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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4232

AN ORDINANCE requiring connection to the sanitary sewer system of the City; providing a procedure and standards for variances; and adding a new section 24.04.185 to the Bellevue City Code.

WHEREAS, the City Council has determined that the safest and most efficient method for disposing of sanitary waste is through the sanitary sewer system of the City; and

WHEREAS, the City has determined that alternate systems, such as septic systems, do not provide the same level of safety and efficiency as the sanitary sewer system, and should be allowed only where demonstrated, special hardship necessitates their use; now, therefore,

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

Section 1. A new section 24.04.185 is hereby added to the Bellevue City Code, as follows:

24.04.185 Connection to Sanitary Sewer System Required - Variance Procedure.

- A. All structures which contain facilities for the disposal of sanitary wastes shall be connected to the sanitary sewer system of the City. Any property owner may apply for a variance from this requirement to allow provision of a septic system rather than connection to the sanitary sewer system. Such application shall be made to the Director of the Department of Public Works and Utilities. The Director may grant a variance only if the applicant demonstrates that all of the following decision criteria are met:
1. The structure is more than 330 feet from the existing sanitary sewer system or, in the case of a subdivision, the subdivision is more than 660 feet from the existing sanitary sewer system.
 2. The proposed septic system will not have an adverse environmental effect on potable wells, ground water, streams or surface bodies of water.

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3. The proposed septic system is in compliance with all applicable federal, state and local health and environmental regulations.
 4. The cost of providing sanitary sewer system to the structure will result in an economic hardship. Economic hardship is defined as an unrecoverable cost equal to or exceeding 20 percent of the fair market value of a perfected building site on which the structure is to be located.
- B. Any variance issued by the Director shall be subject to the following conditions:
1. The applicant must obtain King County Health Department approval for the septic tank system in accordance with Bellevue City Code Chapter 23.62, and must obtain any other permits required for such system which may be required by law.
 2. The applicant shall record a covenant, in a form approved by the City, with the King County Department of Records and Elections providing that the structure shall be connected to the sanitary sewer system at such time as the system is available. The system is available for purposes of this requirement whenever the structure can be connected to the system by an extension of 330 feet or less or, in the case of a subdivision, the boundary of the subdivision can be reached by an extension of 660 feet or less from the system.
 3. The applicant shall execute an agreement with the City not to protest the formation of any future L.I.D. or U.L.I.D. for extension of a sanitary sewer system that would serve the property.
- C. The applicant may appeal a decision of the Director denying a variance application to the Hearing Examiner by filing a written appeal statement with the Director of Public Works and Utilities. The appeal must be filed no more than 20 calendar days following the date of the Director's decision, and must set forth the grounds for the appeal. The appeal hearing shall be conducted in accordance with Bellevue City Code (Land Use Code) 20.35.625.D. The decision shall be appealable as provided in Bellevue City Code (Land Use Code) 20.35.630.

Section 2. Section 1 above shall apply to all structures for which a building permit application is filed after the effective date of this ordinance, provided if an application for a short subdivision was filed before the effective date of this ordinance and the application is thereafter approved and the approved short plat is filed for record, then

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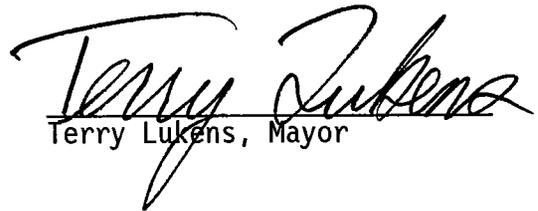
this ordinance shall have no application to any structure within the approved short subdivision for which a building permit application is thereafter filed.

Section 3. Section 6B.18, City of Bellevue, Development Standards, as adopted by Resolution No. 5084, and City of Bellevue Regulation and Procedural Manual, Sewer Utility Regulation No. R-090.1-S, Paragraphs 2.1 and 24, as adopted by Ordinance No. 3336, are repealed.

Section 4. This Ordinance shall take effect and be in force five days after passage and publication.

PASSED by the City Council this 4th day of March, 1990, and signed in authentication of its passage this 4th day of March, 1990/

(SEAL)

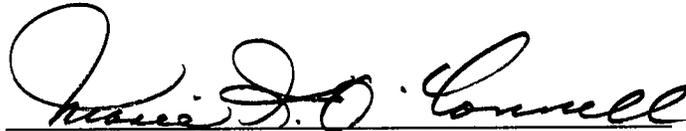

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published March 8, 1991