

ORDINANCE NO. 1984

ORIGINAL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN, THE REDMOND MUNICIPAL CODE AND THE REDMOND COMMUNITY DEVELOPMENT GUIDE TO ADOPT SOME OF THE 1997 ANNUAL COMPREHENSIVE PLAN UPDATE, A ZONING MAP AMENDMENT AND IMPLEMENTING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 1847 of the City of Redmond, passed by the City Council on July 18, 1995, adopted a Comprehensive Plan to comply with the mandates of the Growth Management Act, Chapter 36.70A RCW, and

WHEREAS, the Growth Management Act requires that Comprehensive Plans and development regulations shall be subject to continuing evaluation and review, and

WHEREAS, the Growth Management Act provides that Comprehensive Plans shall not be amended more than once a year, with certain exceptions, and

WHEREAS, pursuant to appropriate mailed, published, and televised notice, the City of Redmond Planning Commission held public hearings on the proposed amendments and development regulations on November 19, 1997, January 21, 1998 and February 18, 1998, and

WHEREAS, the Planning Commission considered the public testimony and comments received by it, and other data and analysis contained in the Planning Commission reports, and on March 25, 1998 forwarded the proposed amendment package to the City Council with a recommendation for approval, and

WHEREAS, the City Council considered the Planning Commission's recommendation and all of the evidence presented to the Planning Commission during the public

review at several public meetings and, which information has been available for public review since March 25, 1998, and

WHEREAS, pursuant to appropriate mailed, published, and televised notice, the City Council of the City of Redmond held a public hearing on the proposed amendments and development regulations with the proposed City Council changes on June 16, 1998, and

WHEREAS, the City Council has determined that the amendments described in this ordinance should be adopted and that they are consistent with the Washington State Growth Management Act, the County Wide Planning Policies, and the City's criteria for amending the Comprehensive Plan, NOW THEREFORE,

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

Section 1. Findings, Conclusions, and Analysis. In support of the amendments to the Comprehensive Plan and the Redmond Municipal Code and the Redmond Community Development Guide, the City Council hereby adopts the Findings, Conclusions, and Analysis contained in the Planning Commission Report to the City Council dated March 25, 1998 and the related attachments and exhibits to that report except for those related to DGA 97-004, Amendment 2, amendments to Table TR-5, the Transportation Facilities Plan.

Section 2. Adoption of Comprehensive Plan Amendments. The City of Redmond Comprehensive Plan, as adopted by Ordinance No. 1847, as amended, the Redmond Municipal Code and the Redmond Community Development Guide are hereby amended as follows:

- (a) Incorporation of the General Sewer Plan. Amendment (I)(1) as shown on pages A-2 and A-3 of Exhibit A is hereby adopted.

- (b) Amendments to the Parks and Recreation Chapter. Amendment (I)(3) as shown on page A-4 of Exhibit A is hereby adopted.
- (c) Policies on Adult Entertainment Uses. Amendment (I)(4) as shown on page A-5 of Exhibit A is hereby adopted.
- (d) Bicycle and Pedestrian Policies. Amendment (I)(5) as shown on pages A-5 through A-9 of Exhibit A is hereby adopted.
- (e) Shared Use of Soft Surface Trails Policy. Amendment (I)(6) as shown on pages A-10 through A-11 of Exhibit A is hereby adopted.
- (f) NE 85th Street. Amendment (II)(1) as shown on pages A-11 through A-12 of Exhibit A is hereby adopted.
- (g) Policy for NE 73rd Street. Amendment (IV)(2) as shown on pages A-16 through A-17 of Exhibit A is hereby adopted.
- (h) Utility Chapter Amendments. Amendment (V)(1) as shown on pages A-18 through A-22 of Exhibit A is hereby adopted.
- (i) Proposed Implementation of Equestrian Overlay Zones. Addition of new policy LU-83A from Section 7(B) on page 40 of the March 25, 1998 Planning Commission Report to the City Council, as shown on the attached Exhibit D is hereby adopted.
- (j) All Comprehensive Plan policies both in the amendment package and in the current Comprehensive Plan shall be renumbered as needed to reflect these changes.

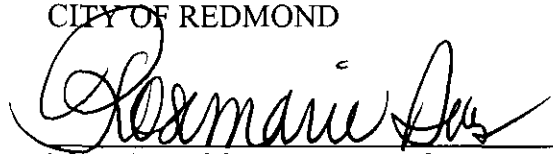
Section 3. Amendment of Development Regulations. Sections 20D.200.10-030, 20D.200.10-050, 20D.200.10-080, and the definition of “conservation easement” in division 20A.20.030 of the Redmond Municipal Code and Community Development Guide are hereby amended to read as shown in Exhibit B, entitled “*Amendments to the Transfer of Development Rights Program to Make Critical Habitats TDR Sending Areas.*” In addition, a new Section 20D.200.10-130, “TDR’s for Partially Developed Wildlife Areas”, is hereby adopted as part of the Redmond Municipal Code and Community Development Guide. This new section is also in Exhibit B. The development regulations and current Community Development Guide shall be renumbered and recodified as needed to reflect these amendments.

Section 4. Amendment to the Zoning Map. The City’s official Zoning Map as described in Section 20C.15-010 of the Redmond Municipal Code and Community Development Guide is hereby amended as shown in Exhibit C to reflect the change in zoning from R-1 to R-12 on a 12,316 square foot portion of two-acre parcel which is identified by the King County Assessor’s Office as Parcel No. 7200002107. This zoning map amendment is hereby adopted as part of the Redmond Municipal Code and Community Development Guide, and shall be reflected on the City’s official Zoning Map.

Section 5. Severability. If any section, sentence, clause, map or phrase of this Ordinance or any Comprehensive Plan provision or regulation adopted or amended hereby 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 or any other Comprehensive Plan provision or regulation adopted or amended hereby.

Section 6. 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 an approved summary thereof consisting of the title.

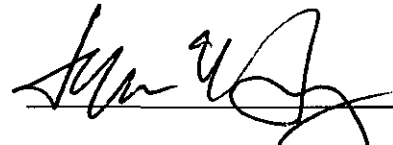
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	June 10, 1998
PASSED BY THE CITY COUNCIL:	June 16, 1998
SIGNED BY THE MAYOR:	July 14, 1998
PUBLISHED:	June 20, 1998
EFFECTIVE DATE:	June 25, 1998
ORDINANCE NO.: <u>1984</u>	

**1997
PROPOSED COMPREHENSIVE PLAN
AMENDMENTS & ANALYSIS**

**EXCERPT FROM
PLANNING COMMISSION RECOMMENDATIONS
TO THE CITY COUNCIL
WITH POTENTIAL CITY COUNCIL REVISIONS**

I. CITY INITIATED AMENDMENTS – DGA 97-004

1. INCORPORATION OF THE ADOPTED GENERAL SEWER PLAN

A. **Planning Commission recommendation:** *On December 3, 1997, the Planning Commission approved a motion to recommend the following amendments to the Utilities Chapter of the Comprehensive Plan. The motion passed by a vote of 4-0 (Helland and Plackett absent). The full discussion on this item can be found on pages 2-8 of the March 25, 1998 Packet.*

1) Amend the Sewer Facilities discussion in the Capital Facilities Chapter of the Comprehensive Plan as follows:

a. Capital Facilities Inventory: Sewer Facilities:

“...The City of Redmond operates a joint use system with the City of Bellevue to convey sewage from the Overlake neighborhood. For more detailed information on existing sewer facilities serving the City of Redmond, consult the Utilities Chapter of the Comprehensive Plan and the ~~City of Redmond Sanitary Sewer Study~~ adopted wastewater facilities plan.”

2) Amend Policy UT-17 in the Utilities Chapter of the Comprehensive Plan as follows:

a. Policy UT-17

~~The following plans shall be the Facility Plans of the City and are hereby adopted by reference~~ In accordance with the requirements of the Growth Management Act and the City’s Development Guide regulations, the City shall adopt and maintain plans to guide construction of and improvements to the City’s water, wastewater, and stormwater facilities. These plans shall be consistent with the goals and policies contained in the Comprehensive Plan. Upon approval by the City and all appropriate County and State agencies, the City’s adopted facility plans shall be considered to be incorporated into the Comprehensive Plan by reference. The plans may be amended as needed to reflect changing development trends or to update the plans as new facilities are constructed.

The following plans shall be the Facility Plans of the City and are hereby adopted by reference:

- **WATER: The Redmond Water System Plan, May 1992;**
- **WASTEWATER: The City of Redmond General Sewer Plan, 1997 ~~Comprehensive Sewer Study, 1987; Avondale Sewer Study, April 1990~~**
- **STORMWATER: The Comprehensive Drainage and Storm Plan, 1964 ~~Stormwater Plan, 1996.~~**

- 3) Replace Map U-3 (Sewer Facilities and Service Area Boundaries) to reflect the Sewer Planning area as shown in the adopted General Sewer Plan. (See new map in Exhibit A as shown in the March 25, 1998 packet).

**2. AMENDMENTS TO THE TRANSPORTATION FACILITIES PLAN
(TABLE TR-5 IN THE TRANSPORTATION CHAPTER OF THE
COMPREHENSIVE PLAN)**

A. Planning Commission recommendation: *On December 3, 1997 the Planning Commission approved a motion to recommend the following revisions to the TFP (as shown in Exhibit C in the March 25, 1998 packet.) and revised cost estimates (as shown in Exhibit D of the March 25, 1998 packet). The motion passed by a vote of 4-0 (Helland and Plackett absent) The full discussion on this item can be found on pages 8-13 of the March 25, 1998 Packet..*

- 1) Amend Table TR-5 of the Transportation Facilities Plan as shown in Exhibit C of the March 25, 1998 packet to reflect the following:
 - a. Removal of all King County and Bellevue projects from the TFP until the necessary interlocal agreements have been established with these agencies.
 - b. Revision of the intersection optimization projects in the Plan to reflect more immediate improvement needs.
 - c. Compilation of projects on the same corridor under a single project number.
 - d. Clarification of the number of lanes and the limits for each project.

- e. Removal of completed projects
- f. Removal of ~~RED-TFP-050-C (for construction of improvements on NE 72nd Street)~~ and RED-TFP-805-07 (for construction of improvements to NE 51st Street at West Lake Sammamish Parkway).

- 2) Add a new Appendix to the Community Development Guide to include specific project cost estimates.

3. AMENDMENTS TO THE PARKS AND RECREATION CHAPTER OF THE COMPREHENSIVE PLAN.

A. Planning Commission recommendation: *On December 3, 1997 the Planning Commission approved a motion to recommend the following amendment to the Parks, Recreation, and Open Space Plan. The motion passed by a vote of 4-0 (Helland and Plackett absent). The full discussion on this item can be found on pages 14-17 of the March 25, 1998 Packet..*

- 1) Add new "Railroad Trail to Woodinville" to the Proposed Trails Plan Map and Table P-11

NAME	MILES	USE	COMMENTS/IMPROVEMENTS
Railroad Trail to Woodinville	4.00	Paved, multi-use trail with parallel soft-surface equestrian trail.	Proposed multi-use trail along former railroad corridor. Trail should extend from Woodinville south to the City Center, connecting with the proposed East Lake Sammamish multi-use trail. Other trail connections are NE 124 th Street Trail, NE # 116 th Street Trail, Redmond/Puget Power Trail, and Bear/Evans Creek Trail.

4. ADDITION OF POLICIES RELATED TO LAND USE DESIGNATIONS THAT PROVIDE FOR ADULT ENTERTAINMENT USES.

A. **Planning Commission recommendation:** *On December 3, 1997 the Planning Commission approved a motion to add the following new polices to the Land Use Chapter of the Comprehensive Plan. The motion passed by a vote of 4-0 (Helland and Plackett absent). The full discussion on this item can be found on pages 17-21 of the March 25, 1998 Packet.*

1) *Add new policy LU-64a:*

The "Business Park" land use designation allows limited recreation, entertainment, wholesale, and retail uses, consistent with the intended purpose of this land use designation. Adult entertainment facilities are retail and entertainment uses which have special zoning and locational protection under the U.S. Constitution as interpreted in recent judicial decisions. The City of Redmond must set aside land where these uses may locate, and should therefore permit adult entertainment facilities as allowed "Business Park" uses.

2) *Add new policy LU-65a:*

The "Manufacturing Park" land use designation allows limited recreation, entertainment, wholesale, and retail uses, consistent with the intended purpose of this land use designation. Adult entertainment facilities are retail and entertainment uses which have special zoning and locational protection under the U.S. Constitution as interpreted in recent judicial decisions. The City of Redmond must set aside land where these uses may locate, and should therefore permit adult entertainment facilities as allowed "Manufacturing Park" uses.

5. AMENDMENTS TO THE BICYCLE AND PEDESTRIAN TRANSPORTATION NARRATIVE AND POLICIES IN THE TRANSPORTATION CHAPTER.

A. **Planning Commission recommendation:** *On February 11, 1998, the Planning Commission approved a motion to recommend the following amendments to the Transportation Chapter and to the Parks, Recreation, and Open Space Plan. The motion passed by a vote of 6-0. The full discussion on this item can be found on pages 21-35 of the March 25, 1998 Packet.*

Revise policies in Transportation Chapter as follows:

- 1) TR-~~4239~~ Actively promote the use of bicycle and pedestrian transportation as ~~viable~~ alternatives to the motorized transportation.
- 2) TR-4440 Develop and implement a Bicycle and Pedestrian Transportation Plan which provides for a safe, coordinated system of bikeways, walkways and trails, including through routes, to meet existing and anticipated needs for non-motorized transportation.
- 3) TR-~~4541~~ Develop pedestrian and bicycle facility classification systems to guide the design and construction of bicycle and pedestrian facilities by both public and private parties, including the preparation of design standards and elements that promote a pleasant and safe walking and bicycling environment.
- 4) TR-4642 Maximize the safety and functionality of the pedestrian and bicycle system by:
 - A. ~~Requiring street design that provides~~ Designing streets to provide appropriate buffering of pedestrian and recreational bicycle traffic from between motorized and non-motorized traffic, where appropriate;
 - B. Promoting pedestrian and bicycle networks that safely access and link commercial areas, residential areas, schools, transit routes, parks and other destinations within the City and which provide connections to adjacent communities, regional destinations, and routes.
 - C. Providing safe crossing signage and facilities at arterial crossing points;
 - D. Requiring intersection design which facilitates pedestrian and bicycle crossing;
 - E. Eliminating or minimizing obstructions within paths and/or pedestrian walkways;

- F. Providing for a consistent, comprehensive signage system for pedestrian and bicycle travel;
- G. Providing adequate ongoing maintenance, such as pavement repair and street sweeping; ~~and~~
- H. Providing ~~handicapped~~ curb ramps ~~where appropriate~~ in accordance with requirements of the Americans with Disabilities Act;
- I. Pursuing completion of missing links in bicycle lanes and sidewalks to create incentives for people to walk and bicycle for commuting, errands, and other short trips;
- J. Requiring trails and pathways to be constructed to the maximum ~~possible~~ width standards where possible; and,
- K. Examining opportunities during street design review to improve safety at crossings by providing amenities such as traffic sanctuary islands, pedestrian or bicycle activated signals, curb bulbs, mid-block crosswalks, and innovative crosswalk markings (such as innovative lighting, special paving, or raised walkways).

5) TR-4743

Support the use of public transit by pedestrians and bicyclists by:

- A. Providing for safe, attractive, comfortable walkways and waiting facilities at public transit loading areas;
- B. Providing for secure, covered or enclosed (Class I) bicycle storage facilities at primary transit stations; ~~and~~
- C. Encouraging ~~METRO~~ transit service providers to maintain provision for the transportation of bicycles on transit vehicles; and,
- D. Providing access routes for persons with disabilities and special needs to transit facilities, public facilities, social service, and commercial areas.

- 6) TR-4844 During the review process for new development or redevelopment ensure that:
- A. Pedestrian and bicycle rights-of-way and improvements are secured with required frontage improvements consistent with the adopted Bicycle and Pedestrian Plan, ~~and~~;
 - B. On-site pedestrian facilities are provided which ensure adequate connection to the general pedestrian circulation system;
 - C. Construction and implementation of other off-road and multi-use trails and trails crossings as described in the City's Parks, Recreation, and Open Space Plan (see the Recreation Chapter of the Comprehensive Plan), or which are located within a development area or within a shared corridor are coordinated with project review; and,
 - D. Safety and security considerations for non-motorized transportation alternatives are factored into the review of development proposals.
- 7) Revise Table TR-7 as shown on pages A-23 and A-24 to ensure consistency between planned bikeways and sidewalks, and the City's design standards for these facilities.
- 8) Amend the footnote on Map TR-6 (Bike Way Plan Map) as follows:
- Construction of bikeways on West Lake Sammamish Parkway require further evaluation before a decision is made to implement them.
- ~~The bikeway on both sides of the West Lake Sammamish Parkway requires further evaluation before a decision is made to construct the bikeway. The City is conducting a study regarding construction of the bikeway along West Lake Sammamish Parkway. Upon acceptance and approval of this study by the City Council, the designation of the bikeway classification along this roadway, and/or whether it shall be constructed may be revised in accordance with the findings of this study.~~
- 9) Change the terminology regarding Class I facilities as described in the legends on Map TR-6 and on Map C-2 (City Center Bicycle Plan) from Class I ~~Bikeway~~ to Class I Pathway.

10) Include a Class II bike lane designation on NE 40th Street from Bel-Red Road to West Lake Sammamish Parkway.

11) Revise Section G of the Parks Recreation and Open Space (PRO) plan as follows:

G. ~~Recreational~~ Trails

12) Revise policy PR-~~5651~~ as follows:

PR-~~5651~~ The primary purpose of most recreational trails is to provide a recreation experience with transportation being a secondary objective, ~~except on multi-use trails, which equally serve recreation and transportation objectives.~~ However, paved, multi-use trails equally should serve both recreation and transportation objectives.

13) Revise policy PR-~~6055~~ as follows:

PR-~~6055~~ A Trails Manual is being prepared by the City which will describe design and construction standards for all types of trails and pathways in the City. Until its adoption, the *Standard Specifications for Construction of Trails* by the National Forestry Service standards for design and construction should be used as design and construction guidelines for soft surface, multi-use, equestrian, bicycling, and hiking designated trails. AASHTO (American Association of State Highway and Transportation Officials) guidelines should be used for design and construction of paved, multi-use trails.

6. AMEND THE NARRATIVE DISCUSSION AND POLICIES IN THE TRANSPORTATION CHAPTER OF THE COMPREHENSIVE PLAN TO RECOGNIZE SHARED USE OF SOFT SURFACE TRAILS

- A. **Planning Commission recommendation:** *On December 3, 1997, the Planning Commission recommended that the narrative discussion regarding Bicycle and Pedestrian Transportation (Section J) and Policy TR-44 of the Transportation Chapter be amended as shown below. The motion passed by a vote of 4-0 (Helland and Plackett absent). See also policy changes described above in proposed Amendment No. 5. The full discussion on this item can be found on pages 35-40 of the March 25, 1998 Packet.*

Revise the narrative discussion and policies regarding Bicycle and Pedestrian Transportation (Section J of the Transportation Chapter) as follows:

- 1) ...As the City matures, increased traffic congestion is likely to increase the need for improved alternatives such as bicycling and walking. Similarly, as Redmond's land use patterns becomes more dense, particularly in centers such as Overlake and the Downtown, bicycling and walking will become, in addition to public transit, the most efficient means of providing access and mobility. An attractive pedestrian environment is also a key element in core area economic development strategies as most intense retail uses are heavily dependent on foot traffic to generate sales. Once individuals get in their cars, it is very difficult to get them out. Thus, encouraging non-motorized access to transit is a preferred strategy.

Finally, developing safe, attractive and efficient bicycle and pedestrian circulation environments is one of the most critical elements in supporting the use of public transit as an alternative to the automobile. ~~Once individuals get in their cars, it is very difficult to get them out. Thus, non-motorized access to transit is a preferred strategy.~~ Often, many of the City's transportation related facilities are located within corridors that are shared or intersect with other non-motorized recreational trails. In these cases, construction of the trails and pathways should be coordinated to ensure safe and efficient use of all types of trails and other non-motorized facilities.

- 2) TR-44 During the project review process for new development or redevelopment, ensure that:

- A. Pedestrian and bicycle rights-of-way and improvements are secured with required frontage improvements consistent with the adopted Bicycle and Pedestrian Plan, and
- B. On-site pedestrian facilities are provided which ensure adequate connection to the general pedestrian circulation system.
- C. Construction and implementation of other off-road and multi-use trails and trails crossings as described in the City's Parks, Recreation, and Open Space Plan (see the Recreation Chapter of the Comprehensive Plan), or which are located within a development area or within a shared corridor are coordinated with project review.

7. PROPOSED IMPLEMENTATION OF EQUESTRIAN OVERLAY ZONES

- A. ***Planning Commission recommendation:** On January 21, 1998 the Planning Commission approved a motion to deny an amendment requested by the King County Executive Horse Council to consider implementation of an overlay zoning district to provide zoning standards with respect to the keeping and use of horses in the City. The motion passed by a vote of 4-1, with Commissioner Plackett voting no. Commissioner Bateman was absent. The full discussion on this item can be found on pages 40-43 of the March 25, 1998 Packet.*

II. CITY COUNCIL INITIATED AMENDMENTS (DGA 97-004)

1. CLARIFY THE CITY COUNCIL'S INTENT REGARDING THE WIDTH OF NE 85TH STREET (DESCRIBED IN TABLE TR-7 OF THE TRANSPORTATION FACILITIES PLAN) AS DIRECTED BY CITY COUNCIL RESOLUTION 1051.

- A. ***Planning Commission recommendation:** On January 21, 1998, the Planning Commission approved a motion to recommend that the Functional Arterial Classification Summary in Table TR-7 be amended to include the following footnote regarding the width of NE 85th Street. The motion passed by a vote of 5-0 (Bateman absent). The full discussion on this item can be found on pages 79-82 of the March 25, 1998 Packet..*

Final lane configuration will be designed after the completion of a facility plan for NE 85th Street. The facility plan for NE 85th Street shall not be prepared until construction of NE 90th Street has been completed and operational for not less than one (1) year. Potential amendments to the lane configuration of NE 85th Street, if needed, will be considered after the

facility plan is completed. Any changes to the lane configuration shall be reviewed by the ~~The~~ Pedestrian-Bike Committee which shall review the proposed facility plan for NE 85th Street and forward its recommendation to the Planning Commission, who shall review the plan and the Ped-Bike Committee recommendation, and forward a recommendation to the City Council prior to its adoption.

III. CITY COUNCIL REMANDS FROM THE 1996 COMPREHENSIVE PLAN AMENDMENT PROCESS (DGA 97-004)

1. ZONING CHANGE AND LAND USE PLAN CHANGE FROM LARGE LOT RESIDENTIAL (R-1) TO MODERATE DENSITY RESIDENTIAL (R-12) ON A PORTION OF A 1.9 ACRE PARCEL, LOCATED ON EDUCATION HILL

A. Planning Commission recommendation: *On December 3, 1997 the Planning Commission approved a motion to recommend that the zoning be changed from R-1 to R-12 on a portion of a parcel owned by Frank King, located on Education Hill, south of Ashford Park (see map on Exhibit X of the March 25, 1998 packet) with the requirement that a Native Growth Protection Easement be recorded against the remaining R-1 portion of the property. The resulting zoning change will allow the number of units that may be constructed on the property to increase from 2 units maximum to a maximum of 4-5 units. This amendment by a vote of 4-0 (Helland and Plackett absent). The full discussion on this item can be found on pages 83-86 of the March 25, 1998 Packet.*

2. PRE-ANNEXATION ZONING REQUEST ON PETER WONG PARCEL LOCATED IN UNINCORPORATED AREA ON THE WILLOWS HILLSIDE.

A. Planning Commission recommendation: *On December 3, 1997 the Planning Commission approved a motion to add a new Comprehensive Plan policy to the Willows Neighborhood Plan which gives direction to future pre-annexation zoning decisions as described below. The motion passed by a vote of 4-0 (Helland and Plackett absent). The full discussion on this item can be found on pages 86-89 of the March 25, 1998 Packet.*

- 1) Add new narrative and a new Willows Neighborhood Policy in the Section entitled "Character and Design Policies" after existing Policy N-WL-11 in the Neighborhoods Chapter. The proposed narrative and policy are as follows:

Pre-annexation zoning for some unincorporated residential areas along the hillside corridor has not been established. These areas are designated Low-Moderate Residential (4-6 units per acre) and are primarily located north of the Puget Sound Energy right-of-way and south of NE 100th Street (if extended). If properly designed to cluster new lots away from sloped areas, the planned Low-Moderate densities can be achieved and the sloped areas can be preserved.

N-WL-11a For unincorporated properties designated Low-Moderate Residential along the Willows Corridor hillside, pre-annexation zoning should consider the higher densities of that designation if annexation conditions require clustering away from sloped areas at the time of subdivision review.

IV. PRIVATELY INITIATED AMENDMENTS

1. REDMOND TOWN CENTER– DGA 97-002

A. Planning Commission recommendation: *Utilizing Figure 16 for reference as found on page 16 of Exhibit Q as shown in the March 25, 1998 packet, except where noted, the Planning Commission recommended several actions regarding the proposed project. The full discussion on this item can be found on pages 44-60 of the March 25, 1998 Packet.*

- 1. A January 28, 1998 motion to recommend an increase in the Gross Leasable Area (GLA) by 115,000 square feet, from 1,375,000 square feet to 1,490,000 square feet (Item I) received a split 3-3 vote, with Commissioners Helland, Eades, and Hackler voting no. This matter was again raised by the Commission for discussion on February 11, 1998, with similar outcome of the vote.*
- 2. A January 28, 1998 motion to allow an administrative increase of 2.5 percent above the 1,490,000 square feet (Item II) failed by a vote of 2-4, with Commissioners Helland, Eades, Hackler, and Plackett voting no. Commissioner Plackett noted her objection to the proposal was because of the potential increase to the total density would be allowed administratively, without the benefit of public input. A second motion was made to recommend denial of the administrative increase of 2.5 percent above the 1,490,000 square feet (Item II) which was approved by a vote of 4-2, with Commissioners Toomey and Bateman voting no.*
- 3. Utilizing the January 28, 1998 Staff memorandum regarding the height of residential structures (Exhibit O of the March 25, 1998 packet), the Commission amended staff's proposed language regarding Technical Committee review, and changed the words from "may administratively" to "shall administratively" approve. This motion passed by a vote of 3-2-1, with Commissioner Eades and Helland voting no, and Commissioner Plackett abstaining. A second motion was made to recommend approval of the proposed modification to the height regulations, which passed by a vote of 4-2 (Commissioners Eades and Helland voting no).*

4. *Referencing the November 5, 1997 packet to the Planning Commission (see attached Exhibit L of the March 25, 1998 packet), on February 11, 1998 the Commission recommended approval of this document, relating to the expansion of the TDR program to include Critical Habitat Areas as sending areas. This motion passed by a vote of 6-0.*

5. *A February 11, 1998 motion to recommend that the Town Center development be designated as a receiving area from all TDR sending areas was approved by a vote of 6-0*

6. *A February 11, 1998 motion to deny staff's recommendation that the Town Center West site be the only designated sending area to the Town Center development receiving area was approved by a vote of 4-2, with Commissioners Eades and Helland voting no.*

The following table summarizes the Commission's recommendations with regard to the Town Center proposal:

ACTION	DATE
3-3 SPLIT VOTE REGARDING PROPOSED INCREASE TO 1,490,000 SQUARE FEET	1-28-98
RECOMMENDED DENIAL OF ADMINISTRATIVE REVIEW OF ADDITIONAL INCREASES UP TO 2.5% ABOVE 1,490,000 (4-2 VOTE)	1-28-98
RECOMMENDED MODIFICATION TO FOOTNOTE 8 AS FOUND IN SECTION 20C.40.40-045 OF THE RCDG REGARDING THE HEIGHT OF RESIDENTIAL STRUCTURES IN THE MIXED USE AREA ON TOWN CENTER (4-2 VOTE)	1-28-98
EXPANDED TDR PROGRAM TO INCLUDE CRITICAL HABITAT AREAS AS SENDING AREAS (6-0 VOTE)	2-11-98
APPROVED TOWN CENTER AS A TDR RECEIVING AREA; NO RESTRICTIONS ON TOWN CENTER WEST AS SENDING AREAS TO OTHER RECEIVING AREAS (4-2 VOTE)	2-11-98

B. PROPOSED CITY COUNCIL AMENDMENTS

The City Council has considered the following amendments to the Planning Commission's recommendation regarding Town Center:

1. The proposed increase of 115,000 square feet, to a maximum of 1,490,000 square feet shall be permitted outright. Town Center shall not be required to use the Transfer of Development Rights program to increase its density.

2. The Council has authorized the Technical Committee to allow administrative flexibility to increase the square footage at Town Center by a maximum of 5,000 square feet, upon demonstration that the additional square footage will not result in additional vehicular trips or impacts to the sewer system.

3. Expansion of the Transfer of Development Rights Program to include Critical Wildlife Habitats as Sending Areas, including Town Center West. The Town Center property will not be dedicated as a receiving area for use of TDR's. Any additional development on Town Center shall be subject to review through a Comprehensive Plan Amendment.

2. **REQUEST TO DELETE NE 73RD STREET, BETWEEN 185TH AND 188TH AVENUES NE FROM THE CITY'S TRANSPORTATION FACILITIES PLAN IN SE REDMOND – DGA-97-006**

A. Planning Commission recommendation. On March 25, 1998, the Commission recommended approval of new policy language as shown below (a map depicting the properties described below is attached as Exhibit T-a of the March 25, 1998 packet). The motion passed by a vote of 4-1, with Commissioner Toomey voting no. The full discussion on this item can be found on pages 60-72 of the March 25, 1998 Packet.

A 60 foot wide right-of-way for future construction of an east-west Commercial/Industrial Local Access Street between 185th and 188th Avenues NE shall be dedicated to the City of Redmond. Prior to dedication of the right-of-way, the Director of Public Works may reduce the width of the right-of-way upon demonstration by the applicant/landowner that such a reduced right-of-way is warranted by site conditions. The alignment of the right-of-way shall be located between 600 feet to 1,050 feet south of the center line of the NE 76th Street right-of-way, and may meander to accommodate site topography. The future construction of this road shall be considered as part of any development applications on Parcel No. 0725069129, with the intent that a through connection to 185th Avenue NE will be provided across Parcel No. 0725069117 and/or Parcel No. 7198950010. If at the time of development of Parcel No. 0725069129 an agreement has been made to provide the through connection to 185th Avenue NE across Parcel Nos. 0725069117 and/or 7198950010, then the owner of Parcel No. 0725069129 shall be required to construct that portion of the roadway across their parcel as part of site development, and shall be eligible for a pro-rata reimbursement for costs of such construction, subject to the provisions of a Local Improvement District (LID), Street Reimbursement Agreement, or similar mechanism. If an agreement for the through connection has not been made prior to site development, then the owners shall only be required to dedicate the right-of-way and enter into a "No Protest" LID agreement prior to issuance of any building permits. Until the street is constructed, the right-of-way may be used by the owner or occupant of the property or properties on which it is dedicated, provided such use is consistent with the future plans for use of the right-of-way as a Commercial/Industrial Local Access Street, and the owner or occupant shall

not seek reimbursement for loss of any such use resulting from the construction of the roadway.

3. REQUEST TO DELETE SCHOOL IMPACT FEES FROM THE CAPITAL FACILITIES PLAN- DGA-97-009

A. Planning Commission recommendation. *On January 21, 1998 the Planning Commission approved a motion to recommend denial of an amendment requested by Lozier/Lochwood Tenancy in Common to delete Comprehensive Plan policies relating to the collection of School Impact Fees. The motion passed by a vote of 4-1, with Commissioner Toomey voting no. Commissioner Bateman was absent. The full discussion on this item can be found on pages 73-78 of the March 25, 1998 Packet.*

V. OTHER REQUESTS

1. AMENDMENTS TO THE UTILITY CHAPTER OF THE COMPREHENSIVE PLAN RELATING TO NATURAL GAS AND ELECTRIC UTILITY SERVICES

A. Planning Commission recommendation: *On January 28, 1998 the Planning Commission approved a motion to recommend the following amendments to the Utilities Chapter of the Comprehensive Plan to relating to the trimming of trees around utility lines, reflect the recent merger of Puget Sound Power and Light with Washington Natural Gas , and modify the technical discussion relating to electric and magnetic fields (EMF). The motion passed by staff by a vote of 5-0-1, with Commissioner Eades abstaining. The full discussion on this item can be found on pages 89-96 of the March 25, 1998 Packet.*

- 1) Relocate the paragraph on Page 169 which follows Policy UT-86 to instead follow Policy UT-91 on Page 172, and amend it as follows:

Citizen opinions have stated that there is a high regard for maintaining the forested appearance of many areas of the City. Also, professional arborists have expressed concern in the past ~~been concerned~~ that requirements for removal of vegetation around electrical transmission lines has led to ~~utilized~~ improper pruning practices that have killed or weakened existing trees. While the City of Redmond values safe and reliable electrical power, which requires regular vegetation management (proper pruning and appropriate removal), at the same time, while concerns for worker safety are ~~legitimate~~ care can be taken to minimize damage to and the loss of trees.

~~Citizen opinions have stated that there is a high regard for maintaining the forested appearance of many areas of the City. In some cases, the growth of vegetation is controlled around utility facilities for such purposes as access or maintenance. It is preferable to reduce the use of herbicides to control such growth as this can contaminate surface and ground water if used improperly.~~

UT-80 Encourage pruning of trees to direct growth away from overhead utility lines and encourage phased replacement of vegetation located improperly in the right-of-way. Pruning of trees necessary for safe and reliable utility service should be performed in an aesthetic manner to the extent possible and performed according to professional arboricultural specifications and standards.

UT-81 Discourage the use of herbicides to control vegetative growth around utility facilities and encourage alternative methods, such as mowing or selective treatment.

- 2) Add a new paragraph to the end of the discussion relating to Section **G. Non-City Managed Utilities** within the Utilities Chapter as follows:

...More than one utility may be able to meet a particular need. Examples would be gas versus electric cooking or wire versus cellular communications. If Redmond encourages an adequate utility infrastructure for private utilities, a wider range of choices may be available for its residents.

Historically, electrical energy and natural gas was provided to the City of Redmond and surrounding communities by Puget Sound Power and Light Company and Washington Natural Gas, respectively. In February, 1997, these two companies merged to form Puget Sound Energy (PSE) which now provides electrical and natural gas services and information to city residents, businesses and other customers.

- 3) Revise the discussion regarding Section H. **Electricity** as follows:

Inventory of Conditions and Future Needs

Redmond is served by Puget Sound Energy, ~~Power and Light Company~~, a private electrical utility whose operation and rates are governed by the Washington Utilities and Transportation Commission. It is part of a western regional system, which means electricity is produced elsewhere and transported to Redmond through high-voltage transmission lines. As electricity nears its point of destination, the voltage is reduced and redistributed through the use of transmission substations, distribution substations and transformers. Redmond has several high-voltage transmission lines running east-west and north-south. At present, it has one transmission substation and a number of smaller distribution substations. Within Redmond's City limits and future annexation areas, Puget Sound Energy ~~Power~~ has plans to add an additional transmission/switching facility, several distribution substations and high-voltage transmission lines. Some of the proposed lines follow new routes and the siting of these facilities will have to be considered.

Electrical Facilities (language begins following Policy UT-91)

There have been a number of studies ~~about the~~ that have examined possible health effects of extremely low frequency electric (ELF) and electric and magnetic fields (EMF) which are generated by power lines, household wiring and appliances. Many are statistical incidence (epidemiological) studies, not controlled by laboratory studies. Even with controlled laboratory studies, results have been mixed and do not clearly point to a connection between ELF/EMF and health effect risk. Since some evidence indicates there may be an effect on the body, but at present the effect is not sufficiently linked with a particular result, the risk remains undefined.

Facility siting and design standards, many of which are presently used by electrical utilities, can reduce exposure to ELF/EMF. ~~Generally as field strength increases so does the amount of exposure.~~ Transmission line configurations also affect field strength. ~~Phase Balancing and~~ Reverse phasing, a method of running current in opposite directions ~~to negate a field~~, may result in magnetic field

reductions. Magnetic field strength also falls off dramatically as distance increases. Any of these known and acceptable low-cost methods can be used to reasonably reduce ~~as a reasonable precaution against~~ ELF/EMF exposure without placing an undue burden on the electrical provider.

UT-85 When siting high-voltage electrical facilities, design criteria should incorporate known and accepted low-cost technological methods of reducing magnetic fields ~~exposure~~ until further research provides more information on the health effects of electromagnetic fields. Methods may include:

- Line configurations that reduce field strength
- ~~Phase Balancing~~
- Sufficient right-of-way widths

- 4) Revise the discussion following Policy UT-93 on Page 172 as follows:

Electrically powered busses and cars exist on the present market. ~~Electric cars have been developed.~~ There is a potential for individual autos and delivery truck/van fleets to be electrically powered as battery technology is rapidly advancing. These vehicles cause no emissions harmful to air quality at the point of vehicle usage, although there may be increased environmental effects at the location where the electrical energy is generated. The change in technology or the use of existing electric vehicle systems will result in infrastructure changes. Redmond should seek to assist the change in technology as conditions warrant.

- 5) Revise the discussion regarding Section I. **Natural Gas** as follows:

Puget Sound Energy, Washington Natural Gas, a private utility providing natural gas service to ~~servicing~~ five counties within the Puget Sound region, is the provider of natural gas within the City of Redmond and the surrounding annexation area. Puget Sound Energy Washington Natural Gas purchases gas from a number of sources and pipes it to this area via a high pressure pipe system, the Northwest Pipeline. As the natural gas reaches its destination, it enters the Redmond Gate Station. The pressure is reduced, an odorant is added for safety, and the gas is metered. The pressure is further reduced at limiting stations, district regulators, and at individual meters. The U.S. Department of Energy estimates the present national supply of natural gas from conventional sources to

last another 60 years at current and anticipated rates of use. Present delivery systems within the City of Redmond have enough capacity to meet current demand. as of 1994. The U.S. Department of Energy estimates the present national supply of natural gas from conventional sources to last another 60 years at current and anticipated rates of use. With no improvements to existing delivery facilities, however, demand would exceed the capability of the facilities to deliver supply. Puget Sound Energy has plans to construct improvements to its facilities along Union Hill Road in 1998-1999 which will meet growth related demand in the City through 2010. This, in addition to completion of improvements to the Issaquah supply system will relieve demand on existing City facilities. However, completion of the Issaquah supply system will relieve demand on the Redmond Gate Station and allow for further growth of the Redmond Area.

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Exhibit B
Amendments to the Transfer of Development Rights Program
to Make Critical Habitats TDR Sending Areas

Section 1. Transfer of Development Rights. Sections 20D.200.10-030, 20D.200.10-050, and 20D.200.10-080 of the Redmond Municipal Code and Community Development Guide are hereby amended to read as follows:

1 **20D.200.10-030 Sending Areas**

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(1) Sending Area Properties. The following properties shall be in transfer of development rights sending areas:

- (a) Agriculture. Properties zoned Agriculture (A).
- (b) Urban Recreation Zone. Properties zoned Urban Recreation (UR).
- (c) Critical Habitats. Properties classified as critical habitats and critical wildlife habitats by Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, and buffers for critical habitats or critical wildlife habitats required under Subsection 20D.140.10-100(3), *Wildlife Habitat Areas*.

(2) Eligible Sending Area Properties. Sending area properties shall be eligible to transfer development rights if all of the following criteria are met:

- (a) For properties zoned Agriculture (A) or Urban Recreation (UR) and not classified as a critical habitat by Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, or a buffer for a critical habitat under Subsection 20D.140.10-100(3), *Wildlife Habitat Areas*, the land shall be restricted to agricultural or recreation uses by a TDR conservation easement meeting the requirements of this division.
- (b) For properties classified as a critical habitat by Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, or a buffer for a critical habitat under

1 Subsection 20D.140.10-100(3), *Wildlife Habitat*
2 *Areas*:

3
4 (i) Properties classified as a critical habitat shall
5 be restricted to use as a fish and wildlife
6 habitat by a TDR conservation easement
7 meeting the requirements of this division.
8

9 (ii) Properties classified as a buffer for a critical
10 habitat shall be limited to uses, activities,
11 development, and intensities allowed by
12 Subsection 20D.140.10-100(3), *Wildlife*
13 *Habitats*, by a TDR conservation easement
14 meeting the requirements of this division.
15

16 (c) The land:

17
18 (i) is undeveloped, vacant or in an agricultural
19 or recreation use or
20

21 (ii) meets the requirements of Section
22 20D.200.10-130, *TDRs for Partially*
23 *Developed Wildlife Areas*.
24

25 (d) The land's development rights or development
26 capacity have not been sold, transferred, or limited
27 by easements, deed restrictions, equitable servitudes,
28 or similar measures to agriculture, recreation, open
29 space uses or wildlife habitats or buffers where the
30 development rights were granted for the habitat or
31 buffer.
32

33 (e) For properties classified as a critical habitat by
34 Subsection 20D.140.10-070(3), *Wildlife Habitat*
35 *Classification*, or a buffer for a critical habitat under
36 Subsection 20D.140.10-100(3), *Wildlife Habitat*
37 *Areas*, the property owner shall have the option of
38 either applying for a reasonable use under Section
39 20D.140.10-350, *Reasonable Use Provision*, or
40 requesting development rights under this division.
41 No development rights shall be granted for any
42 property for which a reasonable use has been granted
43 under Section 20D.140.10-350, *Reasonable Use*
44 *Provision*. Nothing in the chapter shall require that a
45 reasonable use granted under Section 20D.140.10-

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350, Reasonable Use Provision, equal the economic value of the TDRs granted under this division.

(f) For properties classified as a critical habitat by Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, or a buffer for a critical habitat under Subsection 20D.140.10-100(3), *Wildlife Habitat Areas*, no development rights shall be granted for any part of the property the comprehensive plan designates for use as a collector, arterial street, or highway.

20D.200.10-050 Granting and Measuring Development Rights

- (1) Based on Gross Acreage. The total available development rights from a lot or property is based upon gross acreage and will not be reduced in measurement if wetlands or other environmentally sensitive areas are present that would otherwise limit development except as otherwise provided in this division.
- (2) The land owner shall receive the number of development rights per gross acre specified by the development rights factor set for the property by § 20D.200.10-050(4), *Granting and Measuring Development Rights*, for each gross acre of land that meets the requirements for eligible sending area properties in Subsection 20D.200.10-030(2), *Eligible Sending Area Properties*, with any adjustments. For each fraction of a gross acre of land that meets the requirements for eligible sending area properties in Subsection 20D.200.10-030(2) (*Eligible Sending Area Properties*), the owner shall receive a fraction of the development rights in the same proportion that the fraction of an acre of land makes up of a gross acre of land, with any adjustments.

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(3) The following formula shall be used to calculate the number of development rights:

<p>Gross acres (including a fraction of an acre) of land meeting the requirements of § 20D.200.10-030(2), <i>Eligible Sending Area Properties</i>.</p>	X	<p>The development rights factor set for the property by § 20D.200.10-050(4), <i>Granting and Measuring Development Rights</i></p>	X	<p>Any applicable adjustments, expressed as a percentage, provided for by § 20D.200.10-130(4)(f), <i>TDRs for Partially Developed Wildlife Areas</i>, and any other part of this division.</p>	=	<p>The number of development rights the landowner shall receive.</p>
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(4) The development rights factor for each gross acre of land within each zone shall be as follows:

Zones (as shown by zone symbols) and Property Classification	Development Rights Factor Per Gross Acre of Land
A or UR zones that are not classified as a critical habitat by Subsection 20C.40.080-(15), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	1
A, UR, and RA-5 zones that are classified as a critical habitat by Subsection 20C.40.080-(15), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	1.1
R-1 and R-2 zones that are classified as a critical habitat by Subsection 20C.40.080-(15), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	1.7
R-3 zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	6.0

Zones (as shown by zone symbols) and Property Classification	Development Rights Factor Per Gross Acre of Land
R-4 and R-5 zones that are classified as a critical habitat by Subsection 20C.40.080-(15), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	6.5
R-6 zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	7.5
R-8, R-12, R-18, R-20, R-30, and NC zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20C.40.090(15)-(c), <i>Wildlife Habitat Areas</i> .	8.0
GC zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	7.5
RC and OV zones that are classified as a critical habitat by Subsection 20C.40.080-(15), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	14.0
GDD and DD zones that are classified as a critical habitat by Subsection 20C.40.080-(15), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	9.5
CC-1, CC-2, CC-3, CC-4, CC-5, and CC-6 zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20C.40.090(15)-(c), <i>Wildlife Habitat Areas</i> .	11.7

Zones (as shown by zone symbols) and Property Classification	Development Rights Factor Per Gross Acre of Land
BP zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	8.7
MP and I zones that are classified as a critical habitat by Subsection 20D.140.10-070(3), <i>Wildlife Habitat Classification</i> , or a buffer for a critical habitat required under Subsection 20D.140.10-100(3), <i>Wildlife Habitat Areas</i> .	5.7

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- (5) If a zone is not listed in the table in this section, the Administrator shall classify the zone in the table row that contains the zone most similar to it.

- (6) Adjustments to Development Rights Factors.
 - (a) The development rights factors in this section were determined by analyzing median assessed land values. The factors were derived by determining the median assessed fair market value of land not including any improvements in the various zones in Redmond. The values analyzed were values per square foot of land. This value was converted to the value for an acre of land and divided by an estimated value of \$50,000 per TDR to determine the factor.

 - (b) Property owners eligible for development rights on properties classified as critical wildlife habitats by Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, or buffers for critical habitats under Subsection 20D.140.10-100(3); *Wildlife Habitat Areas*, may request that the Administrator increase the development rights factor for their properties. The property owner making the request shall provide evidence acceptable to the Administrator showing that the market value of the fee simple interest in the land, not including any improvements, has a value higher than the value

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represented by the applicable development rights factor. The request shall be in writing. The request shall be provided to the Administrator on or before the date a certificate of development rights is requested. If the city has issued a certificate of transferable development rights for the property without a request from the property owner, the request shall be provided to the Administrator before a conservation easement is recorded for the sending property.

- (c) If after reviewing the evidence provided by the property owner and any information to which the city has access the Administrator determines that the development rights factor should be increased to match the market value of the fee simple interest in the land, the Administrator shall use a development rights factor that matches the market value of the fee simple interest in the land exclusive of any improvements on the land in calculating the development rights for the property. In making this determination, the Administrator shall consider the current and likely future market value of transferable development rights.

20D.200.10-080 TDR Conservation Easement

- (1) When an agreement has been reached between the seller and buyer of the development rights, the seller shall inform the Administrator of the pending sale.
- (2) Prior to the transfer of the development rights, the seller shall record a TDR conservation easement on the property from which the development rights are being sold. The TDR conservation easement shall include a legal description of the property from which the development rights will be transferred, meet the requirements of this division, be approved by the Administrator and the City Attorney, and executed by the owners of the eligible sending area property. The approved TDR conservation easement shall be recorded in King County's real property records.
- (3) For properties zoned Agriculture (A) or Urban Recreation (UR) and not classified as a critical habitat or buffer for a critical habitat under Division 20C.40, *Sensitive Areas*, the

- 1 TDR conservation easement shall limit use of the property
2 to agricultural uses, agricultural residences, and those
3 recreational uses allowed by the Agriculture or Urban
4 Recreation zone.
5
6 (4) For properties classified as a critical habitat by Subsection
7 20D.140.10-070(3), *Wildlife Habitat Classification*, or a
8 buffer for a critical habitat required under Subsection
9 20D.140.10-100(3), *Wildlife Habitat Areas*, the TDR
10 conservation easement shall be limited to the uses and
11 activities set out in Subsection 20D.200.10-030(2)(b),
12 *Eligible Sending Area Properties*.
13
14 (5) After granting the conservation easement to the City of
15 Redmond, the development and use of the property on
16 which the conservation easement is recorded shall comply
17 with the conservation easement.

Section 2. Transfer of Development Rights – New Section. The following new section entitled Transfer of Developments for Partial Wildlife Limitations is hereby added to the Redmond Municipal Code and Community Development Guide to read as follows:

- 1 **20D.200.10-130 TDRs for Partially Developed Wildlife Areas**
2
3 (1) This section shall only apply to properties classified as a
4 critical habitat by Subsection 20D.140.10-070(3), *Wildlife*
5 *Habitat Classification*, or a buffer for a critical habitat
6 under Subsection 20D.140.10-100(3), *Wildlife Habitat*
7 *Areas*.
8
9 (2) A qualifying property owner may be granted development
10 rights under either or both of subsections (3) and (4).
11
12 (3) **Habitat or Buffer is Undeveloped or is Restored.**
13
14 (a) The applicant shall be granted development rights
15 for the part of the property that is undeveloped land
16 when all of the following conditions are met:
17
18 (i) The existing uses and activities taking place
19 on the property can continue and be
20 maintained without harming the fish or
21 wildlife protected under Subsection
22 20D.140.10-070(3), *Wildlife Habitat*

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Classification, or reducing the size or value of the existing wildlife habitat or buffer.

- (ii) Absent the classification of the property as a critical habitat or a buffer for a critical habitat, additional housing units or additional building space could have been constructed on the undeveloped land.
- (iii) The TDR conservation easement shall limit the use of the undeveloped land as provided in 20D.200.10-030, Sending Areas.

(b) Where an applicant restores some or all of the property with native vegetation that will provide habitat for the fish or wildlife protected under Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, the Administrator shall grant development rights for the portion of the property that the Administrator determines has habitat value generally equivalent to natural habitat and that complies with subsection (a) above except for the requirement that the land be undeveloped.

(4) **The Habitat or Buffer is Developed, but Underused.** Where some or all of the habitat or buffer area on the property is not undeveloped land, the applicant shall be granted development rights land as provided in subpart (f) of this subsection for the part of the property that is developed land when all of the following requirements are met:

- (a) The existing uses and activities taking place on the property can continue and be maintained without harming the fish or wildlife protected under Subsection 20D.140.10-070(3), *Wildlife Habitat Classification*, or reducing the size or value of the existing wildlife habitat or buffer.
- (b) The intensity or density of the entire developed portion of the property or adjoining property within a common ownership is less than 50 percent of the allowed intensity or density. This includes parts of the property within and outside the habitats and buffers.

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- (c) Absent the classification of the property as a critical habitat or buffer for a critical habitat, additional housing units or additional building space could have been constructed on the land classified as a habitat or buffer.
- (d) The TDR conservation easement shall limit the use of any vacant land as provided in 20D.200.10-030. A TDR conservation easement shall also limit the use of the developed land designated as wildlife habitats or buffers to the existing uses, density, and intensity.
- (e) The uses, activities, structures, parking, exterior storage, or substantially non-native landscaping were legally established and maintained.
- (f) If the requirements of this subsection are met, the Administrator shall approve the application for development rights for the part of the property that is developed land. The amount of development rights shall be determined using the formula in Section 20D.200.10-050, *Granting and Measuring Development Rights*, with the following adjustment based on the density or intensity of the existing uses as provided in the following table.

Existing Development Density or Intensity (Entire Property or Properties in a Common Ownership)	Percent of Development Rights that shall be granted (Adjustment Percentage)
1 to 15 percent of allowed density or intensity	50 percent of the development rights that would otherwise be granted under Section 20D.200.10-050, <i>Granting and Measuring Development Rights</i>

Existing Development Density or Intensity (Entire Property or Properties in a Common Ownership)	Percent of Development Rights that shall be granted (Adjustment Percentage)
16 to 30 percent of allowed density or intensity	40 percent of the development rights that would otherwise be granted under Section 20D.200.10-050, <i>Granting and Measuring Development Rights</i>
31 to 45 percent of allowed density or intensity	35 percent of the development rights that would otherwise be granted under Section 20D.200.10-050, <i>Granting and Measuring Development Rights</i>
46 to 49 percent of the allowed density or intensity	30 percent of the development rights that would otherwise be granted under Section 20D.200.10-050, <i>Granting and Measuring Development Rights</i>
50 percent or more of the allowed density or intensity	0 percent of the development rights that would otherwise be granted under Section 20D.200.10-050, <i>Granting and Measuring Development Rights</i>

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- (5) The Administrator may condition compliance with this section through the use of easements or other means.
- (6) For the purpose of this section the following terms shall mean the following:
 - (a) “Undeveloped land” shall mean land not covered with structures (including storm water facilities), parking, exterior storage, lawns, and other

1 predominately non-native landscaping or used for a
2 use or activity other than wildlife habitat or a
3 wildlife habitat buffer. Any uses, activities or
4 structures allowed by Subsection 20D.140.10-
5 100(3), *Wildlife Habitats*, shall be considered
6 wildlife buffer uses when undertaken within a buffer
7 in compliance with Subsection 20D.140.10-100(3),
8 *Wildlife Habitats*.

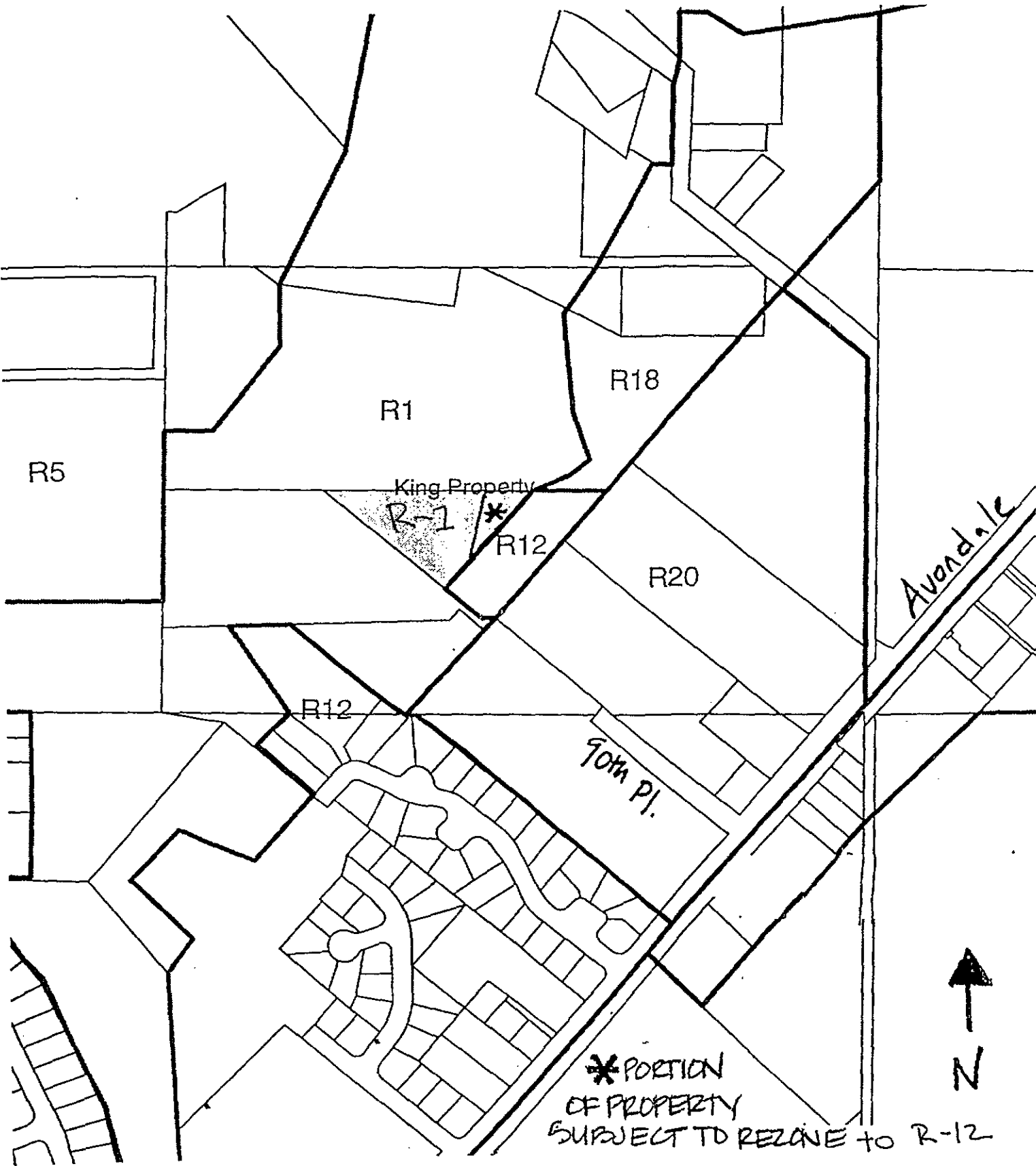
9
10 (b) "Developed land" shall mean land covered with
11 structures (including storm water facilities), parking,
12 exterior storage, lawns, and other predominately
13 non-native landscaping or used for a use or activity
14 other than wildlife habitat or a wildlife habitat
15 buffer. Any uses, activities, or structures allowed by
16 Subsection 20D.140.10-100(3), *Wildlife Habitats*,
17 shall be considered wildlife buffer uses and not
18 developed land when undertaken within a buffer in
19 compliance with Subsection 20D.140.10-100(3),
20 *Wildlife Habitats*.

21
22 Section 3. Transfer of Development Rights Definitions. The definition of TDR
23 conservation easement in Ordinance Number 1873, as amended, and Division 20A.20.030 of
24 the Redmond Municipal Code and Community Development Guide is hereby amended to
25 read as follows:

26 **Conservation Easement, TDR:** A granting of a property right stipulating that
27 lands within the transfer of development rights sending areas will be limited to
28 the uses and intensities allowed by the transfer of development rights program
29 to remain in a preserved state to facilitate only agriculture, recreational uses,
30 or fish and wildlife habitats. The easement shall be recorded with the real
31 property records of King County. The sending property owner is the grantor
32 and the City of Redmond is the grantee. This easement may be combined
33 with other easements with a similar purpose. (Ord. Number 1873)

Section 4. Transfer of Development Rights – Reference to Easement. All references
to a "conservation easement" in Ordinance Number 1873, as amended, and Division
20D.200.10.050 of the Redmond Municipal Code and Community Development Guide are
hereby amended to read as "TDR conservation easement."

EXHIBIT C



- (viii) For issues which have been considered within the last four annual updates or comprehensive land use plan map amendments, whether there has been a change in circumstances that makes the proposed plan designation or policy change appropriate or whether the amendment is needed to remedy a mistake

The proposed amendments were presented to the City as part of the last Comprehensive Plan Update and Amendment process. However, the proposed amendments were submitted towards the end of the review process, and there was insufficient time to evaluate the requested changes. Therefore, the proposed amendments have been included for consideration in the 1997 amendment process.

7. PROPOSED IMPLEMENTATION OF EQUESTRIAN OVERLAY ZONES

- A. ***Requested Action.*** *The King County Executive Horse Council has requested that the City of Redmond, in conjunction with the cities of Bellevue and Kirkland, consider implementing an overlay zoning district to provide zoning standards with respect to the keeping and use of horses in the City (see letter from Kathryn Taylor dated February 26, 1997 which is attached as Exhibit J), and supplemental information prepared by the King County Executive Horse Council (Exhibit K).*
- B. ***Technical Committee Recommendation.*** *The Technical Committee recommended that a new policy LU-83A be added to the Land Use Chapter of the Comprehensive Plan as follows*

LU-83A: In recognition of the equestrian lifestyles in various parts of the City and in order to evaluate policies for the preservation of this community asset and maintain neighborhood connections to equestrian facilities, the City, in coordination with the Trails Committee and Park Board shall work with the King County Executive Horse Council to consider the implementation of an Equestrian Overlay zoning district as part of the next regular Comprehensive Plan Update and Amendment review. Consideration shall be given toward coordination of such an overlay district with similar areas located in the cities of Bellevue and Kirkland.