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ORDINANCE NO. 1955

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, MAKING VARIOUS AMENDMENTS TO CHAPTER 20C.40 AND APPENDIX R OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE REGARDING SENSITIVE AREAS, CHANGING REFERENCES FROM THE 1989 FEDERAL WETLAND MANUAL TO THE WASHINGTON IDENTIFICATION AND DELINEATION MANUAL, ADOPTING A REVISED STREAM MAP, CLARIFYING THE EXCEPTION FOR STREETS AND UTILITIES IN CLASS IV LANDSLIDE HAZARD AREAS, AND CLARIFYING THE WETLAND AND STREAM BUFFER AREA REQUIREMENTS AND REPEALING ORDINANCE NO. 1949, DGA 97-012.

WHEREAS, certain amendments to the City's Sensitive Areas Ordinance are required in order to meet new state regulations, to update the existing stream map, and to clarify certain provisions relating to Class IV landslide hazard areas and the wetland and stream buffer area requirements, and

WHEREAS, in addition, permanent regulations clarifying the exception for streets and utilities in Class IV landslide hazard areas are necessary to fulfill the Council's direction in Ordinance No. 1949, which established a clarification of such exception as an interim official control, and

WHEREAS, the Planning Commission of the City of Redmond held a public hearing on the proposed amendments set forth below, which hearing was continued from time to time until completed, and as a result of such hearing, recommended to the City Council that certain amendments be adopted, NOW, THEREFORE

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

Section 1. Findings, Conclusions, and Analysis Adopted. In support of the amendments to the Redmond Municipal Code and Community Development Guide adopted by this Ordinance, the City Council hereby adopts and incorporates herein the Findings, Conclusions, and Analysis contained in the Technical Committee Report to the Planning Commission and the Planning Commission Report to the City Council on DGA 97-012, and all exhibits to the said reports.

Section 2. A Federal Wetland Manual and Methodology for Wetland Delineation. The following sections of the Redmond Municipal Code and Community Development Guide are hereby amended to read as follows:

20C.40.020(165) Wetland Manual. The field methodology for identifying wetlands in the field as described in the Washington Identification and Delineation Manual.

20C.40.090(10)(a). Wetland buffers - from the wetland edge as delineated and marked in the field using the Wetland Manual.

Appendix R, Section 1.2. Wetland boundaries must be staked and flagged in the field by a qualified consultant employing the Wetland Manual. Field flagging must be distinguishable from other survey flagging on the site. The field flagging must be accompanied by a wetland delineation report.

Appendix R, Section 1.3.D.iii. Delineation methodology, with special emphasis on whether the approach used was routine, intermediate, or comprehensive, as described in the Wetland Manual.

Appendix R, Section 1.3.E. Field data sheets from the Wetland Manual, numbered to correspond with sample site

locations as staked and flagged in the field.

Section 3. Stream Map. The Stream Map adopted pursuant to Section 20C.40.050 of the Redmond Municipal Code and Community Development Guide is hereby amended to read as set forth on the map attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full, dated September, 1997. In addition, Sections 2.1 and 2.2(D) of Appendix R to the Redmond Municipal Code and Community Development Guide are hereby revised to read as follows:

2.1. A stream reconnaissance report must be submitted to the City for review. The purpose of the report is to determine the physical and biological characteristics and functional values of streams on any site where regulated activities are proposed. The report will also be used by the City to establish appropriate buffer requirements. The information required for this report should be coordinated with the study and reporting requirements established for any other sensitive areas located on the site. An abbreviated stream reconnaissance report may be submitted, as indicated in subsection (D).

- D. The report must describe:
- i. Locational information including legal description and address;
 - ii. All natural and man-made features within 150 feet of the site boundary;
 - iii. General site conditions including topography, acreage, and area hydrology;
 - iv. Specific descriptions of streams, including the stream classifications, gradient and flow characteristics, stream bed condition, stream bank and slope stability, presence of fish or habitat for fish, presence of

obstruction to fish movement, general water quality, and stream bank vegetation; and

- v. A summary of existing stream value for fisheries habitat.

The requirements of iv. And v. above may be waived when there is no proposed reduction to the maximum buffer width and the Administrator determines the report is not necessary to verify the stream classification as shown on the adopted stream map.

Section 4. Streets and Utilities in Class IV Landslide Hazard Areas.

Subsection 20C.40.100(d)(2) of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

- 2. Class IV Landslide Hazard Areas: Development shall be prohibited in Class IV (very high) landslide hazards areas except for the installation and construction of streets and/or utilities, subject to the criteria below. The Technical Committee shall refer the proposed project to the City Council for review and approval.
 - A. The proposed street and/or utility is identified in an adopted plan as of October 1, 1997, such as the Comprehensive Plan, Capital Facility Plan, Transportation Improvement Plan or other Utility Facility Plan. As new or amended plans are prepared and adopted, streets and utilities shall be located to avoid impact to Class IV landslide hazard areas. Where no reasonable alternative to locating in Class IV landslide hazard areas exists, review and approval of the plan shall include a discussion of alternatives and rationale for planning streets and utilities in Class IV landslide hazard areas.
 - B. Alternative locations, which avoid impact to Class IV landslide hazard areas are evaluated

and are determined to be economically or functionally infeasible.

- C. There is a geotechnical evaluation to identify the risks of damage from the proposal, both on-site and off-site, to ascertain that the proposal will not increase the risk of occurrence of the potential geologic hazard; and to identify measures to eliminate or reduce risks.

When no alternative exists, the impact shall be minimized by limiting the magnitude of the proposed construction to the extent possible. Any impacts shall be rectified by repairing, rehabilitating, restoring, replacing or providing substitute resources consistent with the mitigation and performance standards contained in Sections 20C.40.110 and 20C.40.120.

Section 5. Wetland and Stream Buffer Area Requirements. Section

20C.40.090 of the Redmond Municipal Code and Community Development Guide are hereby amended to read as follows:

20C.40.090 BUFFER AREAS

40.090(05) The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to sensitive areas. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject sensitive area, and/or to protect life, property and resources from risks associated with development on unstable or sensitive lands. Buffers shall consist of an undisturbed area of native vegetation established to achieve the purpose of the buffer. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved planting plan. Buffers shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the sensitive area, and implementation of appropriate erosion and sedimentation controls.

40.090(10) Required buffer widths shall reflect the sensitivity of the particular sensitive area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the sensitive area. Buffers or setbacks shall be measured as follows:

- (a) Wetland buffers - from the wetland edge as delineated and marked in the field using the Wetland Manual.
- (b) Stream buffers - from the ordinary high water mark.
- (c) Critical landslide hazard areas - from the top and toe and along the sides of the slope.

40.090(15) Buffer widths shall be established according to the following standards and criteria:

- (a) Wetland Buffers.
 - 1. Wetland buffers shall be established as follows:

Wetland Type	Maximum Buffer Width (ft)	Minimum Buffer Width (ft)
Type I	150	100
Type II	100	50
Type III	50	25
Type IV	0	0

The City may extend the width of the buffer on the basis of site-specific analysis when necessary to achieve the goals of the Ordinance.

- 2. The maximum buffer width will be established unless the applicant can demonstrate one or both of the following:

A. The proposed use and/or activities are considered low impact, and may include the following:

- (i) Site layout with no parking, outdoor storage, or use of machinery between building and buffer;
- (ii) Use does not involve usage or storage of chemicals;
- (iii) Passive areas located adjacent to buffer; and
- (iv) Wetland and buffer incorporated into site design.

B. Wetland and buffer enhancement is implemented. These include, but are not limited to the following:

- (i) Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck houses, bat boxes, nesting platforms, snags, rootwads/stumps, birdhouses, and heron nesting areas.
- (ii) Planting native vegetation that would increase value for fish and wildlife habitat, improve water quality, or provide aesthetic/recreational value.

3. Wetland buffer widths may be modified by averaging buffer widths as set forth herein.

A. Buffer width averaging shall be allowed only where the applicant demonstrates to the Committee that the wetland contains variations in

sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where buffer width is reduced, that width averaging will not adversely impact the wetland functional values, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging. Buffer averaging shall not result in buffer width being reduced by more than 25 percent of the required buffer as set forth in the table in 20C.40.090(15)(a)(1) and in no case may the buffer be less than 25 feet in width.

4. Low impact uses and activities which are consistent with the purpose and function of the wetland buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the wetland. Examples of uses and activities which may be permitted in appropriate cases include preferably pervious trails, viewing platforms, and utility easements, provided that any impacts to the buffer resulting from such permitted activities shall be mitigated. Uses permitted within the buffer shall be located as far from the wetland as possible.
5. Stormwater management facilities, such as grass lined swales, may not be located within the minimum buffer area as set forth in the table in 20C.40.090(15)(a)(1).
6. A regulated wetland and its associated buffer shall either be placed in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City.

The location and limitations associated with the wetland and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records.

(b) Stream Buffers.

1. The following buffers are established for streams:

Stream Class	Maximum Buffer Width (ft)	Minimum Buffer Width (ft)
Class I	150	100
Class II	100	75
Class III	50	25
Class IV	0	0

2. The maximum buffer width will be established unless the applicant implements one or more enhancement measures. Such measures, listed in order of preference, will be considered in reducing buffer requirements. These include but are not limited to:

- A. Removal of fish barriers to restore accessibility to anadromous fish.
- B. Enhancement of fish habitat using log structures incorporated as part of a fish habitat enhancement plan.
- C. Enhancement of wildlife habitat structures that are likely to be used by wildlife, including wood duck houses, bat boxes, nesting platforms, snags, rootwads/stumps, birdhouses, and heron nesting areas.
- D. Additional mitigating measures may include:

- (i) Planting native vegetation within the buffer area, especially vegetation that would increase value for fish and wildlife, increase stream bank or slope stability, improve water quality, or provide aesthetic/recreational value; or
 - (ii) Create a surface channel where a stream was previously culverted or piped; or
 - (iii) Remove or modify existing stream culverts (such as at road crossings) to improve fish passage and flow capabilities; or
 - (iv) Upgrade retention/detention facilities or other drainage facilities beyond required levels.
3. No structures or improvements shall be permitted within the stream buffer area, including buildings, decks, docks, except as otherwise permitted or required under the City's adopted Shoreline Master Program, or under one of the following circumstances:
- A. When the improvements are part of an approved rehabilitation or mitigation plan; or
 - B. For construction of new roads and utilities, and accessory structures, when no feasible alternative location exists; or
 - C. Construction of trails, according to the following criteria:

- (i) Preferably constructed of permeable materials;
 - (ii) Designed to minimize impact on the stream system;
 - (iii) Of a maximum trail corridor width of ten (10) feet; and
 - (iv) Located within the outer half of the buffer, i.e., the portion of the buffer that is farther away from the stream; or
- D. Construction of footbridges; or
 - E. Construction of educational facilities, informational signs; or
 - F. Stormwater management facilities, such as grass lined swales, may not be located within the minimum buffer area as set forth in the table in 20C.40.090(15)(b)(1).
4. The City may extend the width of the buffer on the basis of site-specific analysis when necessary to comply with a basin plan adopted by the City.
5. Stream buffer widths may be modified by averaging buffer widths as set forth herein.
- A. Buffer width averaging shall be allowed only where the applicant demonstrates to the Committee that the stream contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where buffer width is reduced, and that the total area contained within the buffer after averaging is no

less than that contained within the standard buffer prior to averaging. Buffer averaging shall not result in the buffer width being reduced by more than 25% of the required buffer as set forth in the table in 20C.40.090(15)(b)(1) and in no case may the buffer be less than 25 feet in width.

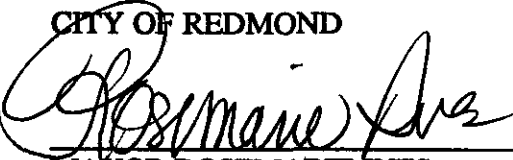
6. A regulated stream and its associated buffer shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the stream and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records.

* * *

Section 6. Repeal. Ordinance No. 1949 of the City of Redmond is hereby repealed.

Section 7. 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.

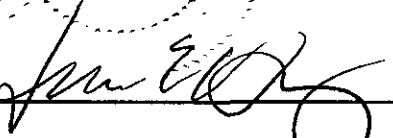
Section 8. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	September 29, 1997
PASSED BY THE CITY COUNCIL:	October 21, 1997 *
SIGNED BY THE MAYOR:	November 18, 1997
PUBLISHED:	November 22, 1997
EFFECTIVE DATE:	November 27, 1997
ORDINANCE NO. <u>1955</u>	

* Clerk's Note: Ordinance No. 1955 was adopted on October 21, 1997. The City Council reconsidered the ordinance on November 18, 1997. Ordinance No. 1955 was approved as originally adopted.

REVISED

CREATED BY PUBLIC WORKS DEPARTMENT, NATURAL RESOURCES DIVISION CADSWG

SEPTEMBER, 1997

THIS MAP SHALL BE USED AS A GENERAL GUIDE. IT REPRESENTS THE APPROXIMATE LOCATIONS AND CLASSIFICATIONS OF STREAMS. CONSULT THE SENSITIVE AREAS ORDINANCE FOR STREAMS, CONSULT THE SENSITIVE AREAS ORDINANCE FOR STREAMS, CONSULT THE SENSITIVE AREAS ORDINANCE FOR STREAMS. THE CITY OF BIRMINGHAM SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA AND THE CLARITY OF SYMBOLS OF THE MAP. THE CITY OF BIRMINGHAM SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA AND THE CLARITY OF SYMBOLS OF THE MAP.

SENSITIVE AREAS MAP STREAMS



- NONNATURAL OR MAN-MADE
- WATER
- PAVED, OPEN SPACE AND TRAILS
- CITY LIMITS
- EDGE OF WAY
- STREAM CLASS IV
- STREAM CLASS III
- STREAM CLASS II
- STREAM CLASS I

LEGEND
SCALE: 1" = 2500 FEET

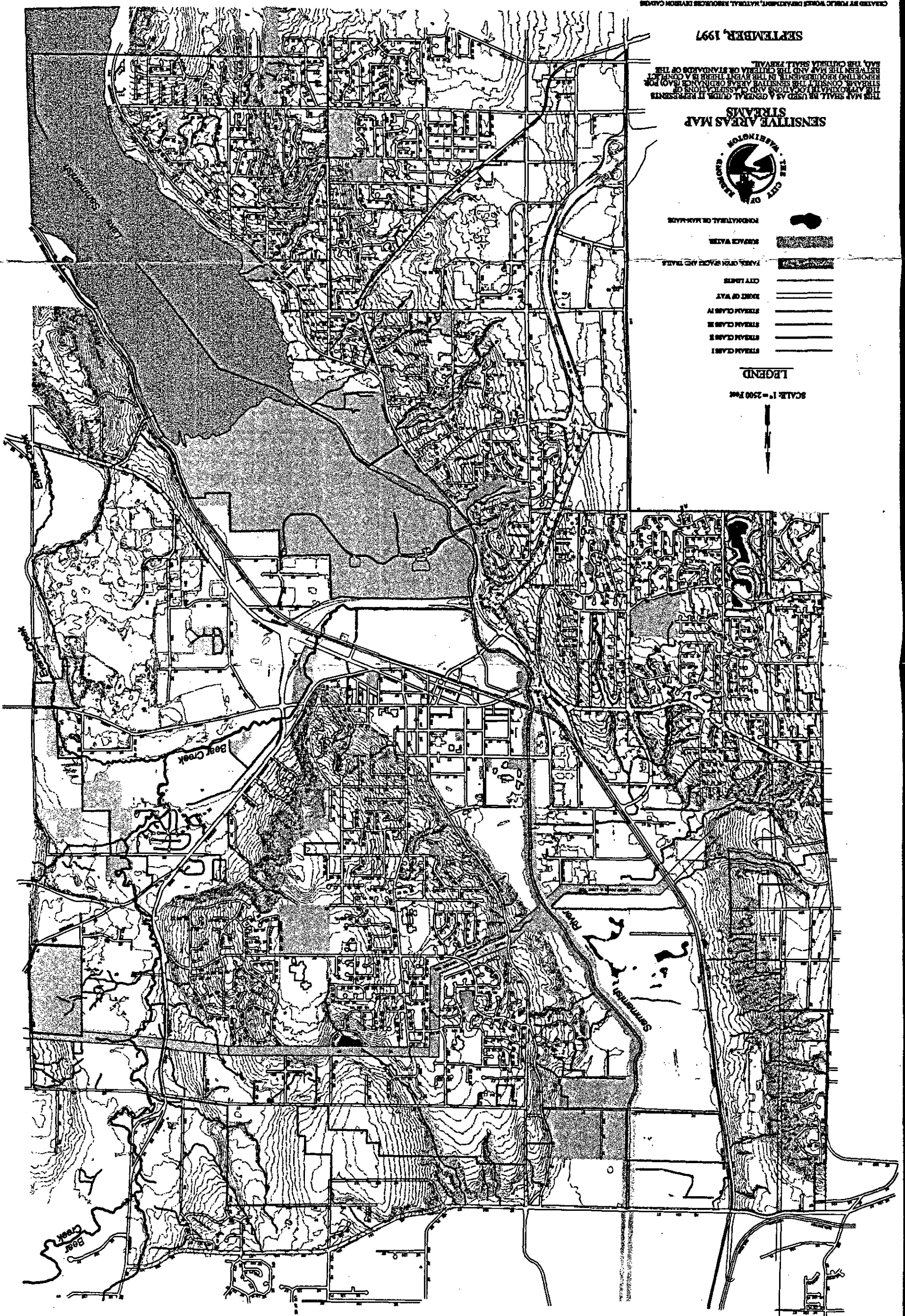


EXHIBIT A - ORDINANCE 1955