24.06.040 Definitions.

Except where specifically defined herein, all words used in this code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; and the word "shall" is always mandatory, whereas the word "may" denotes a use of discretion in making a decision.

A. A Definitions.

"Area of special flood hazard (ASFH)" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year as calculated in this code and in the engineering standards.

"Arterial" means a road or street primarily for through traffic. The term generally includes roads or streets considered collectors. It does not include local access roads which are generally limited to providing access to abutting property. See also RCW 35.78.010 and RCW 47.05.021. The definition of arterial set forth herein is limited to application and enforcement of this code and does not apply to other city codes and standards.

"As-built" means a final drawing of the actual installation of structures, materials and equipment.

B. B Definitions.

"Basin plan or planning" means a plan or study to manage the quality and/or quantity of storm and surface water in a watershed or a drainage basin as provided for in BCC 24.06.140.

"Best Management Practices (BMP)" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Bioretention" means engineered facilities that treat stormwater by passing it through a specified soil profile, and either retain or detain the treated stormwater for flow attenuation. Refer to the SWMMWW, Chapter 7 of Volume V for Bioretention BMP types and design specifications.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

C. C Definitions.

"Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on each utility system after January 1, 1997. The capital recovery charge shall be based on an allocation of the utility's in-service costs plus interest and the number of single-family equivalents served by each utility.

"Certified erosion and sediment control lead (CESCL)" means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State Department of Ecology (Ecology) (see BMP C160 in the SWMMWW). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. Certification is obtained through an Ecology approved erosion and sediment control course.

"Commercial Agriculture" means those activities conducted on lands defined in RCW 84.34.020(2) and activities involved in the production of crops or livestock for commercial trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

"Conditionally permissible discharges" refers to those discharges permitted under BCC 24.06.125(D).

"Connection charges" means charges imposed as a condition of connecting to the utility system so that each connecting property bears its equitable share of the costs of the public drainage system and of the costs of facilities

that benefit the property. Connection charges include latecomer charges, capital recovery charges and direct facilities charges.

"Converted vegetation (areas)" means the surfaces on a project site where native vegetation, pasture, scrub/shrub, or unmaintained non-native vegetation (e.g., Himalayan blackberry, scotch broom) are converted to lawn or landscaped areas, or where native vegetation is converted to pasture.

"Conveyance system" means the drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater from the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the conveyance system include gutters, ditches, pipes, channels, and most retention/detention facilities.

D. D Definitions.

"Detention facility" means 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 system. There is little or no infiltration of stored stormwater.

"Direct facilities charge" refers to a connection charge for utility-funded facilities that directly benefit a property. Stormwater direct facilities charges shall be applied as specified in BCC 24.06.110.

"Director" means the director of the city's utilities department, or his/her designated representative, including enforcement officers, or other persons designated by the city manager."Drainage System" Refer to the definition of "storm and surface water system."

E. E Definitions.

"Effective impervious surface" means those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: 1) the runoff is dispersed through at least one hundred feet of native vegetation in accordance with BMP T5.30 – "Full Dispersion" as described in Chapter 5 of Volume V of the SWMMWW; 2) residential roof runoff is infiltrated in accordance with Downspout Full Infiltration Systems in BMP T5.10A in Volume III of the SWMMWW; or 3) approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.

"Emergency" means 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 environment; or otherwise requires immediate action by the utility.

"Emergency management plan" provides the foundation, framework and guidelines for initiating and maintaining direction and control of the utility's response efforts during all emergency or disaster scenarios. The emergency management plan is consistent with and supports the city of Bellevue emergency operations plans and emergency response plans maintained at the regional, state and federal levels of government.

"Emergency operation plan" provides guidance for mitigation, preparedness, response and recovery operations including disaster and emergency responsibilities and procedures, training and community education. The plan provides for the coordination of operations throughout the city during emergencies and disasters, and the best utilization of the city's resources. The plan meets the requirements of a comprehensive emergency management plan as described in Chapter 118-30 WAC.

"Engineering standards" means the city's utility engineering standards, which include standards for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.

"Erodible or leachable materials" means wastes, chemicals, or other substances that measurably alter the physical or chemical characteristics of runoff when exposed to rainfall. Examples include erodible soils that are stockpiled, uncovered process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage.

F. F Definitions.

Flow Control BMPs. Refer to the definition of "runoff control BMPs."

G. G Definitions (Reserved).

H. H Definitions.

"Hard Surface" means an impervious surface, a permeable pavement, or a vegetated roof.

"Highway" means a main public road connecting towns and cities. The definition of "highway" is limited to application and enforcement of this code and does not apply to other city codes and standards.

"Hydroperiod" means the seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration and seasonal pattern of inundation.

I. I Definitions.

"Illicit connection" means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in the NPDES permit (S5.C.3 and S6.D.3). Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

"Illicit discharge" or otherwise referred to as a "prohibited discharge" means any discharge to the MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in the NPDES permit (S5.C.3 and S6.D.3).

"Illicit discharge detection and elimination system program (IDDE)" means an ongoing program authorized by BCC 24.06.045 to detect and remove illicit connections, discharges as defined in 40 CFR 122.26(b)(2), and improper disposal, including any spills not under the purview of another responding authority with jurisdiction, into the storm and surface water systems.

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

J. J Definitions (Reserved).

K. K Definitions (Reserved).

L. L Definitions.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

"Latecomer agreement" means a contract that provides for the reimbursement of costs to developers who construct facilities that directly benefit other properties.

"Low Impact Development (LID)" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing

conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"LID Best Management Practices" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

"LID Principles" means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

M. M Definitions.

"Maintenance" means repair and maintenance activities conducted on currently serviceable structures, facilities, and equipment that involve no expansion or use beyond that previously existing, and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. In regard to stormwater facilities, maintenance includes assessment to ensure ongoing proper operation, removal of built up pollutants (i.e. sediments), replacement of failed or failing treatment media, and other actions taken to correct defects as identified in the maintenance standards of Chapter 4, Volume V of the SWMMWW. See also Pavement Maintenance exemptions in Section 1 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit.

"Maintenance standards" means the city's utility maintenance standards, which include minimum requirements for maintaining the storm and surface water system so the system functions as intended and provides water quality protection and flood control.

"Maximum Extent Practicable" or "MEP" refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act which reads as follows: Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the [utility] or the State determines appropriate for the control of such pollutants.

"Minimum Requirements (MRs)" refer to the regulations contained in BCC 24.06.065 and applicable engineering standards, which describe requirements for stormwater management for development and redevelopment as required by the NPDES permit.

"Municipal separate storm sewer system," or "MS4," is a regulated municipal storm utility system as defined in the Western Washington Phase II Municipal Stormwater Permit.

N. N Definitions.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 402, 318, and 405 the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

"Native vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples of native vegetation include, but are not limited to, trees such as Douglas fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

"New development" means land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans as defined in Chapter 58.17 RCW and in Chapters 20.45A and 20.45B LUC. Projects meeting the definition of redevelopment shall not be considered new development.

"NPDES permit" means an authorization, license or equivalent control document issued by the United States Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

O. O Definitions.

"On-site Stormwater Management BMPs" is a synonym for Low Impact Development BMPs.

P. P Definitions.

"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

"Permissible discharge" refers to those discharges permitted under BCC 24.06.125(C).

"Pervious Surface" means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

"Pollution" means the contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state 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.

"Pollution-generating hard surface (PGHS)" means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. See the listing of surfaces under pollution-generating impervious surface.

"Pollution-generating impervious surface (PGIS)" means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use, industrial activities (as further defined in the glossary of Volume I of the SWMMWW); storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall; metal roofs unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating); or roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities.

"Pollution-generating pervious surface (PGPS)" means any non-impervious surface subject to vehicular use, industrial activities (as further defined in the glossary of the SWMMWW); or storage of erodible or leachable materials, wastes, or chemicals, and that receive direct rainfall or run-on or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS include permeable pavement subject to vehicular use, lawns, landscaped areas including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

"Pre-developed condition" means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

"Private storm and surface water system" or "private drainage facility" means any element of the storm and surface water system, which is not a part of the public storm and surface water system as defined in this code.

"Procedure" means 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, engineering standards, related manuals, or other codes, ordinances, or resolutions of the city or other agencies. Procedure as defined herein is often referred to as a standard operating procedure or SOP.

"Project site" means that portion of a property, properties, or right-of-way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces. The definition of project site applies solely to application and enforcement of this code and does not supersede or replace the definition of "site" as defined elsewhere in the Bellevue City Code.

Prohibited Discharge. Refer to definition of "illicit discharge."

"Property owner" means 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, including but not limited to an agent, contractor, operation, applicant, or developer.

"Public storm and surface water system" or "public drainage system" means those elements of the storm and surface water system maintained and operated by the utility, which includes elements located on property owned by the utility or in public right-of-way except to the extent that private ownership is indicated as a matter of record or by law and elements located on property on which the city has an easement, license, or other right of use for utility purposes.

Q. Q Definitions (Reserved).

R. R Definitions.

"Rain Garden" means a non-engineered shallow landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile.

"Receiving waterbody or Receiving waters" are bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow. Ground water to which surface runoff is directed by infiltration.

"Redevelopment" means, on a site that is already substantially developed (i.e., has 35 percent or more existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation, or expansion of a building or other structure; replacement of hard surface that is not part of a maintenance activity; and land disturbing activities.

"Replaced hard surface" means, for structures, the removal and replacement of hard surfaces down to the foundation. For other hard surfaces, the removal down to bare soil or base course and replacement.

"Replaced impervious surface" means, for structures, the removal and replacement of impervious surfaces down to the foundation. For other impervious surfaces, it means the removal down to bare soil or base course and replacement.

"Runoff control BMPs," also referred to as "flow control BMPs," means BMPs that are intended to control or manage the rate and/or quantity of stormwater runoff.

"Runoff treatment BMPs" means BMPs that are intended to remove sediment and other pollutants from stormwater runoff.

S. S Definitions.

"Site" means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site. The definition of "site" applies solely to application and enforcement of this code and does not supersede or replace the definition of "site" as defined elsewhere in the Bellevue City Code.

"Source control BMP" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollution. The SWMMWW separates source control BMPs into two types. "Structural Source Control BMPs" are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. "Operational BMPs" are non-structural practices that prevent or reduce pollutants from entering stormwater.

Standard Operating Procedure or SOP. Refer to the definition of "procedure."

"Storm and surface water system plan" (or a similarly titled document) means the latest version of the city's storm and surface water system plan as adopted by the city council.

"Storm and surface water system," also referred to as the "drainage system," means the entire system within the city, both public and private, naturally existing and manmade, for the drainage, conveyance, detention, treatment or storage of storm and surface waters. However, facilities directly associated with buildings or structures such as foundation drains, rockery/retaining wall drains, gutters and downspouts or groundwater under-drains are not considered parts of the storm and surface water system.

"Stream" means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction. Those topographic features that resemble streams but have no defined channels (i.e., swales) shall be considered streams when hydrologic and hydraulic analyses done pursuant to a development proposal predict formation of a defined channel after development. The definition of "stream" set forth herein is limited to application and enforcement of this code and does not apply to other city codes and standards.

"Structure" means a combination of materials constructed and erected permanently on or under the ground or attached to something having permanent location on or under the ground. Not included are residential fences, retaining walls less than 30 inches in height, rockeries less than 30 inches in height and similar improvements of a minor character. "Structure" can also mean a catchbasin or manhole in reference to a storm drainage system.

"SWMMWW" means the Washington State Department of Ecology 2012 Stormwater Management Manual for Western Washington (as amended in 2014) (now or hereafter amended).

T. T Definitions.

"Threshold discharge area" means an on-site area draining to a single natural discharge location, or to multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flowpath.) Refer to the SWMMWW for additional information.

U. U Definitions.

"Unsafe condition" means any condition on any premises which is a hazard to public health, safety, welfare, or environment 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.

"Utility" means the storm and surface water utility administered as part of the Bellevue utilities department, as provided by Chapter 3.38 BCC.

"Utility developer extension agreement" means a contract between the utility and a developer that provides for plan review and inspection of storm drainage facilities that satisfy new development or redevelopment requirements.

V. V Definitions.

"Vehicular Use" means regular use of an impervious or pervious surface by motor vehicles. The following are subject to regular vehicular use: roads, un-vegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unrestricted access fire lanes, vehicular equipment storage yards, and airport runways.

The following are not considered subject to regular vehicular use: paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, restricted access fire lanes, and infrequently used maintenance access roads.

W. W Definitions.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

X. X Definitions (Reserved).

Y. Y Definitions (Reserved).

Z. Z Definitions (Reserved).

24.06.045 Authority of the utility.
The utility, by and through its director, shall have the authority to:

[. . . .]

24.06.060 Permits – Approvals.
A. General Requirements.

1. The utility shall administratively develop submittal requirements for the various utility permits/approvals;

2. When a drainage connection permit or utility developer extension agreement is required, the property owner shall build all the drainage facilities necessary to serve the property including, but not limited to, conveyance systems, runoff treatment best management practices, detention facilities and other system components as required by the utility;

3. When a drainage connection permit or utility developer extension agreement is required to provide drainage facilities for commercial or multifamily structures, the utility shall not approve issuance of the building permit until the utility has issued the drainage connection permit or the utility developer extension agreement has been executed. When a drainage connection permit or utility developer extension agreement is required to relocate a drainage facility from under a proposed building or structure, the utility shall not approve issuance of 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; and

4. When applicable, the director may approve projects through combined permit review processes, including but not limited to clearing and grading and building permits. The vested status of the provisions contained in this code is governed by and subject to the vesting provisions contained in BCC 23.76.045.

B. Drainage Connection Permit.

1. A drainage connection permit is required to connect to or modify the public storm and surface water system or to modify a private storm and surface water system for activities referenced in BCC 24.06.065, unless a utility developer extension agreement is required pursuant to subsection (C)(1) of this section or unless the

work is specifically covered under another permit, such as a clearing and grading permit or right-of-way use permit, or unless the work falls below thresholds for any other permit required under this code or related codes;

2. If required, a drainage connection permit application shall be submitted and attested to by the property owner or their licensed and bonded contractor;

3. Drainage connection permits expire two years from the date of issuance. The director may extend the duration of an open drainage connection permit for up to one year; provided the utility receives payment for any applicable fees; and

4. Open applications for drainage connection permits that have not been issued shall be canceled by the utility if not issued within one year from the date of submittal.**[. . . .]24.06.065 Minimum requirements for new development and redevelopment.**

A. Applicability.

1. The Minimum Requirements (MRs) contained in this section shall apply to new development, redevelopment, and construction activities that result in land disturbing activity or otherwise meet the thresholds defined herein; and

2. In addition to the Minimum Requirements of this section, property owners shall comply with all applicable provisions contained in the SWMMWW, engineering standards, Chapter 23.76 BCC (Clearing and Grading Code), BCC Title 20, and any other applicable codes or standards.

B. Exemptions. Unless otherwise indicated in Appendix 1, Section 1 of the Western Washington Phase II Municipal Stormwater Permit, the practices described in Appendix 1, Section 1 are exempt from the Minimum Requirements, even if such practices meet the definition of new development or redevelopment.

C. Exceptions/Variances.

1. The director may approve a request for an Exception/Variance (exceptions) to the Minimum Requirements when the applicant demonstrates that the exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state, and the exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements, and:

a. The requirement would cause a severe and unexpected financial hardship that outweighs the requirement's benefits, and the criteria for an adjustment cannot be met;

b. The requirement would cause harm or a significant threat of harm to public health, safety, and welfare, the environment, or public and private property, and the criteria for an adjustment cannot be met;

c. The requirement is not technically feasible, and the criteria for an adjustment cannot be met; or

d. An emergency situation exists that necessitates approval of the exception;

2. An exception shall only be granted to the extent necessary to provide relief from the economic hardship, to alleviate the harm or threat of harm, to the degree that compliance with the requirement becomes technically feasible, or to perform the emergency work that the director determines exists;

3. The director may require an applicant to provide additional information at the applicant's expense, including but not limited to an engineer's report or analysis;

4. When an exception is granted, the director may impose new or additional requirements to offset or mitigate harm that may be caused by granting the exception, or that would have been prevented if the exception had not been granted;

5. Public notice of an application for an exception and of the director's decision on the application shall be provided for in the manner prescribed for process II land use decisions as set forth in Chapter 20.35 LUC;

6. The director's decision shall be in writing with written findings of fact. Decisions approving an exception based on severe and unexpected economic hardship shall address all the factors contained in subsection (C)(7) of this section;

7. An application for an exception on the grounds of severe and unexpected financial hardship shall describe, at a minimum, all of the following:

a. The current (pre-project) use of the site, and;

b. How application of the Minimum Requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to adoption of the Minimum Requirements of this section, and;

c. The possible remaining uses of the site if the exception were not granted, and;

d. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements of this section, and;

e. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements of this section; and

f. The feasibility of the applicant to alter the project to apply the Minimum Requirements of this section;

8. An applicant aggrieved by the director's decision on an application for an exception may appeal the decision to the hearing examiner's office by complying with the appeal process for process II decisions as set forth in LUC 20.35.250;

9. The hearing examiner shall affirm the director's decision unless the examiner finds the decision is clearly erroneous based on substantial evidence. The applicant for the exception shall carry the burden of proof on all issues related to justifying the exception; and

10. The director shall keep a record, including the director's findings of fact, on all approved requests for exceptions.

D. Adjustments.

1. The director may approve Adjustments to the Minimum Requirements of this section, and shall prepare written findings of fact, when the director finds the following:

a. The adjustment provides substantially equivalent environmental protection; and

b. The objectives of safety, function, environmental protection, and facility maintenance are met, based on sound engineering practices;

2. During construction, the director may require, or the applicant may request, that the construction of drainage control facilities and associated project designs be adjusted if physical conditions are discovered on the site that are inconsistent with the assumptions on which the approval was based, including but not limited to unexpected soil and/or water conditions, weather generated problems, or changes in the design of the improved areas; and

3. A request by the applicant for an adjustment shall be submitted to the director prior to implementation. The request shall be in writing and shall provide facts substantiating the requirements of subsection (D)(1) of this section and, if made during construction, the factors in subsection (D)(2) of this section. Any such modifications made during the construction of drainage control facilities shall be included with the final approved drainage control plan.

E. New Development – Thresholds.

1. All new development shall comply with Minimum Requirement #2 as set forth in this section and Chapter 23.76 BCC;

2. The thresholds used to determine the applicability of the Minimum Requirements to new development are as specified in Appendix 1, Section 3.2 of the Western Washington Phase II Municipal Stormwater Permit

F. Redevelopment – Thresholds.

1. All redevelopment shall comply with Minimum Requirement #2 as set forth in this section and Chapter 23.76 BCC;

2. The thresholds and additional requirements used to determine the applicability of the Minimum Requirements to redevelopment are as specified in Appendix 1, Sections 3.3 and 3.4 of the Western Washington Phase II Municipal Stormwater Permit

G. Minimum Requirements. The Minimum Requirements for stormwater management at new development and redevelopment sites are as specified in Appendix 1, Section 4 of the Western Washington Phase II Municipal Stormwater Permit, the SWMMWW, and supplemented by engineering standards where applicable. The following requirements also supplement the Minimum Requirements:

1. Construction Stormwater Pollution Prevention Plan (SWPPP) (MR2). The regulations associated with this minimum regulation are contained in the clearing and grading code, located at Chapter 23.76 BCC;

2. Flow Control (MR7). Flow control is not required for properties within the Meydenbauer Drainage Basin to the extent provided for in Ordinance No. 3372;

[. . . .]

24.06.080 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 drainage facilities, commonly known as latecomer agreements.

B. Requesting a Latecomer Agreement. A property owner may request a latecomer agreement if said owner constructs a public drainage facility that benefits property in addition to the property owner's property and it is not feasible for the property owner to include such other property owners in the utility developer extension agreement. The request shall be made in writing by the property owner and unit costs shall be provided before the utility accepts the public drainage facility.

C. Zone of Benefit. The utility shall determine what properties benefit from the public drainage facility and which properties shall be subject to the latecomer agreement.

D. Method of Cost Allocation. The utility shall determine the method of cost allocation used.

E. Recording. The utility shall record the latecomer agreement with the King County Recorder's Office 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 public 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 20 years, or for a longer period if extended in accordance with RCW 35.91.020, following the utility's 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.

[. . .]

24.06.125 Prohibited, permissible, and conditional discharges.

A. General.

1. No person, whether singly or in combination with others, shall dump, throw, drain or otherwise discharge, either directly or indirectly, nonstormwater and/or prohibited discharges into the storm and surface water system or receiving water within or contiguous to city of Bellevue municipal limits; and

2. Every permit issued to implement this code shall contain a performance standard requiring that no discharge of nonstormwater and/or prohibited discharges from a site or real property, directly or indirectly, to the storm and surface water system or a receiving water occurs.

B. Prohibited Discharges.

1. The following substances are prohibited from entering, either directly or indirectly, a storm and surface water system or receiving water within or contiguous to city of Bellevue municipal limits, including but not limited to:

1	Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
2	Trash or debris;
3	Domestic animal 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, including biodegradable soaps, detergents, or ammonia;
10	Pesticides, herbicides, or fertilizers;
11	Sewage;
12	Heated water;
13	Chlorinated water, chlorine, bromine, or other disinfectants;
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 or sediment;
20	Concrete, cement or gravel;
21	Acids, alkalis, or bases;
22	Recreational vehicle wastes;

23	Dyes (without prior permission of the utility);
24	Construction materials;
25	Food wastes;
26	Metals in either particulate or dissolved form;
27	Flammable or explosive materials;
28	Radioactive material;
29	Batteries;
30	Paints, stains, resins, lacquers, or varnishes;
31	Drain cleaners;
32	Swimming pool or spa filter backwash;
33	Chemicals not normally found in uncontaminated water;
34	Any other process-associated discharges except as otherwise allowed in this section;
35	Any hazardous material or waste not listed above.

C. Permissible Discharges. The following types of discharges are permissible discharges unless the director determines that the type of discharge, directly or indirectly, to a storm and surface water system or receiving water within or contiguous to city of Bellevue city limits, whether singly or in combination with others, is causing or contributing to a violation of the city's NPDES permit or is causing or contributing to a water quality problem:

1	Diverted stream flows;
2	Rising ground waters;
3	Uncontaminated ground water infiltration;
4	Uncontaminated pumped ground water;
5	Foundation drains;
6	Air conditioning condensation;
7	Irrigation water from agricultural sources that is commingled with urban stormwater;
8	Springs;
9	Water from crawl space pumps;
10	Footing drains;
11	Flows from streams and associated buffers and wetlands;
12	Nonstormwater discharges covered by another NPDES permit; provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the Washington State Department of Ecology for any discharge to the storm drain system; and
13	Discharges from emergency fire fighting activities.

D. Conditionally Permissible Discharges. The following types of discharges are conditionally permissible discharges if they meet the stated conditions or unless the director determines that the type of discharge, directly or indirectly, to a storm and surface water system or a receiving water within or contiguous to Bellevue city limits, whether singly or in combination with others, is causing or contributing to a violation of the city's NPDES permit or is causing or contributing to a water quality problem:

1. Potable water, including water from water line flushing, fire sprinkler system testing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Such planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the storm and surface water system;

2. Lawn watering and other irrigation runoff, which shall be minimized through, at a minimum, public education activities and water conservation efforts;

3. Dechlorinated swimming pool discharges, which shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized, if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the storm and surface water system. Swimming pool cleaning wastewater and filter backwash shall not be discharged into the storm and surface water system;

4. Street, parking areas and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized, best management practices are used to prevent and/or minimize dirt, soil, or other pollutants from entering the storm and surface water system, and public education activities and/or water conservation efforts include information on reducing impacts of these discharges. At active construction sites, street sweeping shall be performed prior to washing the street;

5. Nonstormwater discharges covered by another NPDES permit; provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the Washington State Department of Ecology for any discharge to the storm and surface water system;

6. Other nonstormwater discharges related to construction site dewatering discharges shall comply with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the city;

7. Other nonstormwater discharges from utility-owned infrastructure failures due to aging infrastructure or acts of God that result in nonstormwater discharges shall be minimized through implementation of municipal utility infrastructure programs, such as utility infrastructure repair, replacement, or rehabilitation; asset management programs, or preventive system repairs and maintenance; and

8. Other nonstormwater discharges resulting from city response to emergency or weather-related events.

E. Prohibition of Nonstormwater Connections. The construction, use, maintenance, or continued existence of nonstormwater connections (also known as illicit connections) to the storm and surface water system is prohibited regardless of whether such connections were previously made or lawful under past regulations in place at the time of connection.

F. 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.

G. Source Control Best Management Practices. To prevent discharge of illicit or prohibited discharge materials into the storm and surface water system, source controls shall be applied in accordance with the storm and surface water operation and maintenance standards.

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