

ORDINANCE NO. 2011

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SUBSECTION 20G.60.25 (1) (e) OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO UPDATE AND AMEND THE CITY'S PROCESS OF HANDLING PERMIT APPLICATIONS WHEN AN APPEAL IS FILED, AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the amendment clarifies the intent, policies, and the implementation of the Redmond Community Development Guide, and

WHEREAS, the amendment is consistent with the longstanding state permitting practice of treating administrative decisions on permits as valid, unless overturned by an appeal decision, and

WHEREAS, the public interest is served by reliable seasonal construction schedules which allow better environmental impact management, and reduce unexpected traffic delays, and other potential adverse impacts, and

WHEREAS, the Planning Commission held a public meeting on October 28, 1998 in order to consider amending the City's development regulations to address these potential impacts and, after the hearing, determined to recommend certain legislation to the City Council, and

WHEREAS, the Council has considered the Planning Commission's recommendations and has decided to adopt this ordinance, NOW, THEREFORE,

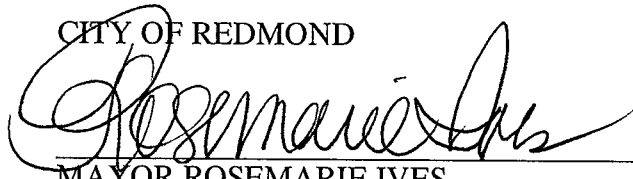
THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Effect of an Appeal. Chapter 20G.60.25 (1) (e) of the

Redmond Community Development Guide is hereby amended to read as set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance 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.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 2011

December 23, 1998
January 5, 1999
January 5, 1999
January 09, 1999
January 14, 1999

Exhibit A

PROPOSED LANGUAGE

20G.60.25 (1) (e) Effect. Administrative decisions on Type I, Type II, Type III and Type IV permits are assumed valid unless overturned by an appeal decision. Project activity commenced prior to the end of any applicable appeal period, or withdrawal of, or final decision on, an appeal, may continue at the sole risk of the applicant, provided, however, that:

- (i) Where the applicant begins project activity prior to the end of any applicable appeal period, site restoration performance assurances in an amount sufficient to restore the site to the predevelopment state shall be required.
- (ii) Where the applicant begins or continues project activity after an appeal has been filed, the continuing project activity shall not impact the specific appeal issues being raised.
- (iii) If the appeal concerns project activities impacting a natural area, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.
- (iv) If project activity has begun and is subsequently discontinued pending the withdrawal of, or final decision on an appeal, then proper erosion control measures shall be maintained in accordance with the provisions of local, state and federal law. Project infrastructure improvements in progress at this time shall be secured and shall be maintained in a safe condition pending withdrawal of, or final decision on, the appeal.