

ORDINANCE NO. 2095

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING REDMOND MUNICIPAL CODE AND REDMOND COMMUNITY DEVELOPMENT GUIDE SECTIONS 20D.140.10-200 AND 20G.10.20, ADOPTING A NEW SECTION, ALL TO ADOPT A PUBLIC AGENCY ALTERATION PROCESS, AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the wildlife habitat provisions of the Redmond Community Development Guide should be amended to allow the consideration of the alteration of wildlife habitats by public projects; and

WHEREAS, the provisions should include criteria to guide the decision and ensure adequate protection for wildlife habitats; and

WHEREAS, the process should involve the public in the decision; and

WHEREAS, the process should include the consideration of both scientific data and public policy considerations; and

WHEREAS, the procedural requirements for an amendment have been met; and

WHEREAS, the Planning Commission has held a hearing on this ordinance and a majority of the Planning Commission recommends that the City Council amend the Redmond Municipal Code and Redmond Community Development Guide as provided in this ordinance; and

WHEREAS, the City Council of the City of Redmond desires to provide for a process to allow the consideration of whether public projects could alter wildlife habitats if no

alternative site is available the impacts are mitigated and acknowledges that this ordinance is for the benefit of the public health, safety, and welfare, NOW, THEREFORE,

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

Section 1. Section 20D.140.10-200, *Alteration of Wildlife Habitat Areas*, of the Redmond Municipal Code and Redmond Community Development Guide is hereby amended to add the underlined material and to read as follows:

**20D.140.10-200     *Alteration of Wildlife Habitat Areas.***

- (1) Critical Habitat. Alterations of critical habitat shall be avoided, subject to RCDG 20D.140.10-350, Reasonable Use Provision, or, for public projects, compliance with the exception criteria set forth below for public projects.
- (2) Public Projects. When strict application of the wildlife habitat protection requirements of this chapter would prohibit a development proposal by a public agency, the agency may apply for approval to alter the wildlife habitat, subject to the following criteria:
  - (a) The alteration complies with state and federal laws governing wildlife habitat;
  - (b) The public project cannot reasonably or effectively proceed without the alteration and no effective alternative sites exist in the vicinity;
  - (c) The proposal complies with mitigation performance standards as set forth in 20D.140.10-150, *General Mitigation Standard*, and 20D.140.10-250, *Mitigation Standards, Criteria and Plan Requirements*;
  - (d) The proposed alteration and mitigation will meet the intent of this chapter to preserve wildlife diversity in the City of Redmond and prevent the extinction of species covered by RCDG 20D.140.10-070(3)(a) and (b), *Classification and Rating of Sensitive Areas*, from within the City of Redmond and its immediate vicinity. The applicant may be required to monitor the affected species and adjust the required mitigation to meet this goal; and
  - (e) The public need for the proposed public project outweighs the anticipated adverse impacts on the wildlife habitat and wildlife diversity in Redmond.

Section 2. Section 20G.10.20, *Project Permit Process – Final Decisions*, of the Redmond Municipal Code and Redmond Community Development Guide is hereby amended to add the underlined material and to read as follows:

**20G.10.20 Project Permit Process – Final Decisions.**

<b>Process Type</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>IVA</b>
<b>Approval Authority</b>	<b>Technical Committee</b>	<b>Technical Committee</b>	<b>Hearing Examiner</b>	<b>City Council</b>	<b>City Council</b>
<b>Project Permits</b>	Type IA Permits w/SEPA	General Development Permit	Preliminary Plat	Special Development Permit	Temporary Use Permit (long term)
	Site Plan Review	Binding Site Plan	Variance	Site Specific Rezone	Plat Vacation
	Short Plat	Accessory Dwelling Permit		Public Project Alteration of Wildlife Habitat Areas (See RCDG 20G.20.30.)	Plat Alteration
	Lot Line Revision				Final Plat

Section 3. Section 20G.20.30, *Public Project Alteration of Wildlife Habitat Areas*, is hereby adopted as part of the Redmond Municipal Code and Redmond Community Development Guide to read as follows:

**20G.20.30 Public Project Alteration of Wildlife Habitat Areas.**

- (1) In addition to the other requirements of the Type IV process, the City Council shall hold a closed record public hearing before deciding an application for a public project to alter wildlife habitat areas. Notice of the closed record public hearing shall be given as required for public hearings by RCDG 20G.30.10(1), *Notice Requirements*. Any person shall be given the opportunity to comment at the closed record public hearing, but no new evidence may be admitted at the closed record public hearing.
- (2) The criteria for Public Project Alteration of Wildlife Habitat Areas is in 20D.140.10-200, *Alteration of Wildlife Habitat Areas*.
- (3) The Design Review Board shall only consider and make a recommendation on an application for a Public Project Alteration of Wildlife Habitat Areas if the alteration includes the construction of a building.
- (4) This process shall not apply to applications to alter Class I wetlands or Class I streams.

Section 4. 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 5. 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  
/s/ Richard G. Cole, Mayor Pro Tem  
For MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:  
/s/ CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:  
/s/ JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	January 5, 2001
PASSED BY THE CITY COUNCIL:	January 16, 2001
SIGNED BY THE MAYOR PRO TEM:	January 16, 2001
PUBLISHED:	January 20, 2001
EFFECTIVE DATE:	January 25, 2001
ORDINANCE NO.:	<u>2095</u>