

JEH/hrg
03/19/99

ORDINANCE NO. 2023

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, BUILDING PERMITS, TELECOMMUNICATIONS FACILITY PERMITS, RIGHT-OF-WAY USE AUTHORIZATIONS, AND FRANCHISES FOR WIRELESS COMMUNICATION FACILITIES LOCATED WITHIN RESIDENTIAL ZONING DISTRICTS ESTABLISHED BY ORDINANCE NO. 1981 AND EXTENDED BY ORDINANCE NO. 1988, FROM MAY 18, 1999 THROUGH NOVEMBER 18, 1999, AS AUTHORIZED AND REQUIRED BY RCW 36.70A.390 AND RCW 35A.63.220.

WHEREAS, on May 19, 1998, the City Council passed Ordinance No. 1981, imposing a six month moratorium on the City's acceptance and approval of applications for use permits, building permits, telecommunications facility permits, right-of-way use authorizations and franchises for wireless communication facilities located within residential zoning districts, and

WHEREAS, on July 7, 1998, the City Council passed Ordinance No. 1988, extending the moratorium through May 18, 1999, and

WHEREAS, the work plan established by Ordinance No. 1988 has not been completed and the City staff has requested additional time to analyze the issues and to provide for the adoption of permanent regulations, and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorize the City Council to extend moratoria in six month increments after holding a public hearing on the

extension and adopting findings of fact to justify the continued imposition of the moratorium, and

WHEREAS, the City Council has held a public hearing on the moratorium extension and has determined to adopt the following ordinance, NOW, THEREFORE,

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

Section 1. Findings. As required by RCW 36.70A.390 and RCW 35A.63.220, the City Council hereby re-adopts the Findings of Fact set forth in Section 1 of Ordinance No. 1988 in order to support the continued imposition of the City's moratorium on the acceptance and approval of applications for use permits, building permits, telecommunications facility permits, right-of-way use authorizations and franchises for wireless communication facilities located within residential zoning districts. The City Council finds that said Findings of Fact continue to apply at the current time and justify the continued imposition of the moratorium. In addition, the City Council finds that:

A. The work plan adopted by Ordinance No. 1988 has not been completed and additional time is necessary to develop updated regulations relating to the siting of wireless communications facilities in residentially zoned areas of the City; and

B. Recent developments in the courts regarding a local jurisdiction's authority to regulate and provide for the siting of wireless telecommunications facilities need study in order to determine how the City's current zoning regulations may be amended to address such facilities in residentially zoned areas

and to better protect the public health, safety, and welfare.

Based upon the above, the moratorium should be extended for an additional six months in order to allow permanent updated regulations to be developed and adopted.

Section 2. Moratorium to Remain in Effect. For the reasons set forth in Section 1, the moratorium on the acceptance and issuance of applications for use permits, building permits, telecommunications facility permits, right-of-way use authorizations, and franchises for wireless communications facilities located within residential zoning districts adopted by Ordinance No. 1981, and as extended and amended by Ordinance No. 1988, shall remain in effect until November 18, 1999, or until the City Council completes adoption of necessary code amendments related to wireless communications facilities, whichever is sooner.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Bonnie Mattson

CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	April 28, 1999
PASSED BY THE CITY COUNCIL:	May 4, 1999
SIGNED BY THE MAYOR:	May 4, 1999
PUBLISHED:	May 8, 1999
EFFECTIVE DATE:	May 13, 1999
ORDINANCE NO. <u>2023</u>	