

ATTACHMENT B

CITY OF REDMOND ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE FOLLOWING CHAPTERS OF THE REDMOND ZONING CODE: 21.30 HISTORIC AND ARCHAEOLOGICAL RESOURCES AND 21.78 DEFINITIONS; AND CREATING APPENDIX 9 CULTURAL RESOURCES MANAGEMENT PROCEDURES OF THE REDMOND ZONING CODE RELATED TO REGULATIONS RELATED TO THE ESTABLISHMENT OF A CITYWIDE CULTURAL RESOURCES MANAGEMENT PLAN, A STIPULATION OF AMENDMENT 1 TO THE MEMORANDUM OF AGREEMENT AMONG THE U.S. ARMY CORPS OF ENGINEERS, THE FEDERAL HIGHWAY ADMINISTRATION, THE WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION, THE CITY OF REDMOND, AND THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION REGARDING TREATMENT OF ADVERSE EFFECTS TO THE BEAR CREEK SITE (45KI839), REDMOND, KING COUNTY, WASHINGTON, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on June 4, 2013, the U.S. Army Corps of Engineers, Seattle District Regulatory Branch (Corps) entered into a Memorandum of Agreement (Agreement) with the City of Redmond (Redmond), Federal Highway Administration (FHWA), Washington State Department of Transportation (WSDOT) and Washington State Department of Archaeology & Historic Preservation (DAHP), for a fisheries habitat restoration project located at the lower reach of Bear Creek just south of the Redmond Town Center, T24N, R5E, sec 12, W.M., Bellevue North USGS 7.5' quadrangle, King County, Washington (the "Project"); and

WHEREAS, the Corps' issuance of a Department Army permit for the Project is subject to review under Section 106 of the National

Historic Preservation Act, 16 U.S.C. 470 *et seq.* (NHPA), and its implementing regulations (36 CFR Part 800 and 33 CFR 325); and

WHEREAS, Redmond, as signatory to the agreement agreed to adhere to the site mitigation plan (Plan) dated February 27, 2013 to resolve adverse effects to site 45KI839; and

WHEREAS, the Corps determined Redmond's archaeological contractor and construction contractor conducted unauthorized work (data recovery excavations, channel construction, and unmonitored construction) outside the authorized channel construction zone; and

WHEREAS, the Corps determined by performing unauthorized work outside the approved project construction limits/boundaries, the City of Redmond performed work in violation of Special Condition "d" of its Department of Army permit, which required compliance with the Agreement; and

WHEREAS, the Corps, FHWA, DAHP, Redmond, and WSDOT agreed to stipulations to resolve adverse effects to historic properties associated with the construction damage; and

WHEREAS, Stipulation 6 of Amendment 1 to the Agreement required Redmond to utilize the services of a professional cultural resource specialist or firm with qualified personnel meeting the Secretary of the Interior's Standards specified in 36 CFR Part 61 and RCW 27.53.030 (11) to prepare a comprehensive cultural resources management plan (CRMP) for Redmond to be consistent and

integrated with Redmond's existing professional cultural resource services and agreements; and

WHEREAS, the DAHP and Redmond agreed to the terms of DAHP Case No. 2014-3-KI-839 Stipulation Settlement Regarding Notice of Violation (DAHP Settlement) requiring actions by Redmond as settlement for inadvertent damages to the Bear Creek archaeological site; and

WHEREAS, on May 17, 2016, the Redmond City Council, approved a contract for consultant services to develop the CRMP consistent with the stipulations of the Agreement, Amendment 1 to the Agreement, and the DAHP Settlement; and

WHEREAS, on May 1, 2018, the consultant delivered the final draft CRMP to Redmond; and

WHEREAS, during June 2017, February 2018, and May and June 2019, the signatories, concurring parties, and affected and interested Indian tribes reviewed the CRMP during three thirty-day periods in accordance with stipulations of the Agreement and Amendment 1 to the Agreement; and

WHEREAS, during December 2016 and June 2019, participants of a stakeholder focus group reviewed and discussed preliminary topics of the CRMP and use of the CRMP in the context of development activities performed within Redmond; and

WHEREAS, state agencies received 60-day notice of the proposed amendments on March 12, 2018 and an update to the 60-day notice of the proposed amendments on July 24, 2019; and

WHEREAS, a State Environmental Policy Act checklist was prepared, and a Threshold Determination was issued on July 22, 2019 for the proposed amendments; and

WHEREAS, the Technical Committee reviewed and approved the proposed amendments and on August 21, 2019, made a recommendation for approval of the amendments to the Planning Commission; and

WHEREAS, the Planning Commission conducted public hearings on the proposed amendments on September 11, 2019 and September 25, 2019 to receive public comment; and

WHEREAS, the Planning Commission received oral and written testimony and recommended refinements to the original proposal in response to the testimony; and

WHEREAS, upon completion of the public hearing the Planning Commission issued findings, conclusions, and recommendations in a report to the Redmond City Council dated October 9, 2019; and

WHEREAS, the City Council held public meetings on September 10, 2019, October 1, 2019, and October 29, 2019 to consider the proposed amendments and the Planning Commission's recommendation; and

WHEREAS, the City Council desires to adopt the amendments set forth in this ordinance.

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

Section 1. Classification. The amendments set forth on Exhibit 1 to this ordinance are of a general and permanent nature and shall become a part of the Redmond Zoning Code.

Section 2. Findings and Conclusions. In support of the proposed amendments to the Redmond Zoning Code, the City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated October 9, 2019, including all related attachments and exhibits.

Section 3. Zoning Code Amended. The following portions of the Redmond Zoning Code are hereby amended as shown in Exhibit 1:

- RZC 21.30 Historic and Archaeological Resources; and
- RZC 21.78 Definitions.

Section 4. New Section to Zoning Code. A new section, Appendix 9 to the Redmond Zoning Code, entitled "Cultural Resources Management Procedures" is created as shown in Exhibit 2.

Section 5. 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 of any other section, sentence, clause, or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall become effective on January 2, 2020, after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this _____ day of _____, 2019.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE NO.