

City of Lynnwood
MAY 23 2008
SCANNED

**CITY OF LYNNWOOD
ORDINANCE NO. 2723**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO PRESERVATION OF MOBILE HOME PARKS; ESTABLISHING SPECIAL WATER, SEWER AND SURFACE WATER RATES FOR PRESERVED MOBILE HOME PARKS; WAIVING FEES FOR PERMITS AND APPROVALS TO MAINTAIN, REPAIR AND IMPROVE PRESERVED MOBILE HOME PARKS; AMENDING SECTIONS 13.20.010, 13.20.080, 13.35.070, 14.40.035 AND 14.40.040 OF THE LYNNWOOD MUNICIPAL CODE; AND ADDING A NEW SECTION 1.37.100 TO THE LYNNWOOD MUNICIPAL CODE.

WHEREAS, by Ordinance No. 2695, the City Council amended policy MH-1 of the City Comprehensive Plan to create an overlay designation for 14 existing mobile home parks; and

WHEREAS, by the same Ordinance, the City Council amended policy MH-1 to establish a process for preserving mobile home parks through voluntary development agreements under which the owner maintains the park for a minimum of five years in exchange for financial incentives, such as reductions in water, sewer and storm rates and waiver of fees for maintaining, operating and improving the park; and

WHEREAS, by the same Ordinance, the City Council directed staff to prepare for City Council consideration any ordinance to implement the mobile home park preservation program of amended policy MH-1; and

WHEREAS, the ordinance was subjected to environmental review, culminating in the issuance of a determination of nonsignificance, which was not appealed; and

WHEREAS, the ordinance was submitted for the mandatory 60-day state agency review of the addition to Chapter 1.37 LMC; and

WHEREAS, the City Council considered a City report dated September 1, 2007 regarding mobile home parks in the City, which concluded, among other things, that mobile home parks in the City provide relatively low-cost housing that is often occupied by senior citizens, and that financial incentives provided to mobile home park owners, such as reductions in utility rates and waiver of fees for maintaining, operating and improving mobile home parks, will facilitate preservation of such parks; and

WHEREAS, the City Council considered a supplemental City report dated January 23, 2008, which provided additional data and information regarding the need for the preservation of mobile home parks and the characteristics of residents in them;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Based on the analysis and conclusions contained in the City report dated September 1, 2007, as supplemented by the City report dated January 23, 2008, , the City Council finds as follows:

1. Mobile home parks in the City provide relatively low-cost housing that is often occupied by senior citizens;
2. The average income of mobile home households in Lynnwood falls below the U.S. Department of Housing and Urban Development's low income threshold (80% of median and that incomes of many mobile home households fall below even the very low income threshold (50% of median); and
3. Financial incentives provided to mobile home park owners, such as reductions in utility rates and waiver of fees for building permits and related permits for maintaining or improving mobile home parks, will facilitate preservation of mobile home parks.

Section 2. Section 13.20.010 of the Lynnwood Municipal Code is amended to read as follows:

13.20.010 Charges for domestic water.

The charges for domestic water service shall be based upon the size of meter installed, number of connections or units being serviced therefrom, and the water delivered through the service meter; the monthly rate for each meter size and the maximum water allowed as part of this minimum charge shall be in effect and assessed beginning January 1st of each year, except for the 2007 rate, which shall be in effect and assessed beginning on February 1, 2007.

Table 1

Water Customer Classification	2007 Monthly Rate	2008 Monthly Rate	2009 Monthly Rate	2010 Monthly Rate	2011 Monthly Rate	2012 Monthly Rate
Residential Single-Unit						
Monthly Base Rate (incl.5 CCF)	\$10.38	\$10.63	\$10.88	\$11.13	\$11.38	\$11.75
Monthly Volume Charge >5 CCF to 20 CCF	\$1.22	\$1.24	\$1.26	\$1.28	\$1.31	\$1.33
Monthly Volume Charge >20 CCF	\$1.83	\$1.86	\$1.89	\$1.92	\$1.97	\$2.00

Special Water Rate	See Rate Below	See Rate Below	See Rate Below	See Rate Below	See Rate Below	See Rate Below
Residential Multiple-Unit						
Monthly Base Rate Per Unit (includes 5 CCF/meter)*	\$4.70	\$4.70	\$4.70	\$4.70	\$4.50	\$4.25
Monthly Volume Charge >5 CCF per meter	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
Residential-Mobile Per Unit						
Monthly Base Rate Per Unit (includes 5 CCF/meter)*	\$2.63	\$3.38	\$4.13	\$4.25	\$4.25	\$4.25
Monthly Volume Charge >5 CCF per meter	\$1.25	\$1.25	\$1.25	\$1.25	\$1.25	\$1.00
<u>Special Water Rate</u>	<u>See Rate Below</u>	<u>See Rate Below</u>	<u>See Rate Below</u>	<u>See Rate Below</u>	<u>See Rate Below</u>	<u>See Rate Below</u>
Commercial/Industrial (based on meter size)						
5/8-3/4-Inch Meter	\$10.38	\$10.63	\$10.88	\$11.13	\$11.38	\$11.75
1-Inch Meter	\$17.29	\$19.48	\$21.75	\$24.10	\$26.54	\$29.38
1-1/2-Inch Meter	\$28.10	\$33.65	\$39.42	\$45.43	\$51.66	\$58.75
2-Inch Meter	\$39.77	\$49.59	\$59.81	\$70.46	\$81.52	\$94.00
3-Inch Meter	\$73.49	\$92.09	\$111.47	\$131.65	\$152.61	\$176.25
4-Inch Meter	\$114.56	\$146.98	\$180.80	\$216.01	\$252.62	\$293.75
6-Inch Meter	\$222.63	\$288.65	\$357.52	\$429.24	\$503.82	\$587.50
Monthly Volume Charge >5 CCF per meter	\$1.34	\$1.34	\$1.34	\$1.35	\$1.36	\$1.36
* Base charge per unit plus volume over 5 CCF per meter.						

Section 3. Section 13.20.080 of the Lynnwood Municipal Code is amended to read as follows:

13.20.080 Special water rates.

A. A residential single-unit special fixed rate of 50 percent of the residential single-unit monthly base rate and volume charges shall apply to all services to which water is available as follows:

1. Senior Citizens. Persons of the age of 61 years or older, meeting the qualifications specified in subsection 2 of this sub-section, and RCW 84.36.381, shall be charged the special water rate:

Water Customer Classification	2007 Monthly Rate	2008 Monthly Rate	2009 Monthly Rate	2010 Monthly Rate	2011 Monthly Rate	2012 Monthly Rate
Special Water Rates - Senior Citizens						
Monthly Base Rate (incl.5 CCF)	\$5.19	\$5.32	\$5.44	\$5.57	\$5.69	\$5.88
Monthly Volume Charge >5 CCF to 20 CCF	\$0.61	\$0.62	\$0.63	\$0.64	\$0.66	\$0.67
Monthly Volume Charge >20 CCF	\$0.92	\$0.93	\$0.95	\$0.96	\$0.99	\$1.00

2. Qualifications for said rate shall be:

- a. The property to which the utility service is extended shall have a valid property tax exemption from Snohomish County, pursuant to RCW 84.36.381 through 84.36.385.
- b. Claimants for said reduction shall occupy the site as principal residence, be within the corporate limits of the city of Lynnwood, and have a household income level no greater than and as prescribed in RCW 84.36.381.

3. Medical Necessity. Persons who require large quantities of water due to medical necessity (i.e. kidney dialysis) and who occupy the site as principal residence and are located within the corporate limits of the city of Lynnwood shall be charged the special water rate.

B. For mobile home parks that are preserved pursuant to a development agreement in accordance with Chapter 1.37 LMC, the following residential-mobile per unit base rate and volume charges shall apply:

1. Preservation for five to seven years: 50 percent of the base rate and volume charge in LMC 13.20.010.

2. Preservation for seven years or more: 25 percent of the base rate and volume charge in LMC 13.20.010.

Section 4. Section 13.35.070 of the Lynnwood Municipal Code is amended to read as follows:

13.35.070 Utility charges.

The following surface water utility rates and charges are hereby established for all sites in the city as set forth in Table 1 below. These rates and charges shall be in effect and assessed beginning January 1st of each year, except for the 2007 rates, which shall be in effect and assessed beginning on February 1, 2007.

- A. Single-family residential sites; one ERU per month for each single-family residential unit on a site. This uniform rate is based on each single-family residential site being equal to one equivalent residential unity (ERU). Each duplex on a site shall be charged one ERU.
- B. Undeveloped sites: undeveloped sites shall not be charged under this system and structure of rates.
- C. Other sites: the charge for all other developed sites shall be based upon the total amount of measured impervious surface divided by one ERU, and rounded down to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the measured ERUs for a site by the monthly rate per ERU. All sites will be charged for at least one ERU. Sites will be billed as a single-surface water account when a site contains multiple water meters and/or businesses on a site. Owners/managers will be responsible for any allocation of the surface water charge among tenants.
- D. Special surface water rate-senior citizens: persons of the age of 61 years or older, meeting the qualifications specified in this section and RCW 84.36.381, shall be charged at the rate of 0.5 ERUs.

Table 1

Customer Class	Rate Calculation
Single-family residential/duplexes	1 ERU
Multifamily/commercial industrial sites	Measured s.f. of impervious areas = number of billed ERUs
Special surface water rates-senior citizens	1 ERU x 0.5

Customer Class	2007 Mo. Rate	2008 Mo. Rate	2009 Mo. Rate	2010 Mo. Rate	2011 Mo. Rate	2012 Mo. Rate
Single-family						

residential/ duplexes	\$4.25	\$5.09	\$5.84	\$6.70	\$7.56	\$8.53
Multifamily/ commercial industrial sites	\$4.25/ ERU	\$5.09	\$5.84	\$6.70	\$7.56	\$8.53
Special surface water rate-senior citizens	\$2.13	\$2.55	\$2.92	\$3.35	\$3.78	\$4.27

E. Special surface water rate-mobiles: Mobile home parks that are preserved pursuant to a development agreement in accordance with Chapter 1.37 LMC, as follows:

1. Preservation for five to seven years: 0.5 ERUs.
2. Preservation for seven years or more: 0.25 ERUs.

Section 5. Section 14.40.035 of the Lynnwood Municipal Code is amended to read as follows:

14.40.035 Schedule IV-Sewer volume charge based on metered water consumption.

Each customer, including residential single-unit, residential multiple-unit per unit, and commercial and industrial per meter, shall be charged a rate per 100 cubic feet of residential use or commercial/industrial use in excess of the first 2,000 cubic feet every two months included in the base rate. This rate shall be as specified in Table 1 below.

To account for summer water that does not enter the sewer system, the volume billed to residential customers in May, June, July, August, and September shall be adjusted according to the individual customer's winter usage. Winter usage shall be determined by water used in October through April.

Table 1: Sewer Rates

Customer Classification	2007 Monthly Rate	2008 Monthly Rate	2009 Monthly Rate	2010 Monthly Rate	2011 Monthly Rate	2012 Monthly Rate
Residential Single-Unit						
Mo. Base Rate (incl.10 CCF)	\$25.25	\$29.00	\$29.50	\$30.00	\$30.50	\$31.00
Mo. Volume Charge 10 CCF	\$2.00**	\$2.25**	\$2.35**	\$2.45**	\$2.50**	\$2.55**

Special	See Table Below	See Table Below	See Table Below	See Table Below	See Table Below	See Table Below
Residential Multiple-Unit Per Unit*						
Mo Base Rate (incl. 10 CCF per unit)	\$22.00	\$25.38	\$26.25	\$26.75	\$27.13	\$27.25
Mo. Volume Charge >10 CCF per unit	\$2.00*	\$2.25*	\$2.35	\$2.45*	\$2.50*	\$2.55*
Residential-Mobile Per Unit*						
Mo. Base Rate (incl. 10 CCF per unit)	\$12.40	\$16.13	\$17.88	\$19.88	\$22.13	\$27.25
Mo. Volume Charge >10 CCF per unit	\$2.00*	\$2.25*	\$2.35	\$2.45*	\$2.50*	\$2.55*
Special Sewer Rate	See Rate Below	See Rate Below	See Rate Below	See Rate Below	See Rate Below	See Rate Below
Commercial/Industrial (based on meter size)						
5/8-3/4-Inch Meter	\$39.00	\$39.00	\$39.00	\$39.00	\$39.00	\$39.00
1-Inch Meter	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
1-1/2-Inch Meter	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00
2-Inch Meter	\$90.00	\$90.00	\$90.00	\$90.00	\$90.00	\$90.00
3-Inch Meter	\$302.50	\$302.50	\$302.50	\$302.50	\$302.50	\$302.50
4-Inch Meter	\$382.50	\$382.50	\$382.50	\$382.50	\$382.50	\$382.50
6-Inch Meter	\$567.50	\$567.50	\$567.50	\$567.50	\$567.50	\$567.50
Sewer Only Accounts						
Residential Single-Unit	\$26.40	\$30.50	\$30.90	\$31.30	\$31.70	\$32.15
Residential Multiple-Unit Per Unit	\$22.00	\$25.25	\$26.25	\$27.25	\$27.80	\$28.40
Commercial/Industrial Per Account	\$63.95	\$72.95	\$75.85	\$78.75	\$80.20	\$80.65
*Base rate per unit plus volume over 10 CCF per unit						
**For next additional 17.5 CCF (No charges are incurred for volumes over the additional 17.5 CCF						

per month)

Table 2: Strength Charges

Customer Classification	2007 Monthly Rate	2008 Monthly Rate	2009 Monthly Rate	2010 Monthly Rate	2011 Monthly Rate	2012 Monthly Rate
Strength<3 per CCF	\$1.72	\$2.34	\$2.54	\$2.74	\$2.84	\$2.87
Strength=3 per CCF	\$2.36	\$2.90	\$2.92	\$2.96	\$2.99	\$3.08
Strength=4 per CCF	\$3.10	\$4.00	\$4.54	\$5.22	\$5.33	\$5.46
Strength=5 per CCF	\$3.96	\$4.80	\$5.33	\$5.84	\$6.09	\$6.11

Section 6. Section 14.40.040 of the Lynnwood Municipal Code is amended to read as follows:

14.40.040 Schedule III - Special rates.

- A. Persons of the age of 61 years or older, meeting the qualifications specified in subsection 1. of this section and RCW 84.36.381, shall be charged at a special sewer rate: Fifty percent of the residential single-unit monthly rate and volume charges.

Customer Classification	2007 Monthly Rate	2008 Monthly Rate	2009 Monthly Rate	2010 Monthly Rate	2011 Monthly Rate	2012 Monthly Rate
Special						
Mo. Base Rate (incl.10 CCF)	\$12.63	\$14.50	\$14.75	\$15.00	\$15.25	\$15.50
Mo. Volume Charge >10 CCF	\$1.00**	\$1.13**	\$1.18**	\$1.23**	\$1.25**	\$1.28**
**For next additional 17.5 CCF (No charges are incurred for volumes over the additional 17.5 CCF per month)						

1. Qualifications for said rate shall be:

- a. The property to which the utility service is extended shall have a valid property tax exemption from Snohomish County, pursuant to RCW 84.36.381 through 84.36.385.

- b. Claimants for said reduction shall occupy site as principle residence and be within the corporate limits of the city of Lynnwood and have a household income level no greater than and as prescribed in RCW 84.36.381.
 2. The city council, by appropriation from the water and sewer fund, shall pay those capital costs as allocated in the sewer rate model, "total rate requirements and calculation by customer class" module to senior citizens, thereby lowering the actual monthly rate to be charged to senior citizens in single-family residences.
- B. Mobile home parks that are preserved pursuant to a development agreement in accordance with Chapter 1.37 LMC shall be charged at a special sewer rate as follows:
1. Preservation for five to seven years: 50 percent of the residential-mobile per unit base rate and volume charges in LMC 14.40.035.
 2. Preservation for seven years or more: 25 percent of the residential-mobile per unit base rate and volume charges in LMC 14.40.035.

Section 7. A new section 1.37.100 is added to the Lynnwood Municipal Code to read as follows:

1.37.100.

The owner of an existing mobile home park that is identified in policy MH-1 of the comprehensive plan may preserve the mobile home park pursuant to a development agreement that:

- A. Is processed and approved in accordance with this chapter;
- B. Preserves and maintains the mobile home park for a minimum term of five years, which term shall renew automatically for additional periods as agreed to by the city and the owner, unless the owner notifies the city and the residents and occupants of the mobile home park in writing of termination of the development agreement at least one year before the termination date;
- C. Includes special rates for water, surface water and sewer service as set forth in this code;
- D. Waives all permit, approval, processing and inspection fees for any construction or repair to maintain, operate or improve the mobile home park during the agreement period, and renewals thereof; and
- E. Contains additional terms and conditions that are agreed to by the owner and the city council.

Section 8. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

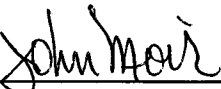
PASSED this 28th day of April, 2008 and signed in authentication of its passage this 5th day of May, 2008




DON GOUGH, Mayor

ATTEST:

APPROVED AS TO FORM:



JOHN MOIR
Finance Director



MICHAEL RUARK
City Attorney