1200-ORD
12/02/10

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5975

AN ORDINANCE establishing revised storm and surface water drainage rates and charges for the Storm & Surface Water Utility of the City of Bellevue; repealing Ordinance No. 5849; providing for severability; and establishing an effective date.

WHEREAS, the Environmental Services Commission has reviewed the Storm & Surface Utility budget and rate proposal, held a public hearing thereon and recommended approval of the proposal, and

WHEREAS, it is in the public interest to establish the following amended schedule of rates and charges for the Storm and Surface Water Utility of the City of Bellevue; now, therefore,

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

Section 1. Definitions. The following words when used herein shall have the meanings indicated, unless the context clearly indicates otherwise:

a. Hydrologic Response - The manner and means by which storm water collects upon real property and is conveyed from real property, and which is a function dependent upon a number of interacting factors, including, but not limited to, topography, vegetation, surficial geologic conditions, antecedent soil moisture conditions and ground water conditions. The principle measures of the hydrological system may be stated in terms of total runoff volume, as a percentage of total precipitation which runs off, or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity, or statistical interval of return (frequency).

b. Total Flow - The accumulative volume of water discharged from a property, basin, or water shed. The total flow is quantified in measures such as cubic feet or gallons of water.

c. Peak Flow - The highest momentary rate of water flow, measured or estimated in cubic feet of water per second or gallons of water per minute. It is differentiated from total flow volume by the introduction of a unit of time measure during which the maximum rate of flow is measured, calculated, or estimated.

d. Contributors of Drainage Waters - Shall include all real properties within the City from which flows storm or surface waters, or waters supplied by Municipal or private sources which exit the property as surface flows

and/or enter the storm and surface water utility system of the City of Bellevue.

e. Beneficiaries of Drainage Service - Shall include all real properties within the City of Bellevue which benefit by the provision, maintenance, operation and improvement of the storm and surface water control system by the City of Bellevue, regardless of how that system may be constituted. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water, the reduction of hazard to property and life resulting from storm water runoff, improvement in the general health and welfare through the reduction of undesirable storm water conditions, improvements in the water quality in the storm and surface water system and its receiving waters, and the limitation of potentially harmful land uses and land alteration activities which might otherwise negatively impact the storm and surface water system.

f. Impervious Surfaces - Those hard surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions pre-existent to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks and paving, walkways, patio areas, driveways, parking lots or storage areas and gravel, oiled, macadam or other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.

Section 2. Classification of Property. All real property in the City of Bellevue shall be classified by the Storm and Surface Water Utility according to the square footage of area of the property and the intensity of the development set forth below:

a. Wetlands - Real property or a portion of real property that has been designated as "wetlands" pursuant to City of Bellevue Land Use Code (LUC) Ch. 20.25H. Such property shall continue to be charged under its existing classification until it has been specifically designated as "wetlands" pursuant to LUC Ch. 20.25H, now or as hereafter amended.

b. Undeveloped - Real property which is undeveloped and unaltered by buildings, roads, or impervious surfaces which significantly change the hydrology of the property from its natural state.

c. Light Development - Developed real property which has impervious surfaces of less than 20% of the total square footage area of the property.

d. Moderate Development - Developed real property which has impervious surfaces of less than 40% of the total square footage area of the property.

e. Heavy Development - Developed real property which has impervious surfaces between 40% and 70% of the total square footage area of the property.

f. Very Heavy Development - Developed real property which has impervious surfaces of more than 70% of the total square footage area of the property.

Section 3. Reclassification and Combined Classification. The Storm and Surface Water Utility may reclassify an individual parcel of property to the next lower classification of intensity than would be indicated by its percentage of impervious surfaces based on hydrological data to be submitted by the property owner or his agent to the Utility, which demonstrates a hydrological response substantially similar to that of a parcel of property of such lower classification of intensity.

The City Council finds that, in the case of some parcels of property of more than 35,000 square feet in size, in addition to the conditions set forth in paragraph 1 of this section, there may be intensities of development on portions of such parcels of property which differ significantly from other portions of such property in terms of hydrologic response. To provide for consideration of the variation in intensity of development which may be present on such parcels of property, the Storm and Surface Water Utility may classify portions of such parcels of property in any of the classifications defined in Section 2 on the basis of hydrological response. Provided, however, that at least 35,000 square feet shall be classified in the most intense classification appropriate to a portion of the parcel of property.

The City Council further finds that the total area subject to the "combined" calculation for large lots may, at the option of the property owner, be capped at 66,000 square feet (excluding wetlands) for properties with no more than 35,000 square feet of developed area in the "light" or "moderate" intensity categories. The charges for the remaining undeveloped land may be deferred, at the option of the property owner, to the date of development of the property or to the date of closing on the sale of the property, whichever is earlier, and collected by the Utility, with interest accruing from the initial date of deferral at the prevailing interest rate for City bonded indebtedness. The Utilities Department Director is authorized to develop and adopt procedures for the implementation of the capping option and deferred charges, including recording of a notice of such deferred charges on the title of such property.

The City Council further finds that those properties that qualify under this section may have a lesser impact on storm water quantity. Where the owner demonstrates that the hydrological response of the property is further mitigated through natural conditions, on-site facilities or actions of the property owner that reduce the City's costs in providing surface water quantity or quality services, the property owner may apply for a credit against the surface water charge otherwise

applying to the property. The Utilities Department Director is authorized to develop and adopt procedures for the implementation of the provision of such credits.

Section 4. Charges Established. There is hereby levied upon all real property within the City of Bellevue which contributes drainage water to or which benefits from the function of the Storm and Surface Water Utility of the City of Bellevue, and there shall be collected from the owners thereof, bimonthly service charges based on the square footage of the properties and on the appropriate intensity of development classification(s) of such properties, such that for each 2,000 square feet of area or increments thereof, the property shall be charged a bimonthly amount for 2011, and 2012 as follows:

Year	Wetland	Undeveloped	Light Development	Moderate Development	Heavy Development	Very Heavy Development
2011	$0.00	$0.66	$4.75	$5.93	$8.88	$11.83
2012	$0.00	$0.68	$4.90	$6.12	$9.17	$12.21

and each account shall be charged an additional bimonthly customer charge in the amount of $3.94 per billing in 2011 and $4.07 per billing in 2012.

Section 5. User Charges. The charges for each user inside the city limits of Bellevue shall be the sum of the charges in Section 1, all multiplied by 105.3476%.

Section 6. Severability. If any section of this ordinance, or any portion of any section of this ordinance, or its application to any person or circumstance, is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances, shall not be affected.

Section 7. Repeal. Ordinance No. 5849 is repealed as of January 1, 2011; provided, however, that any charges made under Ordinance No. 5849 are not invalidated by the repeal of those ordinances.

Section 8. Effective Date. The revised bimonthly service charges and bimonthly customer charges established in Section 4 of this ordinance and the user charges established in Section 5 of this ordinance shall take effect on January 1, 2011, shall apply to service provided on and after that date, and shall supersede all existing schedules of charges as of that date. The specific charges for 2011, as hereinbefore indicated, shall take effect on January 1, 2011 and shall remain in effect through and including December 31, 2011. The specific charges for 2012, as hereinbefore indicated, shall take effect on January 1, 2012 and remain in effect until amended by the City Council.

Section 9. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

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Passed by the City Council this 6th day of December, 2010 and signed in authentication of its passage this 6th day of December, 2010.

(SEAL)

Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published December 9, 2010