

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 597

AN ORDINANCE, relating to methods of implementing R.C.W. Chapter 90.58; The Shoreline Management Act of 1971, establishing a substantial development permit for the regulation of all construction subject to the Shoreline Management Act and providing for the administration thereof.

WHEREAS, the Washington State Legislature has found that the shorelines of the State of Washington constitute a scarce natural resource which requires co-ordinated planning by local, state and Federal governments in order to protect, preserve and utilize this resource in a fashion consistent with the public interest; and

WHEREAS, the Shoreline Management Act of 1971 establishes a method for accomplishing the above purpose and has vested cities with the responsibility for controlling the development of the shorelines within their jurisdiction; and

WHEREAS, the City of Redmond is desirous of establishing an orderly procedure for receiving, reviewing, and acting upon applications for substantial development along its shorelines; NOW, THEREFORE,

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

Section 1. Intent. It is the intent of this ordinance to implement R.C.W. Chapter 90.58 by establishing procedures, rules and fees for the consideration of applications for substantial development on the shorelines of the City of Redmond.

Section 2. Substantial Shoreline Development Permit. A substantial shoreline development permit shall be applied for and issued prior to the commencement of construction of any substantial development as defined by R.C.W. 90.58.030.

Section 3. Basis for Issuance of Substantial Shoreline Development Permit.

1. From the effective date of this ordinance until such time as the master program for the City of Redmond has become effective, a permit shall be granted only when the proposed development is consistent with:
 - (a) The policy declaration of the Shoreline Management Act of 1971 (R.C.W. 90.58.020).
 - (b) The guidelines and regulations of the Department of Ecology.
2. After adoption by the City of Redmond of an approved master program, a permit shall be granted only when the proposed development is consistent with:
 - (a) The master program of the City of Redmond;
 - (b) The policy declaration of the Shoreline Management Act of 1971 (R.C.W. 90.58.020).

Section 4. Applications for Substantial Shoreline Development Permit. Any person desiring to begin substantial development on any part of the shorelines of the City of Redmond within the scope of the Shoreline Management Act of 1971, shall file with the Planning Department a proper application for a substantial shoreline development permit on forms supplied by the Department, together with such information as may be reasonably required to enable the city to evaluate the proposed development.

Section 5. Fee. All applications shall be accompanied by a fifty dollar filing fee, except for applications filed by or on behalf of the City.

Section 6. Notice of Permit Application. Upon receipt of a sufficient application, the applicant shall have published once a week for two consecutive weeks in the official newspaper of the City of Redmond a notice of application for a substantial shoreline development permit.

The Planning Department shall be responsible for the posting of three copies of a notice of application for a substantial shoreline development permit in conspicuous places or in the vicinity of the subject property.

Section 7. Public Review Afforded. Within 30 days of the date of first publication of the notice of application for a substantial shoreline development permit, any interested person may submit his comments on the application, in writing, to the Planning Director.

Section 8. Duties of the Planning Director. The Planning Director shall undertake an investigation of the proposed substantial development to determine its consistency with the Shoreline Management Act and this ordinance. Such a determination shall be based on information from the application, written comments from interested parties, and investigation undertaken by the Planning Director. In all cases, the burden of proving that the proposed substantial development is consistent with this ordinance shall be on the applicant. As part of an approval, the Director may include any conditions regarding the location, character, and other features of the proposed structures or use he deems necessary to carry out the spirit and purposes of this ordinance. No final action shall be taken by the Planning Director until thirty days have elapsed from the date of first publication of the notice of application for a substantial shoreline development permit. If the request for a substantial development permit is granted, the Planning Director shall issue a substantial development permit, subject to any conditions of approval. In those cases where the Planning Director finds the effect of a proposed substantial shoreline development is of such scope as to have a significant impact on the community as a whole or result in significant alteration of the physical environment of the shoreline in question, he shall bring the matter before the Planning Commission for its recommendation following a public hearing upon the application.

Section 9. Public Hearing On Cases Brought Before Planning Commission. The Planning Director shall set a date and time for a public hearing before the Planning Commission and shall give notice of the public hearing by preparing a legal notice to be published in the official newspaper of the City of Redmond at least ten days prior to the hearing date in those cases brought before the Planning Commission pursuant to Section 8. Hearing notices shall also be mailed to property owners within 200 feet of the subject property and to those parties who have submitted written comments on the application for a substantial shoreline development permit, at least ten days prior to the hearing date.

Section 10. Recommendation by the Planning Commission. At the appointed time and place, the Planning Commission shall hold a public hearing on those applications for a substantial shoreline development permit brought before it pursuant to Section 8 to ascertain all the facts and findings related thereto. The Planning Commission shall

recommend approval, conditions for approval, or disapproval of the application. The recommendation of the Planning Commission, together with the reasons for the action taken, shall be forwarded to the City Council within fourteen days of the conclusion of the hearing.

Section 11. Decision by the City Council. In those cases forwarded to it by the Planning Commission pursuant to Sections 8, 9 and 10, the City Council shall either grant permission for the substantial shoreline development, stipulating any pertinent requirements or conditions, or deny the application.

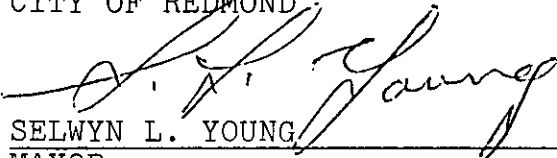
Section 12. Notification. The Planning Director shall cause notice to be given in writing of the final decision by the City on the application for a substantial shoreline development permit to the following:

1. The applicant;
2. The Department of Ecology;
3. The Attorney General;
4. Any person who has submitted written comments on the application;
5. Any person who requested notification of the final action taken.


Section 13. Effective Date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner required by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 5th day of September, 1972.


CITY OF REDMOND


 SELWYN L. YOUNG
 MAYOR

ATTEST:


 ELEANOR J. HAYDEN
 CITY CLERK

APPROVED AS TO FORM:


 JOHN D. LAWSON
 CITY ATTORNEY

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