

WP0436C-ORD
03/30/95

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4753

AN ORDINANCE relating to the Storm and Surface Water Utility of the City of Bellevue; repealing Chapters 24.06 and 24.08 of the Bellevue City Code; adopting a new Storm and Surface Water Utility Code; adding a new Chapter 24.06 to the Bellevue City Code; and establishing an effective date.

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

Section 1. Chapters 24.06 and 24.08 of the Bellevue City Code are hereby repealed.

Section 2. A new Chapter 24.06 is hereby added to Title 24 of the Bellevue City Code, to be entitled the "Storm and Surface Water Utility Code" and to read as follows:

Chapter 24.06

STORM AND SURFACE WATER UTILITY CODE

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24.06.010 Title

This Chapter shall be known as the Storm and Surface Water Utility Code and shall be referred to herein as the "code."

24.06.020 Purpose

The purpose of this code is: to provide for the planning, design, construction, use, maintenance, repair and inspection of the storm and surface water system; to establish programs and regulations to assure the quality of the water in such system and to minimize the chance of flooding; and to provide for the enforcement of the provisions of this code. This code supplements other City ordinances and regulations regarding protection of the storm and surface water system, including but not limited to the wetland and riparian corridor regulations included in Section 20.25H, the Sensitive Area Overlay District of the Land Use Code.

24.06.030 Territorial application

This code shall be in effect throughout the Utility service area, which coincides with the area within the Bellevue City limits as now or hereafter configured.

24.06.040 Construction-- intent

This code is enacted as an exercise of the police power of the City of Bellevue to protect and preserve the public health, safety and welfare; its provisions shall be liberally construed to accomplish this purpose.

It is expressly the purpose of this code to provide for and to promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted.

It is the specific intent of this code to place the obligation of compliance upon the owner/operator. Nothing contained in this code is intended to be or shall be construed to create or form the basis for liability on the part of the City of Bellevue, its Utility, officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of any private system to comply with the provisions of the code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code by the City of Bellevue, its Utility, officers, employees or agents.

24.06.050 Definitions

The following words and phrases, when used in this code shall have the following meanings:

- A. "As-Built" - A final drawing of the actual installation of structures, materials and equipment.
- B. "Basin Plan" - A plan and all implementing regulations and procedures adopted by the City Council for managing storm and surface water management facilities and features within individual sub-basins.
- C. "Best Management Practice" (BMP) - Those physical, structural and/or managerial practices that, when used individually or in combination, prevent or reduce pollution of water. BMPs include, but are not limited to, structural solutions covered by the terms "best available technology" (BAT) and "all known available and reasonable methods of treatment" (AKART).
- D. "Comprehensive Drainage Plan" - The latest version of the City of Bellevue Comprehensive Drainage Plan as adopted by the City Council.
- E. "Connection Charges" - Charges imposed as a condition of connecting to the Utility system so that each connecting property bears its equitable share of the cost of the public drainage system and of the costs of facilities that benefit the property. Connection

charges include the general facilities charge and direct facilities charges.

- F. "Detention Facility" - An above or below ground facility, such as a pond or vault, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility. There is little or no infiltration of stored stormwater.
- G. "Director" - The Director of the Bellevue Utilities Department, or his/her designated representative, or other person designated by the City Manager.
- H. "Drainage System" - see Storm and Surface Water System.
- I. "Emergency" - Any natural or human-caused event or set of circumstances that; disrupts or threatens to disrupt or endanger the operation, structural integrity or safety of the drainage system; or endangers the health and safety of the public; or otherwise requires immediate action by the Utility.
- J. "Engineering Standards" - The City of Bellevue Utility Engineering Standards which include minimum requirements for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.
- K. "Flood Insurance Rate Map" (FIRM) - The map delineating special flood hazard areas effective December 1, 1978, that was prepared by the Federal Insurance Administration for the City, or as subsequently amended or revised by the Federal Emergency Management Agency. The map accompanies the engineering report "Flood Insurance Study - City of Bellevue, Washington."
- L. "Land disturbing activity" - Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.
- M. "Large parcel new development" - New development that includes the creation or addition of 5,000 square feet or more of new

impervious surface and/or land disturbing activity of one acre or more, except for the following:

1. Individual, detached single-family residences.
 2. Individual, detached duplex residences.
 3. Commercial agriculture.
 4. Forest practices regulated under Title 222 WAC other than Class IV general forest practices that are conversions from timber land to other uses.
- N. "Maintenance Standards" - City of Bellevue Utility Maintenance Standards which include minimum requirements for maintaining drainage facilities so they function as intended and provide water quality protection and flood control.
- O. "One hundred-year, 24-hour storm" (100-year, 24-hour storm) - A storm with a 24 hour duration with a 0.01 probability of exceedance in any one year.
- P. "Pollution" - The contamination or other alteration of the physical, chemical, or biological properties of any natural waters including change in temperature, taste, color, turbidity, or odor of the waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- Q. "Procedure" - A procedure adopted by the Utility, by and through the Director, to implement this code, or to carry out other responsibilities as may be required by this code or other codes, ordinances, or resolutions of the City or other agencies.
- R. "Property owner" - Any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf.

- S. "Private system or private drainage facility" - Any element of the storm and surface water system which is not a part of the public drainage system as defined in this code.
- T. "Public storm and surface water system, or public drainage system" - Those elements of the storm and surface water system maintained and operated by the City:
 - 1. Located on property owned by the City or in public right-of-way; or
 - 2. Located on property on which the City has an easement, license or other right of use for Utility purposes.
- U. "Redevelopment" - On an already developed site, the creation or addition of impervious surfaces; structural development including construction, installation, or expansion of a building or other structure; and/or replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities associated with structural or impervious development.
- V. "Runoff control BMPs" - BMPs that are intended to control or manage the rate and/or quantity of stormwater runoff.
- W. "Source control BMPs" - BMPs that are intended to prevent pollutants from entering storm and surface water.
- X. "Special Flood Hazard Area (SFHA)" - The base floodplain delineated on a Flood Insurance Rate Map. The SFHA is mapped as a Zone A (see definition). In coastal situations, Zone V (see definition) is also part of the SFHA. The SFHA may or may not encompass all of a community's flood problems.
- Y. "Storm and surface water system," also referred to as the drainage system - the entire system within the City, both public and private, naturally existing and man-made, for the drainage, conveyance, detention, treatment or storage of storm and surface waters.
- Z. "Stream" - Any and all surface water routes generally consisting of a channel having a bed, banks, and/or sides in which surface waters flow in draining from higher to lower land, both perennial and intermittent; and including intervening artificial components.

- AA. "Unsafe condition" - Any condition on any premises which is a hazard to public health or safety that does or may impair or impede the operation or functioning of any portion of the public drainage system or which may cause damage thereto.
- BB. "Utility" - The Storm and Surface Water Utility component of the Waterworks Utility of the City of Bellevue, administered as part of the Bellevue Utilities Department, as provided by Chapter 3.38 of the Bellevue City Code.
- CC. "Water Quality Design Storm" - A six-month return period, 24-hour duration storm.
- DD. "Zone A" - The Special Flood Hazard Area (SFHA), except coastal V Zones, shown on a community's Flood Insurance Rate Map (FIRM). There are five types of A Zones:
 - A: SFHA where no base flood elevation is provided.
 - A#: Numbered A Zones (e.g., A7 or A14), SFHA where the FIRM shows a base flood elevation in relation to NGVD.
 - AE: SFHA where base flood elevations are provided. AE Zone delineations are now used on new FIRMS instead of A# Zones.
 - AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided.
 - AH: Shallow flooding SFHA. Base flood elevations in relation to NGVD are provided.
- EE. "Zone V" - The special flood hazard area subject to coastal high hazard flooding. There are three types of V Zones: V, V#, and VE and they correspond to the A Zone designations.

24.06.060 Authority of the Utility

The Utility, by and through its Director, shall have the authority to:

- A. Develop, adopt and carry out procedures as needed to implement this code and to carry out other responsibilities of the Utility, including, but not limited to, procedures pertaining to the billing and collection of monthly drainage charges and procedures for periodic adjustment of fees and charges imposed pursuant to this code.

- B. Prepare and update as needed Engineering Standards to establish minimum requirements for the design and construction of drainage facilities and requirements for protecting existing facilities during construction. The Engineering Standards shall be consistent with this code and adopted City policies.
- C. Administer and enforce this code and all procedures relating to the planning, acquisition, design, construction and inspection of new storm and surface water facilities and relating to the regulation of storm and surface water system alterations.
- D. Enter into any contract pursuant to chapter 35.91 RCW, The Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of owners constructing facilities (Latecomer Agreements) and agreements with private property owners for the extension of the drainage system (System Extension Agreements).
- E. Prepare, update, administer and enforce as needed Maintenance Standards to establish minimum requirements for the maintenance of drainage facilities so they function as intended, protect water quality and provide flood control.
- F. Develop and implement a program that includes administration, inspection and enforcement of private drainage facilities to ensure continued compliance of drainage facilities with this code.
- G. Advise the City Council, City Manager and other City departments and commissions on matters relating to the Utility.
- H. Prepare, revise as needed, recommend and implement a comprehensive drainage plan for adoption by the City Council. Prepare basin plans and other studies that are approved in the Utility's adopted budget.
- I. Administer the special flood hazard area provisions of this code.
- J. Develop a Stormwater Management Program, as required by the state for review and adoption by the City council.
- K. Establish and implement programs to protect and maintain water quality and to manage stormwater runoff within the storm and

surface water system in order to maintain compliance to the maximum extent possible with applicable water quality standards established by state and/or federal agencies as now or hereafter adopted.

- L. Perform or direct the performance of financial review and analysis of the Utility's revenues, expenses, indebtedness, rates and accounting and recommend budgets, rates and financial policy for adoption by the City Council.
- M. Carry out such other responsibilities as required by this code or other City codes, ordinances or regulations consistent with the Bellevue Comprehensive Plan.
- N. Conduct public education programs related to protection and enhancement of the drainage system.

24.06.070 Comprehensive drainage plan

A comprehensive drainage plan shall be developed by the Utility for review and adoption by the City Council. The Utility shall recommend supplements or updated plans for adoption by the City Council, as needed.

24.06.075 Studies and Basin Plans

The Utility may conduct studies and may develop basin plans for review and adoption by the City Council. Basin plans shall be developed according to the Engineering Standards. Once a basin plan has been adopted and implemented, such plan shall supersede the requirements of this code provided that the basin plan and basin-specific requirements provide an equal or greater level of water-quality and runoff-control protection.

24.06.080 Emergency Plan

The Utility will prepare and update an emergency plan, as required by state law, as part of the City's Emergency Operation Plan, for review and adoption by the City Council.

24.06.090 Special Flood Hazard Area

- A. Adoption of Flood Insurance Study and Flood Insurance Rate Map. The flood insurance study and the flood insurance rate map, dated

December 1, 1978, and as subsequently amended and revised by the Federal Emergency Management Agency, prepared for the City by the Federal Insurance Administration, are hereby adopted by reference.

- B. Map Adjustment. The Utility shall adjust special flood hazard area boundaries on the flood insurance rate map if:
1. The adjustment is first approved by the Federal Insurance Administration and a new boundary is established; or
 2. A letter of map amendment is received from the Federal Emergency Management Agency.
- C. Records. The Utility shall:
1. Maintain for public inspection a record of the elevations provided by the Department of Community Development pursuant to Section 20.25H.110(A)(3)(b) of the Land Use Code; and
 2. Maintain for public inspection a record of certification indicating the specific elevation (in relation to mean sea level) to which such structures are flood-proofed; and
 3. Maintain a copy of the notification required by Section 24.06.090(C)(1) with a record of all variance actions, including justification for their issuance, and report such variances issued in the annual report submitted to the Federal Insurance Administration; and
 4. When base flood elevation has not been provided, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the City's special flood hazard area standards, regulations and ordinances; and
- D. Compliance. All development, redevelopment, subdivision, short subdivision and planned unit development applications shall comply with this code and with the requirements of Section 20.25H.110(A) of the Land Use Code.

- E. **Watercourse Relocation Notice.** The Utility shall notify, in riverine situations, adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Insurance Administrator. The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

24.06.100 Connections or Modifications to the Drainage System

Connections or modifications to the public drainage system or to a private drainage system, including, but not limited to, modifying drainage patterns or constructing or relocating facilities for the treatment, detention, or conveyance of drainage, shall be allowed only if:

- A. Approval has been received from the Utility (see Section 24.06.120); and
- B. All applicable requirements of this code and Utility procedures have been met; and
- C. All applicable Engineering Standards have been met or alternative standards have been approved by the Utility as substantially equal; and
- D. The property owner has paid all applicable fees and charges.

24.06.115 Facility Ownership

- A. The Utility owns all elements of the storm drainage system in public right of way and in easements or tracts dedicated to and accepted by the Utility, except to the extent private ownership is indicated as a matter of record.
- B. The Utility may accept ownership (or other property rights) and responsibility for privately-built drainage facilities when all of the following conditions are met:
 - 1. Ownership of the facility by the Utility would provide a public benefit; and
 - 2. Necessary and appropriate property rights are offered by the property owner at no cost; and

3. The facility substantially meets current standards, as determined by the Utility, or is brought up to current standards by the owner; and
4. There is access for Utility maintenance in accordance with criteria provided in the Engineering Standards; and
5. The Utility has adequate resources to maintain the facility; and
6. In the case of detention facilities, the facility serves a residential subdivision or short plat (rather than a commercial property); and
7. The facility is transferred to the Utility by bill of sale at no cost to the City.

24.06.120 Permits/Approvals

A. General.

1. The Utility shall administratively determine submittal requirements for the various Utility permits/approvals.
2. When a Drainage Connection Permit or Drainage System Extension Agreement is required, it shall require the property owner to build all the drainage facilities needed to serve the property including, but not limited to, conveyance systems, runoff treatment best management practices, detention facilities and other system components.
3. When a Drainage Connection Permit or Drainage System Extension Agreement is required to provide drainage facilities for a proposed building, the Utility will not sign off on the building permit until the Drainage Connection Permit has been issued or the Drainage System Extension Agreement has been initiated. When a Drainage Connection Permit or Drainage System Extension Agreement is required to relocate a drainage facility from under a proposed building, the Utility will not sign off on the building permit until the replacement drainage work has been completed and

accepted by the Utility, unless the building permit is conditioned to require relocation prior to site construction.

B. Drainage Connection Permit.

1. A Drainage Connection Permit is required to construct drainage facilities and/or to make any additions, repairs or connections to an existing drainage facility, unless a Drainage System Extension Agreement is required pursuant to Section 24.06.120(C)(1) or unless connection of a single-family residence to an existing stub is covered under a clearing and grading permit.
2. A Drainage Connection Permit application must be made by the property owner or his/her City-licensed and bonded contractor.
3. Drainage Connection Permits for lots in subdivisions and short plats will be issued only after the drainage extension, if one is required, is accepted by the City.
4. Drainage Connection Permits expire twelve months from the date of issuance.

C. Drainage System Extension Agreement.

1. The property owner and the Utility shall enter into a Drainage System Extension Agreement whenever new development or redevelopment involves any of the following:
 - a. More than 400 feet of conveyance pipe; or
 - b. More than two catchbasins or manholes; or
 - c. Detention or other runoff control facilities; or
 - d. Runoff treatment facilities, other than spill control structures; or
 - e. Work in an open drainage channel; or
 - f. Work in the public drainage system or within the right-of-way except for lateral connections to the public drainage system covered under a drainage connection permit or a clearing and grading permit.

2. The Utility will accept constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by Utility inspectors; as-built drawings have been completed as specified in the Engineering Standards; and all applicable fees and charges have been paid.
 3. The property owner shall be required to provide surety devices, in a form approved by the City, for drainage system extensions during construction and for a one-year warranty period following acceptance.
- D. **Drainage Connection Contractors License.** Contractors shall obtain a Drainage Connection Contractors License from the Utility in order to install or repair storm drainage connections unless the contractor is under contract with the City at the time and is approved for the work by the Utility, or is under contract to install an approved Drainage System Extension related to the drainage connection. The Utility may suspend or revoke a Drainage Connection Contractors License for cause.
- E. **Other Permits.** It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work, such as any approvals required by the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology and the Army Corps of Engineers.

24.06.125 Demolition or Removal of Structures

Any property owner who plans to demolish or remove any structure connected to the public drainage system shall:

- A. Notify the Utility and complete a Utility abandonment form prior to commencement of such work; and
- B. Verify the location of the existing on-site drainage facilities; and
- C. Cap, as necessary, connections that are no longer needed.

24.06.130 Engineering and Design Requirements

- A. **Applicability.** The engineering and design requirements of this Section 24.06.130 shall apply to development and redevelopment as follows:
1. All new development and redevelopment is subject to the engineering and design requirements of Sections 24.06.130(B),(C),(D) and (J).
 2. Large parcel new development, as defined in Section 24.06.050, is subject to all of the engineering and design requirements of this section, except that wetland discharge and recharge requirements (Section 24.06.130(H)) apply only if the site drains to a wetland. The requirements apply to the entire tax lot or lots being developed.
 3. Redevelopment of 5,000 square feet or greater is subject to all of the engineering and design requirements of this section, except that wetland discharge and recharge requirements (Section 24.06.130(H)) apply only if the site drains to a wetland. The requirements apply only to the portion of the site being developed except that source controls (Section 24.06.130(F)) shall be applied to the entire site, including adjoining parcels if they are part of the project.
 4. Redevelopment on a site that is larger than one acre and has 50% or more impervious surface or that discharges to a receiving water with a water quality problem that is documented in a basin plan or other study or plan adopted by the City Council, shall also submit a schedule to implement the following for the entire site, including adjoining parcels if they are part of the project, to the maximum extent practicable:
 - a. Runoff control (Section 24.06.130(E)), provided the site drains to a stream, either directly or indirectly.
 - b. Runoff treatment BMPs (Section 24.06.130(G))
 - c. Wetland discharge and recharge requirements (Section 24.06.130(H)), provided the site drains to a wetland.
 - d. Off-site analysis and mitigation (Section 24.06.130(I)).

- e. An operation and maintenance plan (Section 24.06.130(K)).

B. General.

- 1. The property owner is responsible for drainage design.
- 2. The drainage designer must be a civil engineer licensed in the State of Washington, unless this requirement is waived in writing by the Utility.
- 3. Engineering and design shall conform to the Engineering Standards.
- 4. The Utility may impose, on any development or redevelopment, requirements that differ from the requirements of this Section 24.06.130 based on adopted basin plans or other studies adopted by the City Council, provided that such alternative requirements provide an equal or greater level of protection than the requirements of this Section.
- 5. Subject to approval by the Utility, the property owner may contribute to runoff-control or runoff-treatment facilities that serve multiple sites in lieu of providing such facility(s) on-site.

C. Site drainage.

- 1. **General.** All development and redevelopment shall provide for the control of stormwater runoff so as to minimize impact to downstream properties.
- 2. **Discharge locations.**
 - a. The property owner shall maintain natural drainage patterns and discharge drainage at the existing discharge location, to the maximum extent practicable, unless the Utility determines alterations would be beneficial and would not cause adverse impacts.

corridors, wetlands, coal mine areas, steep slopes and special flood hazard areas. See Land Use Code 20.25(H).

- c. Where stream bridging is allowed by the Land Use Code, design the bridge to ensure hydraulic capacity and to protect water quality as specified in the Engineering Standards.
 - d. Where relocation or piping of a Type C riparian corridor is allowed, provide hydraulic capacity pursuant to Section 24.06.130(C)(4) and provide the same or better water quality protection.
2. If a developing or redeveloping property is contributing to an existing water quality or capacity problem within an on-site stream which could be improved through planting riparian vegetation, adding energy dissipation at outfalls, extending roof and footing drains to protect sensitive slopes, or removing yard debris and rubbish from stream banks, such measures shall be required.

E. Runoff Control.

1. **Applicability.** Runoff control is required as specified in Section 24.06.130(A), except that properties within the Meydenbauer Drainage Basin are exempt from this requirement to the extent provided pursuant to Ordinance No. 3372.
2. Runoff control for sites that drain to a stream. When runoff control is required for a site that drains either directly or indirectly to a stream, such control shall be provided by detention or infiltration, as specified below:
 - a. Detention is an approved method of providing runoff control for all sites that drain to a stream. Such detention facilities shall be designed in accordance with the following (refer to the Engineering Standards for design details):
 - i. The post-development peak runoff rate from a 2-year, 24-hour storm shall not exceed 50% of the existing peak runoff rate from a 2-year, 24-

- hour storm. However, the Utility may waive this requirement if it cannot reasonably be achieved using a one-inch orifice, the minimum allowed orifice size.
- ii. The post-development peak runoff rate from a 100-year, 24-hour storm shall not exceed the existing peak runoff rate from a 100-year, 24-hour storm.
 - iii. The post-development peak runoff rate from a 10-year, 24-hour storm shall not exceed the existing peak runoff rate from a 10-year, 24-hour storm.
 - iv. When calculating runoff control, the correction factor contained in Figure III-1.1 in the state *Stormwater Management Manual for the Puget Sound Basin* shall be used.
- b. Infiltration systems shall be permitted for runoff control only if:
- i. All of the site's drainage facilities are privately owned and maintained; and
 - ii. The site meets criteria in the Engineering Standards; and
 - iii. The facility is designed in accordance with the Engineering Standards.
3. Runoff control for sites that do not drain to a stream. When runoff control is required for a site that does not drain directly or indirectly to a stream, such control shall be provided as specified below:
- a. Detention is an approved method of providing runoff control for all sites that do not drain to a stream. Such detention facilities shall be designed pursuant to Section 24.06.130(E)(2)(a), except that it is not necessary to limit the post-development peak runoff rate from a 2-year, 24-hour storm to 50% of the existing peak runoff rate from a 2-year, 24-hour storm.
 - b. Infiltration may be used for runoff control on sites that do not drain to a stream only if there is no reasonable alternative. If an infiltration facility is used, the

requirements in Section 24.06.130(E)(2)(b) shall apply.

- c. Runoff control may be provided by conveying the runoff from a 100-year storm from the site directly to Lake Washington or Lake Sammamish. If this approach is used, the conveyance system shall be designed to carry the runoff from a 100-year, 24-hour design storm from the entire basin that drains to the system, considering full development potential of that basin. Providing such capacity is not considered oversizing pursuant to Section 24.06.140(B)(1)
- F. **Source Control BMPs.** When required by Section 24.06.130(A), source controls shall be applied in accordance with the Engineering Standards to the maximum extent practicable.
- G. **Runoff Treatment BMPs.** When runoff treatment is required by Section 24.06.130(A) the property owner shall:
 1. Provide runoff treatment BMPs to treat pollutants anticipated from the proposed land use.
 2. Provide runoff treatment BMPs to treat nutrients, in addition to other pollutants, if the site drains to Phantom Lake, Larsen Lake or Lake Sammamish or the proposed land use otherwise warrants nutrient treatment.
 3. Design runoff treatment BMPs to capture and treat the water quality design storm.
 4. Select and design runoff treatment BMPs in accordance with the Engineering Standards. Infiltration BMPs shall be allowed only if the site conditions are appropriate and groundwater quality is protected based on criteria in the Engineering Standards. All infiltration facilities and systems draining to them shall be privately owned and maintained.
- H. **Wetland discharge and recharge requirements.**
 1. When wetland discharge and recharge requirements apply pursuant to Section 24.06.130(A) the property owner shall,

in addition to meeting the Land Use Code wetland protection requirements:

- a. Maintain the hydroperiod and flows of existing site conditions to the extent necessary to protect the characteristic uses of the wetland.
 - b. Evaluate alternative discharge locations and maximize natural water storage and infiltration opportunities outside the wetland.
 - c. Apply BMPs to treat pollutants anticipated from the proposed land use.
2. Wetlands can be used to treat stormwater only if the wetlands are constructed and managed for that purpose and only if constructed on sites that are not already wetlands. Exemptions from this requirement can only be granted by the Washington State Department of Ecology.
 3. Created wetlands that are intended to mitigate for loss of acreage, function and value shall not be designed to also treat stormwater.
- I. Off-site Water Quality Analysis and Mitigation.
 1. When an off-site analysis is required by Section 24.06.130(A), the property owner shall conduct an analysis of the project's expected off-site water quality impacts. The analysis shall extend at least one quarter mile downstream from the project, and shall at a minimum, evaluate the following:
 - a. Excessive sedimentation.
 - b. Streambank erosion.
 - c. Discharges to ground water contributing to recharge zones.
 - d. Violations of water quality standards.
 - e. Spills and discharges of priority pollutants.
 2. In addition to meeting the requirements of Section 24.06.130, the property owner shall mitigate project impacts that are identified in the off-site analysis.

- J. **Off-site Capacity Analysis.** Where the volume, rate or location of discharge will be changed by a proposed development, the Utility may require the property owner to analyze the capacity of the receiving system. Analysis shall be in accordance with the requirements of the Engineering Standards. The property owner shall mitigate insufficient capacity impacts caused by the proposed development.
- K. **Operation and Maintenance.** When required by Section 24.06.130(A), the property owner shall provide an operation and maintenance schedule for all proposed storm and surface water facilities and BMPs and identify the responsible party. The operation and maintenance plan must be consistent with the Maintenance Standards, where applicable, and must address facilities and conditions unique to the site.

24.06.135 Exceptions

- A. **Exception Process.** Exceptions to the requirements of Section 24.06.130 may be granted following a public hearing, provided that written findings of fact are prepared that address the criteria set forth in Section 24.06.135(B). If the City requires a public hearing to approve a development proposal for which an exception is requested, the project hearing and the exception hearing may be combined; otherwise, the exception hearing shall be held before the Building Code Board of Appeals pursuant to Chapter 3.50 of the Bellevue City Code.
- B. **Exception Findings of Fact.** The findings of fact required by Section 24.06.135(A) must address all of the following criteria:
 - 1. The exception provides equivalent environmental protection; is in the overriding public interest; and the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met; and
 - 2. There are special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable economic use of the parcel of land in question,

and every effort to find creative ways to meet the intent of the requirements of Section 24.06.130 has been made; and

3. The granting of the exception will not be detrimental to the public health and welfare and will not be injurious to other properties in the vicinity and/or downstream of the proposal and/or to the quality of waters of the state; and
4. The exception provides the least possible deviation from the requirements of Section 24.06.130.

24.06.140 Installation Responsibility

- A. **Property Owner Installation.** The property owner shall install all drainage facilities as required by this code. Installation shall be through a Drainage Connection Permit or a Drainage System Extension Agreement (see Section 24.06.120).
- B. **Costs.** All installation costs are the property owner's responsibility, except that:
 1. If the Utility requires a property owner to oversize a drainage facility, the Utility will compensate the property owner for the difference in cost between the normally-sized facility and the over-sized facility, based on the lowest of three bids furnished by the property owner from reputable licensed contractors.
 2. An owner who constructs a public drainage system extension that directly benefits a property in addition to the owner's may request a Latecomer Agreement in order to be reimbursed from benefitting properties that connect to the extension during the agreement's duration. See Section 24.06.150 regarding Latecomer Agreements.
 3. The City may choose to install drainage facilities to facilitate development, coordinate with other City projects, or for other Utility purposes, and may recover its costs, including interest, through a connection charge.

24.06.150 Latecomer Agreements

- A. **General.** The Utility may enter into any contracts authorized under chapter 35.91 RCW, The Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of property owners constructing public facilities, commonly known as Latecomer Agreements.
- B. **Requesting a Latecomer Agreement.** A property owner may request a Latecomer Agreement if the owner constructs a public drainage facility that benefits property in addition to the owner's property and it is not feasible for the owner to include such other property owners in the Drainage System Extension Agreement. The request must be made in writing and unit costs must be provided before the Utility accepts the facility.
- C. **Zone of Benefit.** The Utility will determine what properties benefit from the public drainage facility and shall be subject to the Latecomer Agreement.
- D. **Method of Cost Allocation.** The Utility will determine the method of cost allocation used.
- E. **Recording.** The Utility will record the Latecomer Agreement with King County against the benefitting properties at the property owner's expense.
- F. **Cost to Latecomer.** As a condition of connection to the public drainage facility, each latecomer shall pay, at the time of connection, his/her pro-rata share of the construction costs of the drainage facility, which are determined by the Utility and specified in the Latecomer Agreement. Construction costs shall include but are not limited to design, installation, inspection, construction management, interest and the Utility's project management costs.
- G. **Agreement Duration.** Latecomer Agreements may be in effect for up to 15 years following acceptance of the drainage facility.
- H. **Forwarding Latecomer Payment.** While the Latecomer Agreement is in effect, the Utility will collect the latecomer payments and forward them to the property owner who paid for the drainage facility, as specified in the agreement.

24.06.160 Drainage Easement Requirements

- A. **When Required.** An easement is required whenever a private drainage facility will be built on property owned by a different private party and whenever a private drainage facility will serve two or more properties that are not in common ownership or that will no longer be in common ownership following the sale of lots in a subdivision. In addition, public drainage facilities, including any drainage facilities that will be publicly maintained, shall be located in public right-of-way or drainage easements or tracts deeded to the Utility.
- B. **Requirements.** All of the following requirements shall be met before the Utility will accept and approve any easement:
1. Clear title in the grantor shall be demonstrated; and
 2. The proposed easement shall be compatible with Utility clearance standards and setback standards and with other utilities or easements; and
 3. The easement shall provide for access to the facility for repair and maintenance. When deemed necessary by the Utility, the easement shall contain provisions for long-term maintenance; and
 4. The easement shall prohibit all structures within the easement except those which can readily be removed by the structure's owner at the owner's expense when access to the drainage facility is required by the Utility. If such structures are within the easement area, an agreement to remove the structures on request by the Utility, approved by the City, shall be recorded; and
 5. The easement dimensions and other requirements shall conform with the Engineering Standards.
- C. **Costs.** The property owner shall pay all costs of providing or obtaining and recording the easement.
- D. **Relinquishment of Easement.** An easement granted to the Utility may be relinquished only if the Utility determines it is no longer needed and the City Council authorizes the relinquishment.

24.06.170 Construction Requirements

- A. **General.** When constructing or modifying drainage facilities, compliance is required with this code, the Engineering Standards, the approved permit, plans and specifications, the terms of any Drainage System Extension Agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.
- B. **Safety Requirements.** Utility staff will perform inspections only if shoring and other site conditions conform with WISHA safety standards and other safety requirements, as applicable.
- C. **Failure to Complete Work or Meet Requirements**
 - 1. The Utility may complete drainage facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet Utility requirements, the contractor or person doing the work fails to rectify the problem following notification by the Utility, and the work, in the opinion of the Utility, constitutes a hazard to public safety, health or the drainage system.
 - 2. Utility costs incurred pursuant to Paragraph (C)(1) of this section shall be calculated and charged to the owner or contractor in charge of such work. The permittee shall pay the Utility immediately after written notification is delivered to the responsible parties or is posted at the location of the work. Such costs shall constitute a civil debt owed to the Utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the Utility. In addition, if an assurance device was collected for the project, the City may collect the debt from the assurance device.
- C. **Authorized Drainage Construction.** Only the following persons are authorized to install drainage facilities:
 - 1. Drainage connection contractors licensed by the Utility pursuant to Section 24.06.120(D).

2. Property owners working on their own property.
 3. Contractors currently under contract with the City and approved for the work by the Utility.
 4. Contractors currently under contract for an approved Drainage System Extension Agreement, in conjunction with that agreement.
 5. Contractors who have received approval to connect roof and footing drains to a designated stub under a clearing and grading permit.
- D. Posting of Drainage Connection Permit. If a Drainage Connection Permit is required for the work, the permit shall be readily available at the job site to Utility inspectors.
- E. Location of Connection. Connection to the drainage system shall be made at a point approved by the Utility.
- F. As-builts. An as-built plan of the site's drainage facilities shall be completed according to the requirements in the Engineering Standards prior to the City's acceptance of the improvements, issuance of a Certificate of Occupancy or final sign-off by Utility inspectors.

24.06.175 Construction and Warranty Inspections and Tests

- A. Construction/Installation Inspection.
1. All projects involving construction of new drainage facilities or connections or modifications to an existing drainage facility are subject to Utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance, the applicant shall consent to inspection and testing.
 2. Newly installed drainage facilities shall be inspected, tested and documentation completed according to the Engineering Standards and procedures.

- B. **Warranty Inspections and Tests.** Facilities and equipment accepted by the Utility under specific warranties may be re-inspected at the Utility's discretion and, if necessary, re-tested prior to the expiration of the warranty period.

24.06.185 Maintenance of Drainage Facilities

A. **Maintenance Responsibility**

1. The Utility is responsible for maintaining public drainage facilities.
2. Owners of private drainage facilities, including but not limited to detention facilities, runoff treatment facilities and conveyance systems, are responsible for the operation and maintenance of those facilities.
3. In new subdivisions and short plats, maintenance responsibility for private drainage facilities shall be specified on the face of the subdivision or short plat.
4. If a private drainage facility serves multiple lots and the responsibility for maintenance has not been specified on the subdivision plat, short plat or other legal document, maintenance responsibility shall rest with the homeowners association, if one exists, or otherwise with the properties served by the facility, or finally, with the owners of the property on which the facilities are located.

- B. **Maintenance Standards.** Drainage facilities shall be maintained so that they operate as intended. Maintenance shall be in accordance with the Utility's Maintenance Standards and in accordance with the project operation and maintenance plan, if one is developed pursuant to Section 24.06.130(K).

24.06.195 Discharge of Polluting Matter

- A. **Discharge of Polluting Matter Prohibited.** No person shall discharge, either directly or indirectly, any organic or inorganic matter into the storm and surface system that may cause or tend to cause water pollution, including but not limited to the following:

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1. Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
2. Trash or debris.
3. Pet wastes.
4. Chemicals.
5. Paints.
6. Steam cleaning wastes.
7. Washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates.
8. Laundry wastes.
9. Soaps.
10. Pesticides, herbicides, or fertilizers.
11. Sanitary sewage.
12. Heated water.
13. Chlorinated water or chlorine.
14. Degreasers and/or solvents.
15. Bark and other fibrous material.
16. Antifreeze or other automotive products.
17. Lawn clippings, leaves, or branches.
18. Animal carcasses.
19. Silt.
20. Acids or alkalis.

21. Recreational vehicle wastes.
 22. Dyes (without prior permission of the drainage Utility).
 23. Construction materials.
 24. Food waste.
- B. Pavement washing prohibited. In addition to the prohibitions of Section 24.06.195(A), washing of public or private streets and parking areas is not permitted unless all of the following conditions are met:
1. No other feasible alternative exists to remove the undesirable material; and
 2. Prior written Utility approval is obtained from the Director; and
 3. Facilities are provided to treat the wash water runoff and affected drainage facilities are cleaned.
- C. Discharge of pollutants - Liability for expenses incurred by the Utility. Any person responsible for pollutant discharge into the storm and surface water system who fails to immediately collect, remove, contain, treat or disperse such pollutant materials at the Director's request shall be responsible for the necessary expenses incurred by the City in carrying out any pollutant abatement procedures, including the collection, removal, containment, treatment or disposal of such materials.

24.06.220 Existing Private Facility Inspections

- A. Inspection Program. The Director is authorized to develop and implement an inspection program for private drainage facilities within the City.
- B. Right of Entry. An authorized representative of the Utility may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided the Utility shall first obtain consent from the property owner or person responsible for the premises upon presentation of

proper credentials to that person. If entry is refused or cannot be obtained, the Director shall have recourse to every remedy provided by law to secure entry.

24.06.230 Emergency Conditions Requiring Immediate Action

Notwithstanding any other provisions of this code, whenever it appears to the Director that conditions covered by this code exist requiring immediate action to protect the public health, safety, or public resources, the Director is authorized to the extent permitted by law, to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating such emergency conditions. The Director may without prior notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a civil violation pursuant to Chapter 1.18 of the Bellevue City Code.

24.06.250 Fees for Permits/Specific Services

The Director shall develop for City Council review and adoption a schedule of fees and charges for all permits and other specific services provided by the Utility. The fee amount shall cover all costs related to the service provided. The Director may adjust the schedule of fees and charges without further Council action to reflect actual changes in the Utility's cost of providing the service. The fees and charges referenced to in this section are separate from rates for drainage service and from connection charges.

24.06.260 Connection Charges

A. General

1. The Utility shall collect connection charges so that each developed property bears its equitable share of the cost of the public drainage system.
2. Connection charges shall be paid:
 - a. When property is changed from an undeveloped to a developed condition.
 - b. At the time of redevelopment of the property, if a direct facilities charge applies that has not yet been paid, such as a charge for a new facility that directly benefits the property.

3. Connection charges that have been paid as a result of prior development activities on the property or through participation in an L.I.D. or U.L.I.D. will not be re-assessed.
 4. The Utility may enter into contracts with the owners of existing single-family homes and with the owners of redevelopment projects that meet criteria specified by the Utility for payment of connection charges over time instead of as a lump sum. The Utility will charge interest, at a rate set by the City Treasurer, on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.
- B. **General Facilities Charge.** The Utility shall assess and collect a general facilities connection charge so that each property owner bears his/her equitable share of the cost of the public drainage system. The amount of the general facilities charge shall be \$11.87 per equivalent billing unit per year from March 1, 1982 or date of annexation, whichever is later, to date of development, prorated on a monthly basis, as set forth in Section 1 of Ordinance No. 4722, as now or hereafter amended, or successor storm and surface water drainage rate ordinance.
- C. **Direct Facilities Charges.**
1. In addition to the General Facilities Charge assessed pursuant to Section 24.06.260(B), the Utility shall collect direct facilities charges from property owners that directly benefit from Utility-built or privately-built public drainage facilities, except property owners who previously paid their fair share through an L.I.D. or U.L.I.D.
 2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed ten years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to exceed ten percent per year: provided, that the aggregate amount of interest shall not

exceed the equitable share of the cost of the facility allocated to such property owner.

3. The facilities' costs shall be allocated to benefitting property owners based on the number of single family equivalents. The Director may, however, make such allocation based on front footage or other reasonably based methodology if the Director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefitting from the facilities.
 4. Properties within the Meydenbauer Drainage Basin and properties within the Central Business District (CBD), lying between N.E. 2nd Street and N.E. 12th Street, are subject to a facilities charge in an amount and to the extent provided in Sections 4 and 5 of Ordinance No. 3372, as now or hereafter amended.
- D. Administrative Procedures. The Director is authorized to adopt administrative procedures for the purpose of administering the provisions of this Section 24.02.260.

24.06.270 Storm and Surface Water Rates

- A. General. The City Council shall establish service rates for use of the drainage system and related drainage services; such rates are in addition to connection charges and fees for specific services. The City may establish classifications of customers or service and rate structures, using any method or methods authorized by law.
- B. Rate Basis. Drainage rates shall be based on revenue requirements necessary to cover all costs of the Utility, as authorized by the City Council by the adoption of the annual budget and subsequent amendments and shall be guided by adopted financial policies and bond covenants.
- C. Rate Adjustments. Rates shall be evaluated periodically as part of the review and adoption of the annual budget. Rate adjustments shall be recommended as needed to meet revenue requirements. The recommendation shall consider equity, adequacy, costs and other factors allowed by law.

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- D. **Billing and Collection.** The Utility shall develop and implement procedures and systems pertaining to the billing and collection of drainage service charges and fees in accordance with state law.
- E. **Rate Relief.** The City Council may establish drainage rate relief measures for specific customer classes as authorized by state law.

24.02.280 Violations/Penalties

- A. **Civil violation:** Any violation of any of the provisions of this code constitutes a civil violation as provided for in Bellevue City Code Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein. The City shall seek compliance through the civil violations code if compliance is not achieved through this code.
- B. **Destruction of Notice:** It shall be unlawful for any person to remove, mutilate, destroy, or conceal any notice issued and posted by the Director pursuant to this code.

Section 3. If any portion of this ordinance, or its application to any person or circumstance, is held invalid, the validity of the ordinance as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.

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Section 4. This ordinance shall take effect and be in force thirty days after its final passage.

PASSED by the City Council this 3rd day of April, 1995, and signed in authentication of its passage this 3rd day of April, 1995.

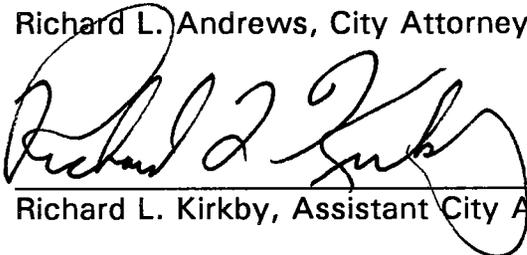
(SEAL)


Donald S. Davidson, DDS,

Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

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