

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 622

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### AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ESTABLISHING ALTERNATIVE DESIGN STANDARDS AND A STORMWATER CONNECTION FEE IN THE NORTHEAST REDEVELOPMENT AREA (NERA) AND AMENDING CHAPTER 13.10 OF THE BURIEN MUNICIPAL CODE

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WHEREAS, the City has constructed several new regional stormwater facilities in the NERA;

WHEREAS, these facilities were constructed in accordance with the design parameters established in the NERA Master Drainage Plan;

WHEREAS, the City Council approved an Interlocal Agreement with the Port of Seattle which grants the Port the right to connect on-site stormwater collection systems to the new regional stormwater facilities upon paying of a connection fee;

WHEREAS, the connection fee is based on the City's projected costs in excess of those covered by the City's Surface Water Management Service Charge for the first twenty years of operation and maintenance of the new systems, including initial monitoring and adaptive management needs;

WHEREAS, the NERA Master Drainage Plan also establishes minimal on-site stormwater management requirements for users connecting to the regional stormwater facilities, and these requirements incorporate low impact development techniques;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.10.040, Administrative standards and procedures, Subsection (1) of the Burien Municipal Code, is hereby amended to read as follows:

(1) Procedures for the imposition and collection of service charges, connection fees, and/or for filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge;

Section 2. Section 13.10.130, Drainage review – When required – Type, of the Burien Municipal Code, is amended by inserting a new Subsection (4) as follows:

(4) Exceptions

(a) Development, including redevelopment, in the Airport Industrial Zone that is complying with the NERA Master Drainage Plan (NERA MDP) shall be subject to a modified small project drainage review, prepared in accordance with Appendix I of the NERA MDP.

Section 3. Section 13.10.140, Drainage Review - Requirements, Subsection (5) of the Burien Municipal Code, is hereby amended to read as follows:

(5) Applications of low impact development (“LID”) techniques as a flow control or water quality control design are encouraged where the LID techniques are feasible. LID techniques used in accordance with the NERA MDP for qualifying projects in the Airport Industrial Zone do not require an adjustment. LID techniques for other projects may be granted as an adjustment by the director; provided, that the applicant establishes that the proposed LID techniques will meet or exceed the standards set forth in the Clean Water Act, the current Phase II Western Washington NPDES permit applicable to the city of Burien, and this title, including the SWDM and the SPPM. The city may allow the Western Washington Hydrology Model (“WWHM”), MGS Flood Model, System for Urban Stormwater Treatment and Analysis Integration (“SUSTAIN”) Model or other hydrologic/hydraulic models that have been approved by the city, King County, DOE, the Washington State Department of Transportation, or the Environmental Protection Agency to be used as a tool for determining flow control or water quality requirements. The drainage review requirements in this section and in the Surface Water Design Manual may be modified or waived by the director if the director determines that such modification or waiver is in the best interests of the public and will comply with the current Phase II Western Washington NPDES permit applicable to the city of Burien and other applicable laws.

Section 4. New section added. Amend the Burien Municipal Code to add the following Section 13.10.280, Stormwater connection fee:

13.10.280, Stormwater connection fee.

(1) There is established a connection fee for properties in the Airport Industrial Zone complying with the NERA MDP and connecting to the regional stormwater facilities described in the NERA MDP.

(2) The connection fee shall be charged on development and redevelopment sites submitting land use applications. A development site shall be subject to the connection fee for the initial connection to the regional stormwater system; the site shall not be subject to the connection fee upon subsequent redevelopment.

(3) The connection fee shall be calculated on the entire development site as:

developable area in acres x \$23,327,

where the developable area is defined as all portions of the subject parcel(s) not covered by critical areas.

(4) The connection fee shall be payable by the applicant upon application for a development permit.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall take effect five days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 20<sup>TH</sup> DAY OF APRIL, 2015.

CITY OF BURIEN

/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Robert F. Noe, Kenyon Disend, PLLC  
Interim City Attorney

Filed with the City Clerk: April 20, 2015  
Passed by the City Council: April 20, 2015  
Ordinance No.: 622  
Date of Publication: April 23, 2015