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Rev. 01/09/96jeh

Interim Zoning Control

ORDINANCE NO. 1868

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING AN INTERIM OFFICIAL ZONING CONTROL AMENDING SUBSECTION 20C.20.240 (75) (c) OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE TO EXPAND THE EXCEPTIONS FROM THE FRONTAGE IMPROVEMENT REQUIREMENTS TO INCLUDE SITUATIONS IN WHICH THE IMPROVEMENTS ARE NOT ROUGHLY PROPORTIONATE TO THE IMPACTS OF DEVELOPMENT, SETTING A PUBLIC HEARING ON SUCH CONTROL PURSUANT TO RCW 36.70A.390, DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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WHEREAS, Subsection 20C.20.240 (75) (c) of the Redmond Municipal Code and Community Development Guide establishes certain exceptions from the requirement to complete frontage improvements as a condition of development, and

WHEREAS, in accord with the U.S. Supreme Court decision in Dolan v. City of Tigard, the exceptions should be expanded to include situations in which the improvements are not roughly proportionate to the impacts caused by the development, and

WHEREAS, in order to conform the City's codes to the holdings of the Supreme Court, it is imperative that the City's regulations be changed immediately and the City has therefore determined to adopt this ordinance as an emergency interim control pursuant to RCW 36.70A.390, pending completion of a public hearing on the same, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO

ORDAIN AS FOLLOWS:

Section 1. Exceptions. Subsection 20C.20.240 (75) (c) of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

(c) The Technical Committee may allow an exception to these requirements if the applicant provides an interim street plan and demonstrates to the Technical Committee that any of the following conditions are present:

- The improvements are not roughly proportionate to the impacts of the development; or
- The costs of such improvements are significantly in excess of those for similar projects; or
- Installation of the improvements would decrease traffic safety; or
- The street is planned to be improved as a whole though an LID or City-financed project; or
- The street is within a transitional area designated by the City where LIDs may not occur or be proposed in the near future. In designated transitional areas contributions shall be made to an in-lieu fund as provided by Subsection 20C.20.240 (80).

An interim street plan shall include a covenant consenting to formation of a Local Improvement District, and a plan for *installation of improvements which will bring the roadway up to the existing character of surrounding streets and pedestrian facilities.* Improvements may include widening or installation of the asphalt street surface, gravel shoulder, temporary drainage facilities, walkways, or other improvements determined to be necessary by the Technical Committee.

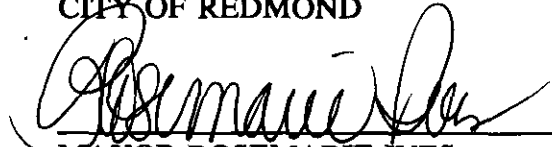
Section 2. Interim Control - Hearing. The amendment adopted in Section 1 is an interim official control, adopted pursuant to RCW 36.70A.390 in order to govern matters

otherwise covered by Section 20C.20.240 (75) (c). Pursuant to RCW 36.70A.390, the City Council intends to adopt findings in support of the control after a public hearing to be conducted within sixty (60) days after adoption of this ordinance. The date and time of February 20, 1996 at 8:00 p.m. or as soon thereafter as the matter may be heard, is hereby established for the public hearing before the City Council required by the statute. The City Clerk is hereby directed to publish notice of the hearing as required by the City's customary 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. The City Council finds and declares that an emergency exists which requires this ordinance to become immediately effective. The emergency arises from the fact that the City's code does not take into account the rough proportionality test of the Dolan v. Tigard decision and could be unenforceable in certain situations due to those circumstances. If the regulation is unenforceable, then projects may not be required to mitigate their traffic impacts, causing a degradation of traffic safety and levels of service in the City. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and being an emergency, shall take effect immediately upon passage.

CITY OF REDMOND

  
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MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
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CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By:   
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FILED WITH THE CITY CLERK:	January 9, 1996
PASSED BY THE CITY COUNCIL:	January 9, 1996
SIGNED BY THE MAYOR:	January 18, 1996
PUBLISHED:	January 17, 1996
EFFECTIVE DATE:	January 9, 1996
ORDINANCE NO. <u>1868</u>	