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ORIGINAL

Interim Official Land Use Control

**ORDINANCE NO. 1965**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO GROWTH METERING, AMENDING SECTIONS 3, 4, AND 5 OF ORDINANCE NO. 1961 IN ORDER TO CHANGE THE EXPIRATION DATE OF THE INTERIM OFFICIAL CONTROL ADOPTED THEREBY TO DECEMBER 16, 1998, IN ORDER TO ELIMINATE THE SQUARE FOOTAGE LIMITATION ON PERMIT APPLICATIONS IN FAVOR OF PROCESSING ALL APPLICATIONS ON FILE AS OF DECEMBER 16, 1997, IN ORDER TO PLACE A SQUARE FOOT LIMITATION ON EXEMPT EXPANSIONS, AND IN ORDER TO EXEMPT CERTAIN MIXED USE DEVELOPMENT APPLICATIONS FROM THE PROCESSING LIMITS; ADOPTING FINDINGS AND CONCLUSIONS IN SUPPORT OF THE INTERIM OFFICIAL LAND USE CONTROLS ESTABLISHED BY THIS ORDINANCE AND ORDINANCE NO. 1961; APPROVING A WORK PLAN FOR RELATED STUDIES BY THE CITY DURING THE EFFECTIVE PERIOD OF THE INTERIM OFFICIAL LAND USE CONTROLS, AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, on December 16, 1997, the City Council of the City of Redmond enacted an interim official land use control in the form of Ordinance No. 1961, restricting the acceptance and processing of nonresidential development applications for the period from the effective date of the ordinance through December 31, 1998, and

WHEREAS, as required by RCW 36.70A.390, the City Council held a public hearing on the adopted interim official land use control on February 3, 1998, within sixty days of the adoption of Ordinance No. 1961, and

WHEREAS, after receiving testimony at the public hearing, the City Council has determined to make certain revisions to the interim official control in order to clarify its intent and to shorten its effective period in compliance with RCW 36.70A.390; and

WHEREAS, after receiving testimony at the public hearing, the City Council has also determined to adopt findings and conclusions and approve a work plan for the effective period of the interim official land use control in compliance with RCW 36.70A.390; now, therefore,

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

Section 1. Amendment of Section 3 - Effective Period of Interim Official

Control. Section 3 of Ordinance No. 1961 is hereby amended to read as follows:

Section 3. Applications Restricted. From and after the effective date of this ordinance and through December 16, 1998, no new nonresidential development applications shall be accepted by the City except as expressly provided in this ordinance. From and after the effective date of this ordinance and through December 16, 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 2. Amendment of Title and First Sentence of Section 4 - Effective Period

of Interim Official Control. The title and first sentence of Section 4 of Ordinance No. 1961 are hereby amended to read as follows:

Section 4. Acceptance and Processing of Applications Through December 16, 1998 - Allocation. From and after the effective date of this ordinance and through December 16, 1998, the Planning Department shall process only the following

nonresidential development applications:

Section 3. Amendment of Subsection 4(B) - Elimination of Square Footage

Limitation in Favor of Filed Applications. Subsection 4(B) of Ordinance No. 1961 is hereby amended to read as follows:

B. Additional Applications. In addition to vested applications, the City shall

(1) process all other nonresidential development applications which were on file with the City on or before December 16, 1997 but which do not vest the applicant with the right to develop, and

(2) accept and process all new nonresidential development applications for those development projects referred to in subsection (1) and for which the approval of the application referred to in subsection (1) was a prerequisite.

Section 4. Amendment of Subsection 5(D) - Exemption for Expansion of Existing

Nonresidential Structures. Subsection 5(D) is hereby amended to read as follows:

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, or 5,000 square feet, whichever is less. This expansion is allowed as long as it doesn't result in a significant demand for additional infrastructure.

Section 5. Addition of Subsection 5(F) - Exemption for Certain Mixed Use

Projects. A new Subsection 5(F) is hereby added to Ordinance No. 1961 to read as follows:

F. Predominantly residential mixed-use development that is multi-story with the upper stories in residential use and the ground floor in uses otherwise allowed by the underlying zone. Development allowed by this exemption shall be a minimum of three stories, with nonresidential uses limited to the ground floor only. Parking is allowed on any floor. As used in this subsection, "predominantly residential" means that at least fifty-one percent

(51%) of the gross floor area must be devoted to residential uses.

Section 6. Adoption of Findings and Conclusions. As required by RCW 36.70A.390, the City Council hereby adopts the findings and conclusions attached to this Ordinance as Exhibit A and incorporated herein by this reference as if fully set forth, as justification for its actions in adopting this Ordinance and Ordinance No. 1961.

Section 7. Adoption of Work Plan. As required by RCW 36.70A.390, a work plan has been developed for studies related to this Ordinance and Ordinance No. 1961, together with the factors justifying adoption of the same. The City Council hereby adopts the work plan attached to this Ordinance as Exhibit B and incorporated herein by this reference as if set forth in full.

Section 8. Expiration of Interim Official Land Use Controls. The interim official land use controls set forth in this Ordinance and Ordinance 1961 shall expire at 11:59 p.m. on December 16, 1998, unless renewed for an additional period prior to such expiration date after a public hearing is held and additional findings of fact are adopted.

Section 9. 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 10. Effective Date. This ordinance, being an exercise of a power specifically delegated to the legislative body of the City, is not subject to referendum and shall take effect and be in full force five (5) days after publication of an approved summary thereof consisting of the title.

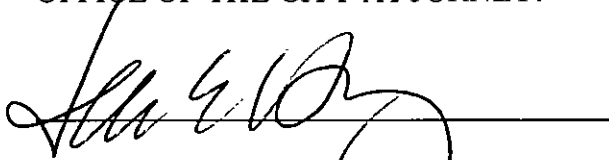
APPROVED:

  
MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:



FILED WITH THE CITY CLERK:	February 6, 1998
PASSED BY THE CITY COUNCIL:	February 10, 1998
SIGNED BY THE MAYOR:	February 13, 1998
PUBLISHED:	March 14, 1998
EFFECTIVE DATE:	March 19, 1998
ORDINANCE NO. <u>1965</u>	

## EXHIBIT A

### Adopted Findings of Fact and Conclusions of Law

The Redmond City Council hereby makes the following findings of fact and conclusions of law to support adoption of an interim official land use control for the purpose of limiting nonresidential growth:

#### **Findings of Fact**

1. In adopting its Comprehensive Plan in 1995, the City provided for the accommodation of its jobs and housing growth targets through the year 2012. The Central Puget Sound Growth Management Hearings Board has held that the housing and employment targets comply with the Growth Management Act.
2. In providing for said growth, the City prepared a funding plan to provide infrastructure to accommodate growth over a twenty-year period.
3. The City also provided for housing growth to balance jobs and housing so that those filling new jobs in Redmond could find places to live close to work. The objectives of this policy are to reduce traffic, environmental impacts due to driving, and housing cost inflation due to more employment than housing.
4. The growth in Redmond since adoption of the Comprehensive Plan has exceeded planning targets in several areas, as indicated in the attached Exhibit A-1, which is hereby incorporated by reference. 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 that the City prepared for through the year 2012. Examples of this rapid growth rate are presented below:
  - If the City's growth had occurred at a relatively constant rate over the 20-year Comprehensive Plan period, the City would have experienced an average annual increase of 529,181 square feet of non-residential development per year. During the 1994 – 1997 planning period, the City received nonresidential site plan applications of 10.1 million square feet *for an average annual increase of 2.5 million square feet per year*, approximately 5 times greater than the target amounts.
  - If the City's growth had occurred at a relatively constant rate over the 20-year Comprehensive Plan period, the City's employment would grow by an average annual increase of 1,475 jobs. During the 1994 – 2002 planning period, the City's employment will grow by 28,164 jobs for an average annual increase of 3,129 jobs per year, approximately 2 times greater than the target amounts.

- If the City's growth had occurred at a relatively constant rate over the 20-year Comprehensive Plan period, the City's housing units would grow by an average annual increase of 494 units per year. During the 1994 – 1997 planning period, the City's housing grew by 1,458 housing units for an average annual increase of 365 units per year, approximately 26% less than the target amounts.
5. The rapid rate of commercial, business park, manufacturing park, industrial, and other nonresidential growth has outpaced the ability of City staff to process development applications. While the City's Planning Department is staffed to handle up to 2 million square feet of development per year, the City has received development applications significantly exceeding this amount in 1995 and 1997. During these years, the City received applications totaling approximately 3.4 million square feet and 3.5 million square feet, respectively.
  6. The rapid rate of commercial, business park, manufacturing park, industrial, and other nonresidential growth has also outpaced the availability of the staff time required to build the infrastructure to accommodate the growth. The City has been unable to make progress with the needed capital improvements due to the demands of new development review, processing, and related activities to bring projects on-line. For example, the City's Capital Improvement Plan for 1997 was only 23% expended as of August 31, 1997, largely due to these demands.
  7. The rapid pace of commercial, business park, manufacturing park, industrial and other non-residential growth has accelerated the environmental impacts outlined in the City's Draft Environmental Impact Statement for its Comprehensive Plan, dated August 1994, which is hereby incorporated by this reference. These include impacts to natural vegetation, soil quality, air quality, wetlands, water quality, wildlife, and conservation of energy and natural resources.
  8. The rapid pace of commercial, business park, manufacturing park, industrial, and other nonresidential growth has resulted in deficiencies in the City's service levels. Summaries of these service level deficiencies by department were presented to the City Council on September 9, 1997, and are hereby incorporated by this reference. Examples of these level of service deficiencies include:
    - Three of the City's Transportation Management Districts (TMDs) currently exceed their adopted level of service standards due to the rapid rate of nonresidential growth. They are Grass Lawn (TMD 4), Willows-Sammamish Valley (TMD 3), and Southeast Redmond (TMD 7). Downtown (TMD 1) and Overlake (TMD 5) are close to exceeding their adopted level of service standards as well. In fact, without the NE 40<sup>th</sup> Street Interchange, Overlake currently exceeds its adopted level of service standard. Redmond is still working to fully fund this improvement.

Redmond's concurrency system, required by the Growth Management Act, is breaking down due to rapid employment growth.

- Concurrency testing shows that the City's year 2000 traffic will exceed the 2012 forecast.
  - The City needs to update its transportation and utility plans by neighborhood where growth is approaching or exceeding planned growth targets particularly in the Willows, City Center and Overlake neighborhoods. Additional information is attached in Exhibit A-1 on development by neighborhood as compared with planned growth targets in the City's Comprehensive Plan.
9. The only development projects that will be processed in 1998 under the ordinance are projects that have nonresidential development site plan applications on file with the City on the effective date of this ordinance, unless such application is for exempt development under Section 5 of the ordinance. These projects total approximately 4.2 million square feet of nonresidential development. While this level of development exceeds the City's present staffing levels, the City will use its best efforts to process these applications in a timely manner.
10. The City has limited the development it will process in 1998 to the nonresidential site plan applications on file as they represent a significant investment of time, money and effort in seeking development approvals as of the effective date of this ordinance.
11. Applications for selected development activities shall be exempted from the restrictions imposed by the ordinance, including
- residential development and mixed-use residential,
  - publicly owned and/or operated facilities and infrastructure,
  - remodeling and tenant improvements to existing nonresidential structures or uses, expansion of existing nonresidential structures which do not exceed 25% of the pre-expansion gross floor area of the structure or 5,000 square feet whichever is less, and
  - retail development within the City Center Neighborhood as defined in the Comprehensive Plan.
- These exemptions are supported by policies approved by the City Council in the Comprehensive Plan.
12. The rate of residential growth is lagging behind the targets adopted in the Comprehensive Plan. Comprehensive Plan policy FV-2 holds that the City should prepare to accommodate the Growth Management Act population and employment targets consistent with the targets in the Countywide Planning Policies. Exempting housing and mixed-use buildings with significant housing



components will help Redmond achieve its adopted housing target as provided for under the Growth Management Act and improve housing affordability in the City.

13. The rate of residential growth has not been as rapid as the rate of commercial, business park, manufacturing park, industrial and other nonresidential growth, thereby resulting in a greater imbalance between housing and jobs in the City. Comprehensive Plan policy FH-9 supports continued residential development to ensure that the City's housing supply, provides choice for persons employed in and around Redmond and to contribute to the City's jobs/housing balance.
14. Public facilities and infrastructure are also exempted by this ordinance to ensure that the needs of new development are adequately met and the backlog of deficiencies, such as the construction of new transportation facilities to meet concurrency, is met. Comprehensive Plan policy LU-116 states that new development should only be allowed where the City can adequately provide public facilities and services.
15. Selected improvements to existing nonresidential structures such as remodeling tenant improvements, and expansions which do not exceed 25% of the pre-expansion gross floor area of the structure or 5,000 square feet (whichever is less), nor place a significant burden on existing infrastructure, shall be permitted to encourage rehabilitation of existing structures. This is consistent with the Comprehensive Plan's General Land Use policy LU-113 regarding infill development which can make more efficient use of land and the public's existing investment in water and sewer facilities. In addition, these activities create less demand on transportation facilities and other public facilities since they do not involve much expansion, but rather reuse of existing buildings.
16. Comprehensive Plan policy HO-13 stipulates that the City should provide the housing market with flexibility in the supply of housing by allowing housing in Business Park and Commercial zones of the City to add an appropriate mix of land uses and to increase housing opportunities in the City. Earlier findings regarding the City's housing needs further substantiate the need for mixed-use residential development.
17. Continued retail development in the City Center neighborhood is needed to further the City's overall City Center neighborhood framework goals and policies as articulated in the Comprehensive Plan. Comprehensive Plan policies CP-2 – CP-5 support continued retail development in the City Center neighborhood to encourage and promote the long-term economic health of the community.
18. Furthermore, the City of Redmond's City Center neighborhood is designated as an Urban Center under the Countywide Planning Policies. As stated in Comprehensive Plan policy LU-35, both City and regional policies encourage development in Urban Centers. The exemption for retail construction in this neighborhood furthers this goal.

19. Any Conclusion that should be a Finding of Fact is hereby adopted as a Finding of Fact.

### **Conclusions**

1. The City Council has determined that the interim controls set forth in this ordinance must be placed into effect in order to keep Redmond a livable, workable City and to assist the City in resolving the problems caused by rapid growth. With applications for 95% of its anticipated non-residential growth submitted during the first 21% of the planning period, the City needs time to process the applications, plan for meeting the needs of this rapid growth, and to start to catch-up on public facilities. This interim control will also give housing a chance to begin meeting the housing needs of this employment growth.
2. The City Council has adopted a work plan, which outlines its plans for beginning to address the needs of this rapid growth over the next year.
3. The City Council has determined that the amount of nonresidential development to be processed in 1998 shall not exceed those projects which have nonresidential development site plan applications on file with the City as of the effective date of this ordinance, unless such application is for exempt development under Section 5 of the ordinance. The City will limit its processing to these projects which have made substantial investment of time, money and effort in seeking development approvals as of the effective date of this ordinance.
4. The City Council has determined that the exemptions referenced in Section 5 of the ordinance are necessary in order to continue its progress in meeting other planning goals, especially its housing targets, as specified in the Comprehensive Plan and in the Countywide Planning Policies.
5. Any Finding of Fact that should be a Conclusion is hereby adopted as a Conclusion.

Exhibit A-1

Progress Towards Neighborhood Comprehensive Plan Growth Targets  
Development From 1994 - Present ( Includes Development Cap Applications)

Neighborhood	Development by Neighborhood		Comprehensive Plan Targets		Progress Toward Target*		
	Commercial SF	Employment	Residential DU	Employment	Residential DU	Employment	Residential DU
City Center	1,828,365	5,096	361	6,021	2,234	84.64%	16.16%
Education Hill	0	0	521	176	934	0.00%	55.78%
Grass Lawn	0	0	59	24	101	0.00%	58.42%
North Redmond	0	0	253	57	1,290	0.00%	19.61%
Overlake	5,571,760	15,530	99	14,593	2,196	106.42%	4.51%
Sammamish Valley	18,586	52	554	730	700	7.10%	79.14%
SE Redmond/Bear Creek	1,244,708	3,469	754	6,349	1,600	54.64%	47.13%
Willows	1,440,886	4,016	78	1,559	823	257.62%	9.48%
Total	10,104,305	28,164	2,679	29,509	9,878	95.44%	27.12%

Note. Residential Development is based on subdivision and multi-family development applications, not construction.

\* The Comprehensive Plan targets are for the 1993 - 2012 planning period; 21% of the period has elapsed as of January 1998.

**EXHIBIT B**

**WORK PLAN OUTLINE  
FOR INTERIM GROWTH CONTROL ORDINANCE NO. 1965  
FEBRUARY 10, 1998**

The City of Redmond has seen dramatic growth in recent years and existing zoning provides tremendous capacity for additional growth. The rapid rate of this growth has challenged the City's infrastructure and its ability to maintain service levels, and has raised significant concerns about the long term impacts on Redmond neighborhoods and the quality of life for those who live and work in Redmond.

Because of these concerns, the City Council took an emergency action on December 16, 1997 to adopt an interim growth control ordinance that limits the amount of development the City will process in 1998. This action requires that the City, within 60 days of adoption of the interim control ordinance, adopt a Work Plan describing how it intends to address the concerns that prompted it to limit growth during the coming year (the period during which the interim control is in force). The Work Plan will describe how the City intends to:

- determine what City government will need to do to address the specific infrastructure and service demands of growth,
- quantify the resources needed,
- develop policy alternatives for the Council to consider on how to handle the City's growth once the ordinance is no longer in effect.

Specific Work Plan tasks are:

- Task 1: Identify the development projects approved as part of the City Council's 12/16/97 growth metering action**
- Purpose:** To identify all commercial and residential development applications which will be processed in 1998, by neighborhood, to assist City departments in preparing for the level and location of future growth within the City
- Product:** A list of projects which will be processed during 1998, grouped by neighborhood
- Completion by:** January 1998

**Exhibit B**  
**Work Plan Outline**  
**For Interim Growth Control Ordinance No. 1965**

- Task 2: Assess the demands of approved growth on City services and infrastructure needs**  
Purpose: To assess the specific service and infrastructure demands of the growth by neighborhood  
  
Product: An analysis of the services and infrastructure needs generated by growth which details impacts for each department and CIP functional area  
  
Completion by: February 1998 – March 1998
- Task 3: Assess priorities inherent in the adopted 1997-98 City Budget to expedite infrastructure planning and construction in 1998**  
Purpose: To encourage timely completion of projects which will help to maintain established service levels in the face of growth  
  
Product: Recommendations for work program revisions to allow for accelerated construction of 1997-1998 Capital Improvement Projects.  
  
Completion by: April 1998
- Task 4: Outline what departments will need to address City service and infrastructure investment demands of growth**  
Purpose: To outline what resources City departments will need to adequately address service and infrastructure investment demands of growth by neighborhood  
  
Product: An outline of resources needed by neighborhood by department  
  
Completion by: Part of 1999-2000 Biennial Budget Development

**Exhibit B**  
**Work Plan Outline**  
**For Interim Growth Control Ordinance No. 1965**

- Task 5: Quantify resources needed to respond to growth**  
Purpose: To quantify the resources identified in Task 4  
  
Product: A cost summary of the resources identified in Task 4  
  
Completion  
by: Part of 1999-2000 Biennial Budget Development
- Task 6: Develop growth policy alternatives for Council review prior to end of interim growth control period**  
Purpose: To provide ongoing growth policy alternatives for Council review and discussion prior to the end of this interim growth control period  
  
Product: Staff report analysis of proposed 1999 growth policy alternatives  
  
Completion  
by: September 1998

As indicated by the tasks outlined above, much of the Work Plan effort will parallel the ongoing development of the 1999-2000 Biennial budget. In this way, the resource needs that are identified can be incorporated into the City's budget. Through this process, the City Council can indicate its desired level of service and allocate the resources to achieve that level of service for the next budget period.

These budget decisions will also assist in Task 6, the development of growth policy alternatives for the future. The process for this effort is similar to the planning process for other development regulations. At a staff level, department representatives will meet to develop future development regulation recommendations to the Planning Commission. The Planning Commission will forward its recommendations to the City Council. The City Council will conclude this process with a public hearing and decision on how it intends to regulate growth and development in the future.