

ORDINANCE NO. 1875

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SUBSECTION 20C.20.240(75)(c) OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE AND THE REDMOND MUNICIPAL CODE TO ADD AND DELETE THE EXCEPTIONS FROM THE FRONTAGE IMPROVEMENT REQUIREMENTS, TO CLARIFY THE TECHNICAL COMMITTEE AUTHORITY TO CONDITION EXCEPTIONS, REPEALING ORDINANCE No. 1868, AND ESTABLISHING AN EFFECTIVE DATE.

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, some of these provisions should be clarified for improved and efficient administration, and

WHEREAS, in accord with the U.S. Supreme Court decision in *Dolan v. City of Tigard*, the exemptions should be expanded to include situations in where an essential nexus does not exist between a legitimate state interest and the permit condition requiring the improvements or the improvements are not roughly proportionate to the impacts caused by development, and

WHEREAS, the City Council has adopted an interim zoning control, Ordinance No. 1868, and this ordinance should be replaced by a permanent regulation, and

WHEREAS, this ordinance is being adopted under the City of Redmond's authority under the Optional Municipal Code, and

WHEREAS, the Planning Commission has held a hearing on this ordinance, has reviewed proposed ordinance, and has recommended that the City Council amend the Community Development Guide and the Redmond Municipal Code as provided in this ordinance because the ordinance will improve public administration and protect land owners constitutional rights in the City of Redmond, and

WHEREAS, the City Council of the City of Redmond desires to improve the effectiveness and efficiency of administration and protect land owners' constitutional rights and acknowledges that this ordinance is for the benefit of the public health, safety, and welfare, NOW, THEREFORE,

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

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

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

- The impacts of the development do not contribute to the need for the required improvement or dedication;
or

- The required improvement or dedication is not roughly proportional to the impact from the development. The applicant shall show that the required improvement or dedication is not related either in nature or extent to impact of the proposed development; or
- If constructed, the use or operation of the improvements would decrease traffic safety; or
- The street is planned to be improved as a whole through a 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).

(ii) The Technical Committee may require the applicant to furnish an interim street plan to mitigate the impacts of the development. Any interim street plan may include a covenant consenting to formation of a Local Improvement District, and a plan for the installation of improvements which will bring the roadway up to the existing character of surrounding streets and pedestrian facilities.

(iii) The Technical Committee may require those improvements necessary to mitigate the impacts of the development including widening or installation of the asphalt street surface, gravel shoulder, temporary drainage facilities, walkways or bike ways.

Section 2. 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 3. Repealer. Ordinance No. 1868 and the ordinance's amendments to Subsection 20C.20.240(75)(c) of the Redmond Community Development Guide and the Redmond Municipal Code are hereby repealed.

Section 4. 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: 

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| FILED WITH THE CITY CLERK: | February 15, 1996 |
| PASSED BY THE CITY COUNCIL: | February 20, 1996 |
| SIGNED BY THE MAYOR: | February 20, 1996 |
| PUBLISHED: | February 28, 1996 |
| EFFECTIVE DATE: | March 4, 1996 |
| ORDINANCE NO.: <u>1875</u> | |