

CODE

**CITY OF REDMOND
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 15.24, CLEARING, GRADING, AND STORM WATER MANAGEMENT CODE OF THE REDMOND MUNICIPAL CODE TO MAKE MINOR CORRECTIONS AND CHANGES TO REFERENCES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Redmond periodically updates the Redmond Municipal Code to correct non-substantive errors such as those resulting from outdated or incorrect references, to reflect changes to names and terminology, and to ensure the code's clarity; and

WHEREAS, the City of Redmond's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater permit requires all municipal stormwater permittees to adopt code that aligns with the language of the NPDES Municipal Stormwater permit; and

WHEREAS, corrections to RMC Section 15.24 Clearing, Grading, and Storm water Management Code improve clarity and direction regarding required pollution prevention or source control activities as businesses and other locations that have the potential to pollute Redmond's waters, including surface waters and groundwater; and

WHEREAS, minor amendments to RMC Section 15.24 Clearing, Grading, and Storm water Management Code provide alignment with the City of Redmond's Stormwater Management Code regarding stormwater permit requirements; and

WHEREAS, the City of Redmond's Departments of Public Works and Planning provide technical assistance regarding clearing, grading, and stormwater control requirements directly and in written form through the Redmond Stormwater Technical Notebook; and

WHEREAS, a State Environmental Policy Act checklist was prepared and a Determination of Non-significance was issued on April 29, 2022 for the proposed amendments; and

WHEREAS, the City of Redmond desires to amend portions of the Redmond Municipal Code as set forth in this ordinance.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Amendment of Section. RMC 15.24, Clearing, Grading, and Storm Water Management, is hereby amended to read as follows:

RMC 15.24, Clearing, Grading, and Stormwater~~STORM WATER~~ Management

15.24.010 Purpose and intent.

The purpose of the Clearing, Grading, and Stormwater ~~{STORM WATER}~~ Management Code is to: safeguard life, property, public health, and general welfare; minimize water quality degradation; prevent excessive sedimentation of or erosion by surface waters; and prevent the creation of public nuisances such as fouling of surface or groundwater. Furthermore, this section is intended to reduce impacts from land development; preserve and enhance wildlife habitat in and along surface waters; enhance the aesthetic quality of the area waters; minimize erosion; preserve trees; and preserve natural topographic features. These regulations focus on prevention of adverse impacts associated with clearing, grading and stormwater ~~{WATER}~~ activities rather than remediation of adverse impacts after they have occurred.

15.24.020 Design, construction and maintenance - General requirements.

A. The design, construction, and maintenance of all clearing, grading and stormwater ~~{WATER}~~ management systems and facilities shall comply with the requirements and design standards contained in all the following documents:

1. This chapter.
2. *Repealed by Ord. 2860.*
3. *Repealed by Ord. 2860.*

4. The **Redmond Stormwater** ~~[STORM WATER]~~ Technical Notebook, which locally adopts and modifies the Washington State Department of Ecology **201912** Storm**water** ~~[WATER]~~ Management Manual for Western Washington, ~~[AS AMENDED IN DECEMBER 2014]~~ ("~~[2014]~~ **2019** SWMMWW" for the remainder of this chapter), **or its successor.**

5. ~~[CITY OF]~~ Redmond Standard Specifications and Details.

6. The **2019** ~~[2014]~~ SWMMWW.

B. The Public Works Director shall prepare and shall adopt construction specifications and **details, along with** design standards ~~AND DETAILS~~ for clearing, grading, and ~~[STORM]~~ **stormwater** management, **as described in the Redmond Stormwater Technical Notebook. The objective of the standards, details, and specifications shall be to control the quantity and quality of stormwater produced by development and redevelopment in the City to minimize downstream impacts and protect receiving waters.** The Public Works Director has the authority to make changes as local

conditions warrant. The specifications, design details, **Redmond Stormwater Technical Notebook**, and any changes shall be made available to the public. A fee set by the Public Works Director may be charged for these documents.

C. In the case of conflicts between the documents listed in subsection A of this section, conflicts shall be resolved by applying the following order of precedence:

1. This chapter;
2. The **Redmond** Storm**water** ~~WATER~~ Technical Notebook;
3. ~~CITY OF~~ Redmond Standard Specifications and Details;
4. The ~~2014~~ **2019** SWMMWW.

15.24.030 Director.

For the purposes of this chapter only, "Director" shall mean the Director of the Public Works Department or his/her designee.

15.24.040 Issuance of permits.

A. Regulated clearing, grading and/or storm**water** ~~WATER~~ activity as defined in RMC [15.24.050](#) requires City approval and the issuance of the appropriate permit(s) before initiating any of the regulated activities.

B. Speculative clearing and grading shall be prohibited.

C. For regulated activities, "City approval" means approval of appropriate plans, prepared by the applicant's engineer(s), indicating compliance with the requirements and design standards specified in this chapter under RMC 15.24.020. Approval shall be evidenced by the signature of the Public Works Director or designee. Once plans are approved, a permit may be issued by the City. Fees for plan review and permit processing may be charged as established by separate ordinance. Issued permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved plans, permitted activities shall be inspected by the City during construction.

15.24.050 Activities requiring permits.

All clearing, grading or stormwater [WATER] management construction activities listed below require approved plans and a permit(s). The thresholds are cumulative during a one-year period for any given site.

A. Clearing of 7,000 square feet of land area or more.

B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the

material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

C. Removal of 11 or more **significant** trees ~~[THAT ARE SIX INCH DIAMETER OR LARGER. THE TREE DIAMETER IS MEASURED FOUR FEET FROM THE GROUND]~~. The removal of 10 or fewer **significant** trees is regulated in Redmond Zoning Code Chapter 21.72.

D. Any clearing or grading within a critical area or buffer of a critical area. Critical areas are defined in Redmond Zoning Code Chapter 21.64, Critical Areas. Any disturbance to vegetation within critical areas and their corresponding buffers is also regulated by Redmond Zoning Code Chapter 21.64, Critical Areas. Note that under this chapter, a clearing/grading permit for work on steep slopes must first comply with RZC 21.76.070(E), Alteration of Geologic Hazard Areas.

E. Any change of the existing grade by four feet or more. This criterion applies to all permanent changes in grade and grade changes for extended periods of time (60 days or longer) located outside structure footprints.

F. Any work within a native growth protection easement or area, a public easement, City-owned tract or City right-

of-way. Any clearing, grading or landscaping must be approved by the Department of Public Works prior to construction.

G. The creation or addition of new, replaced or new plus replaced hard surfaces in the amount of 2,000 square feet or more. Hard surfaces include impervious surfaces (defined in RZC 21.78), green roofs and pervious pavement.

H. Any construction of public drainage facilities to be owned or operated by the City.

I. Any construction of private storm drainage pipes 12 inches in diameter or larger.

J. Any modification of, or construction which affects, a privately owned/operated flow control facility or runoff treatment facility. (Does not include maintenance or repair to the condition defined by previously approved plans.)

15.24.055 Activities that do not require a clearing, grading, and stormwater [WATER] permit.

A. All clearing, grading and stormwater [WATER] management construction activities that do not involve any of the thresholds listed above do not require City-approved clearing, grading and stormwater [WATER] management plans or a permit, but still must meet the requirements specified in RMC 15.24.020.

B. Activities that do not require approved plans or permits must still provide and install sediment and erosion control and pollution prevention BMPs as necessary to protect water quality.

C. The following activities are unregulated by this chapter even if the criteria in RMC 15.24.050 are exceeded:

1. Agricultural crop management of existing farmed areas.

2. Cemetery graves involving less than 50 cubic yards of excavation, and related filling per each cemetery plot.

3. Public pavement maintenance such as pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, pavement preservation activities that do not expand the road prism, and vegetation maintenance.

4. Public underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to

Minimum Requirement #2, Construction Stormwater [WATER] Pollution Prevention.

15.24.060 Classification of clearing, grading and stormwater [WATER] management construction activities.

A. A clearing, grading and stormwater [WATER] management permit may be considered as a component of a building permit or other permit, rather than as a separate permit, if City-approved drawings for such activities are included under the other permit.

B. The Director shall specify what submittal and application materials are required for a complete application, including the type of submittals, the required level of detail, the minimum qualifications of preparers of technical documents, and the number of copies that must be submitted.

C. Clearing, grading and stormwater [WATER] management activities are classified based on type, location and timing of development activity proposed. Table 1 outlines the classifications for clearing, grading and stormwater [WATER] management activities and briefly reviews processing. Other City processes, approvals and permits may also be required for projects. The Director may adjust classifications and permit processing steps for proposed projects which are shown

to be in multiple classifications or are otherwise not appropriately classified under the criteria shown in Table 1 and may adjust processing steps and fees as appropriate.

D. Project Classification and Processing Table.

Table 1

Project Classification	Typical Type of Development Activity	City Permit Which Allows Clearing, Grading and Stormwater [WATER] Management Construction*	Summary of Permit Process for Clearing, Grading and Stormwater Management Construction
Building Projects	Single-family, duplex construction, commercial, industrial and multifamily construction, additions	Building Permit	Clearing, grading and storm water <u>water</u> [WATER] management activities are reviewed in conjunction with the Building Permit plans. Single-family and duplexes are reviewed by the

			Construction and Building Divisions, all other projects are reviewed by the Development Services Division
Development Projects	Subdivision, utility construction outside City right-of-way	Approved Civil Drawings	Clearing, grading and storm water <u>water</u> [WATER] management activities are reviewed by the Development Services Division as all or part of the site improvement plans
Right-of-Way Projects	Construction activities all or partly within the City right-of-way	Street Use Permit	Clearing, grading and storm water <u>water</u> [WATER] management activities are reviewed by the Development

			Services Division as part of the project
Rough Grading Projects	Clearing and/or grading of a site before all final approvals of the entire project	Rough Grading Permit	Clearing and grading activities are reviewed by the Development Services Division prior to other site improvements plans. Special conditions shall be met for issuance of Rough Grading plans (see RMC 15.24.070).
Clearing and Grading Projects	Clearing and Grading only projects including landscaping project (see RMC 15.24.050 for the minimum	Clearing and Grading Permit	Clearing and grading activities are reviewed by the Development Services Division.

	thresholds that trigger a clearing and grading permit)		
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* Construction is allowed only when approved plans for clearing, grading and storm~~water~~ ~~[WATER]~~ management construction are issued with the appropriate permit listed in the table.

15.24.070 Rough grading projects.

A. *Rough Grading Prerequisites.* The Technical Committee shall determine whether rough grading will be approved for a project. At a minimum, to obtain a Rough Grading Permit approval for a project all the following shall have been processed and have received approval:

1. Complete the first round of Coordinated Civil Review process.
2. SEPA review for the entire project completed (if required).
3. Clearing, grading and temporary erosion control construction plans.
4. Resolution of all project feasibility issues (i.e., required off-site easements, significant utility design issues, etc.).

B. *Rough Grading Application.* Upon completion of the prerequisites listed above, the following information shall

be submitted, if applicable, for a rough grading application to be considered complete:

1. Rough grading drawings and supporting information stamped and signed by a professional civil engineer.

2. Clear identification of all work proposed under the rough grading application.

3. Clear identification of existing and proposed grades.

4. Clear identification of all areas that will be disturbed.

5. Identification of proposed quantity of earthwork.

6. Identification of proposed erosion control measures.

7. An erosion control plan designed in accordance with the Redmond Stormwater [~~WATER~~]—Technical Notebook and the ~~CITY OF~~ Redmond Standard Specifications and Details.

8. Payment of the appropriate plan review fees.

9. Prior to issuance of Rough Grading Permits, acceptable site restoration assurance (bonding, cash deposits, etc., as specified by the Technical Committee) shall be posted with the City.

15.24.080 Requirements for design and construction.

The City hereby adopts the thresholds, definitions, and minimum requirements, found in Appendix 1 of the Western Washington Phase II Municipal Stormwater ~~[WATER]~~ Permit, including the mandatory provisions of the ~~[2014]~~ **2019** SWMMWW. Refer to the **Redmond Stormwater** ~~[WATER]~~ Technical Notebook for local modifications and application of the definitions, thresholds, and minimum requirements in Redmond. Redmond Zoning Code 21.17.010.E details requirements to plan for stormwater ~~[WATER]~~ management.

The Director may require additional controls or modified minimum requirements for specific projects or areas based on approved interlocal agreements, approved Department Operational Policies, identified capacity limitations, significant erosion potential, or seasonal factors. The Minimum Requirements, **as further described in the Redmond Stormwater Technical Notebook,** are:

- A. *Repealed by Ord. 2860.*
- B. *Repealed by Ord. 2860.*
- C. *Minimum Requirement 1 - **Preparation of Stormwater***
~~*[WATER] Site Plans*~~**s.** ~~[THE REPORT WILL INCLUDE SITE PLANNING REQUIREMENTS, BMP SELECTION CRITERIA, BMP DESIGN CRITERIA, BMP (INCLUDING LOW-IMPACT DEVELOPMENT "LID") INFEASIBILITY~~

~~CRITERIA, LID COMPETING NEEDS CRITERIA AND BMP LIMITATIONS IN CHAPTER 3 OF VOLUME I OF THE 2014 SWMMWW WITH LOCAL MODIFICATIONS IN THE STORM WATER TECHNICAL NOTEBOOK.]~~

D. *Minimum Requirement 2 - Construction Stormwater [WATER] Pollution Prevention Plan.* [~~CONSTRUCTION TEMPORARY EROSION AND SEDIMENT CONTROLS ARE REQUIRED FOR ALL PROJECTS OF ALL SIZES TO MINIMIZE EROSION AND THE TRANSPORT OF SEDIMENT. FOR PROJECTS THAT OCCUR BETWEEN OCTOBER 1ST AND APRIL 30TH, A WET WEATHER PLAN AND SEASONAL SUSPENSION PLAN COULD BE REQUIRED BY THE CITY. REFER TO THE STORM WATER TECHNICAL NOTEBOOK FOR REQUIREMENTS AND APPROVAL PROCESS OF A WET WEATHER PLAN AND SEASONAL SUSPENSION PLAN. WASHINGTON DEPARTMENT OF ECOLOGY MAY REQUIRE AN NPDES CONSTRUCTION STORM WATER GENERAL PERMIT, DEPENDING ON THE PROJECT. IF REQUESTED BY THE DIRECTOR, DOCUMENTATION AND REPORTS REQUIRED BY THE PERMIT WILL ALSO BE SUBMITTED TO THE CITY.]~~]

E. *Minimum Requirement 3 - Source Control[~~S~~] of Pollution.* [~~"APPLICABLE" AND "RECOMMENDED" SOURCE CONTROLS IN VOLUME IV OF THE 2014 SWMMWW ARE REQUIRED IN REDMOND AND WILL BE DOCUMENTED IN THE SITE PLAN (MINIMUM REQUIREMENT 1) AND THE OPERATION AND MAINTENANCE MANUAL IF MINIMUM REQUIREMENT 9 IS REQUIRED.]~~]

F. *Minimum Requirement 4 - Preservation of Natural Drainage Systems and Outfalls.* [~~NATURAL DRAINAGE PATTERNS SHALL BE MAINTAINED. DISCHARGES FROM THE PROJECT SITE SHALL OCCUR IN THE NATURAL LOCATION TO THE MAXIMUM EXTENT PRACTICAL. THE MANNER BY WHICH RUNOFF IS DISCHARGED FROM THE PROJECT SITE MUST NOT CAUSE A SIGNIFICANT ADVERSE IMPACT TO DOWNSTREAM RECEIVING WATERS AND DOWN GRADIENT PROPERTIES. ALL OUTFALLS REQUIRE ENERGY DISSIPATION.~~]

G. *Minimum Requirement 5 - On-site Stormwater* [~~*Management.* [(LID) IS REQUIRED FOR ALL SITES THAT: RESULT IN 2,000 SQUARE FEET, OR GREATER, OF NEW PLUS REPLACED HARD SURFACES; CONVERT 3/4 ACRES OR MORE OF VEGETATION TO LAWN OR LANDSCAPED AREA, OR CONVERT 2.5 ACRES OR MORE OF NATIVE VEGETATION TO PASTURE. PROJECTS TRIGGERING THIS REQUIREMENT SHALL INFILTRATE, DISPERSE AND RETAIN STORM WATER RUNOFF ON-SITE TO THE EXTENT FEASIBLE WITHOUT CAUSING FLOODING, GROUNDWATER CONTAMINATION OR EROSION IMPACTS.]~~]

H. *Minimum Requirement 6 - Runoff Treatment.* [~~RUNOFF SHALL BE TREATED BY PERMANENT RUNOFF TREATMENT FACILITIES FROM ALL PROJECTS IN WHICH THE TOTAL OF POLLUTION GENERATING HARD SURFACES IS 5,000 SQUARE FEET OR MORE IN A THRESHOLD DISCHARGE AREA OR THE TOTAL POLLUTION GENERATING PERVIOUS SURFACES IS 3/4 ACRE OR MORE IN A THRESHOLD DISCHARGE AREA~~]

~~AND THE PERVIOUS SURFACES PRODUCE RUNOFF THAT ENTERS A NATURAL OR MANMADE CONVEYANCE.]~~

I. *Minimum Requirement 7 - Flow Control.* [~~RUNOFF SHALL BE CONTROLLED BY PERMANENT FLOW CONTROL FACILITIES FROM ALL PROJECTS IN WHICH THE TOTAL OF EFFECTIVE IMPERVIOUS SURFACES IS 10,000 SQUARE FEET OR MORE IN A THRESHOLD DISCHARGE AREA, OR THE PROJECT CONVERTS 3/4 ACRE OR MORE OF VEGETATION TO LAWN OR LANDSCAPE IN A THRESHOLD DISCHARGE AREA AND PRODUCES RUNOFF THAT ENTERS A NATURAL OR MANMADE CONVEYANCE, OR THE PROJECT CONVERTS 2.5 ACRES OR MORE OF NATIVE VEGETATION TO PASTURE IN A THRESHOLD DISCHARGE AREA AND PRODUCES RUNOFF THAT ENTERS A NATURAL OR MANMADE CONVEYANCE. FLOW CONTROL FACILITIES ARE ALSO REQUIRED IF THE COMBINATION OF HARD SURFACES AND CONVERTED VEGETATION IN A THRESHOLD DISCHARGE AREA CAUSE 0.10 CUBIC FEET PER SECOND (CFS) INCREASE OR GREATER IN THE 100-YEAR FLOW FREQUENCY AS ESTIMATED BY THE WESTERN WASHINGTON HYDROLOGY MODEL OR OTHER APPROVED MODEL USING ONE-HOUR TIME STEPS (OR 0.15 CFS INCREASE OR GREATER USING 15-MINUTE TIME STEPS). SOME PROJECTS WILL BE EXEMPT FROM FLOW CONTROL. REFER TO THE STORM WATER NOTEBOOK FOR AREAS THAT ARE FLOW CONTROL EXEMPT AND AREAS THAT PREDEVELOPMENT CONDITIONS CAN BE MODELED AS PASTURE. THE PREDEVELOPED CONDITION FOR ALL OTHER AREAS SHALL BE FORESTED. PROPERTIES~~

~~DOWNSTREAM FROM DEVELOPMENT SITES SHALL BE PROTECTED FROM EROSION DUE TO INCREASES IN THE VOLUME, VELOCITY, AND PEAK FLOW RATE OF STORM WATER RUNOFF FROM THE PROPOSED PROJECT.]~~

J. *Minimum Requirement 8 - Wetlands^s Protection.*

~~[PROJECTS THAT TRIGGER RUNOFF TREATMENT FACILITIES OR FLOW CONTROL FACILITIES IN 15.24.080.H AND I AND DISCHARGE TO A WETLAND SHALL COMPLY WITH GUIDE SHEETS #1 THROUGH #3 IN APPENDIX I-D OF THE 2014 SWMMWW.]~~

K. *Minimum Requirement 9 - Operations and Maintenance.*

~~[PERMANENT STORM WATER FACILITIES TRIGGERED BY MINIMUM REQUIREMENTS 5, 6 AND 7 MUST BE DESIGNED FOR REGULAR MAINTENANCE. PROJECT SPECIFIC OPERATION AND MAINTENANCE MANUALS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL WITH THE STORM WATER SITE PLAN AND INCLUDE DOCUMENTATION OF APPLICABLE AND RECOMMENDED SOURCE CONTROL BMPS. MAINTENANCE IS REQUIRED PER RMC [13.06.068](#).]~~

15.24.082 Topographic change (cut and fill) limits.

A. Topographic change is limited in Redmond as follows:

1. Within the building work area (building footprint plus a 10 foot buffer), this chapter does not limit temporary or permanent cuts or fills (even with the presence of significant trees).

2. Outside the building work area, and where significant trees are not present, the maximum permitted vertical depth or height of a cut or fill is a total of 8 vertical feet.

3. Outside building work area, and where significant trees designated to be saved are present, grades shall not be changed within 5 feet of the tree's dripline.

4. Cut or fill slopes may not exceed 33 percent (3H:1V). Cut and fill slopes within the right-of-way may, however, be designed at (2H:1V).

15.24.084 Deviations.

A. Deviations, referred to as adjustments by Washington Department of Ecology, are permissions granted by the Technical Committee [~~OR THE TECHNICAL REVIEW BOARD~~] to deviate from the stormwater [~~WATER~~] requirements for design and construction specified in RMC 15.24.080, 15.24.082 or in the Redmond Stormwater [~~WATER~~] Technical Notebook. Deviations must provide the equivalent (or improved) level of environmental protection. Deviations are requested through application of a General Development Permit and decision by the Technical Committee [~~OR THE TECHNICAL REVIEW BOARD~~]. Application for deviations must include clear written

documentation to explain how the proposed adjustments address the following criteria:

1. Provide substantially equivalent (or improved) environmental protection as would be provided if the standard stormwater [~~WATER~~] requirements were met.

2. Reflect sound engineering practices.

3. Meet the objectives of public health, safety, function and maintenance.

4. Avoid damage to other properties in the vicinity of and downstream of the proposal.

B. The Technical Committee [~~OR THE TECHNICAL REVIEW BOARD~~] may deny any or all of the requested adjustments, may request additional information including written documentation from qualified specialists, may approve any or all of the requested adjustments, or may approve specific parts of adjustments, either to the extent requested or to a reduced extent. All documentation is to be obtained and paid for by the applicant(s). The Technical Committee [~~OR THE TECHNICAL REVIEW BOARD~~] may also require peer review which, if required, is to be paid for by the applicant.

C. The Technical Committee [~~or the TECHNICAL REVIEW BOARD~~] may determine the deviation(s) requested are to be processed in accordance with Redmond Zoning Code Section

21.76.070 (AB) (3), Variances, and the criteria in RMC 15.24.089.

15.24.089 Variances.

A. Variances are permissions granted through the City's variance process in accordance with Redmond Zoning Code Section 21.76.070 (AB) (3), Variances. Variances under this title apply only to RMC 15.24.080.C, (4), (5), (6), (7), (8), (9), (10), and (11). The criteria for approving a variance requested under this title shall include the decision criteria contained in Redmond Zoning Code Section 21.76.070 (AB) (3), Decision Criteria, together with the following criteria:

1. The variance may be granted by the City only when meeting the applicable standards would impose a severe and unexpected economic hardship.

2. The variance will not increase the risk to the public health and welfare, nor be injurious to other properties in the vicinity of and/or downstream or to the quality of waters of the state.

3. The variance is the least possible deviation that could be granted to comply with the intent of the Minimum Requirements detailed in the Redmond Stormwater [WATER] Technical Notebook.

B. The application for a variance shall include written documentation addressing the decision criteria above and written documentation addressing the following topics:

1. The current (pre-project) use of the site, and
2. How the application of Minimum Requirements restricts the proposed use of the site compared to restrictions that existed prior to adoption of the Minimum Requirements (October 1, 2004), and
3. The possible remaining uses of the site if the variance were not granted by the City, and
4. The uses of the site that would have been allowed prior to the City's adoption of Minimum Requirements, and
5. A comparison of the estimated amount and percentage of value loss resulting from meeting the Minimum Requirements, and
6. The feasibility to alter the project so that it meets the Minimum Requirements.

C. The City shall prepare written findings of fact that address each of the six items above and that address the variance criteria. The City shall publish legal public notice of an application that requests a variance under this title

and shall publish legal notice of the City's decision on the application.

15.24.090 Relief from general design standards.

Repealed by Ord. 2532.

15.24.095 Wellhead and groundwater protection performance standards.

A. *Well Construction and Operation.* Construction or decommissioning details and registration forms of any well regulated under WAC 173-160 and UIC wells (infiltration trenches, drywells, infiltration vaults) must be registered per WAC 173-218-070. Details and registration forms shall be provided to the Department of Public Works within 60 days of well construction or decommissioning.

B. *Fill Material.* Placement of imported contaminated fill material is prohibited, citywide. Fill material shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in WAC 173-340-740, Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site. Where the detection limit (lower limit at which a chemical can be detected by a specified laboratory procedure) for a particular soil contaminant exceeds the cleanup standard for soil specified in WAC 173-340-740, the

detection limit shall be the standard for fill material quality. Fill material shall be free of construction, demolition, and land clearing waste including recycled concrete rubble and asphalt.

1. Fill materials in quantities greater than 10 cubic yards placed directly on or in the ground shall meet the following requirements:

a. A fill material source statement shall be provided to the Department of Public Works and shall be reviewed and accepted by the Department prior to stockpiling or grading imported fill materials at the site. The source statement shall be issued by a professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington demonstrating the source's compliance with standards of the Model Toxics Control Act. The source statement shall be required for each different source location from which fill will be obtained.

b. Analytical results demonstrating that fill materials do not exceed cleanup standards specified in WAC 173-340-740 may be used in lieu of a fill material source statement, provided the regulated facility submits a sampling plan to, and which is approved by, the Director of Public Works. The regulated facility must then adhere to the approved

sampling plan, and maintain analytical data on-site and available for inspection for a minimum of five years from the date that the fill was accepted.

2. The Department of Public Works may accept a fill material source statement that does not include results of sampling and analysis of imported fill if it determines that adequate information is provided indicating that the source location is free of contamination. Such information may include, but is not limited to:

a. Results of field testing of earth materials to be imported to the site with instruments capable of detecting the presence of contaminants; or

b. Results of previous sampling and analysis of earth materials to be imported to the site.

3. A fill material source statement is not required if documents confirm that imported fill will be obtained from a Washington State Department of Transportation approved source.

4. The Director of Public Works shall have the authority to require corrective measures regarding noncompliant fill materials, including independent sampling and analysis, if the property owner or operator fails to accomplish such measures in a timely manner. The property

owner or operator shall be responsible for any costs incurred by the City in the conduct of such activities.

C. *Cathodic Protection Wells.* Designs for cathodic protection wells shall be submitted to the City for review and approval prior to initiation of drilling. Cathodic protection wells shall be constructed such that the following do not occur:

1. Vertical cross-connection of aquifers normally separated by confining units;
2. Migration of contaminated surface water along improperly sealed well borings or casings;
3. Introduction of electrolytes or related solutions into the subsurface; and
4. Any of the above conditions caused by improperly abandoned cathodic protection wells that are no longer in use.

D. *Underground Hydraulic Elevator Cylinders.* All underground hydraulic elevator pressure cylinders shall be encased in an outer plastic casing constructed of Schedule 40 or thicker-wall polyethylene or polyvinyl chloride (PVC) pipe, or equivalent. The plastic casing shall be capped at the bottom, and all joints shall be solvent- or heat-welded to ensure water tightness. The neck of the plastic casing

shall provide a means of inspection to monitor the annulus between the pressurized hydraulic elevator cylinder and the protective plastic casing. Vegetable oil shall be used for hydraulic fluid in elevator cylinders.

15.24.100 Enforcement - Authorization.

The Director is authorized and directed to enforce all the provisions of this chapter. For such purpose, the Director may appoint officers, inspectors, assistants and other employees as needed from time to time. The Director may authorize such employees, as may be necessary, to carry out the duties and functions of that office.

15.24.110 Inspection.

The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter or whenever the Director has reasonable cause to believe that any land is being used in violation of this chapter. Inspections shall be made as follows:

A. As a condition of any permit issued for activity covered by this chapter, the property owner shall be required to consent to entry upon the land by the Director at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this chapter. If the land is occupied, the Director shall first present proper credentials

and request entry. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site who are in apparent charge or control of the land and demand entry. If no person is located, the Director may enter said property and shall, with due diligence, make attempts to notify the owner, occupant, or other person having charge within a reasonable amount of time.

B. Where the Director has reasonable grounds to believe that activities for which a permit is required by this chapter are being conducted without a permit on land within the City, the Director may seek to inspect the land and such activity. If the land is occupied, the Director shall first present proper credentials and request entry for inspection. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site in apparent charge or control of the land and request entry for inspection. If no person is located, or if entry is refused, the Director may request the assistance of the City Attorney, City Prosecutor or Police Department regarding access.

15.24.120 Stop work orders.

A. Whenever any activity is being done contrary to the provisions of this chapter, the Director may order the work stopped by notice verbally or in writing served on any persons

engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Director to proceed with the work.

B. The Director may suspend work on any project during periods of inclement weather to reduce actual or potential erosion and/or sedimentation. Such a period may involve days or weeks during storm events or may, at the discretion of the Director, involve the entire rainy season (October 1st through April 30th).

C. Outside the rainy season (May 1st through September 30th), the Director may order work stopped because of inadequate temporary erosion/sedimentation controls. In such cases, a revised temporary erosion/sediment control plan (including but not limited to addition of or additional phasing) shall be submitted to the City for review. Once approved and implemented, the Director shall lift the stop work order and work can continue.

D. During the rainy season (October 1st through April 30th), The Director may require a Wet Weather Plan, a Seasonal Suspension Plan, and an updated temporary erosion and sediment control plan be submitted to the City for review and approval by September 30th. The Redmond Stormwater [WATER] Technical Notebook details which plans apply to which

projects. The Director may order work stopped because of inadequate temporary erosion/sediment controls during the rainy season. In such a case, the wet weather plan and temporary erosion/sediment control plan will be reviewed, updated and implemented to control erosion and/or sedimentation. If deemed necessary the City may suspend work through the rainy season and require implementation of the seasonal suspension plan.

15.24.130 Suspension or revocation of permit.

The Director may suspend or revoke a permit whenever the permit is issued on the basis of incorrect information supplied, approved plans are not accurately reflective of actual field conditions, or the work is being done contrary to, or in violation of, any pertinent ordinance, regulation, procedure or permit. Upon receipt of a timely appeal under Redmond Zoning Code Chapter 21.76, suspension or revocation shall be stayed pending decision on the appeal; provided, that such a stay shall not affect any stop work order issued by the Director.

15.24.140 Penalty for violation.

All violations of this chapter, including hazards and failure to comply with terms of the clearing/grading permit and conditions, are determined to be detrimental to the public

health, safety, and welfare and declared to be public nuisances. All such violations are also criminal gross misdemeanors and punishable as provided in RMC 1.01.110. All conditions that, after inspection, have been determined by the Director to render any site or portion thereof to be used or maintained in violation of the section, shall be abated.

15.24.150 Restoration.

Any work not done in compliance with this chapter or any permit issued pursuant thereto or with any other section of the Redmond Zoning Code may be required by the Director to be removed or restored to as near pre-project original condition as possible in the sole opinion of the Director. Such restoration may include, but shall not be limited to, the following:

A. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cuts or fills;

B. Planting and maintenance of trees of a size that will reasonably assure survival and that replace functions and values of removed trees; and

C. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

15.24.160 Notification of noncompliance.

A. If, while fulfilling their responsibility under this chapter, the inspector, the engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted upon request of the director.

B. The appropriate clearing, grading or stormwater [~~WATER~~] management permit (see RMC 15.24.060) shall be required regardless of any permit issued by any other department or agency that may be interested in certain aspects of the proposed work. Where work for which a permit is obtained by this chapter is started or proceeding before obtaining such a permit, the work shall be stopped, and the violator shall be subject to such penalties as provided in this chapter. However, the payment of such penalties shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work nor any other penalties prescribed thereon.

C. The Director may require that the approved activity, operations and project designs be modified if delays occur

which incur weather-generated problems not apparent at the time the permit was issued.

15.24.170 Penalties.

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the work shall be stopped, and special investigation shall be made before a permit may be issued for such work. Work shall not commence during the investigation other than restoration, work on pollution control measures or stabilization approved by the Public Works Director. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by the code. The minimum investigation fee shall be the same as the minimum fee set forth in the standard clearing and grading fee for permit application. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

15.24.180 Processing fees.

A. Clearing and grading and stormwater [WATER] management fees shall be determined by the Director, and upon

approval by the City Council shall be made available to the public.

B. Before accepting a set of plans and specifications for checking, the Director shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as required by the Uniform Building Code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for clearing/grading plans shall be as set forth in the schedule of fees adopted pursuant to Redmond Zoning Code Chapter 21.76, Review Procedures.

15.24.190 Permit fees.

A. A fee for each clearing, grading or stormwater [~~WATER~~] management permit shall be paid to the Director as set forth in the fee schedule adopted pursuant to Redmond Zoning Code Chapter 21.76, Review Procedures.

B. Permits may be extended, before their expiration, for up to a total of one year. Inspection fees shall be paid before the start or extension of work and are required for the duration of the project. An additional fee may be charged for processing of a permit extension.

15.24.200 Inspection fees.

A fee for each clearing, grading or stormwater [WATER] management construction inspection shall be paid to the Director as set forth in the fee schedule adopted pursuant to Redmond Zoning Code Chapter 21.76, Review Procedures.

Section 3. 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 4. Effective date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law, and shall apply to all complete applications submitted on or after July 1, 2022.

ADOPTED by the Redmond City Council this _____ day of _____, 2022.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.