

CODE

**CITY OF REDMOND
ORDINANCE NO. 2921**

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING RMC CHAPTER 13.20,
STORMWATER DRAINAGE CAPITAL FACILITIES
CHARGES, ESTABLISHING NEW CAPITAL FACILITIES
CHARGES

WHEREAS, stormwater is an important environmental concern for all citizens of the City of Redmond; and

WHEREAS, infiltration of stormwater can reduce the size of structural stormwater facilities, can reduce pollutant loading on receiving waters, and can provide recharge to the drinking water aquifer; and

WHEREAS, providing credits for infiltration at the time of development will provide an incentive to developers to infiltrate stormwater; and

WHEREAS, further conceptual design and planning has increased the accuracy of cost estimates to provide regional facilities in the Overlake area; and

WHEREAS, the City Council adopted the Overlake Village Stormwater and Park Facilities Conceptual Design Implementation Plan on July 20, 2010, which identifies preferred stormwater management strategies for the Overlake sub-basin that include: 1) regional detention, 2) connection of roofs to public infiltration

galleries associated with a proposed urban pathway, and 3) onsite treatment of pollution generating impervious surfaces within the Overlake Village; and

WHEREAS, the City Council has considered the recommendations of the Financial Planning Manager and a consultant to the City, and based upon such information the City Council has determined that the charges identified in 13.20.040, 13.20.045 (B) and 13.20.047 (B) will result in payment of an equitable share of the City Stormwater system by those parcels developed within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature, and shall become a part of the City Code.

Section 2. Amendment of Chapter. RMC 13.20, Stormwater Capital Facilities Charges, is hereby amended to read as follows:

Chapter 13.20
STORMWATER DRAINAGE CAPITAL FACILITIES CHARGES

Sections:

13.20.010	Purpose.
13.20.020	Definitions.
13.20.030	Stormwater capital facilities charges imposed.
13.20.040	Citywide stormwater capital facilities charge.

- 13.20.045 Downtown sub-basin stormwater capital facilities charge.
- 13.20.047 Overlake sub-basin stormwater capital facilities charge.
- 13.20.050 Stormwater capital improvement fund.
- 13.20.060 Repealed.
- 13.20.070 Collection of charges.
- 13.20.080 Recording Payments.
- 13.20.090 Repealed.
- 13.20.100 Additional requirements for development.

- 13.20.010 Purpose.

The purpose of this chapter is to establish stormwater connection or capital facilities charges for all properties within the city that are hereafter developed with impervious surface.

13.20.020 Definitions.

As used in this chapter, the following terms have the meanings set forth below:

(A) "Development" means any alteration by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area that affects the hydraulic properties of any parcel of land.

(B) "Impervious surface" means those hard surfaced areas which either prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexisting any development on the property, and/or those hard surfaced

areas which cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexisting any development on the property, including, but not limited to, such surfaces as rooftops, asphalt or concrete sidewalks, paving, driveways, parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

(C) "Impervious unit" means a configuration or conglomeration of impervious surface estimated to contribute an amount of runoff to the city's stormwater management system which is approximately equal to that created by the average single-family residential parcel. One impervious unit (IU) is equivalent to two thousand square feet of impervious surface area. For purposes of computation of the charges provided for in this chapter, impervious units are truncated (rounded down) to the nearest tenth.

(D) "Regional stormwater facilities" or "regional system" means public conveyance, detention, infiltration, and/or water quality facilities designed

to manage stormwater runoff from specific areas of the city to meet the city's water quality goals, and to support new development in a cost effective manner. Properties being developed may have the option to or be required to participate in the financing of the facilities, and in return requirements for onsite controls are eliminated or reduced. Proposed facilities are shown on the Proposed Regional Stormwater Facilities Map in the Clearing, Grading, and Stormwater Management Technical Notebook.

13.20.030 Stormwater capital facilities charges imposed.

There are hereby established stormwater capital facilities charges which shall be imposed upon all parcels which are proposed to be developed within the city. No building permit, short subdivision or subdivision approval, or other permit allowing development within the city shall be granted except upon payment of a citywide stormwater capital facilities charge and, if established, a sub-basin stormwater capital facilities charge. Public capital projects are subject to the sub-basin stormwater capital facilities charges.

13.20.040 Citywide stormwater capital facilities charge.

The citywide stormwater capital facilities charge established by RMC 13.20.030 shall be calculated for property development based upon the number of impervious units proposed to be created by the development. The charge is \$1,342.00 [~~958.00~~] for each impervious unit. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each unit.

13.20.045 Downtown sub-basin stormwater capital facilities charge.

The downtown sub-basin is an area generally bordered by the Sammamish River to the west, Bear Creek to the east, the railroad corridor to the south and NE 95th Street to the north. The sub-basin is depicted in a map in the Clearing, Grading, and Stormwater Management Technical Notebook.

(A) Parcels which are proposed to be developed within the downtown sub-basin shall not be required to construct on-site stormwater detention and water quality facilities as required elsewhere in this code. In lieu of such construction, a downtown sub-basin stormwater capital facilities charge is hereby imposed upon all

such parcels. The downtown sub-basin stormwater capital facilities charge shall be used by the city to design, acquire property for, and conduct other activities necessary to construct regional stormwater conveyance, detention and water quality facilities (the regional system).

(B) The downtown sub-basin stormwater capital facilities charge shall be calculated for property development based upon the number of impervious units proposed to be created by the development. The charge is \$5,979.00 [~~5,435.00~~] for each impervious unit. A credit of 80 percent may be applied to the number of non-pollution generating impervious units that are managed by an approved private infiltration facility meeting current standards. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each such unit minus the number of creditable impervious units multiplied by 0.80 of the charge for each unit.

(C) The downtown sub-basin stormwater capital facilities charge provided for in this section shall be

in addition to the citywide stormwater capital facilities charge established by RMC 13.20.030 and 13.20.040. No building permit, short subdivision or subdivision approval, or other permit allowing development within the downtown sub-basin, shall be granted except upon payment of said downtown sub-basin stormwater capital facilities charge.

(D) Owners of properties adjacent to the Sammamish River or adjacent to the publicly owned property immediately adjacent to the Sammamish River may seek to have their properties opt out of the city's regional (sub-basin) stormwater system and the downtown sub-basin stormwater capital facilities charge or may seek a reduced downtown sub-basin stormwater capital facility charge. These properties must also have (or be able to construct) a private discharge system to the river.

(1) Any owner of property that seeks to opt out shall make a proposal to the city identifying the ability of a property or set of properties to be served by a private discharge system to the river. Private properties under common control and/or properties that are part of an existing private drainage system may be included in an opt-out proposal. Properties separated by

a public right-of-way may be included only if they are connected by an existing private drainage system. The Technical Committee will review the proposal and will approve it if the Technical Committee determines that the proposed private drainage system:

(a) detains and treats all stormwater from the properties proposed or required to be served by the private drainage system in a manner that meets all city water quality and quantity control standards;

(b) can be constructed, installed, or improved without interfering with the ongoing operation of any other utility line or improvement within the public right-of-way or public property;

(c) can be constructed, installed, or improved within easements or other property interests owned or controlled by the applicant;

(d) will not adversely impact other properties in the vicinity; and

(e) otherwise meets the requirements of the city's codes and standards.

(2) The Director of Public Works and any property owner who would qualify to opt out of the regional stormwater system and downtown sub-basin

stormwater capital facilities charge may agree on a reduced downtown sub-basin stormwater capital facilities charge in exchange for the property owner not opting out. The reduced charge shall be based on the estimated cost to design and construct the private stormwater detention and water quality facilities that would be necessary to provide a private stormwater discharge system meeting the city's regulations, together with the amount by which the value of the property owner's property would be affected by the use of a portion of that land for the private stormwater facilities. If the Director of Public Works and the property owner agree on the amount of the reduced downtown sub-basin stormwater capital facilities charge, the reduced charge shall be agreed to in a written instrument to be recorded against the title of the property. The reduced charge shall thereafter be applied to all properties or parcels subject to the agreement, and the property owner may not thereafter opt out of the regional (sub-basin) stormwater system and the reduced downtown sub-basin stormwater capital facilities charge for those properties or parcels without the city's consent.

(3) The ability to opt out provided by this section applies only to the regional stormwater system and the downtown sub-basin stormwater capital facilities charge. All other charges, including, but not limited to, the citywide capital facilities charge, the monthly stormwater rates, and the stormwater engineering, plan review, and processing fees associated with development applications, provided elsewhere in this title shall continue to apply to properties that have opted out or for which a reduced downtown sub-basin stormwater capital facilities charge has been agreed upon.

13.20.047 Overlake sub-basin stormwater capital facilities charge.

The Overlake sub-basin is an area generally bordered by 148th Ave NE to the west, 156th Ave NE to the east, NE Bel-Red Road to the south and NE 40th Street to the north. The sub-basin is depicted in a map in the Clearing, Grading, and Stormwater_Management Technical Notebook. The Overlake Village Design District is a portion of the Overlake sub-basin identified within the Redmond Community Development Guide.

(A) Parcels which are proposed to be developed within the Overlake sub-basin shall be required to

construct only those onsite stormwater detention and water quality facilities noted below and as further described in the Clearing, Grading, and Stormwater Management Technical Notebook.

- Those onsite stormwater treatment and/or infiltration facilities required in the Overlake Village Design District.

- Low impact development required where feasible.

- Interim stormwater facilities may be required to protect downstream properties until regional facilities are constructed.

In lieu of construction of additional facilities, an Overlake sub-basin stormwater capital facilities charge is hereby imposed upon all such parcels. The Overlake sub-basin stormwater capital facilities charge shall be used by the city to design, acquire property for, and conduct other activities necessary to construct regional stormwater conveyance, detention and water quality facilities (the regional system).

(B) The Overlake sub-basin stormwater capital facilities charge shall be calculated for property development based upon the number of impervious units

proposed to be created by the development. The charge is \$10,929.00 [~~8,539.00~~] for each impervious unit. A credit of 80 percent may be applied to the number of impervious units that are managed by an approved private infiltration facility meeting current standards. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each such unit minus the number of creditable impervious units multiplied by 0.80 of the charge for each unit.

(C) The Overlake sub-basin stormwater capital facilities charge provided for in this section shall be in addition to the citywide stormwater capital facilities charge established by Section 13.20.030 and .040. No building permit, short subdivision or subdivision approval, or other permit allowing development within the Overlake sub-basin shall be granted except upon payment of said Overlake sub-basin stormwater capital facilities charge.

13.20.050 Stormwater capital improvement fund.

There is established a stormwater capital improvement fund into which shall be paid all stormwater

capital facilities charges collected under this chapter, all area and frontage charges collected under previous ordinances, and all contributions made by the city and from other sources, and from which shall be paid the cost and expense of planning, designing, acquiring property, constructing and installing general and regional facilities for stormwater management and flood control.

13.20.060 Disbursements to district.

Repealed by Ord. 2306.

13.20.070 Collection of charges.

The stormwater capital facilities charges imposed by this chapter shall be paid prior to issuance of any building permit, short subdivision or subdivision approval, or other permit allowing development within the city.

13.20.080 Recording payments.

The Public Works Department shall establish a system for recording payments of stormwater capital facilities charges made pursuant to this chapter in order that credit may be recorded and given for contributions made for stormwater management general facilities and regional facilities in connection with

that property. It is the intent of this section that development shall not be charged twice for the same proposed impervious unit and that where a proposed impervious unit has been paid for pursuant to a short subdivision or subdivision approval, site plan approval, or other development approval required by the city, the applicant shall not be charged a second time for that unit when a building or other subsequent permit for the same development is issued.

13.20.090 Additional requirements for development within district.

Repealed by Ord. 2306.

13.20.100 Additional requirements for development.

The owners of all property within the city being improved or developed shall be responsible for the installation of an adequate stormwater management system within his or her property in conformity with city standards and in conformity with the comprehensive stormwater management plan of the city. Payment of the citywide and sub-basin capital facilities charges shall not relieve property owners and developers from installing such systems or from making such improvements to downstream stormwater facilities as may be necessary

to convey stormwater from the property to a receiving water or to a regional stormwater facility without downstream flooding.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance or any code provision adopted hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any such code provision.

Section 4. Effective Date. This ordinance shall take effect and be in full force sixty days after its passage and publication of a summary as required by law.


ADOPTED by the Redmond City Council this 1st day of May, 2018.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

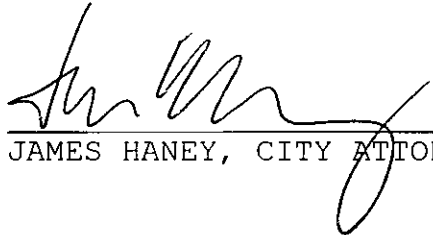
ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: April 17, 2018
PASSED BY THE CITY COUNCIL: May 1, 2018
SIGNED BY THE MAYOR: May 4, 2018
PUBLISHED: May 7, 2018
EFFECTIVE DATE: May 12, 2018
ORDINANCE NO. 2921

YES: ANDERSON, BIRNEY, CARSON, FIELDS, MARGESON, MYERS, PADHYE