

ORDINANCE NO. 1000

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE COMMUNITY DEVELOPMENT GUIDE (DGA-81-3) BY GRANTING AUTHORITY TO THE CODE ADMINISTRATOR TO ISSUE STOP WORK ORDERS; CLARIFYING THE PROCEDURE FOR CONSIDERING APPEALS FROM FINAL DECISIONS OF THE CODE ADMINISTRATOR, TECHNICAL COMMITTEE, HEARING EXAMINER AND APPEALS OF ADMINISTRATIVE INTERPRETATIONS OF THE DEVELOPMENT GUIDE; AND REVISING THE NOTICE REQUIREMENTS SET FORTH IN SECTION 20F.20.070(15)(b) OF THE COMMUNITY DEVELOPMENT GUIDE.

WHEREAS, the Policy Advisory Commission held a public hearing on March 11, 1981 for the purpose of considering proposed Development Guide Amendment DGA-81-3 concerning enforcement of the Community Development Guide, appeals from final decisions and public notice of hearings and filings, and at the conclusion of said hearing voted to recommend that the City Council approve said proposed Development Guide Amendment, and

WHEREAS, the City Council having considered the recommendation of the Policy Advisory Commission at a public meeting and having determined that the Community Development Guide should be amended as set forth below, now, therefore,

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

Section 1. Section 20F.10.050(25) of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

"20F.10.050(25) Abatement Order -

(a) Upon finding a violation, the Code Administrator shall cause the person(s) responsible to be notified of the violation by issuance and service of a written notice and order of abatement or by issuance and service of a written stop work order as provided in Section 20F.10.050(30), or both. The written notice and abatement order may be served in person or by certified mail. The notice and abatement order shall establish a time limit for compliance which shall be from one (1) to ninety (90) days based on the discretionary judgment of the Code Administrator in evaluating the nature of the violation and the action required to achieve compliance. The time limit may be extended only under extenuating

circumstances, but in no case shall exceed a total of one hundred and eighty (180) days.

"(b) This Section shall not be interpreted to require issuance of a notice and order of abatement as a prerequisite to issuance of a criminal complaint by the City Attorney or other authorized officer."

Section 2. A new Section 20F.10.050(30) is hereby added to the Redmond Municipal Code and Community Development Guide to read as follows:

"20F.10.050(30) Stop Work Order - Whenever any work or use violation is being done contrary to the provisions of the Community Development Guide, the Code Administrator may order all or a portion of the work on the project stopped by notice in writing served on any person engaged in or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Code Administrator to proceed with the work. Service of the stop work order may be made in person or by certified mail. The determination of the scope of work covered by the stop work order shall be discretionary with the Code Administrator based upon the seriousness of the violation, its relationship with the remainder of the project, and the degree to which the responsible party has demonstrated ability and willingness to remedy prior violations and/or comply with applicable governmental procedures and regulations."

Section 3. Section 20F.10.070(15) of the Community Development Guide is hereby amended to read as follows:

"10.070(15) Appeals - Final decisions of the Code Administrator made in the course of interpretation or administration of the Development Guide shall be governed by Section 20F.20.200. Code Enforcement actions pursuant to Section 20F.10.050 are not "final decisions" for the purpose of this Section."

Section 4. A new Section 20F.10.080(50) is hereby added to the Redmond Municipal Code and Community Development Guide to read as follows:

"20F.10.080(50) Appeals from Final Decisions - Appeals from final decisions of the Hearing Examiner shall be governed by Section 20F.20.200."

Section 5. A new Section 20F.10.100(30) is hereby added to the Redmond Municipal Code and Community Development Guide to read as follows:

"20F.10.100(30) Appeals from Final Decisions - Appeals from final decisions of the Technical Committee shall be governed by Section 20F.20.200."

Section 6. The chart entitled "Development Permit Procedures and Responsible Authority" which has been in-

incorporated as a part of the Community Development Guide by Section 20F.20.030 is hereby amended to read as follows:

20F.20.030

20F.20.030 DEVELOPMENT PERMIT PROCEDURES AND RESPONSIBLE AUTHORITY		TYPE OF APPLICATION												RESPONSIBLE AUTHORITY
MAJOR STEPS IN PROCESSING APPLICATIONS		Subdivision	Special Development Permit 20F.20.150	General Development Permit 20F.20.155	Short Subdivision 20F.20.170	Shoreline Permit	Variance	Right-of-Way Location 20F.20.190	Current Use 20F.20.210	Direct Petition Annexation 20F.20.220	Development Guide Amendment 20F.20.230	zoning Map Amendment 20F.20.240	Building and Construction Permits 20F.20.250	
Pre-Application Conference	20F.20.040	TC	TC	TC	TC	TC	TC	TC	TC	CC	TC	TC		TC: Technical Committee HE: Hearing Examiner PAC: Policy Advisory Commission CC: City Council DPCD: Dept. of Planning & Community Development RKC: Redmond-King County Council's Committee KCA: King County Assessor AD: Appropriate City Dept.
Filing of Application	20F.20.050	DPCD	DPCD	DPCD	DPCD	DPCD		DPCD	KCA	DPCD	DPCD	DPCD		
Staff Review, SPR & Environmental Assessment	20F.20.060	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC		
Public Hearing (Recommendation)	20F.20.070	HE	HE				HE	CC	RKC	CC	PAC	HE		
Preliminary Approval	20F.20.080	CC												
Compliance Review and Plan Check	20F.20.090	AD	AD											
Pre-Construction Conference	20F.20.100	AD	AD											
Final Application Approval	20F.20.110	CC	CC	TC	TC	TC	HE	CC	RKC	CC	CC	CC		
Compliance Review and Plan Check	20F.20.090	AD	AD	AD	AD	AD								
Pre-Construction Conference	20F.20.100	AD	AD	AD	AD	AD								
Modification of Final Order - Major	20F.20.120	CC	CC	TC	TC	TC	HE	CC		CC	CC	CC		
Modification of Final Order - Minor	20F.20.120	TC	TC	TC	TC	TC	HE							
Revocation of Approval	20F.20.130	CC	CC	TC	TC	TC	HE	CC		CC	CC	CC		
Appeals from Hearing Examiner	20F.20.140						CC							

Use of the Chart - Sections 20F.20.040 through 20F.20.140 explain procedural steps, and Sections 20F.20.150 through 20F.20.260 explain each application. The sections describing the individual applications may contain paragraphs that modify or add special requirements to the procedures indicated on the chart. Procedural steps may be combined for projects requiring one or more applications where feasible, at the discretion of the Technical Committee.

Section 7. Section 20F.20.140 Of the Redmond Municipal Code and Community Development Guide is hereby repealed.

Section 8. Section 20F.20.200 of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

"20F.20.200 Appeals

20.200(05) Purpose/Scope - The purpose of this Section is to provide for the review of decisions by the Technical Committee, other administrative officials and the Hearing Examiner, made in the course of interpreting and administering the Development Guide. This Section shall not govern appeals of actions taken by the City on shoreline Development Permit applications which shall be governed by RCW Chapter 90.58, The Shoreline Management Act of 1971, as amended.

"20.200(10) Time for Filing Appeals - All appeals filed pursuant to this Section must be filed in writing with the Department of Community Development within fourteen days of the date of the decision appealed from.

"20.200(15) Procedure - On receipt of a timely written notice of appeal, the Director of the Department of Community Development or his or her designee shall advise the City Council of the pendency of the appeal and request that a date for considering the appeal be established. In all cases other than an appeal from a final decision of the Hearing Examiner, the City Council shall have the option of directing that the appeal be heard before the Hearing Examiner who shall forward his recommendation to the City Council. Referral to the Hearing Examiner may be made by motion approved by a majority of the Council members present at the time of voting. At the time of advising the City Council of the pendency of an appeal, the Department of Community Development shall make its recommendation to the City Council as to whether the appeal should be heard by the Hearing Examiner or the City Council. The recommendation and determination shall be based on relevant considerations including, but not limited to, the time expected to be required to hear the appeal and the need to create a full, formal record.

"20.200(20) Standard of Review--An appeal of a final decision of the Hearing Examiner shall be based upon the record of the hearing conducted by the Hearing Examiner. Testimony or other evidence and information not presented to the Hearing Examiner shall not be considered unless the Council finds there is good reason to take additional evidence, in which case the matter shall be considered at a public hearing before the City Council, with notice given in the same manner as required for the hearing before the Hearing Examiner. In the event the City Council elects to conduct a public hearing and take new evidence, its decision shall be made de novo. In all other cases, the City Council shall uphold the decision of the Hearing Examiner unless, based upon the record, it is determined that the Hearing Examiner's decision is clearly erroneous.

"In the case of all appeals other than appeals from a final decision of the Hearing Examiner, the decision of the administrative official or official body appealed

from shall be accorded substantial weight but may be reversed or modified by the City Council if, after considering all of the evidence in light of the applicable goals, policies, and provisions of the City Code and Community Development Guide, the City Council determines that a mistake has been made.

"20.200(25) Petition for Writ of Review - Time for Filing - Unless otherwise provided by state statute, all actions seeking review of a final action of the City by way of a writ of review or writ of certiorari shall be filed with the court within fourteen days of the decision which is sought to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant."

Section 9. Section 20F.30.120(55) of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

"20F.30.120(55) Appeal of Threshold Determination--An appeal of the Technical Committee's Threshold Determination may be made by the applicant or any interested person pursuant to section 20F.20.200. The City Council may reverse the Technical Committee's decision if the facts warrant. In addition, the City Council may, on its own initiative reverse a Threshold Determination of the Technical Committee."

Section 10. Section 20F.30.170 is hereby repealed.

Section 11. Section 20F.20.060(15)(d) is hereby amended to read as follows:

"20F.20.060(15)(d) Building and Construction Permits - Site Plan Review - Appeals - No building and construction permits shall be granted unless a site plan has been reviewed and approved by using the process set forth in this subparagraph. Site plan submittal, review and approval is required for all multiple family, commercial, industrial, utility, shoreline and public development; land use map amendments; the expansion and remodelling of structures; parking and landscaping; or as otherwise specified in the Development Guide. It may require the posting of performance bonds or other means to ensure compliance with site plan approval as defined in Subsection 20F.20.080(20), "Performance Assurance," and to require necessary dedications for public purposes. Site plan review shall not be applied to single-family structures nor to site plans approved through a procedure established in Section 20F.20.020. Within two weeks after the filing of a site plan for developments requiring site plan review, the Technical Committee shall take action on the site plan and render a decision. If the Technical Committee requires additional information from the applicant, then the time limit shall apply from the date all the additional information is received. The applicant may appeal site plan review decisions of the Technical Committee pursuant to Section 20F.20.200."

Section 12. Section 20F.20.070(15)(b) is hereby amended by revising the chart entitled "Notice Requirements" incorporated therein to read as follows:

20F.20.070

20F.20.070(15)(b) NOTICE REQUIREMENTS		TYPE OF APPLICATION											
		20F.20.130	20F.20.130	20F.20.140	20F.20.150	20F.20.160	20F.20.170	20F.20.180	20F.20.190	20F.20.200	20F.20.210	20F.20.220	20F.20.230
		Special Development Permit	General Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit	Special Development Permit
NOTICE REQUIREMENTS													
When Required													
after filing of application													
20 days prior to public hearing													
10 days prior to public hearing													
FIRST CLASS MAILINGS													
to subject property owners and adjoining property owners and residents													
to subject property owners and property owners within within 300 feet													
NEWSPAPER PUBLICATIONS													
once													
once a week for two consecutive weeks													
POSTING													
City Hall, Library, Post Office and 3 places on or near the subject property													
City Hall, Library, Post Office and one place on or near the subject property													

NOTICE IN QUIPED
 NOTICE IN HEARING REQUIRED

See Article 208.00, "Building and Construction Codes."

Section 13. This ordinance shall be in full force and effect five (5) days after passage and publication by posting as provided by law.

CITY OF REDMOND

Christine T. Himes
MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:

Paul F. Kusakabe
CITY CLERK, PAUL F. KUSAKABE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY John D. Allen

FILED WITH THE CITY CLERK:	October 15, 1981
PASSED BY THE CITY COUNCIL:	October 20, 1981
SIGNED BY THE MAYOR:	October 22, 1981
POSTED:	October 22, 1981
EFFECTIVE DATE:	October 27, 1981