



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2019-614

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<b>File ID:</b>	AB2019-614	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	11/20/2019	<b>Entered by:</b>	BBushaw@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council	<b>Final Action:</b>	01/28/2020		
<b>Agenda Date:</b>	01/28/2020	<b>Enactment #:</b>	ORD 2020-001		

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Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Whatcom County Public Works requests an amendment to Ordinance 2019-53, Lake Whatcom Stormwater Utility Funding Mechanism, to initiate the Capital Facilities Charges in January 2021 rather than January 2020. The requested time extension is needed to develop an effective collection process and to clarify ambiguous language included in Section 11 of Whatcom County Code 16.30

### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
12/03/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 7 Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu	
		Nay: 0	
		Absent: 0	
01/14/2020	Council	INTRODUCED FOR PUBLIC HEARING	Council
01/28/2020	Council	ADOPTED	
		Aye: 6 Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner	

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Nay: 1 Byrd  
Absent: 0

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**Attachments:** Memo, Proposed Ordinance

**ORDINANCE NO. 2020-001**

**AUTHORIZING A CHANGE TO ORDINANCE 2019-053, WHICH AUTHORIZED CHARGES FOR STORMWATER CONTROL FACILITIES AND PROGRAMS IN THE LAKE WHATCOM STORMWATER UTILITY SERICE AREA, SPECIFICALLY EXTENDING COLLECTION OF CAPITAL FACILITIES CHARGES TO 2021**

**WHEREAS**, the Whatcom County Council adopted Ordinance 2019-053 on July 23, 2019 authorizing fees for the Lake Whatcom Stormwater Utility; and

**WHEREAS**, Ordinance 2019-053 calls for one-time charges on new residential and commercial developments/structures, effective January 1, 2020; and

**WHEREAS**, certain provisions related to these Capital Development Charges are ambiguous and create unclear legislative intention around the extent and method for collection; and

**WHEREAS**, additional time is needed to clarify the terms of the ordinance and to develop a suitable method for collection of fees; and

**WHEREAS**, 2020 is established in the Ordinance as a phase-in period with collection of annual fees at 50%; and


**WHEREAS**, delaying implementation of the Capital Facilities Charge until January 1, 2021 will allow time to clarify the code language and develop a suitable fee collection method

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**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that collection of the Capital Facility Charge established under Ordinance 2019-053 shall prospectively begin on January 1, 2021.

**ADOPTED** this 28th day of January, 2020.


ATTEST:

  
Dana Brown-Davis, Clerk of the Council

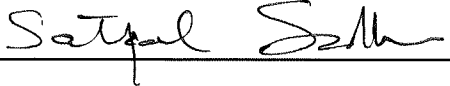
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE  
APPROVED AS TO FORM:

  
Christopher Quinn, Civil Deputy  
Prosecutor

WHATCOM COUNTY, WASHINGTON

  
Satpal Sidhu  
County Executive

Approved       Denied

Date Signed: 1/30/2020