ORIGINAL

CODE ORDINANCE

CITY OF REDMOND
ORDINANCE NO. 2532

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING RMC 15.24, CLEARING, GRADING, AND STORMWATER MANAGEMENT, TO UPDATE STORMWATER MANAGEMENT REQUIREMENTS PERTAINING TO DEVELOPMENT AND REDEVELOPMENT IN REDMOND

WHEREAS, the City of Redmond protects the ecological function and vitality of local and regional water resources; and

WHEREAS, the City of Redmond recognizes reducing impacts to water resources from development/redevelopment is necessary to protect and reduce environmental degradation; and

WHEREAS, the City of Redmond applies mitigation requirements to development/redevelopment projects in an effort to lessen impacts from development/redevelopment to the maximum extent feasible; and

WHEREAS, the State of Washington Department of Ecology requires municipalities in Western Washington to conform to development/redevelopment impact reduction and mitigation requirements set forth in the Western Washington Phase II Municipal Stormwater Permit; issued to the City of Redmond January 17, 2007, effective February 16, 2007.

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 15.24, Clearing Grading, and Stormwater Management. RMC 15.24, Clearing, Grading, and Stormwater Management, is hereby amended to read as follows:

Chapter 15.24
CLEARING, GRADING, AND [~~STORM WATER~~] **STORMWATER** MANAGEMENT*

Sections:

15.24.010	Purpose and intent.
15.24.020	Design, construction and maintenance - General requirements.
15.24.030	Director.
15.24.040	Issuance of permits.
15.24.050	Activities requiring permits.
15.24.055	Activities that do not require a clearing, grading, and [~~STORM WATER~~] **stormwater** permit.
15.24.060	Classification of clearing, grading and [~~STORM WATER~~] **stormwater** management construction activities.
15.24.070	Rough grading projects.
15.24.080	**Requirements for d**[~~D~~]esign and construction [~~REQUIREMENTS~~].
15.24.084	**Adjustments.**
15.24.089	**Variances.**
[~~15.24.090~~	~~RELIEF FROM GENERAL DESIGN STANDARDS.~~]
15.24.095	Wellhead Protection Zones 1 and 2 performance standards.
15.24.100	Enforcement - Authorization.
15.24.110	Inspection.
15.24.120	Stop work orders.
15.24.130	Suspension or revocation of permit.
15.24.140	Penalty for violation.
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15.24.160	Notification of noncompliance.

15.24.010 Purpose and intent.

The purpose of the Clearing, Grading, and [~~STORM WATER~~] **Stormwater** Management Code is to: safeguard life, property, public health, and general welfare; minimize water quality degradation; prevent excessive sedimentation of or erosion by surface waters; and prevent the creation of public nuisances such as fouling of surface or groundwater. Furthermore, this section is intended to reduce impacts from land development; preserve and enhance wildlife habitat in and along surface waters; enhance the aesthetic quality of the area waters; minimize erosion; preserve trees; and preserve natural topographic features. These regulations focus on prevention of adverse impacts associated with clearing, grading and [~~STORM WATER~~] **stormwater** activities rather than remediation of adverse impacts after they have occurred.

15.24.020 Design, construction and maintenance - General requirements.

(1) The design, construction, and maintenance of all clearing, grading and [~~STORM WATER~~] **stormwater** management systems and facilities shall comply with the requirements and design standards contained in all the following documents:

(a) This chapter.

(b) The **Washington State** Department of Ecology [~~STORM WATER~~] **Stormwater** Management Manual for Western Washington, dated [~~AUGUST 2001~~] **February 2005** or its successor when approved by the City's Technical Committee **and as applied by the Clearing Grading and Stormwater Management Technical Notebook ("Stormwater Technical Notebook" for the remainder of this chapter)**.

(c) Any applicable construction specifications, design standards and details approved under the authority of subsection (2) of this section.

(2) The Public Works Director shall prepare and shall adopt construction specifications and design standards and details for clearing, grading, and [~~STORM WATER~~] **stormwater** management. The specifications, design standards and details shall be based on the **Washington State** Department of Ecology [~~STORM WATER~~] **Stormwater** Management Manual for Western Washington, dated [~~AUGUST 2001~~] **February 2005** or its successor when approved by the City's Technical Committee. The Public Works Director has the authority to make changes as local conditions warrant [~~WITH APPROVAL OF THE TECHNICAL COMMITTEE~~]. The specifications, design details, and any changes shall be made available to the public. A fee set by the Public Works Director may be charged for these documents.

(3) In the case of conflicts between the documents listed in subsection (1) of this section, conflicts shall be resolved by applying the following order of precedence:

(a) This chapter;

(b) **The Stormwater Technical Notebook;** [~~THE STANDARD SPECIFICATIONS AND DETAILS REFERRED TO IN SUBSECTION (2) OF THIS SECTION; AND~~]

(c) City of Redmond Standard Specifications and Details;

~~(C)~~ **(d)** The **Washington State Department of Ecology** [~~STORM WATER~~] **Stormwater** Management Manual for Western Washington.

15.24.030 Director.

For the purposes of this chapter only, "Director" shall mean the Director of the Public Works Department or his/her designee.

15.24.040 Issuance of permits.

(1) Regulated clearing, grading and/or [~~STORM WATER~~] **stormwater** activity as defined in RMC 15.24.050 requires City approval and the issuance of the appropriate permit(s) before initiating any of the regulated activities.

(2) Speculative clearing and grading shall be prohibited.

(3) For regulated activities, "City approval" means approval of appropriate plans, prepared by the applicant's engineer(s), indicating compliance with the requirements and design standards specified in this chapter under RMC 15.24.020. Approval shall be evidenced by the signature of the Public Works

Director or designee. Once plans are approved, a permit may be issued by the City. Fees for plan review and permit processing may be charged as established by separate ordinance. Issued permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved plans, permitted activities shall be inspected by the City during construction.

15.24.050 Activities requiring permits.

All clearing, grading or [~~STORM WATER~~] **stormwater** management construction activities listed below require approved plans and a permit(s). The thresholds are cumulative during a one-year period for any given site.

(1) Clearing of 7,000 square feet of land area or more.

(2) Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

(3) Removal of 11 or more trees that are six-inch diameter or larger. The tree diameter is

measured four feet from the ground. The removal of 10 or fewer trees is regulated in RCDG 20D.80.20.

(4) Any clearing or grading within a sensitive area or buffer of a sensitive area. Sensitive areas are defined in Chapter 20D.140 RCDG. Any disturbance to vegetation within sensitive areas and their corresponding buffers is also regulated by Chapter 20D.140 RCDG, the Sensitive Area Ordinance (SAO). Note that under the SAO, a clearing/grading permit for work on steep slopes must first receive a variance from the Hearing Examiner and must address criteria in the SAO which include considerations of alternatives that avoid any disturbance of steep slopes.

(5) Any change of the existing grade by four feet or more. This criterion applies to all permanent changes in grade and grade changes for extended periods of time (60 days or longer) located outside structure footprints.

(6) Any work within a public easement, City-owned tract or City right-of-way. Any clearing, grading or landscaping must be approved by the Department of Public Works prior to construction.

(7) The creation or addition of new, replaced or new plus replaced impervious surface in the amount of 2,000 square feet or more.

(8) Any construction of public drainage facilities to be owned or operated by the City.

(9) Any construction of private storm drainage pipes 12 inches in diameter or larger.

(10) Any modification of, or construction which affects, [~~THE PRIVATE QUANTITY OR QUALITY CONTROL SYSTEM.~~] **a privately owned/operated flow control facility or runoff treatment facility.** (Does not include maintenance or repair to the condition defined by previously approved plans).

15.24.055 Activities that do not require a clearing, grading, and [~~STORM WATER~~] **stormwater permit.**

(1) All clearing, grading and [~~STORM WATER~~] **stormwater** management construction activities that do not involve any of the thresholds listed above do not require City-approved clearing, grading and [~~STORM WATER~~] **stormwater** management plans or a permit, but still must meet the requirements specified in RMC 15.24.020.

(2) Activities that do not require approved plans or permits must still provide BMPs as necessary to [~~control~~] **protect** water quality. Any surface intended for vehicular traffic shall provide a floatables separator. Minimum requirements for other activities may be obtained by written request to the Development Services Division, accompanied by an adequate description of proposed work.

(3) The following activities are unregulated by this chapter even if the criteria in RMC 15.24.050 are exceeded:

(a) Agricultural crop management of existing farmed areas.

(b) Cemetery graves involving less than 50 cubic yards of excavation, and related filling per each cemetery plot.

15.24.060 Classification of clearing, grading and [~~STORM WATER~~] stormwater management construction activities.

(1) A clearing, grading and [~~STORM WATER~~] **stormwater** management permit may be considered as a component of a building permit or other permit, rather than as a separate permit, if City-approved drawings

for such activities are included under the other permit.

(2) The Director shall specify what submittal and application materials are required for a complete application, including the type of submittals, the required level of detail, the minimum qualifications of preparers of technical documents, and the number of copies that must be submitted.

(3) Clearing, grading and [~~STORM WATER~~] **stormwater** management activities are classified based on type, location and timing of development activity proposed. Table 1 outlines the classifications for clearing, grading and [~~STORM WATER~~] **stormwater** management activities and briefly reviews processing. Other City processes, approvals and permits may also be required for projects. The Director may adjust classifications and permit processing steps for proposed projects which are shown to be in multiple classifications or are otherwise not appropriately classified under the criteria shown in Table 1 and may adjust processing steps and fees as appropriate.

(4) Project Classification and Processing Table.

(See next page.)

Table 1

Project Classification	Typical Type of Development Activity	City Permit Which Allows Clearing, Grading and [~~STORM WATER~~] Stormwater Management Construction*	Summary of Permit Process for Clearing, Grading and [~~STORM WATER~~] Stormwater Management Construction
Building Projects	Single-family, duplex construction, commercial, industrial and multifamily construction, additions	Building Permit	Clearing, grading and [~~STORM WATER~~] **stormwater** management activities are reviewed in conjunction with the Building Permit plans. Single-family and duplexes are reviewed by the Construction and Building Divisions, all other projects are reviewed by the Development Services Division
Development Projects	Subdivision, utility	[~~NO PERMIT ISSUED AT~~	Clearing, grading and

	construction outside City right-of-way, clearing and grading only projects including landscaping projects	~~THIS TIME~~] **Approved Civil Drawings**	[~~STORM WATER~~] **stormwater** management activities are reviewed by the Development Services Division as all or part of the site improvement plans
Right-of-Way Projects	Construction activities all or partly within the City right-of-way	Street Use Permit	Clearing, grading and [~~STORM WATER~~] **stormwater** management activities are reviewed by the Development Services Division as part of the project
Rough Grading Projects	Clearing and/or grading of a site before all final approvals of the entire project	Rough Grading Permit	Clearing and grading activities are reviewed by the Development Services Division prior to other site improvements plans. Special conditions shall be met for issuance of Rough

			Grading plans (see RMC 15.24.070).

* Construction is allowed only when approved plans for clearing, grading and [~~STORM WATER~~] **stormwater** management construction are issued with the appropriate permit listed in the table.

15.24.070 Rough grading projects.

(1) Rough Grading Prerequisites. The Technical Committee shall determine whether rough grading will be permitted for a project. At a minimum, to obtain a Rough Grading Permit approval for a project all the following shall have been processed and have received approval:

(a) Site plan approval including conceptual utility layout.

(b) SEPA review for the entire project completed (if required).

(c) Clearing, grading and temporary erosion control construction plans.

(d) Resolution of all project feasibility issues (i.e., required off-site easements, significant utility design issues, etc.).

(2) Rough Grading Application. Upon completion of the prerequisites listed above, the following information shall be submitted, if applicable, for a rough grading application to be considered complete:

(a) Seven sets of rough grading drawings and supporting information stamped and signed by a professional civil engineer.

(b) Clear identification of all work proposed under the rough grading application.

(c) Clear identification of existing and proposed grades.

(d) Clear identification of all areas that will be disturbed.

(e) Identification of proposed quantity of earthwork.

(f) Identification of proposed erosion control measures.

(g) An erosion control plan designed in accordance with the City Design Specifications.

(h) Payment of the appropriate plan review fees.

(i) Prior to issuance of Rough Grading Permits, acceptable site restoration assurance

(bonding, cash deposits, etc. as specified by the Technical Committee) shall be posted with the City.

15.24.080 [~~DESIGN AND CONSTRUCTION REQUIREMENTS~~] **Requirements for design and construction.**

The City hereby adopts the thresholds, definitions, and minimum requirements, found in Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, including the mandatory provisions of the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington. Refer to the Stormwater Technical Notebook for local modifications and application of the definitions, thresholds, and minimum requirements in Redmond.

(1) **Design and construction standard requirements.** [~~MINIMUM REQUIREMENTS.~~] The design and construction standards found in this section are **required.** [~~THE MINIMUM REQUIREMENTS.~~]The Director may require additional or modified standards for specific projects or areas based on approved interlocal agreements, identified capacity limitations, significant erosion potential, seasonal factors, or other applicable factors.

(2) Checklist. The Director of Public Works shall maintain a checklist of Project Requirements that will be available at the Development Services **Center** [~~DIVISION~~]. For those activities that require preparation of plans (see regulated activities RMC 15.24.050), the applicant shall prepare plans that, at a minimum, include the following:

(a) Erosion and Sediment Control. All clearing, grading and [~~STORM WATER~~] **stormwater** management activities shall be designed and constructed to minimize erosion and the transport of sediment.

(b) Drainage Facilities. Drainage facilities shall be provided with site improvements as needed to meet the intent of this section. As a minimum, conveyance systems shall be designed to convey the 10-year storm. Culvert crossings of public rights-of-way shall be designed for at least the 25-year storm. Additional analysis may be required and if excessive flooding, erosion and other damage would occur, the design storm may be increased by the Director.

(c) Water Quality Control. **Post construction stormwater water quality control requirements depend**

on project and site characteristics. Runoff treatment and pollution source control measures are required of development/redevelopment projects based on the following:

- If a project creates 2,000 square feet (sf) or more new, replaced, or new plus replaced impervious surfaces, OR the project will disturb 7,000 sf or more land, post construction source control of pollutants is required as specified in the Stormwater Technical Notebook.

- If a project adds 5,000 sf or more new impervious surfaces OR the project converts ¾ acre native vegetation to lawn/landscaping OR converts 2.5 acres of native vegetation to pasture, runoff treatment facilities AND the selection of post construction source controls are required as specified in the Stormwater Technical Notebook.

Selection and documentation of post construction operational and structural source controls, and treatment facilities, shall conform with requirements detailed in the Stormwater Technical Notebook. All runoff treatment facilities are required to have an operations and maintenance manual that clearly

indicates who is responsible for cleaning, maintenance, and operation of the facility. [~~ALL PROJECTS THAT CREATE OR ADD 5,000 SQUARE FEET OR MORE OF POLLUTION-GENERATING IMPERVIOUS SURFACE (PGIS) OR 3/4 ACRE OR MORE OF POLLUTION-GENERATING PERVIOUS SURFACE (PGPS) SHALL PROVIDE TREATMENT OF RUNOFF FROM THE ADDED IMPERVIOUS AREA. TREATMENT SHALL, AT A MINIMUM, BE SIZED TO CAPTURE AND TREAT THE WATER QUALITY DESIGN STORM, DEFINED AS THE SIX-MONTH, 24-HOUR RETURN PERIOD STORM. FLOWS EXCEEDING THE WATER QUALITY DESIGN STORM SHALL BYPASS WATER QUALITY CONTROL SYSTEMS.~~] The Director may exempt trails and other linear types of construction projects if not used by motor vehicles and no significant impacts are identified.

(d) Water Quantity Control.

(i) Post construction runoff quantity control requirements depend on project and site characteristics. Runoff reduction/on-site stormwater management and flow control facilities are required of development/redevelopment projects based on the following:

• If a project creates 2,000 square feet (sf) or more new, replaced, or new plus replaced impervious surfaces, OR the project will disturb 7,000 sf or more land: runoff reduction/on-site stormwater management, to reduce the quantity of runoff created by the proposed project, is required as detailed in the Stormwater Technical Notebook.

• If a project adds 5,000 sf or more new impervious surfaces OR the project converts ¾ acre native vegetation to lawn/landscaping OR the project converts 2.5 acres of native vegetation to pasture OR a project one acre or larger will result in a 0.1 cubic feet per second increase in flow during a 100-year frequency storm: runoff flow control facilities AND runoff reduction/on-site stormwater management are required as detailed in the Stormwater Technical Notebook. [~~ALL PROJECTS THAT CREATE OR ADD 5,000 SQUARE FEET OF IMPERVIOUS AREA SHALL CONTROL RUNOFF FROM THE ADDED IMPERVIOUS AREA. THE MAXIMUM ALLOWABLE DISCHARGE RATE(S) DEPEND ON THE DOWNSTREAM CONVEYANCE SYSTEM. WHERE DOWNSTREAM SYSTEMS CONTAIN STREAMS, OTHER CHANNELS SUSCEPTIBLE TO EROSION, OR SPECIAL LOCAL CONDITIONS AS DETERMINED BY THE DIRECTOR, STORM~~

~~WATER DISCHARGES SHALL MATCH DEVELOPED DISCHARGE DURATIONS FOR THE RANGE OF PREDEVELOPED DISCHARGE RATES FROM 50 PERCENT OF THE TWO-YEAR PEAK FLOW UP TO THE FULL 50-YEAR PEAK FLOW, ASSUMING THE~~]

(ii) When modeling to determine quantity control design requirements, the predeveloped condition **to simulate** is forested land cover except on the Sammamish Valley floor, where pasture may be taken as the predeveloped condition. [~~THE DEVELOPED PEAK DISCHARGE RATES FOR THE TWO- AND TEN-YEAR RETURN PERIODS SHALL MATCH THE EXISTING (PREDEVELOPED) SITE CONDITIONS PEAK RATES.~~] If downstream analyses show flooding, erosion, and other damage would still occur, the allowable discharge rates may be decreased by the Director. [~~FOR OTHER DOWNSTREAM SYSTEMS, THE PEAK DISCHARGE RATE SHALL NOT BE INCREASED DUE TO THE PROPOSED DEVELOPMENT OVER THAT FOR NATURAL CONDITIONS FOR THE WATER QUALITY DESIGN STORM AND 10-YEAR DESIGN STORM.~~] In some cases direct discharge without detention may be permitted as determined by the Director. Trails and other linear types of construction activities may be exempt if not used by

motor vehicles and no significant impacts are identified with approval by the Director.

(iii) Project proponents are required to document the application of permanent runoff reduction/on-site stormwater management techniques, to reduce the quantity of runoff produced by the project, as required by the Stormwater Technical Notebook. All facilities are required to have an operations and maintenance manual that clearly indicates who is responsible for cleaning, maintenance, and operation of flow control and on-site/runoff reduction facilities.

(e) Stabilization of Disturbed Areas. All exposed soil shall be stabilized by suitable application of **erosion control** BMPs[~~, INCLUDING BUT NOT LIMITED TO SOD OR OTHER VEGETATION, PLASTIC COVERING, MULCHING, OR APPLICATION OF BASE COURSE(S) ON AREAS TO BE PAVED~~]. All BMPs shall be selected, designed and maintained according to **sediment and erosion control standards established by the Stormwater Technical Notebook.** [~~THE APPROVED MANUAL~~]. From October 1st through April 30th, no unworked soil shall remain exposed for more than two days. From May

1st through September 30th, no unworked soil shall remain exposed for more than seven days. The [~~CITY~~] **director or his/her designee** may permit extension of these times or require reduction of these times [~~BASED ON CURRENT AND PROJECTED WEATHER WITH PRIOR APPROVAL AND/OR DIRECTION BY THE CITY INSPECTORS~~].

(f) Protection of Adjacent Properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.

(g) Maintenance. All erosion and sediment control BMPs shall be regularly inspected (minimum once a week and after each storm) and maintained to ensure continued performance of their intended function.

(h) Identification of Sensitive Areas and Associated Buffers. No clearing or grading activity shall take place without first delineating sensitive area**s** and buffers. All sensitive areas shall be delineated and clearly marked on the plans for permits. On-site and off-site sensitive areas that may

be affected by the proposed activity shall be identified. All such on-site areas shall be fenced before any clearing or grading whether a permit is required or not required. These areas shall not be cleared and the vegetation shall not be disturbed per the Sensitive Areas Ordinance (Chapter 20D.140 RCDG).

(i) Identification of Easements. Native growth protection easements (NGPE), utility easements, etc., and corresponding setbacks shall be delineated and clearly marked on the plans. These areas shall not be cleared and the vegetation shall not be disturbed without proper approval.

(j) Accurately Describe Work Area. Provide a plan showing location of the property where the activity is proposed. Show areas to be cleared and graded, stockpile areas, staging areas, etc.

(k) Control of Pollutants Other Than Sediment on Construction Sites. All potential pollutants in addition to sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of [~~STORM WATER~~] **stormwater, surface waters, soil, or groundwater**.

(l) Source Control of Pollution. Source control BMPs shall be applied to all projects to the maximum extent practicable. Source control BMPs shall be selected, designed, and maintained according to the [~~APPROVED MANUAL~~] **Stormwater Technical Notebook**.

(m) Controlling Off-Site Erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of [~~STORM WATER~~] **stormwater** runoff from the site[~~TO THE MAXIMUM EXTENT PRACTICABLE~~].

(n) Other BMPs. Shall be applied as appropriate to mitigate the effects of potential increased runoff and/or decreased runoff water quality to the maximum extent practicable.

(o) Separate public and private drainage [~~STORM WATER~~] **stormwater** facilities for public land and City rights-of-way shall be separate from private [~~ON-SITE~~] **stormwater** facilities to the maximum extent practicable.

(p) Limit Topographic Change.

• [~~(I)~~] Within structure footprints, this chapter does not limit cuts or fills (even with the presence of significant trees).

• **Within the structural footprint, plus a 10-foot horizontal buffer, temporary cuts or fills are not limited by this chapter (even with the presence of significant trees).** [~~(II) WITHIN BUILDING WORK AREAS, THE MAXIMUM PERMITTED VERTICAL DEPTH OR HEIGHT OF A CUT OR FILL IS A TOTAL OF EIGHT VERTICAL FEET BASED ON FINISHED GRADES.~~]

• [~~(III)~~] Outside **the structures footprint** [~~*BUILDING WORK AREAS*~~], and where significant trees are not present, the maximum permitted vertical depth or height of a cut or fill is a total of eight vertical feet.

• [~~(IV)~~] Outside building work areas, and where significant trees are present, grades shall not be changed.

• [~~(V)~~] Cut or fill slopes may not exceed 33 percent (3H:1V). Cut and fill slopes for roadways may, however, be designed at (2H:1V) upon review and approval by the Director.

(q) Tree preservation plan information in accordance with the City's Tree Preservation Regulations shall be incorporated into the clearing and grading drawings and shall become part of all construction documentation. This information shall define spatial limits for tree protection and include detailed drawings of tree protection measures and all required mitigation plantings. The tree preservation information must be prepared by a certified arborist or a certified landscape architect in conjunction with a registered civil engineer. (Note: In most instances, the tree survey will serve as the basis for the tree preservation information.)

(r) Placement of imported contaminated fill material is prohibited, citywide. Additional requirements for fill material in Wellhead Protection Zones 1 and 2, and language to determine fill material as contaminated, is detailed in section 15.24.095.

15.24.084 Adjustments

(1) Adjustments are permissions granted by the Technical Committee to deviate from the stormwater requirements for design and construction specified in

RMC 15.24.080 or in the Stormwater Technical Notebook. Adjustments must provide the equivalent (or improved) level of environmental protection. Adjustments are requested through application of a General Development Permit and decision by the Technical Committee. Application for adjustments must include clear written documentation to explain how the proposed adjustments address the following criteria:

(a) Provide substantially equivalent (or improved) environmental protection as would be provided if the standard stormwater requirements were met.

(b) Reflect sound engineering practices.

(c) Meet the objectives of public health, safety, function and maintenance.

(d) Avoid damage to other properties in the vicinity of and downstream of the proposal.

(2) The Technical Committee may deny any or all of the requested adjustments, may request additional information including written documentation from qualified specialists, may approve any or all of the requested adjustments, or may approve specific parts

of adjustments, either to the extent requested or to a reduced extent. All documentation is to be obtained and paid for by the applicant(s). The Technical Committee may also require peer review which, if required, is to be paid for by the applicant.

(3) The Technical Committee may determine the adjustment(s) requested are to be processed in accordance with RCDG 20F.40.180 (the variance process) and the criteria in RMC 15.24.089.

15.24.089 Variance

(1) Variances are permissions granted through the City's variance process in accordance with the Redmond Community Development Guide 20F.40.180 Variances. Variances under this title apply only to RMC 15.24.080(2) and RMC 15.24.080(3) a, c, d, e, g, h, j, k, l, and n. The criteria for approving a variance requested under this title shall include the decision criteria contained in RCDG 20F.40.180-040 together with the following criteria:

(a) The variance may be granted by the City only when meeting the applicable standards would impose a severe and unexpected economic hardship.

(b) The variance will not increase the risk to the public health and welfare, nor be injurious to other properties in the vicinity of and/or downstream or to the quality of waters of the state.

(c) The variance is the least possible deviation that could be granted to comply with the intent of the Minimum Requirements detailed in the Stormwater Technical Notebook.

(2) The application for a variance shall include written documentation addressing the decision criteria above and written documentation addressing the following topics:

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

(b) how the application of Minimum Requirements restricts the proposed use of the site compared to restrictions that existed prior to adoption of the Minimum Requirements (October 1st, 2004), and

(c) the possible remaining uses of the site if the variance were not granted by the City, and

(d) the uses of the site that would have been allowed prior to the City's adoption of Minimum Requirements, and

(e) A comparison of the estimated amount and percentage of value loss resulting from meeting the Minimum Requirements, and

(f) The feasibility to alter the project so that it meets the Minimum Requirements.

(3) The City shall prepare written findings of fact that address each of the six items above and that address the variance criteria. The City shall publish legal public notice of an application that requests a variance under this title and shall publish legal notice of the City's decision on the application.

~~15.24.090 RELIEF FROM GENERAL DESIGN STANDARDS.~~

~~(1) THE PROCESS FOR REQUESTING RELIEF FROM THE GENERAL DESIGN STANDARDS SPECIFIED IN RMC 15.24.080 SHALL BE THROUGH THE APPLICATION OF A GENERAL DEVELOPMENT PERMIT AND APPROVAL THROUGH THE TECHNICAL COMMITTEE. ONE OF THE FOLLOWING SHALL BE CLEARLY DEMONSTRATED TO CONSIDER GRANTING OF RELIEF:~~

~~(A) THERE ARE NO FEASIBLE AND REASONABLE ALTERNATIVES TO THE CLEARING, GRADING AND/OR STORM WATER ACTIVITY BEING PROPOSED;~~

~~(B) THE PROPOSED ACTIVITY WILL RESULT IN SIGNIFICANTLY LESS IMPACTS THAN MEETING THE STANDARDS;~~

~~(C) MEETING THE REQUIREMENTS CREATES AN UNACCEPTABLE LIFE SAFETY CONCERN; AND~~

~~(D) NO REASONABLE USE WITH LESS IMPACTS IS FEASIBLE AND REASONABLE.~~

~~(2) THE TECHNICAL COMMITTEE MAY DETERMINE THAT A PUBLIC HEARING IS NECESSARY BECAUSE OF THE NATURE OF THE CLEARING AND GRADING REQUEST. IF SUCH A DETERMINATION IS MADE, THE HEARING EXAMINER SHALL HOLD THE HEARING AND TAKE FINAL ACTION ON THE REQUEST.]~~

15.24.095 Wellhead Protection Zones 1 and 2 performance standards.

In Wellhead Protection Zones 1 and 2, performance standards for the following uses or activities shall be implemented:

(1) Well Construction and Operation. The record and construction details of any well regulated under Chapter 173-160 WAC, Construction and Maintenance of Wells, and any well excluded per WAC

173-160-010(2) that is constructed or decommissioned in Zones 1 and 2 shall be provided to the Department of Public Works within 60 days of well completion or decommissioning.

(2) Fill Material. Fill material shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in WAC 173-340-740, Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site. Where the detection limit (lower limit at which a chemical can be detected by a specified laboratory procedure) for a particular soil contaminant exceeds the cleanup standard for soil specified in WAC 173-340-740, the detection limit shall be the standard for fill material quality.

(a) Fill materials in quantities greater than 10 cubic yards placed directly on or in the ground in excess of six months shall meet the following requirements:

(i) A fill material source statement shall be provided to the Department of Public Works and shall be reviewed and accepted by the

Department prior to stockpiling or grading imported fill materials at the site. The source statement shall be issued by a professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington demonstrating the source's compliance with standards of the Model Toxics Control Act. The source statement shall be required for each different source location from which fill will be obtained.

(ii) Analytical results demonstrating that fill materials do not exceed cleanup standards specified in WAC 173-340-740 may be used in lieu of a fill material source statement, provided the regulated facility submits a sampling plan to, and which is approved by, the Director of Public Works. The regulated facility must then adhere to the approved sampling plan, and maintain analytical data on-site and available for inspection for a minimum of five years from the date that the fill was accepted.

(b) The Department of Public Works may accept a fill material source statement that does not include results of sampling and analysis of imported

fill if it determines that adequate information is provided indicating that the source location is free of contamination. Such information may include, but is not limited to:

(i) Results of field testing of earth materials to be imported to the site with instruments capable of detecting the presence of contaminants; or

(ii) Results of previous sampling and analysis of earth materials to be imported to the site.

(c) A fill material source statement is not required if documents confirm that imported fill will be obtained from a Washington State Department of Transportation approved source.

(d) The Director of Public Works shall have the authority to require corrective measures regarding noncompliant fill materials, including independent sampling and analysis, if the property owner or operator fails to accomplish such measures in a timely manner. The property owner or operator shall be responsible for any costs incurred by the City in the conduct of such activities.

(3) Cathodic Protection Wells. Designs for cathodic protection wells shall be submitted to the City for review and approval prior to initiation of drilling. Cathodic protection wells shall be constructed such that the following do not occur:

(a) Vertical cross-connection of aquifers normally separated by confining units;

(b) Migration of contaminated surface water along improperly sealed well **borings or** casings;

(c) Introduction of electrolytes or related solutions into the subsurface; and

(d) Any of the above conditions caused by improperly abandoned cathodic protection wells that are no longer in use.

(4) Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be encased in an outer plastic casing constructed of Schedule 40 or thicker-wall polyethylene or polyvinyl chloride (PVC) pipe, or equivalent. The plastic casing shall be capped at the bottom, and all joints shall be solvent- or heat-welded to ensure water tightness. The neck of the plastic casing shall provide a means of inspection to

monitor the annulus between the pressurized hydraulic elevator cylinder and the protective plastic casing.

15.24.100 Enforcement - Authorization.

The Director is authorized and directed to enforce all the provisions of this section. For such purpose, the Director may appoint officers, inspectors, assistants and other employees as needed from time to time. The Director may authorize such employees, as may be necessary, to carry out the duties and functions of that office.

15.24.110 Inspection.

The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter or whenever the Director has reasonable cause to believe that any land is being used in violation of this section. Inspections shall be made as follows:

(1) As a condition of any permit issued for activity covered by this chapter, the property owner shall be required to consent to entry upon the land by the Director at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this section. If the land is occupied, the Director

shall first present proper credentials and request entry. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site who are in apparent charge or control of the land and demand entry. If no person is located, the Director may enter said property and shall, with due diligence, make attempts to notify the owner, occupant, or other person having charge within a reasonable amount of time.

(2) Where the Director has reasonable grounds to believe that activities for which a permit is required by this chapter are being conducted without a permit on land within the City, the Director may seek to inspect the land and such activity. If the land is occupied, the Director shall first present proper credentials and request entry for inspection. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site in apparent charge or control of the land and request entry for inspection. If no person is located, or if entry is refused, the Director may request the assistance of the City Attorney, City Prosecutor or Police Department regarding access.

15.24.120 Stop work orders.

(1) Whenever any activity is being done contrary to the provisions of this section, the Director may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Director to proceed with the work.

(2) The Director may suspend work on any project during periods of inclement weather to reduce actual or potential erosion and/or sedimentation. Such a period may involve days or weeks during storm events or may, at the discretion of the Director, involve the entire rainy season.

(3) The Director may order work stopped because of inadequate on-site erosion/sedimentation controls. In such cases, a revised and improved erosion/sediment control plan (including but not limited to addition of or additional phasing) shall be submitted to the City for review. Once approved, the Director shall lift the stop work order and work can continue. If the revised and improved erosion/sediment control plan is found to

be inadequate and work is again ordered stopped, then the following shall be required:

(a) If it is the rainy season, work will be suspended until the end of the season (until April 30th, or later if weather conditions warrant, and work shall not continue beyond October 1st or earlier if weather conditions warrant).

(b) A revised plan shall be required to be submitted to the City Public Works Department. Once approved, work can continue between April 30th - October 1st.

(c) An on-site, full-time erosion control inspector (provided by developer) shall be required to monitor all work involving land disturbance. All costs for this inspector shall be paid by the contractor. The inspector shall provide weekly reports to the City regarding all clearing and grading work; monitor all erosion control features; and be a direct contact for the City inspectors.

15.24.130 Suspension or revocation of permit.

The Director may suspend or revoke a permit whenever the permit is issued on the basis of incorrect information supplied, approved plans are not

accurately reflective of actual field conditions, or the work is being done contrary to, or in violation of, any pertinent ordinance, regulation, procedure or permit. Upon receipt of a timely appeal under RCDG Title 20F, suspension or revocation shall be stayed pending decision on the appeal; provided, that such a stay shall not affect any stop work order issued by the Director.

15.24.140 Penalty for violation.

All violations of this chapter, including hazards and failure to comply with terms of the clearing/grading permit and conditions, are determined to be detrimental to the public health, safety, and welfare and declared to be public nuisances. All such violations are also criminal gross misdemeanors and punishable as provided in RMC 1.01.110. All conditions that, after inspection, have been determined by the Director to render any site or portion thereof to be used or maintained in violation of the section, shall be abated.

15.24.150 Restoration.

Any work not done in compliance with this chapter or any permit issued pursuant thereto or with any

other section of the Redmond Community Development Guide may be required by Director to be removed or restored to as near pre-project original condition as possible in the sole opinion of the Director. Such restoration may include, but shall not be limited to, the following:

(1) Filling, stabilizing and landscaping with vegetation similar to that which was removed, cuts or fills;

(2) Planting and maintenance of trees of a size that will reasonably assure survival and that replace functions and values of removed trees; and

(3) Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

15.24.160 Notification of noncompliance.

(1) If, while fulfilling their responsibility under this chapter, the inspector, the engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the

grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted.

(2) The appropriate clearing, grading or [~~STORM WATER~~] **stormwater** management permit (see RMC 15.24.060) shall be required regardless of any permit issued by any other department or agency that may be interested in certain aspects of the proposed work. Where work for which a permit is obtained by this chapter is started or proceeding before obtaining such a permit, the work shall be stopped, and the violator shall be subject to such penalties as provided in this chapter. However, the payment of such penalties shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work nor any other penalties prescribed thereon.

(3) The Director may require that the approved activity, operations and project designs be modified if delays occur which incur weather-generated problems not apparent at the time the permit was issued.

15.24.170 Penalties.

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the work shall be stopped, and

special investigation shall be made before a permit may be issued for such work. Work shall not commence during the investigation other than restoration, work on pollution control measures or stabilization approved by the Public Works Director. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the code. The minimum investigation fee shall be the same as the minimum fee set forth in the standard clearing and grading fee for permit application. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

15.24.180 Processing fees.

Clearing and grading and [~~STORM WATER~~] **stormwater** management fees shall be determined by the Director, and upon approval by the City Council shall be made available to the public. Before accepting a set of plans and specifications for checking, the Director shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major

drainage structures as required by the Uniform Building Code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for clearing/grading plans shall be as set forth in the schedule of fees adopted pursuant to RCDG Title 20F.

15.24.190 Permit fees.

A fee for each clearing, grading or [~~STORM WATER~~] **stormwater** management permit shall be paid to the Director as set forth in the fee schedule adopted pursuant to RCDG Title 20F. Permits may be extended, before their expiration, for up to a total of one year. Inspection fees shall be paid before the start or extension of work and are required for the duration of the project. An additional fee may be charged for processing of a permit extension.

15.24.200 Inspection fees.

A fee for each clearing, grading or [~~STORM WATER~~] **stormwater** management construction inspection shall be paid to the Director as set forth in the fee schedule adopted pursuant to RCDG Title 20F.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Redmond City Council this 15th day of June, 2010.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. MCGEHEE, CMC, CITY CLERK (SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	June 9, 2010
PASSED BY THE CITY COUNCIL:	June 15, 2010
SIGNED BY THE MAYOR:	June 15, 2010
PUBLISHED:	June 21, 2010
EFFECTIVE DATE:	June 26, 2010

ORDINANCE NO.2532

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache