



Staff Report

November 18, 2024 Council Workshop Meeting

Private Stormwater Facility Initiative Professional Services Agreement

Presenter: Rob Charles, Utilities Manager

Time Estimate: 5 minutes

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BACKGROUND: As part of the City’s National Pollutant Discharge Elimination System (NPDES) Permit, the City is required to show that all stormwater facilities in the City are functioning as they were designed to minimize impacts from stormwater on receiving bodies of water. There are 515 total stormwater facilities in the City. 214 of these are private and not maintained by the City but are maintained by homeowner’s associations (HOA’s). Many of these facilities have not been maintained for years by the Homeowner’s Association’s or entity responsible for maintenance. In some cases, the lack of maintenance is a result of the HOA being dissolved, and in other cases, the HOA isn’t aware of the maintenance obligation, doesn’t have the resources, or has otherwise been difficult or unwilling to work with the City.

SUMMARY: Over the years, there have been discussions with Council on different approaches to address the long-term control, management, and maintenance of privately owned stormwater facilities. Due to different issues related to technical, legal, or public relation issues, the process to require private stormwater facility maintenance has not changed. Currently, per CMC 14.02.090, the City has the right to take enforcement action, including “...perform[ing] this maintenance and bill the responsible party(ies) for the costs of such maintenance.” To date, the City has not used this option as a result of the issues identified above.

Staff has gone through the Request for Qualifications process to select a consultant to assist the City in evaluating the current status of all stormwater facilities and review options relating to the requirement for maintenance. Parametrix is proposing a phased approach in addressing the long-term management of private stormwater facilities. Phase 1 evaluates each individual private stormwater facility based on ownership status, management agreement and current performance conditions. Phase II would develop an implementation strategy for the City to begin addressing long-term control, management and maintenance of the private stormwater facilities. Phase III will estimate the cost needed to bring the private stormwater facilities up to their original design functionality and maintain their performance moving forward.

BENEFITS TO THE COMMUNITY: Understanding the true costs of maintaining or bringing into compliance every private stormwater facility in accordance with the City's NPDES Permit, and evaluating reasonable implementation options.

POTENTIAL CHALLENGES: Costs for bringing all private stormwater facilities into compliance will be substantial, and will most likely require long-term coordination with HOAs and significant staffing resources.

BUDGET IMPACT: The cost of this proposal is \$112,201 and would be partially covered by a Stormwater Capacity Grant which is administered by the Department of Ecology.

RECOMMENDATION: Staff would recommend that this item be placed on the December 2nd, 2024 Council Meeting Regular Consent Agenda for Council's consideration.