

0020.150.003  
11/08/99  
RJM/

**ORDINANCE NO. 2039**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, EXTENDING THE MORATORIUM ON 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, ALL AS ESTABLISHED BY ORDINANCE NO. 1981 AND EXTENDED BY ORDINANCE NOS. 1988 AND 2023, ADOPTING FINDINGS OF FACT IN SUPPORT THEREOF, DECLARING AN EMERGENCY, AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, a six-month moratorium was placed on new telecommunication facilities in residential zones on May 19, 1998, as set forth in Ordinance No. 1981; and

WHEREAS, the moratorium established by Ordinance No. 1981 was subsequently extended by Ordinance Nos. 1988 and 2023 through November 18, 1999; and

WHEREAS, City staff has completed the tasks outlined in the work plan set forth in Exhibit A of Ordinance No. 2023 which initially extended the moratorium; and

WHEREAS, the Planning Commission considered public testimony and comments received by it, and other data and analysis contained in the Planning Commission reports, and on November 3, 1999 forwarded the proposed amendment package to the City Council with a recommendation for approval; and

WHEREAS, the Council has considered the Planning Commission's recommendations and has determined additional time is necessary to consider the proposed recommendations; and

WHEREAS, the Council deems six weeks is necessary to consider the amendments and to take action, 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 readopts 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, telecommunication 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.

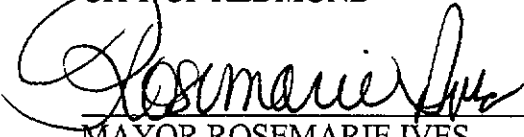
Based upon the above, the moratorium should be extended for an additional six weeks in order to allow permanent updated regulations to be adopted.

Section 2. Moratorium to Remain in Effect. For the reasons put forth in Section 1, the moratorium on the acceptance and issuance of applications for use permits, building permits, telecommunication facility permits, right-of-way use authorizations and franchises for wireless communication facilities located within residential zoning districts adopted by Ordinance No. 1981, and as extended and amended by Ordinance No. 1988 and 2023, shall remain in effect until December 31, 1999, or until the City Council completes the adoption of necessary code amendments related to wireless communications facilities, whichever is sooner.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance or any 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 regulation adopted by amended hereby.

Section 3. Effective Date. Declaration of Emergency/Effective Date. The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by the vote of a majority plus one of the City Council members then present. Without an immediate effective date, land use and building permit applications for wireless

telecommunications facilities could become vested under the prior regulations of the City. This could result in the construction of wireless telecommunications facilities within residential zones which, in the judgment of the City Council, are incompatible with surrounding residential land uses and would not protect the public health, safety, and general welfare. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum. Publication requirements may be satisfied by publication of an approved summary hereof 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:   
JAMES E. HANEY

FILED WITH THE CITY CLERK:	November 12, 1999
PASSED BY THE CITY COUNCIL:	November 16, 1999
SIGNED BY THE MAYOR:	November 17, 1999
PUBLISHED:	November 18, 1999
EFFECTIVE DATE:	November 16, 1999
ORDINANCE NO.: <u>2039</u>	