

ORDINANCE NO. 1961

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING AN INTERIM OFFICIAL LAND USE CONTROL FOR THE PURPOSE OF METERING NONRESIDENTIAL GROWTH; PROVIDING THAT THE CITY WILL ACCEPT AND PROCESS ONLY CURRENTLY VESTED NONRESIDENTIAL DEVELOPMENT APPLICATIONS AND 1,330,000 SQUARE FEET OF ADDITIONAL NONRESIDENTIAL DEVELOPMENT APPLICATIONS FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH CALENDAR YEAR 1998; ESTABLISHING PRIORITY FOR ALLOCATION OF THE 1,330,000 SQUARE FEET; EXEMPTING HOUSING, PUBLIC PROJECTS, REMODELLING AND TENANT IMPROVEMENTS, MINOR EXPANSIONS OF NONRESIDENTIAL BUILDINGS, AND RETAIL DEVELOPMENT IN THE CITY CENTER NEIGHBORHOOD; ESTABLISHING A WORK PLAN AND SETTING A PUBLIC HEARING FOR FEBRUARY 3, 1998 TO CONSIDER THE ADOPTION OF FINDINGS AND CONCLUSIONS, DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in adopting its Comprehensive Plan in 1995, the City provided for the accommodation of its anticipated jobs and housing growth through the 2012 horizon year, and

WHEREAS, in providing for said growth, the City assumed that growth would occur at a relatively constant rate and that the public monies necessary to fund the infrastructure to accommodate that growth would keep pace with the growth, and

WHEREAS, the City also assumed that a balance would be maintained between jobs and housing growth so that those filling new jobs in Redmond could find places to live close to work, and

WHEREAS, the growth rate has not been constant since adoption of the

Comprehensive Plan and the City currently has development applications on file with the City Planning Department which, if pursued to completion of construction, would provide 95% of the commercial, office, and industrial growth which the City anticipated would occur by 2012, and

WHEREAS, the rapid pace of commercial, business park, manufacturing park, industrial, and other nonresidential growth has outstripped the ability of the City staff to process the development applications and has also outstripped the availability of the required public monies portion of the funds necessary to build the infrastructure to accommodate the growth, and

WHEREAS, the rapid pace of commercial, business park, manufacturing park, industrial, and other nonresidential growth has skewed the City's jobs/housing balance away from that provided in the Comprehensive Plan and has tilted the balance substantially toward jobs, and

WHEREAS, the rapid pace of commercial, business park, manufacturing park, industrial, and other nonresidential growth has resulted in deficiencies in the City's service levels, and

WHEREAS, the City Council has determined that the interim controls set forth in this ordinance must be placed into effect in order to assist the City in resolving the problems caused by the growth, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Legislative Intent. The purposes of this ordinance are to: (a) establish a system of metering growth that provides for a long-term growth rate that can be effectively managed; (b) provide for a rate of growth in the City that will assure the preservation of its unique environment and its high quality of life; (c) assure that such growth proceeds in an orderly manner

and at a rate which does not exceed the availability of public facilities, public infrastructure, and urban services; (d) promote the construction of housing for the community's workforce; (e) allow for a more reasonable balance to develop between jobs and housing; (f) retain the opportunity for people who work in the City to live in the City; and (g) ensure that City staff are able to continue providing high quality development review.

Section 2. Applicability - "Nonresidential Development Application" Defined.

The provisions of this ordinance shall apply to all nonresidential development applications filed or to be filed with the City. As used in this ordinance, "nonresidential development application" means and includes any application required by the Redmond Community Development Guide and associated with the development of any structure or use not classified as a Group R-1, R-3, or LC occupancy under the 1994 Uniform Building Code, as amended by the State of Washington and adopted by the City, provided, that hotels and lodging houses shall be considered nonresidential developments for purposes of this ordinance. All occupancies other than Group R-1, R-3, or LC, and including hotels and lodging houses, shall be considered nonresidential developments for purposes of this ordinance.

Section 3. Applications Restricted. From and after the effective date of this ordinance and through December 31, 1998, no new nonresidential development applications shall be accepted by the City unless such application is for exempt development under Section 5 of this ordinance. From and after the effective date of this ordinance and through December 31, 1998, no nonresidential development application currently on file with the City may be processed except in compliance with this ordinance. The Planning Department shall not process any nonresidential development application which does not meet the requirements of this ordinance.

Section 4. Acceptance and Processing of Applications through 1998 - Allocation.

From and after the effective date of this ordinance and through December 31, 1998, the Planning Department shall process only the following nonresidential development applications:

A. Vested Applications. All nonresidential development applications which are legally vested as of the effective date of this ordinance shall continue to be processed as provided in the Community Development Guide and according to the land use regulations in effect on the date of vesting.

B. Additional Applications. In addition to vested applications, the City shall process nonresidential development applications for no more than 1,330,000 square feet of nonresidential gross floor area from the effective date of this ordinance through December 31, 1998. This limitation shall apply to all nonresidential development applications which are currently on file with the City but which do not vest the applicant with the right to develop. The 1,330,000 square feet shall be further allocated as follows:

1. All applications for nonresidential development consisting of retail uses outside of the City Center Neighborhood as defined in the Comprehensive Plan and which are on file with the City as of the effective date of this ordinance shall continue to be processed and shall receive first priority in allocation of the 1,330,000 square feet of gross floor area.

2. All applications for nonresidential development which is not retail and which are on file as of the effective date of this ordinance shall receive second priority in allocation of the 1,330,000 square feet of gross floor area in the order in which each application was filed with the City. The City shall continue to process those applications falling within this category which do not cause the total gross floor area of all applications described in this subsection and subsection (B)(1)

above to exceed 1,330,000 square feet and shall cease processing any application which would cause the said total gross floor area to exceed that level.

3. In the event that any application which is on file with the City as of the effective date of this ordinance and which initially receives priority under subsection (B)(2) above as part of the 1,330,000 square foot allocation, is withdrawn, lapses, or is otherwise terminated prior to a final decision by the City, the square footage attributable to the withdrawn, lapsed or terminated application shall be allocated to the next application or applications in order of filing date which are on file as of the effective date of this ordinance and which will not cause the total gross floor area of all applications to be processed from the effective date of this ordinance through calendar year 1998 to exceed 1,330,000 square feet of gross floor area.

C. Definitions. As used in this Section and elsewhere in this Ordinance, the following terms shall have the meanings set forth below:

1. "Retail uses" means land or structures used by firms or uses that have Standard Industrial Codes (SICs) of Major Group 52 through Major Group 59 and SIC Major Groups 75, 76, and 78.

2. "Gross floor area" means all occupiable portions of a building or structure, but not including any portion devoted to parking motor vehicles which are not used as a stock in trade and provided that such parking is associated with another nonresidential use of the building or structure. That portion of any structure which is devoted to parking motor vehicles which are not used as a stock in trade and which parking is associated with another nonresidential use of the building or structure shall not be counted towards the 1,330,000 square foot limitation set forth in this ordinance. Structures used for parking motor vehicles which are used as a stock in trade for

any nonresidential use shall comply with all requirements of this ordinance.

Section 5. Exemptions. Applications for the following development activities shall be exempt from the restrictions imposed by this ordinance:

A. Residential development, i.e., structures or uses falling within Group R-1, R-3, or LC occupancies under the 1994 Uniform Building Code as amended by the State of Washington and adopted by the City, but excluding hotels and lodging houses. Because residential development is a necessary part of providing a reasonable jobs/housing balance, such development is exempt from the restrictions imposed by this ordinance;

B. Publicly owned and/or operated facilities and infrastructure. Because projects proposed by public agencies are intended to provide the infrastructure necessary to support the growth contemplated by this ordinance, such projects are exempt from the restrictions imposed by this ordinance;

C. Remodelling and tenant improvements to existing nonresidential structures or uses. Because remodelling and tenant improvements do not ordinarily result in a significant demand for additional infrastructure, the same are exempt from the restrictions imposed by this ordinance;

D. Expansion of existing nonresidential structures, provided that the gross floor area of the expansion does not exceed 25% of the pre-expansion gross floor area of the structure. Because minor expansions do not ordinarily result in a significant demand for additional infrastructure, the same are exempt from the restrictions imposed by this ordinance; and

E. Retail development within the City Center Neighborhood as defined in the Comprehensive Plan.

Section 6. Work Plan. This ordinance is intended as an interim measure to meter growth until the City can more fully study the impact of the current rate of nonresidential growth in the City and develop strategies and/or regulations to address that growth. The Mayor and City staff are hereby directed to prepare a work plan for such study and for the addressing of such issues and to bring the same back to the City Council for approval at the public hearing required by Section 7 below.

Section 7. Public Hearing. Pursuant to RCW 36.70A.390, a public hearing will be held for the purpose of adopting findings and conclusions in support of the provisions of this ordinance, adopting a work plan for addressing the impacts of growth and for adopting strategies and/or regulations to address that growth. The restrictions set forth in this ordinance shall automatically terminate in the event that the City Council fails to adopt findings and conclusions and/or fails to extend the restrictions after the required public hearing. The City Council hereby sets February 3, 1998, at 8:00 p.m. or as soon thereafter as the matter may be heard, as the date and time for the public hearing required by RCW 36.70A.390.

Section 8. 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.

Section 9. Declaration of Emergency - Effective Date. This ordinance, being an exercise of a power specifically delegated to the legislative body of the City, is not subject to referendum. The City Council hereby declares that passage of this ordinance is necessary for the immediate protection of the public health, public safety, public property, and public peace. This

ordinance shall therefore take effect immediately upon passage by the City Council.

APPROVED:

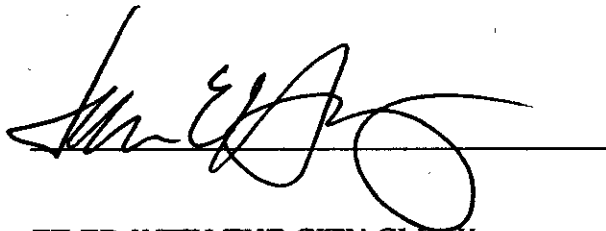

MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:



CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



FILED WITH THE CITY CLERK:	December 16, 1997
PASSED BY THE CITY COUNCIL:	December 16, 1997
SIGNED BY THE MAYOR:	December 16, 1997
PUBLISHED:	December 20, 1997
EFFECTIVE DATE:	December 16, 1997
ORDINANCE NO. <u>1961</u>	