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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3262

AN ORDINANCE empowering the Storm and Surface Water Advisory Commission to act as a Board of Appeals from administrative determinations of the Storm and Surface Water Utility regarding intensity of development classifications for properties.

WHEREAS, the Bellevue City Council requested the Storm and Surface Water Advisory Commission to evaluate the need for a Board of Appeals regarding certain aspects of Storm and Surface Water Utility service charges; and

WHEREAS, at their meeting of April 1, 1982, the Storm and Surface Water Advisory Commission determined that the establishment of such an appeals process would be desirable; and

WHEREAS, the Storm and Surface Water Advisory Commission has been established by Resolution No. 2802 of the City Council to advise on matters of the Storm and Surface Water Utility, including rate matters; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following new Sections 3.40.050 - 080 are hereby added to the Bellevue City Code:

3.40.050 Board of Appeals. The Storm and Surface Water Advisory Commission as established by Resolution No. 2802 shall act as a Board of Appeals as hereinafter set forth.

3.40.060 Intensity of Development Classification -- Appeal. Any person disagreeing with the intensity of development classification as determined by the Storm and Surface Water Utility under Ordinance 2429, Section 2 or 3, as now or hereafter amended for property owned by them may appeal such determination to the Board of Appeals. Any appeal of an intensity of development classification in effect as to any property as of the effective date of this ordinance must be filed by December 31, 1983. Any appeal of any intensity of development classification determined for any property after the effective date of this ordinance must be filed in writing with the Storm and Surface Water Utility not later than sixty days after the date on which the Storm and Surface Water Utility makes the determination of intensity of development classification for such property.

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3.40.070 Procedure Before Board of Appeals. Upon receiving an appeal, the Storm and Surface Water Utility shall forward such appeal to the Board of Appeals. The Board of Appeals shall then set a date for the hearing of the appeal. The parties to the appeal are the appellant and the Storm and Surface Water Utility. The Board of Appeals is authorized to establish procedures for the processing of such appeals and the conduct of its hearings.

30.40.080 Decision of the Board. In hearing such appeals, the Board of Appeals shall be limited to determining whether the intensity of development classification determined for the property by the Storm and Surface Water Utility is correct. In making its decision, the Board of Appeals shall state for the record the basis for its decision or, in the alternative, may elect to issue a written decision.

Section 2. This ordinance shall take effect and be in force thirty days after enactment by the Council.

PASSED by the City Council this 6th day of June, 1983, and signed in authentication of its passage this 6th day of June, 1983.

(SEAL)

Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney

Richard Gidley, Assistant City Attorney

Attest:

Marie K. O'Connell, City Clerk

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