Assistant PW Director, Operations	15 min

Council Committee:

Public Works / Public Safety

Stan Snapp, Chair
Terry Bornemann; Gene Knutson

Committee Actions:

Council Action:

Agenda Bill Contact:

Eric Johnston, Assistant PW Director, Operations
778-7710

Reviewed By	Initials	Date
Ted Carlson, PW Director	TAC	9/25/13
Brian Henshaw, Finance Dir.	BHA	9/25/13
Legal	MTS	9/25/13
Mayor	KL	9.25.13

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE 15.36 REGARDING THE WHOLESALE PROVISION OF CITY WATER AND/OR SEWER SERVICE OUTSIDE CITY LIMITS.

WHEREAS, Bellingham Municipal Code ("BMC") 15.36 regulates the wholesale provision of City water and sewer service outside City limits; and

WHEREAS, BMC 15.36.020 requires all new contracts as well as existing contracts being negotiated for renewal relating to wholesale sewer service to include a provision prohibiting the extension of new sewer mains outside Urban Growth Areas and Limited Areas of More Intensive Rural Development designated by Whatcom County under the Growth Management Act, Revised Code of Washington ("RCW") 36.70A; and

WHEREAS, the Growth Management Act, RCW 36.70A.110(4), similarly provides that, in general, it is not appropriate that urban governmental services be extended to or expanded in rural areas, but includes an exception for extensions in those limited circumstances shown to be necessary to protect basic public health and safety and the environment when such services are financially supportable at rural densities and do not permit urban development; and

WHEREAS, City Council desires to align BMC 15.36.020 with the Growth Management Act by adopting an exception for new sewer main extensions in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Bellingham Municipal Code Section 15.36.020 is amended as follows:

15.36.020 Wholesale services to districts and associations.

A. [NO CHANGE]

B. All new contracts as well as existing contracts being negotiated for renewal relating to sewer service shall include provisions specifically providing the maximum quantities of effluent that will be accepted for transmission and treatment, and prohibiting the extension of new sewer mains outside urban growth areas and limited areas of more intensive rural development designated by Whatcom County under RCW 36.70A, except in those limited circumstances where extension is necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not

permit urban development. All new contracts as well as existing contracts being negotiated for renewal relating to water service shall include provisions specifically providing the maximum quantities that will be supplied at the point of distribution.

C. Such contracts shall further specifically prohibit the district or association from enlarging its area of jurisdiction ~~or service~~ without the express approval of the city council.

PASSED by the Council this _____ day of _____, 2013.

Council President

APPROVED by me this _____ day of _____, 2013.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
