

ORDINANCE NO. 1889

**ORIGINAL**

AN ORDINANCE OF THE CITY OF REDMOND,  
WASHINGTON, ADOPTING FINDINGS OF FACT TO  
JUSTIFY THE CONTINUED IMPOSITION OF THE  
INTERIM ZONING MAP AND REGULATIONS AS  
REQUIRED BY RCW 36.70A.390.

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WHEREAS, on April 16, 1996, the City Council adopted Ordinance 1884 which provided for an interim zoning map and regulations, and

WHEREAS, RCW 36.70A.390 requires that the City Council hold a public hearing on the interim regulations within 60 days of its adoption, and that immediately thereafter, the City Council must adopt findings of fact to justify the continued imposition of the interim regulations; and

WHEREAS, on May 21, 1996 the City Council held a public hearing on the interim zoning map during which time it heard testimony from City staff and the public; NOW THEREFORE,

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

Section 1. Adoption of Findings of Fact and Conclusions. As required by RCW 36.70A.390, the City Council hereby adopts the following findings of fact and conclusions to support the continued imposition of the interim zoning map and regulations as provided for in Ordinance 1884.

**Findings of Fact**

1. The Comprehensive Plan adopted land use designations that necessitate downzones to certain properties and upzones to others in order to achieve the proposed distribution of land uses and densities and to fulfill the policy goals of the Plan.

2. The City of Redmond is currently experiencing a surge in growth, making development of these properties likely to be proposed in the near future. For example, in 1994 and 1995, the City of Redmond received applications for 6.9 million square feet of commercial space. This pace has continued, with applications being made for an additional 451,000 square feet of buildings in the first four months of 1996. The total for 1994 through April 1996 represents fully 71 percent of the retail, office, and manufacturing space target for 2012 received in 12.3 percent of the time.
3. If properties planned for increases in zoning develop at the pre-comprehensive plan zoning densities and intensities, the city may not achieve the compact urban growth as required by the Growth Management Act, may have difficulty meeting its housing targets set by the Countywide Planning Policies, and may waste investments in public facilities made or planned by the city. Similarly, development at the pre-comprehensive plan zoning densities and intensities for properties designated for lower densities intensities may harm the environment by developing unsuitable sites in violation of the Growth Management Act, may overburden public facilities including transportation facilities in violation of the concurrency requirements of the Growth Management Act, and may result in a land use distribution inconsistent with the adopted comprehensive plan.
4. On April 16, 1996, the City Council adopted Ordinance 1884 for the purpose of implementing a new city-wide zoning map consistent with the Redmond Comprehensive Plan and Growth Management Act.
5. Ordinance 1884 amended the zoning map to implement zoning consistent with the Comprehensive Plan for those zones that are already established by the Redmond Community Development Guide Section 20C.10.020. New zones and zones with special conditions were not included in the interim ordinance.
6. Ordinance 1884 implemented portions of the proposed city-wide zoning map that has been under review by the Redmond Planning Commission since Fall, 1995. The Redmond Planning Commission reviewed recommendations for a new city-wide zoning map and implementing regulations from October 25, 1995 through April 24, 1996. A public hearing was held by the Planning Commission on February 14, 1996 on the proposed zoning map changes. A workshop to explain the zoning changes was held before the hearing. In addition to publishing notice in the city's official newspaper and giving notice by other means, notice of this hearing was mailed to all property owners within the city whose property would be changed by the proposed zoning map and most property owners who would be given pre-annexation zoning by the zoning map. In addition, the Planning Commission held three study sessions to discuss zoning map changes and public comment was accepted at those study sessions.

7. The City Council has begun consideration of Planning Commission's recommended city-wide zoning map as part of DGA-95-006, Phase II Development Regulations.
8. The City Council has set June 18, 1996 as a target date for adopting the final regulations including a new city-wide zoning map.
9. Notice of the hearing on Ordinance 1884 was given by publishing a notice in the Redmond Sammamish Valley News on May 8, 1996 and posting notices in City Hall, the Redmond Library, and the Redmond Post Office on May 8, 1996.
10. On April 16, 1996, a representative of a residential developer testified during items from the audience supporting adoption of Ordinance 1884 to facilitate residential development in the City. On May 7, several citizens testified during items from the audience supporting adoption of Ordinance 1884 to prevent developments that will have an adverse impact on the environment and community.
11. The City Council held a public hearing on Ordinance 1884 on May 21, 1996. At this hearing, considerable testimony was given regarding the property commonly known as the Battrum property located generally southwest of the intersection of 171st Avenue N.E. and N.E. 85th Street in Redmond.
12. The site is owned by Dr. and Mrs. Herbert Battrum. The Battrums' filed a site plan review application in September, 1994 and building permit application for the property on March 16, 1995. The applications sought approval for a 95 unit townhome development. Under the zoning map in effect at the time, that portion of the site covered by the application was zoned R-20.
13. Between March 16, 1995 and March 14, 1996, the applications were the subject of considerable correspondence between the City staff and representatives of the Battrums' concerning the environmental threshold determination for the property. The City staff position was that a Determination of Significance should be issued and the Battrums' position was that an MDNS was appropriate.
14. While this discussion was ongoing, the Battrums' building permit application was due to expire September 16, 1995. The Battrums applied for and were granted one extension of their building permit application on September 14, 1995. The extension was for a period of one hundred eighty (180) days from that date, making the new expiration date for the application March 14, 1996.
15. The Battrums did not file a new building permit application between March 14, 1996 and April 16, 1996, the date that the City Council adopted Ordinance No. 1884.

16. The Interim Zoning Map and Regulations adopted by the City Council in Ordinance No. 1884 established interim zoning for the Battrum property of R-5 in accord with the 1995 Comprehensive Plan. The Battrums did not receive special notice of this adoption prior to its taking place, and were not required to receive such notice by law. The Battrums did, however, make numerous calls to the City staff to determine when their property would be downzoned and were informed that the downzone was not scheduled for Council action until at least May or June.

## Conclusions

BASED UPON the foregoing findings, the City Council makes the following Conclusions:

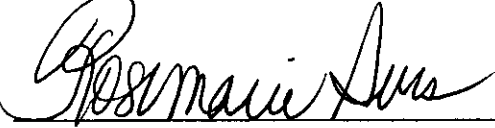
1. The City Council has subject matter jurisdictions to hear and decide whether to extend Ordinance 1884 under Section 20F.10.055(10) of the Redmond Community Development Guide and RCW 36.70A.390. The procedural requirements for the *hearing and consideration of the ordinance were met.*
2. The above findings of fact show that the emergency identified in Ordinance 1884 is real and may have significant adverse consequences for the city.
3. No evidence presented at the hearing conflicts with the findings of fact set out above.
4. The interim zoning map and regulations are necessary to mitigate the adverse consequences identified in the findings and conclusions.
5. The Battrums have spent considerable time and effort pursuing their application for the Education Hill Townhomes project. They have been reasonably diligent in that pursuit and it is only due to the ongoing negotiation related to the SEPA process that they ran out of possible extensions of the building permit application. Because of the significant investment of time and money in the proposed applications, and because of the staff had advised the Battrums that the downzone was not likely to occur until May or June, it would be unfair to apply the Interim Zoning Map to the Battrum property insofar as the building permit application that expired as of March 14, 1996 is concerned. The Interim Zoning Map and Regulations adopted by Ordinance No. 1884 should be modified to allow the Battrum application as it was pending on March 14, 1996 to go forward.

Section 2. Interim Zoning Map to Remain in Effect. The interim zoning map and regulations adopted by Ordinance No. 1884 of the City of Redmond shall remain in effect for the period prescribed therein or until the effective date of an ordinance adopting a new zoning map whichever is sooner, provided, that the Interim Zoning Map and Regulations shall

not apply to the development of any downzoned property for which a site plan review application was pending as of April 16, 1996, and for which a building permit application is filed within sixty (60) days of that date, as long as that building permit application remains active and does not lapse or otherwise become null and void.

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, 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 the publication of the attached summary which is hereby approved.

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:	May 28, 1996
PASSED BY THE CITY COUNCIL:	May 29, 1996
PUBLISHED:	June 5, 1996
EFFECTIVE DATE:	June 10, 1996
ORDINANCE NO.:	<u>1889</u>