

**ORDINANCE NO. 2233**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, APPROVING THE INSTALLATION OF A SEWER LINE ACROSS A CLASS IV LANDSLIDE HAZARD AREA (STEEP SLOPE) IN CONJUNCTION WITH THE PERRIGO HEIGHTS PRELIMINARY PLAT, AND ADOPTING FINDINGS AND CONCLUSIONS.

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WHEREAS, CAMWEST, herein referred to as "Applicant," submitted a complete application for preliminary plat with a proposal to install a sewer line across a Class IV landslide hazard area on December 6, 2001, and

WHEREAS, the Redmond Community Development Guide authorizes the City Council to consider and approve requests to allow sewer lines to cross a Class IV landslide hazard area, and

WHEREAS, the City Council held a public hearing on the request for the City Council to grant a sensitive areas exception that would allow the installation of a sewer line across a Class IV landslide hazard area on October 19, 2004, and

WHEREAS, the City Council reviewed the Technical Committee's recommendation to approve the installation of a sewer line across Class IV landslide hazard area on October 19, 2004, and determined to approve the same, and

WHEREAS, the approval of a Sensitive Area Exception must be approved by ordinance, NOW, THEREFORE,

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

Section 1. Approval of Sewer Line Crossing Steep Slope. The installation of a sewer line for the Perrigo Heights Plat across a Class IV landslide hazard area is hereby

approved, subject to the conditions recommended by the Hearing Examiner in his Findings, Conclusions and Recommendation issued on June 7, 2004, and subject to the following additional condition of approval, recommended by the Technical Committee:

*The recommendations provided by the project geotechnical engineer Associated Earth Sciences, Inc., shall be followed and complied with during final design and construction. The geotechnical recommendations shall be incorporated into the project plans and specifications. The project geotechnical engineer shall provide monitoring during excavation, backfilling, and reclamation. The applicant shall work with city staff in order to ensure that the utility corridor is revegetated with plantings that are as mature as reasonably feasible at the time of planting.*

Section 2. Findings. In support of the approval granted in Section 1, the City Council hereby adopts the following findings:

- A. The Redmond Community Development Guide (RCDG) authorizes the Redmond City Council to consider and authorize requests for utility lines to cross Class IV landslide hazard areas under 20F.30.050 as a Type V decision.
- B. The Technical Committee issued a Notice of Application on January 8, 2002 for the preliminary plat, which included the Applicant's proposal to cross a Class IV landslide hazard area.
- C. The Technical Committee issued a Determination of Non-significance for the preliminary plat, including the crossing of the Class IV landslide hazard area, on March 10, 2004. The Determination of Non-significance was appealed to the Hearing Examiner. The Hearing Examiner received testimony on and denied the appeal on July 19, 2004. The Hearing Examiner's denial of the Determination of Non-significance was appealed to the City Council. The closed record hearing was heard on September 21, 2004. The City Council denied the appeal of the Hearing Examiner's decision.

D. The RCDG requires that utility lines be authorized by City Council where the following criterion are met:

- 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 RCDG 20D.140.10-250 and 20D.140.10-260.

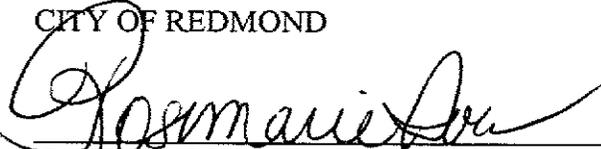
- E. The sewer line alignment proposed by the Applicant is identified on the General Sewer Plan adopted in August 1997. The General Sewer Plan identifies this location to (1) minimize environmental impacts that would be caused by other alignments and (2) reduce relative costs associated with other alternatives, such as pumping the sewage uphill.
- F. Alternative alignments were considered to avoid impacting the Class IV landslide hazard area. These alternatives included boring under the slope, installing a sewer line along a creek on the north side of the plat, and installing sewer pump stations. These alternatives to crossing the Class IV landslide hazard area are economically, environmentally and functionally infeasible.
- G. A geotechnical evaluation was submitted and reviewed. The geotechnical evaluation has assessed the risks of damage and has included measures to eliminate or reduce those risks. The measures include restoring the area of disturbance that would be caused by the installation of the proposed sewer line. In order to ensure that the stability of the slope is maintained and the utility corridor is restored as quickly as possible, revegetation should be done with plantings that are as mature as reasonably feasible at the time of planting.
- H. Installation of the proposed sewer line shall comply with the Redmond Community Development Guide, Redmond Comprehensive Plan, SEPA Threshold Determination for Perrigo Heights, and the preliminary plat approval for Perrigo Heights.

Section 3. Conclusions. In support of the approval granted in Section 1, the City Council hereby adopts the following conclusions:

- A. The proposed alignment does not present an adverse environmental impact as described by the State Environmental Policy Act.
- B. Compliance with Sections 20D.140.10-210 and 20F.40.115 of the Redmond Community Development Guide have been met to authorize the City Council to approve the proposed alignment of a sewer line across the Class IV landslide hazard area.

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's 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:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 2233

October 15, 2004  
November 16, 2004  
November 18, 2004  
November 22, 2004  
November 27, 2004