

ORDINANCE NO. 1893

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AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF THE INTERIM FLOOR AREA TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS IN RECEIVING ZONES AS REQUIRED BY RCW 36.70A.390.

WHEREAS, on May 7, 1996, the City Council adopted Ordinance 1886 which provided for an interim transfer of development rights by adopting floor area regulations (FAR) in receiving zones, 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 June 4, 1996, the City Council held a public hearing on the interim floor area regulations during which time the City Council 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 floor area transfer regulations as provided for in Ordinance 1886.

Findings of Fact

1. Comprehensive Plan Policy LU-8 directs that a Transfer of Development Rights program be established and identifies both receiving areas and amounts of space which are allowed in each receiving area.
2. On January 30, 1996 the City Council adopted Ordinance 1873 implementing the Transfer of Development Rights program and allowing the Agriculture zone sending area rights to be sold to potential buyers. Section 20C.20A.328 of Ordinance 1873 allowed that development rights could be purchased and applied in the receiving areas as,
 - a) exemption from park land requirements,
 - b) additional impervious surface,
 - c) additional building height, and
 - d) additional parking in receiving areas.
3. On May 7, 1996 the City Council adopted Ordinance 1886, which implements Comprehensive Plan Policy LU-8 by establishing those zones where development rights may be used, and the maximum FAR levels without transfer of development rights.
4. Ordinance 1886 was also adopted for the purpose of implementing the balance of regulations related to the Transfer of Development space not previously authorized by

- Ordinance 1873. Setting FAR levels in the eligible receiving zones was the primary purpose of this ordinance.
5. The City of Redmond is currently experiencing considerable growth and development activity, and there have been numerous inquiries from property owners and developers regarding the implementation of the Transfer of Development Rights program.
 6. The regulations found in Ordinance 1886 were reviewed by the Redmond Planning Commission since January 1996, including two public hearings on January 31, 1996 and February 14, 1996. The Redmond Planning Commission made their recommendation to City Council on May 14, 1996.
 7. The City Council has begun consideration of the Planning Commission's recommended floor area regulations 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 adoption of receiving area FAR levels.
 9. Notice of the hearing on Ordinance 1886 was given by publishing a notice in the Redmond Sammamish Valley News on May 22, 1996 and posting notices in City Hall, the Redmond Library, and the Redmond Post Office on May 22, 1996.
 10. The City Council held a public hearing on Ordinance 1886 on June 4, 1996.

Conclusions

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

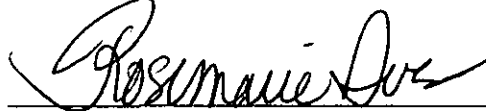
1. The City Council has subject matter jurisdiction to hear and decide whether to extend Ordinance 1886 under Section 20F.10.055(10) of the Redmond Community Development Guide and RCW 36.70A.390. The procedural requirements for the hearing and consideration of the ordinance were met.
2. The above findings of fact show that the emergency identified in Ordinance 1886 is real and may have significant adverse consequences for the City if not adopted.
3. No evidence presented at the hearing conflicts with the findings of fact set out above.
4. The interim regulations are necessary to implement the balance of the Transfer of Development Rights program and mitigate the adverse consequences identified in the findings and conclusions.

Section 2. Interim Floor Area Regulations to Remain in Effect. The interim FAR regulations adopted by Ordinance 1886 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.

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 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:	May 30, 1996
PASSED BY THE CITY COUNCIL:	June 4, 1996
PUBLISHED:	June 12, 1996
EFFECTIVE DATE:	June 17, 1996
ORDINANCE NO: <u>1893</u>	