

PMA/LCM:jt
6/12/85

ORDINANCE NO. 1256

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE CITY'S LAND USE PLAN MAP ADOPTED BY SECTION 20B.90.040 OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY AS ADOPTED BY SECTION 20C.10.030 OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE BY CHANGING THE LAND USE PLAN DESIGNATION AND ZONING MAP DESIGNATION OF CERTAIN PROPERTY WITHIN THE CITY FROM SUBURBAN RESIDENCE/R-6 TO BUSINESS/PO (PROFESSIONAL OFFICE).

WHEREAS, the Redmond Planning Commission held a public hearing on May 8, 1985 for the purpose of considering the application of Donald F. Miles to change the land use plan map and zoning map designations for property located at the northeast corner of the intersection of 132nd Avenue N.E. and Old Redmond Road from Suburban Residence/R-6 to Business/PO (Professional Office), and

WHEREAS, at the conclusion of a public hearing, the Planning Commission recommended conditional approval of the proposed development guide amendments, and

WHEREAS, the City Council considered the recommendations of the Planning Commission at its meeting of June 4, 1985, and determined that the proposed development guide amendments should be made, now, therefore,

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

Section 1. Subject to the conditions set forth in Section 3 below, the Land Use Plan and Land Use Plan Map adopted by Section 20B.90.040 of the Redmond Municipal Code and Community Development Guide is hereby amended to change the designation of that certain property located at the northeast corner of the intersection of 132nd Avenue N.E. and Old Redmond Road, the legal description of which is set forth on Exhibit A, attached hereto and incorporated herein as if set forth in

full, from Suburban Residence/R-6 to Business/PO (Professional Office).

Section 2. Subject to the conditions set forth in Section 3 below, the Official Zoning Map adopted by Section 20C.10.030 of the Redmond Municipal Code and Community Development Guide is hereby amended by revising the zoning classification of the property identified in Section 1 above from Suburban Residence/R-6 to Business/PO (Professional Office).

Section 3. The changes to the Official Land Use Plan, Land Use Plan Map and Zoning Map set forth in Sections 1 and 2 above are conditioned upon recording of a concomitant zoning agreement signed by the owners of the subject property agreeing to the following conditions which shall constitute covenants running with the land:

1. Development on the site shall be limited to two stories;

2. The architectural style of any new building or building addition shall be compatible with the adjacent single-family residences;

3. Any future development on the site shall comply with the site requirements of the adjoining R-5 and R-6 zoning districts as required by Section 20C.10.250(1) of the Redmond Community Development Guide. No variance from said site requirements shall be permitted.

Section 4. The Findings of Fact set forth in the Technical Committee report dated April 27, 1985, and the rationale of the Planning Commission in support of the its recommendation set forth at Section II.B of the memorandum from Kay L. Shoudy to Doreen Marchione, which are attached hereto as Exhibits B and C respectively, and which are incorporated herein by this reference as if set forth in full, are hereby adopted as the findings and conclusions of the City Council in support of the amendments made by this ordinance.

Section 5. 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 its passage and publication by posting as provided by law.

CITY OF REDMOND:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY James C. Martin

FILED WITH THE CITY CLERK: June 12, 1985
PASSED BY THE CITY COUNCIL: June 25, 1985
SIGNED BY THE MAYOR: June 26, 1985
POSTED: June 26, 1985
EFFECTIVE DATE: July 02, 1985
ORDINANCE NO. 1256

EXHIBIT A

Miles DGA-85-4, Legal Description

Lots 21 through 28 Keystone Addition to Kirkland and the West 100 feet of Lots A and B Block 5 Suppl. Plat of Keystone and south 1/2 of vacant N.E. 69th adjacent.



MEMO TO: Planning Commission
FROM: Technical Committee
REPORT PREPARED BY: Ray Sturtz, Planner
DATE: April 27, 1985
SUBJECT: DGA-85-4, Miles Land Use Plan and Zone Change
REQUESTED ACTION: To change the Land Use Plan Map and Zoning Map designations from Suburban Residence/R-6 to Business/PO (Professional Office) for the subject property.

FINDINGS

Applicant/Owner: Don F. Miles, D.V.M.
6810 132nd Ave. N.E.
Kirkland, WA 98033

Application Date: February 28, 1985

Public Hearing Date: May 8, 1985

Location: At the northeast corner of the 132nd Ave. N.E. and Old Redmond Road intersection (see Exhibit B - Vicinity Map)

Parcel Size: 1 acre

Annexation History: The parcel under consideration was annexed on March 24, 1981, as part of a 14+ acre annexation located east of 132nd Ave. N.E. along Old Redmond Road. Subsequently, that portion of the annexation location north of Old Redmond Road, including the subject property, was zoned R-6 by the City Council in conformance with the Suburban Residence Land Use Plan Map designation and surrounding land uses which consisted primarily of single-family detached residences. However, a veterinary clinic had been established on the subject property several years before the annexation had been initiated. The veterinary clinic is currently a legal nonconformance.

Current Land Use Designation: 90.030(35) Suburban Residence - Residential areas of not more than six dwellings per acre that may include other limited compatible land uses. Location criteria includes:

- . Projected demand (community need);
- . Urban services available and properly phased;
- . Land suitability;
- . Separated from incompatible land uses;
- . Stability of neighborhood.

Proposed Land Use Designation by Applicant: 90.030(50) Business -
Neighborhood, community and regional commercial centers that include service and office businesses and residential densities appropriate to the surrounding area. Location criteria includes:

- . Projected demand (community need);
- . Existing development trends;
- . Location on arterial streets or in proximity to arterial streets;
- . Proper street and utility phasing;
- . Land suitability;
- . Concentration of center;
- . Separation from incompatible land uses.

Existing Zoning (See Exhibit C - Zoning Map)

On-Site	-	R-6
East	-	R-6
North	-	R-5
West	-	SR (King County)
Southwest	-	BC (King County)
South	-	SE (King County)

Proposed Zoning Designation by Applicant: 20C.10.150 Professional Office District (PO) Purpose - Professional Office Districts provide areas for low intensity business, financial and professional offices compatible in character and scale of surrounding residential districts. Limited residential uses are permitted as specified in the Permitted Land Use Chart 20C.10.240(05).

Zoning Amendment Criteria - 20F.20.250(30) Amendment Criteria - The following factors are to be taken into account by the Hearing Examiner and the City Council when considering a map amendment: Compliance with Title 20B.00.000, "Goals, Policies and Plans"; changes in conditions; mistake in map designation; comparison to adjacent use districts; comparison to adjacent land uses; the demonstrated need; the proposed development; and any speculative interest by the applicant.

Neighborhood: 20B.030 Grass Lawn - The Grass Lawn neighborhood is bound on the north by Redmond Way, on the south by N.E. 60th Street, on the east by 148th Avenue N.E., and on the west by 132nd Avenue N.E. Residential densities are moderate in areas in slight to moderate slopes. Densities at the development on Swan Lake reflect higher, "urban residence" zoning. Major community facilities in Grass Lawn include Rosehill Junior High School and Grass Lawn Park.

Surrounding Development (See Exhibit D - Land Use Map)

On-Site	-	Veterinary Clinic
East	-	Single family
North	-	Single family
Northwest	-	Single family
West	-	Vacant
Southwest	-	Commercial shopping center
South	-	Retention pond/Single family

State Environmental Policy Act (SEPA) - On April 25, 1985, a determination of non-significance notice was issued. The comment period will expire May 10, 1985.

Public Input - At the time of the preparation of this report, no public input had been received.

List of Exhibits

- A - Technical Committee Report
- B - Vicinity Map
- C - Zoning Map
- D - Land Use Map

ANALYSIS

As previously mentioned, there are two major elements to this request:

1. The Land Use Plan Map amendment
2. The rezoning of a 1 acre parcel

The first action of the Planning Commission will be to evaluate the land use plan map amendment proposal. Then the Planning Commission will consider the appropriateness of the rezone request. No final decisions should be made until hearings and deliberation have been completed on both in order to consider all the information. The analysis will focus on the amendment criteria for the City's land use map and zoning as well as the legal criteria and guidelines that must be adhered to when considering a zone change.

A. Land Use Map Criteria

The location criteria for Suburban Residential and Business land use designations are listed under FINDINGS. An analysis of the location criteria for both land use designations is included below to assist in determining which set of criteria is best satisfied and, therefore, which land use designation is most appropriate.

1. Suburban Residence

- a. Projected demand (community need) - A majority of the land within the existing Redmond City limits is designated Suburban Residence which provides residential areas of 4, 5 and 6 units per acre. The 1980 vacant land use survey documented there were 688 acres of undeveloped land within Redmond zoned either R-4, R-5 or R-6. No analysis has been done to determine the consumption rate of R-4, R-5 and R-6 zoned land since 1980. However, a review of the City's building permit records appears to indicate that there is sufficient vacant Suburban Residence designated parcels of 1 acre or less in size to meet current and near future demand.
- b. Urban services available and properly phased - Water and sewer are available to serve the site.

- c. Land suitability - The site contains soils of the Alderwood Association, the most extensive found in the Redmond area. Also, slopes on the site are less than 10%. Therefore, the land is suitable for most urban development.
- d. Separated from incompatible land uses - The subject property is contiguous to the signalized intersection of two arterial streets, 137th Ave. N.E. and Old Redmond Road. This intersection separates the site from the Bridle Trails Shopping Center, a multi-unit commercial complex containing numerous retail shops, a grocery store, a bowling alley and a service station. Both the shopping center and the arterial streets could have a significant negative impact on any residential development on the site due to associated traffic, noise, light and glare. The site's configuration and relatively small size (1 acre) do not provide an opportunity to mitigate these negative impacts through distance (i.e. substantial street setbacks) and significant amounts of plantings, including large evergreen trees, unless the site was developed with only one or possibly two residences.
- e. Stability of neighborhood - The single-family residential development to the north and south appears well maintained and established. A single family detached residential subdivision is just nearing completion to the east of the site. The Bridle Trails Shopping Center, for the most part, is a relatively new shopping complex that appears viable with little or no competition in the immediate area.

2. Business

- a. Projected demand (community need) - In examining City records, there does appear to be a continuing demand for professional office space in Redmond. A dozen smaller office buildings (generally less than 15,000 square feet) catering to professional office users have been built or have received site plan approval over the past 3 years. Nearly all of these have been built in the downtown and none in the Grass Lawn Neighborhood. It can be assumed that professional office uses may be utilized by the residence of the surrounding neighborhood because of their convenient, nearby location.
- b. Existing development trends - The dominant development in proximity to the adjacent arterial intersection is retail commercial. Otherwise, the area has been developed with single-family detached residences. No professional office development is taking place in this portion of Redmond.
- c. Location on arterial streets or in proximity to arterial streets - As stated earlier, the site is contiguous to two arterial streets.
- d. Proper street and utility phasing - Except for sidewalks, the adjacent arterials are fully improved and all other urban services are readily available.

- e. Concentration of center - With the Bridle Trails Shopping Center located across the adjacent arterial intersection, this criteria appears well satisfied.
- f. Separation from incompatible land uses - The purpose statements of the Business land use designation and the PO zone alludes to providing services and offices in proximity to residential development. Developing the site for professional offices could provide a transition between the residential development and the existing arterial intersection and retail commercial development. The City's required site plan review process could assure that the existing fences and trees along the site's north and east property lines, are retained and additional measures are taken to assure compatibility with the adjacent residential development.

B. Zoning Amendment Criteria

The zoning amendment criteria are included under FINDINGS.

1. Goals, Policies and Plans Compliance - The land use plan map amendment and zone change are being considered concurrently. The Development Guide requires all rezones to conform to the land use plan. The proposal appears to be in conformance or does not seriously conflict with any Development Guide Goals and Policies.
2. Demonstrated Need - See discussion of need under item A, Land Use Map Criteria above.
3. Changes in Conditions - Staff is not aware of any changes since the original adoption of the R-6 zoning designation in 1981 except for perhaps an increase of traffic on the adjacent arterials and completion of the adjacent single-family residential subdivision east of the site.
4. Mistake in Map Designation - There is no mistake in the map designation. The existing veterinary clinic on the subject property was recognized a pre-existing, legal nonconforming use at the time the City annexed and zoned the parcel. Under this proposal, the status of the clinic would not change since veterinary clinics are not an allowed use in PO zones. However, the applicant has indicated his intent to reduce and perhaps eliminate the use of site as a veterinary clinic and redevelop the site for office uses permitted in a PO zone.
5. Comparison to Adjacent Use Districts - See discussion under "Existing Zoning" in FINDINGS and Exhibit C, Zoning Map.
6. Comparison to Adjacent Land Uses - See discussion under "Surrounding Development" in FINDINGS as well as comments concerning Suburban Residence and Business Location criteria. Also, see Exhibit D, Land Use Map.

7. The Proposed Development - No site plan has been submitted at this time. However, as stated earlier, the applicant has indicated he plans to develop the site for professional office use and curtail or perhaps cease the operation of the existing, nonconforming veterinary clinic. The code requires that professional office development adjoining a residential district comply with the standards of that residential district. Therefore, any professional office development on the site would have to comply with the site standards for the abutting R-6 zoned area.
8. Speculative Interest by the Applicant - It is assumed that the applicant believes the property to be worth more zoned P0 than R-6. The applicant has stated he does not believe the site is a viable residential site due to the impact of the adjacent arterials.

C. Legal Criteria and Guidelines for Rezoning

Another set of criteria to be considered in a rezone request are the legal criteria and guidelines initiated by the State Supreme Court and outlined below by our legal staff.

1. Does the proposed zoning conform with the Comprehensive Plan?

The request is for a change in the Land Use Plan. If the amendment is approved, then the request P0 zone would conform.

2. The relationship of the proposed zoning change to the existing land uses and surrounding or nearby property.

-- Please refer to previous discussion

3. What changes have occurred in the character, conditions, or surrounding neighborhood that would justify or otherwise substantiate the rezone?

The progression over a period of time in the traffic impacts affecting this site is a changing condition justifying consideration of a rezone.

4. The relative gain to the public as compared with the hardship imposed upon the individual owner.

The public both gains and loses by the rezone request in that the broader public benefits from the convenience of the professional offices and many persons might view the addition of attractive buildings and landscaping as an improvement at a busy intersection. Conversely, some of the public living in proximity to the site may be impacted by increased traffic, noise and light generated by the offices. The rezone does not impose a hardship upon the property owner but serves to alleviate an existing hardship of an uneconomic use of the property with the current R-6 zoning designation.

5. The extent to which the diminution of values (in the case of a down zone) promotes the public health, safety, morals or welfare.

There is no down zone involved in this proposal.

6. In the case of unimproved property, the suitability of the subject property for the purpose for which it has been zoned and is proposed to be zoned and the length of time the property has remained unimproved considered in the context of land development in the surrounding area.

The property is not unimproved. It has been the location for a veterinary clinic for a number of years. However, as noted previously, the property can be considered undesirable for typical R-6 development and appears suitable for a professional office complex of limited scale. The R-6 zoned property adjacent to the east has only recently been developed with single-family residence, but this subdivision is located further from the busy intersection, than the subject property and likewise is not as close to the shopping center as the site in question.

7. In the case of a "down zone" an aggrieved property owner must show that if the rezone occurs that the consequent restrictions on his property will preclude its use for any purpose to which it is reasonably adapted. In other words that there is no present, possible and reasonably profitable alternative use to which the property is adaptable as a result of the rezone.

There is no down zone involved in this proposal.

D. Spot Zoning

A related legal issue is that of spot zoning. The City Attorney defines this term as zoning that is arbitrary and capricious in nature and without regard to the facts related to the property in question. That a zoning action may only apply to a single property does not by itself constitute spot zoning. A rezone of the subject property would not constitute spot zoning if the unique characteristics of the property are cited as a basis for the rezone action.

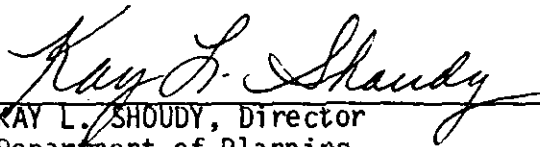
RECOMMENDATION

The Technical Committee recommends approval of DGA-85-4 Miles Land Use Plan and Zone Change conditioned on the architectural style of any new building or building addition be compatible with the adjacent single-family residence.

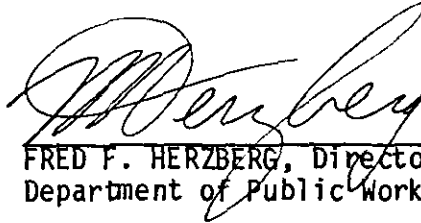
CONCLUSIONS IN SUPPORT OF RECOMMENDATION

1. Approval of DGA-85-4 is consistent with goals, policies and standards of the Community Development Guide.
2. The current R-6 zoning does not appear as a suitable use of the 1 acre parcel due to the impacts of heavy traffic associated with the two arterials abutting the site, as well as with the adjacent retail shopping center.

3. The location and rezone criteria appears to be satisfied.
4. The rezone would be consistent with the intent and purpose of the PO (Professional Office) zone.
5. The rezone would not constitute a spot zone or establish a precedent for future rezones in this portion of Redmond.
6. The City's site plan review process can assure architectural compatibility of any professional office development with an adjacent single-family residence.
7. The code requires P.O. development that adjoins a residential district to comply with the site standards (setbacks, building height, etc.) of that residential district (Section 20C.10.250(10)).
8. Approval of DGA-85-4 will provide for reasonable use of the applicant's property without adversely affecting the use or character of surrounding properties.



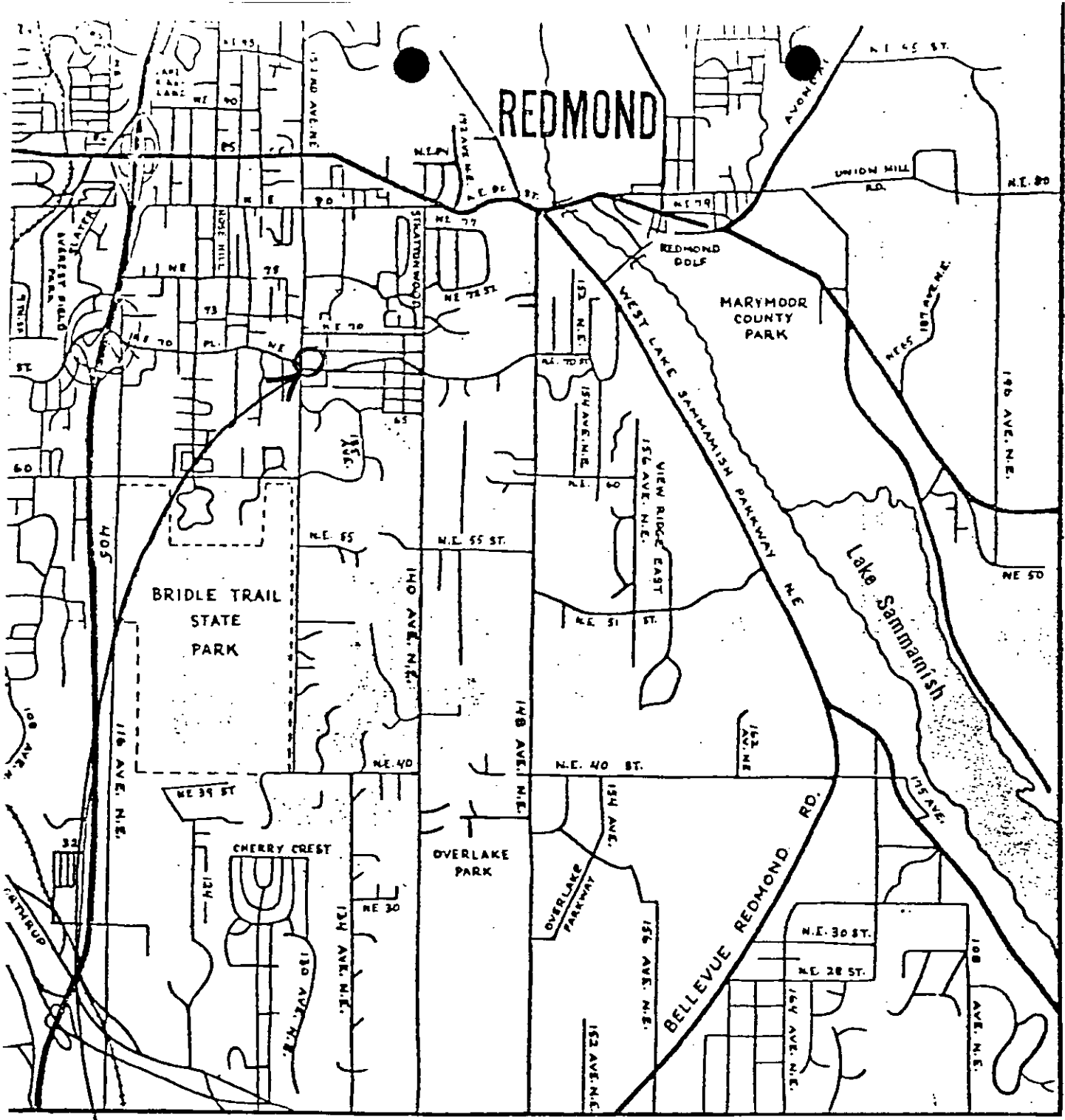
KAY L. SHOUDY, Director
Department of Planning
and Community Development



FRED F. HERZBERG, Director
Department of Public Works

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Attachments



Site is 1 acre located on the northeast corner of 132nd Avenue N.E. and Old Redmond Road.

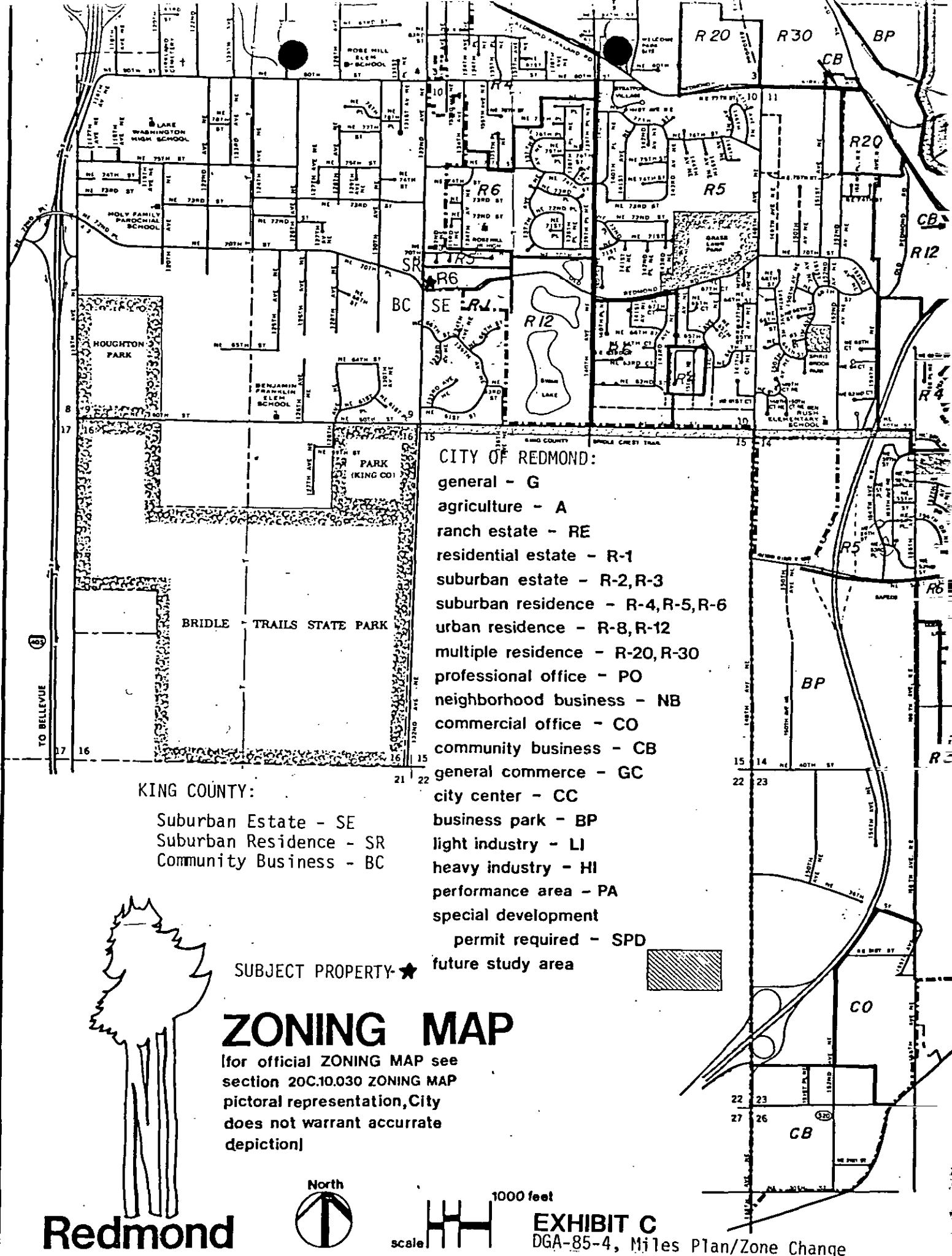
NOT TO SCALE

VICINITY MAP



DGA-85-4, Miles Plan/
Zone Change

EXHIBIT B



CITY OF REDMOND:

- general - G
- agriculture - A
- ranch estate - RE
- residential estate - R-1
- suburban estate - R-2, R-3
- suburban residence - R-4, R-5, R-6
- urban residence - R-8, R-12
- multiple residence - R-20, R-30
- professional office - PO
- neighborhood business - NB
- commercial office - CO
- community business - CB
- general commerce - GC
- city center - CC
- business park - BP
- light industry - LI
- heavy industry - HI
- performance area - PA
- special development permit required - SPD
- future study area

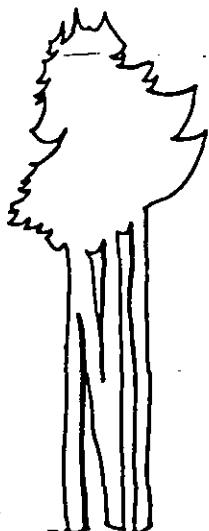
KING COUNTY:

- Suburban Estate - SE
- Suburban Residence - SR
- Community Business - BC

SUBJECT PROPERTY ★

ZONING MAP

[for official ZONING MAP see section 20C.10.030 ZONING MAP pictorial representation, City does not warrant accurate depiction]



Redmond

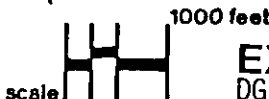
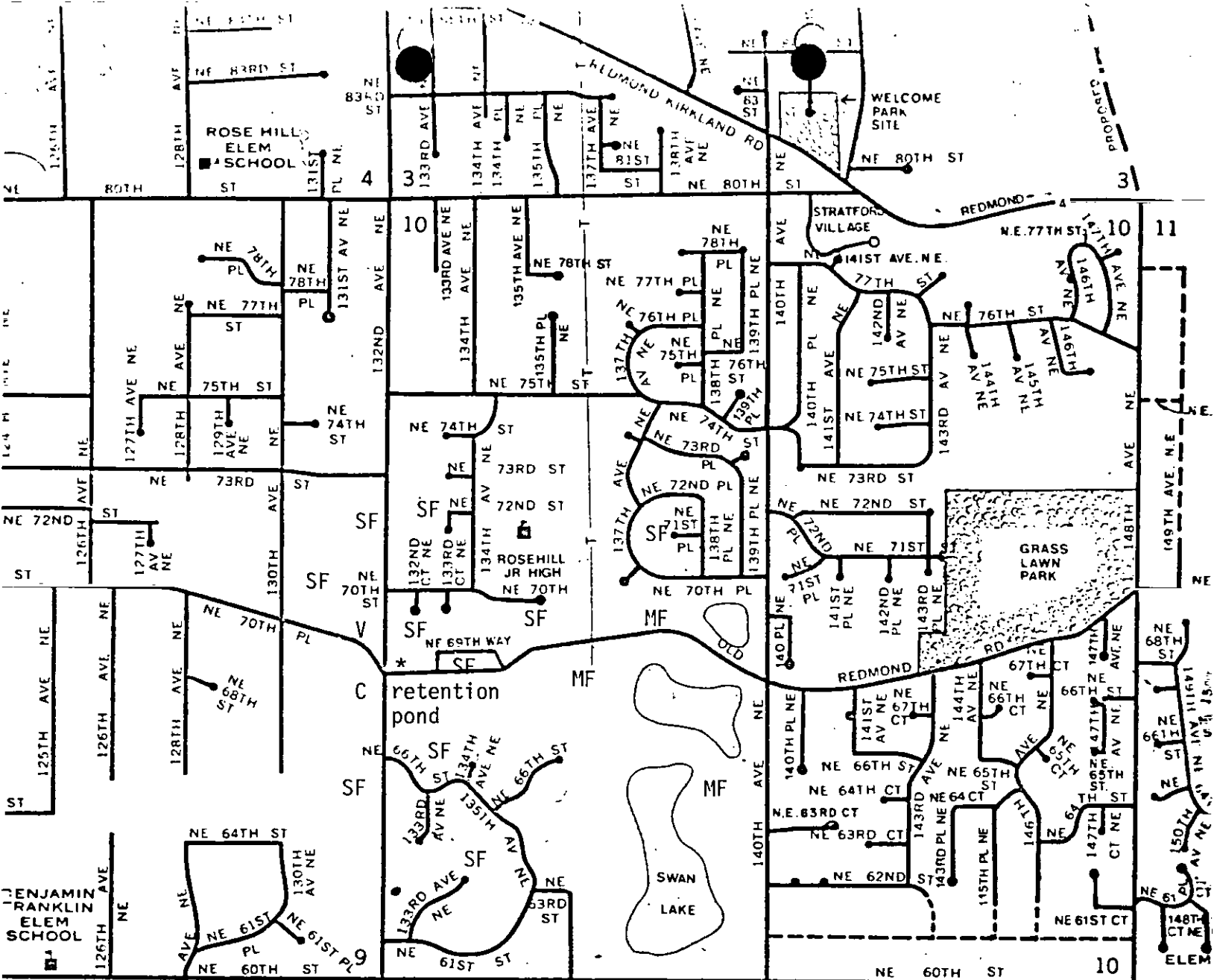


EXHIBIT C

DGA-85-4, Miles Plan/Zone Change



LAND USE MAP

Single Family - SF
 Multi-Family - MF
 Commercial - C
 SUBJECT PROPERTY * (Veterinary Clinic)



TRAILS STATE PARK

DGA-85-4, Miles Plan/Zone Change

EXHIBIT D



MEMO TO : Doreen Marchione, Mayor
FROM : Kay L. Shoudy, Planning Director
DATE : June 4, 1985
SUBJECT : DGA-85-4 MILES, LAND USE PLAN AND ZONE CHANGE

RECOMMENDED ACTION: The Planning Commission recommends conditional approval of DGA-85-4.

- I. SUMMARY OF MEETING MAY 8, 1985, PUBLIC HEARING - The Technical Committee report analyzing the land use location, zoning and legal criteria was discussed at this meeting (see attached). The Committee's recommendation was also presented. The property owner, Dr. Miles, spoke in favor of changing the land use plan map and zoning designation to allow him an opportunity to build professional offices on the site in question. Two property owners of single-family homes located immediately north of the site expressed opposition to any office development because they felt it would not be compatible with their residential development.

The Planning Commission asked Dr. Miles about the zoning prior to annexation and possible alternatives for the site involving residential development. The Planning Commission also discussed the impact that the two adjacent arterial streets has upon the site as well as the impact office development on the site would have upon the surrounding residential development.

II. PLANNING COMMISSION RECOMMENDATION AND RATIONALE

- A. The Planning Commission voted 3 to 2 to adopt the findings of fact contained in the April 27, 1984 Technical Committee Report and recommend approval of DGA-85-4 subject to the following conditions:
1. Development on the site shall be limited to two stories.
 2. The architectural style of any new building or building addition shall be compatible with the adjacent single-family residences.
 3. Any future development on the site shall comply with the site requirements of the adjoining R-5 and R-6 zoning districts as required by Section 20C.10.250(10). No variance from said site requirements shall be permitted.
- B. The rationale for the recommendation in favor of the request are as follows:
1. Office development on the site would provide a buffer and transition between the arterial intersection and nearby residences.

2. Residential development of the site under the current R-6 zoning does not appear to be a safe or suitable use of the 1 acre parcel due to the impacts of the large amounts of traffic associated with the adjacent arterial streets and retail shopping center.
 3. The location and rezone criteria appears to be satisfied.
 4. The rezone would be consistent with the intent and purpose of the PO (Professional Office) zone.
 5. The rezone would not constitute a spot zone or establish a precedent for future rezones in this portion of Redmond.
 6. The City's site plan review process can assure architectural compatibility of any professional office development with adjacent single-family residence.
 7. The code requires P.O. development that adjoins a residential district to comply with the site standards (setbacks, building height, etc.) of that residential district (Section 20C.10.250(10)).
 8. Approval of DGA-85-4 will provide for reasonable use of the applicant's property without adversely affecting the use or character of surrounding properties.
 9. Approval of DGA-85-4 is consistent with goals, policies and standards of the Community Development Guide.
- C. The rationale for a recommendation against the request are as follows:
1. The proposal would constitute an intrusion into a residential neighborhood.
 2. The site can be developed in compliance with the current zoning.

Kay L. Shoudy

 KAY L. SHOUDY, Planning Director

Nancy McComick

 NANCY MCCOMICK, Chair
 Planning Commission

Report prepared by: *Ray Sturtz*

 RAY STURTZ, Planner

dk

Attachment

Approve for Council Agenda: *Steven Marchione* *5/29/85*

 MAYOR DATE

LCM:jt
6/12/85

RECEIVED
AUG 9 1985

CONCOMITANT ZONING AGREEMENT FOR
MILES REZONE

PLANNING DEPT.
CITY OF REDMOND

JUL 15 1 27 PM '85
BY THE DIRECTOR OF
RECORDS & COMMUNITY DEVELOPMENT

WHEREAS, the City of Redmond, Washington, hereinafter referred to as "the City", a noncharter code city, has the authority under the laws of the State of Washington (Chapter 35A.63 RCW and Article 11, Section 11 of the Washington State Constitution) to enact laws and enter into agreements to promote the health, safety and welfare of its citizens and thereby control the use and development of property within its jurisdiction, and

WHEREAS, Dr. Donald F. Miles hereinafter referred to as "the Owner", is the Owner of certain real property located within the City of Redmond, King County, Washington, which is the subject of this Agreement and which is legally described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, and have applied for a rezone of such property, and

WHEREAS, the City Council has authorized preparation of an ordinance reclassifying said property from Suburban Residence/R-6 to Business/PO (Professional Office), subject to certain conditions agreed to by the Owner, and

WHEREAS, the City, pursuant to RCW 43.21C of the State Environmental Policy Act desires to mitigate any

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adverse impacts which might result because of the proposed reclassification, and.

WHEREAS, the Owner has indicated a willingness to cooperate with the City, its Planning Commission and Planning Department and the Redmond City Council to ensure compliance with all local and state regulations relating to the use and development of the subject property, now, therefore,

In the event the property described on Exhibit A attached hereto, situated in the City of Redmond, County of King, State of Washington, is reclassified from Suburban Residence/R-6 to Business/PO (Professional Office), the Owner hereby covenants and agrees as follows:

1. General Conditions.

a) Development on the site shall be limited to two stories.

b) The architectural style of any new building or building addition shall be compatible with the adjacent single-family residences.

c) Any future development on the site shall comply with the site requirements of the adjoining R-5 and R-6 zoning districts as required by Section 20C.10.250(10) of the Community Development Guide. No variance from said site requirements shall be permitted.

2. Binding Effect. This Agreement shall be filed and recorded with the King County Department of Records and Elections and shall be a covenant running with the land described on Exhibit A attached hereto and incorporated

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herein by reference as if set forth in full, and shall be binding upon the Owner, their successors in interest and assigns.

3. Payment of Costs and Recording Fees. The Owner agrees to pay all costs of recording this Agreement together with all reasonable costs incurred by the City in the preparation of this Agreement, including attorney's fees.

4. Police Power. Nothing in this Agreement shall be construed to restrict the authority of the City to exercise its police powers.

5. Enforcement. In addition to any other remedy provided by law, the City may, at its discretion, maintain a lawsuit to compel specific performance of the terms and conditions of this Agreement or to otherwise enforce its provisions, through injunctive or other relief, and if the City prevails in such action, it shall be entitled to recover all costs of enforcement, including reasonable attorney's fees.

6. Severability. In the event any section, paragraph, sentence, term or clause of this Agreement conflicts with applicable law or is found by any court having jurisdiction to be contrary to law, such conflict shall not affect other sections, paragraphs, sentences, terms or clauses of this Agreement which can be given effect without the conflicting provision and to this end the terms of this Agreement shall be deemed to be severable, provided, however, that in the event any section, paragraph, sentence, term or clause of this Agreement is found to conflict with applicable law,

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the City shall have the right to bring the matter back before the City Council for further review and imposition of appropriate conditions to ensure that the purposes for which this Agreement is entered into are in fact accomplished and the impacts of the proposed development are mitigated.

DATED this 3rd day of July, 1985.

OWNER

Accepted by the City of Redmond

By Doreen Marchione
Mayor, Doreen Marchione

Dr. Don F. Miles
Dr. Don F. Miles

Attest:

By Doris A. Schaible
City Clerk, Doris Schaible

Approved as to Form:
Office of the City Attorney:

By Jerry C. Martin

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 3rd day of July, 1985, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Dr. Don F. Miles, to me known to be the Owner who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the purposes therein mentioned.

GIVEN under my hand and official seal this 3rd day of July, 1985.

Julia Suft
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond

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EXHIBIT A

Miles DGA-85-4, Legal Description

Lots 21 through 28 Keystone Addition to Kirkland and the West 100 feet of Lots A and B Block 5 Suppl. Plat of Keystone and south 1/2 of vacant N.E. 69th adjacent.

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