

ORDINANCE NO. 1163

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SECTIONS 20F.20.200(15), 20F.20.200(20) AND 20F.30.160 OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE RELATING TO PROCEDURE FOR APPEAL OF DECISIONS MADE PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT, CHAPTER 43.21C RCW.

WHEREAS, Section 4 of Chapter 117, Laws of 1983, which amended the State Environmental Policy Act, Chapter 43.21C RCW, imposes new procedural requirements on the City of Redmond for appeals of decisions made pursuant to Chapter 43.21C RCW, and

WHEREAS, the City Council intends to revise such sections of the Redmond Community Development Guide necessary to fully comply with the new requirements of state law, now, therefore,

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

Section 1. Section 20F.20.200(15) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.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 except appeals from final decisions of the Hearing Examiner or appeals raising an issue of compliance with SEPA including appeals from threshold determinations, 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 Councilmembers 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.

Section 2. Section 20F.20.200(20) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.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 cases 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.

In the case of appeals raising issues of compliance with SEPA, a record shall be made of such appeal before the City Council for use in any subsequent appeal proceeding. Such record shall consist of a written or electronically recorded transcript, testimony under oath and written findings and conclusions.

Section 3. Section 20F.30.160 of the Redmond Community Development Guide is hereby amended to read as follows:

20F.30.160 Notice of Action - The notice provisions of SEPA, Section 43.21C.080 RCW, are incorporated by reference and three copies are to be kept on file with the City Clerk. Such notice shall be given following final actions of the City Council on all projects or non-projects proposed by the City and which are subject to Chapter 43.21C RCW. These notice provisions are optional for private projects. No notices are required following final decisions of the Staff or Hearing Examiner on projects that are subject to Chapter 43.21C RCW and for which an appeal to the City Council is available.

An official notice of a final City Council action shall be given to all parties of record in all appeals involving issues of compliance with Chapter 43.21C RCW. Such official notice shall state that actions seeking judicial review of the City's compliance with such chapter shall be commenced in King County Superior Court within thirty-five days

of the date such notice is mailed to all parties of record and that any party seeking judicial review must file a notice of intent to commence a judicial appeal with the City's Technical Committee within fourteen days of the City Council's final action.

Section 4. 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 5. 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 its passage and publication by posting as provided by law.

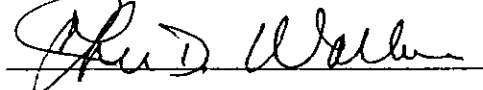
CITY OF REDMOND


MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:


CITY CLERK, PAUL F. KUSAKABE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: November 30, 1983
PASSED BY THE CITY COUNCIL: December 6, 1983
SIGNED BY THE MAYOR: December 6, 1983
POSTED: December 8, 1983
EFFECTIVE DATE: December 13, 1983
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