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ORDINANCE NO. 1342

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE CITY'S OFFICIAL LAND USE PLAN AND ZONING MAP TO ESTABLISH A LAND USE PLAN CATEGORY AND ZONING CLASSIFICATION FOR PROPERTY WHICH IT IS ANTICIPATED WILL BE ANNEXED TO THE CITY, PURSUANT TO RCW 35A.14.330-.340, AND FOR PROPERTY WITHIN THE CITY.

WHEREAS, pursuant to RCW 35A.14.330-.340, the City Council has conducted two public hearings at least thirty days apart, for the purpose of considering a proposed land use regulation and Land Use Plan category designation to become effective upon the annexation of that real property commonly known as the Jobe/Eastside Catholic High School annexation property, which is the subject of a petition for annexation which has been submitted to the City and has been processed under City File No. A-85-3, and

WHEREAS, Land Use Plan and Zoning Map changes for adjacent property within the City were also considered at said hearings, and

WHEREAS, a determination of significance was made by the City's SEPA Responsible Official and an environmental impact statement was prepared which addresses the proposed Land Use Plan and zoning actions, and

WHEREAS, The Redmond Planning Commission conducted a public hearing for the purpose of considering the proposed Land Use Plan designation and zoning and forwarded its recommendation to the City Council, which recommendation has been considered by the Council, and

WHEREAS, the City Council has determined that the Land Use Plan category designation and Zoning Map Amendment set forth hereinafter should be made and that such plan designation and zoning regulation should as to the portion of the property which is outside of the City, become effective upon annexation of said real property to the City of Redmond, now, therefore,

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

Section 1. The City's Official Land Use Plan Map adopted by Community Development Guide Section 20B.90.040(10) is hereby amended to designate that real property described on Exhibit A hereto, and incorporated

herein by this reference as if set forth in full, more commonly known as the Jobe/Eastside Catholic High School annexation property, as Land Use Plan category Suburban Residence.

Section 2. The City's Official Zoning Map, adopted by Section 20C.10.030 of the Redmond Community Development Guide is hereby amended to designate that real property described on Exhibit A, attached hereto, and more commonly known as the Jobe/Eastside Catholic High School annexation property, as Suburban Residence Distirct - R-4, which designation as to that portion of the property presently outside of the City, shall become effective upon annexation of the property to the City. This zoning action is subject to the requirements of Section 3 below.

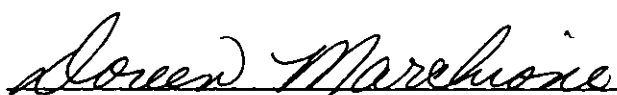
Section 3. The Zoning Map Amendment set forth in Section 2 above shall become effective only upon execution of a concomitant zoning agreement between the City and all owners of the property which is the subject of the Zoning Map Amendment, which limits the density of any retirement residence constructed upon said property to no greater than ten suites per net acre.

Section 4. The City Planning Director is hereby directed to amend the City's official Land Use Plan map as directed above, and upon execution of the Concomitant Zoning Agreement identified in Section 3, to amend the City's Zoning Map as provided herein.

Section 5. The findings and conclusions set forth on Exhibit B hereto are incorporated herein as the basis for the foregoing actions.

Section 6. This ordinance, being an excercise 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.

CITY OF REDMOND



MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:



CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Jama Jew

FILED WITH THE CITY CLERK: October 2, 1986
PASSED BY THE CITY COUNCIL: October 7, 1986
SIGNED BY THE MAYOR: October 7, 1986
PUBLISHED: October 12, 1986
EFFECTIVE DATE: October 17, 1986
ORDINANCE NO. 1342

PLANNING DEPT
CITY OF REDMOND

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CASH REC'D
BY THE CITY CLERK
RECORDS & COMM. DIV.
KING COUNTY

OCT 28 12 31 PM '86

RECEIVED THIS DAY

0020.150.091
LCM/ko
10/02/86
10/03/86

CONCOMITANT ZONING AGREEMENT
FOR JOBE/EASTSIDE CATHOLIC HIGH SCHOOL
PREANNEXATION ZONING

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, the undersigned are the Owners 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 is set forth in full, and have applied for preannexation zoning of the portion of such property located outside of the City and rezoning of the portion of the property within the City, and

WHEREAS, the City Council has authorized preparation of an ordinance establishing the zoning classification of Suburban Residence District - R-4 which, as to the portion of the property outside of the City, will become effective upon annexation of the property, both of the zoning actions being subject to agreement by the property Owners to the conditions set forth hereinafter, and

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WHEREAS, the City, pursuant to RCW 43.21C of the State Environmental Policy Act desires to mitigate any adverse impacts which might result because of the proposed classification, and

WHEREAS, the Owners have indicated a willingness to cooperate with the City to insure compliance with all local and State regulations and policies 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 classified as Suburban Residence District - R-4 by the City of Redmond, the Owners hereby covenant and agree as follows:

1. Density Limitation. In the event that any retirement residence development is constructed upon the subject property, such development shall not exceed a density of ten suites per net acre.

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 herein by this reference as if set forth in full, and shall be binding upon the Owners, their successors in interest and assigns. The Owners agree to pay all costs of recording this Agreement.

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

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4. 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.

5. 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, the City shall have the right to bring the proposed development 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 8 day of Oct., 1986.

OWNERS

Frank H. Jobe
Shirley C. Jobe

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Arizona
STATE OF WASHINGTON)
 Maricopa) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Joseph H. Jobe and Shirley A. Jobe signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated October 8, 1986
Signature of _____
Notary Public Jean H. Kalamazy
Title Customer Service Counselor
My appointment expires: _____
My Commission Expires Jan. 26, 1987.

Accepted by the City of Redmond

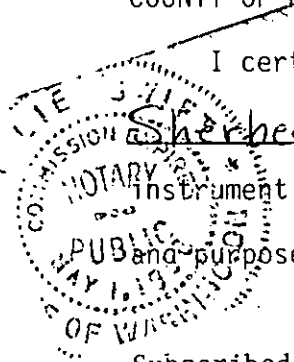
By *Doreen Marchione*
Mayor Doreen Marchione

Attest/Authenticated:
By *Doris A. Schaible*
City Clerk, Doris Schaible 10/16/86

Approved as to form:
Office of the City Attorney
By *Jay C. Martin*

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that John S. Sherbeck who has power of attorney for Mary Ellen Johnson signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.



Subscribed and sworn before me by Mary Ellen Johnson
this 14th day of Oct., 19 86.
L.S. *John S. Sherbeck* Power of attorney
John S. Sherbeck, power of attorney for Mary E. Johnson
Ordinance No. 1342

EXHIBIT A

Section 13 Township 25 Range 5 East Tax Lot #9080

The Southwesterly 150.00 feet measured along the North and South parallel lines thereof of the Southeasterly 5 acres of a portion of Government Lots 5 and 6 in the Northwest quarter lying southwesterly of the original location of the Sammamish River and Northeasterly of State Highway #20 and Southeasterly of a line running N-58°-20'-00"E from a point on the centerline of said Highway 873.00 feet north and 697.00 feet East from the West quarter corner and Northwesterly of a line running N-77°-22'-00"E from a point on said centerline 442.50 feet North and 947.00 feet East from said West quarter corner.

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DESCRIPTION:

PARCEL 1:

That portion of Government Lots 5 and 6 of Section 13, Township 25 North, Range 5 East, W.M., described as follows:

Beginning at a point in the center line of County Road KNOWN AS Cotterill Road, 442.5 feet North and 947 feet East of the 1/4 corner between Sections 13 and 14:

thence Northwesterly along the center line of said Road to a point which is 873 feet North and 697 feet East of said 1/4 corner;

thence North 58°20' East 859 feet, more or less, to a point on the left bank of the Sammamish River which is 1,324 feet North and 1,428 feet East of said 1/4 corner;

thence Southeasterly along the left bank of the River to a point 659 feet North and 1,915 feet East of said 1/4 corner;

thence South 77°22' West 992 feet, more or less, to the point of beginning;

EXCEPT the Southeasterly 5 acres thereof, the Northerly boundary of said 5 acres being a line parallel with the Southeasterly boundary of the tract above described;

EXCEPT that portion conveyed to King County by Boundary Agreement recorded under Recording No. 761025-0654;

EXCEPT that portion condemned for Sammamish River Flood Control Project in King County Superior Court Cause No. 595776;

AND EXCEPT that portion lying within Bellevue-Redmond Road;

Situate in the County of King, State of Washington.

EXHIBIT A-1

Ordinance No. 1342

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DESCRIPTION (continued):

PARCEL 2:

The Southeasterly 5 acres of that certain tract of land in Government Lots 5 and 6 of Section 13, Township 25 North, Range 5 East, W.M., described as follows:

Beginning at a point in the center line of County Road KNOWN AS Cotterill Road, 442.5 feet North and 947 feet East of the 1/4 corner between Sections 13 and 14;
thence Northwesterly along the center line of said Road to a point which is 873 feet North and 697 feet East of said 1/4 corner;
thence North 58°20' East 859 feet, more or less, to a point on the left bank of the Sammamish River which is 1,324 feet North and 1,428 feet East of said 1/4 corner;
thence Southeasterly along the left bank of the River to a point 659.5 feet North and 1,915 feet East of said 1/4 corner;
thence South 77°22' West 992 feet, more or less, to the point of beginning, the Northerly boundary of said 5 acres being a line parallel with the Southeasterly boundary of the tract above described;
EXCEPT that portion lying within Bellevue-Redmond Road;
EXCEPT the Southwesterly 150 feet of the foregoing described land;
ALSO EXCEPT that portion condemned in King County Superior Court Cause No. 595776 for Sammamish River Flood Control Project.

Situate in the County of King, State of Washington.

DESCRIPTION (continued):

PARCEL 3: (THIS PARCEL IS ~~LOCATED WITHIN CITY LIMITS OF REDMOND~~)

That portion of Government Lots 5 and 6 in Section 13, Township 25 North, Range 5 East W.M., described as follows:

Beginning at the intersection of center line of Cotterill Road with the South line of Government Lot 5 of said Section 13; thence Northwesterly along said center line to a point 442.5 feet North and 947 feet East of the West 1/4 corner of said section; thence North 77°22' East 992 feet, more or less, to a point on the left bank of Sammamish River 659.5 feet North and 1,915 feet East of the West 1/4 corner; thence Southeasterly along said left bank to the East line of Government Lot 6; thence Southerly along said East line to the South line of said Government Lot 6; thence Westerly along the South line of Government Lots 5 and 6, a distance of 1,142.5 feet, more or less, to point of beginning; EXCEPT portion in said road; AND EXCEPT portion conveyed to King County for Redmond-Bellevue Road, as conveyed by deed recorded under Recording No. 2356648; AND EXCEPT that portion condemned in King County Superior Court Cause No. 595776 for Sammamish River Flood Control Project; AND EXCEPT all coal and minerals and the right to explore for and mine the same, as reserved in deed recorded under Recording No. 13217;

Situate in the City of Redmond, County of King, State of Washington.

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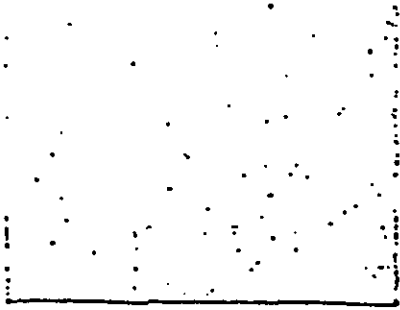


EXHIBIT A-3

EXHIBIT BFINDINGS AND CONCLUSIONSA. HISTORY OF NEED/PROBLEM

The proposed site has been undeveloped since its zoning of Ranch Estate in 1979. Previous uses of the site, a school and a sewage treatment plant, were discontinued. There appears to be a need to examine the zoning on the site to determine whether higher density zoning is more suitable for the site.

There is also a need to find a site for the high school that is an economically viable one. Eastside Catholic High School is losing its lease at its current site in Bellevue. They also project that in the future, more of their students will come from the Redmond area.

The applicant believes that the proposed site, because of the price of the land, would only be viable for development if part of the site could be developed in some way that could help pay for the cost of the land and development.

For this reason, the applicant is requesting a land use designation which would allow 8 to 12 units per acre.

B. LAND USE PLANNING CRITERIA

1. The primary direction about appropriate density for land is given in 20B.90, Land Use Plan, discussed in 2., below.
2. Locational Criteria: The locational criteria for "Ranch Estate", "Suburban Residence" and "Urban Residence" is as follows:

90.030(20) Ranch Estate - Semi-rural residential and agricultural areas that do not exceed one dwelling per five acres. Location criteria includes:

- . Semi-rural character;
- . Limited agricultural uses;
- . Land unsuitable for higher densities;
- . Market demand;
- . Floodplain, steep slopes and wetlands.

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

90.030(40) Urban Residence - Residential areas of eight to twelve dwellings per acre that may include other compatible land uses. Location criteria includes:

- . Projected demand (community need);
- . Urban services available and properly phased;
- . Land suitability;
- . Convenient to employment and commercial areas;
- . Separated from incompatible land uses;
- . Existing development trend.

C. REZONING CRITERIA

1. Intent of Zones: The intent of the Ranch Estate, R-6 and R-8 - R-12 zones are as follows:

20C.10.090 RANCH ESTATE DISTRICT (RE)

Purpose - Ranch Estate Districts provide for residential areas with densities no greater than one house per five acres. The district may include uses and activities that are rural in character such as agriculture.

20C.10.120 SUBURBAN RESIDENCE DISTRICTS (R-4, R-5 or R-6)

Purpose - Suburban Residence Districts provide for residential areas with 4, 5 or 6 dwellings per acre that have a full range of public services and facilities. These areas allow non-residential uses as specified in the Permitted Land Use Chart 20C.10.240(05).

20C.10.130 URBAN RESIDENCE DISTRICTS (R-8 or R-12)

Purpose - Urban Residence Districts provide for residential areas with 8 or 12 dwellings per acre that have a full range of public services and facilities. These districts may include non-residential uses as specified in the Permitted Land Use Chart 20C.10.240(05).

2. Zoning Amendment Criteria: 20F.20.250(30) requires that the following be taken into account when considering zoning map amendments:

- i. Compliance with Title 20B.00.000, "Goals, Policies and Plans"
- ii. changes in conditions
- iii. mistake in map designation
- iv. comparison to adjacent use districts
- v. comparison to adjacent land uses
- vi. the demonstrated need
- vii. the proposed development
- viii. any speculative interest by the applicant

3. Legal Criteria: In addition, the following criteria suggested by the City's legal staff should be considered:

- i. Does the proposed zoning change conform with the Comprehensive Plan?

- ii. The relationship of the proposed zoning change to the existing land uses and zoning of surrounding or nearby property.
- iii. What changes have occurred in the character, conditions, or surrounding neighborhood that would justify, or otherwise substantiate the rezone?
- iv. The relative gain to the public as compared with the hardship imposed upon the individual owner.
- v. The extent to which the diminution of values (in the case of a down-zone) promotes the public health, safety, morals or welfare.
- vi. The suitability of the subject property for the purpose for which it has been zoned (in the case of unimproved property) 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.
- vii. 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 adopted. In other words, that there is no present, possible and reasonable profitable alternative use to which the property is adoptable as a result of the rezone.

D. SUPPORT FOR A CHANGE IN DENSITY

1. **Locational Criteria:** The criteria for designating land "Ranch Estate" is no longer as applicable to the site as when it was originally designated. Review of the locational criteria for "Ranch Estate" shows that the property is still semi-rural in character, but the adjacent, dominant uses to the west are not. The property is not being used for limited agricultural uses and is suitable for higher densities. Demand for "Ranch Estate" property is unknown and there is no established City policy regarding appropriate amounts of such property, in addition. Removing this site would leave approximately 136 acres still designated "Ranch Estate". Approximately 13 acres of the 37 acre site fall in the 100-year floodplain and wetlands.

In contrast, "Suburban Residence" would seem more applicable upon review of the locational criteria. Demand for "Suburban Residence" land is unknown and appropriate amounts of such land has not been established by City policy. Water, sewer and the necessary urban services are available. The portions of the site not in the floodplain and wetlands are suitable for "Suburban Residence" use. Suburban density development would be compatible with suburban density uses to the west.

"Urban Residence" designation criteria is less appropriate than "Suburban Residence" criteria. In comparing the locational criteria for "Urban Residence", it is clear that less criteria can be met. Urban Residence development on this site may not be compatible with adjacent suburban land uses to the west, Marymoor Park to the north and Ranch

Estate designated to the south. The development trend is toward Suburban Residence density in the area to the west. Demand for "Urban Residence" land is unknown. There is no City policy establishing appropriate amounts of such land, in addition. Urban services are available and properly phased for the site. The site is located on a major arterial approximately 1.5 miles from the downtown employment and commercial center. The site and the immediate area south of it are undeveloped or developed at very low density residential.

The locational criteria for "Suburban Residence" is more applicable to the site than either the criteria for "Ranch Estate" or "Urban Residence." Clearly the locational criteria for "Ranch Estate" is no longer as applicable now as it was in 1978. "Urban Residence" would not be consistent with surrounding land use designations or uses. "Suburban Residence" designation of the site would be more compatible with dominant uses to the west. It would also result in minimizing the pressure to develop at urban densities on property to the south.

2. Rezone Criteria:

- a) 20F.20.250(30) requires that certain criteria be met before a rezone is granted. The criteria is set forth above, in the Findings section, above. The proposed rezone meets the criteria in the following ways:
 - i. It complies with the Goals, Policies and Plans section of the Community Development Guide, 20B.00.000.
 - ii. There have been changes in the area of the site since it was originally zoned for "Ranch Estate". Urban development south of the site, along Lake Sammamish, and in the Evergreen Highlands area has resulted in increased traffic along West Lake Sammamish Parkway. In addition, one rezone has occurred in the area to the south (the S.E. corner of the Bel-Red Road and West Lake Sammamish Parkway) to "Professional Office." Also, use of the site in the City has changed. When it was originally designated "Ranch Estate" the site was used as a sewage treatment plant which has been discontinued.
 - iii. The original designation of "Ranch Estate" was intentional, not a result of a mapping mistake. "Suburban Residence" on the site would be the most compatible with the land use designation adjacent and to the west, compared to all adjacent districts.
 - iv. When compared with surrounding use districts "Suburban Residence" designation would be the most similar residential one. The site is surrounded on three sides by land and on the fourth by the River. The north and south sides border low density land use districts, Ranch Estate on the south and Parks and Recreation on the north. Beyond the river, the land use is Parks and Recreation also. To the west, land use is designated for a higher density, R-4.

v. Most of the surrounding land uses are low density ones. To the immediate south, uses are very low density residential. To the north and east of the river, the use is Parks and Recreation. To the immediate north and east beyond the river, the park site is primarily undeveloped and natural wetlands. To the immediate west, there is residential use; some of which is suburban density and some of lower density.

vi. There has been a history of a higher demonstrated need for "Suburban Residence" designated land than for "Urban Residence" land. Approximately 2,791 acres are designated "Suburban Residence." In 1981, 75% of those acres were developed. This compares to approximately 341 acres designated "Urban Residence". 58% of this land had been developed by December of 1985.

The demand for "Ranch Estate" land falls somewhere inbetween. Approximately 173 acres are designated such, with 65% developed by 1981.

vii. The proposed development, in this case the school and residential uses, would generally be compatible with the surrounding uses and land use designations if residential densities were 4 units per acre. This would be particularly true if the wetlands were preserved by siting the school at the northwest corner of the site and parking coordinated with Marymoor Park.

viii. One of the reasons a higher density has been proposed for the site is to allow residential development on the site in addition to the high school. The purpose of the development is to be profitable enough to help defray some of the costs of the high school.

Generally, a rezone of the site to R-4 would meet the above criteria.

b) The proposed rezone compairs to the criteria suggested by legal staff and shown above in the following ways:

- i. The proposed rezone would be consistent with the comprehensive plan as long as it was changed with the changed zoning map.
- ii. See 2.A). iv. and v. above for discussion.
- iii. See 2.A). ii. above for discussion.
- iv. Not applicable - not a downzone.
- v. Not applicable, not a downzone.

- vi. The property would be suitable for use as a school and residential development provided certain environmental constraints could be mitigated (see discussion of environmental impacts of alternatives below). Because of these impacts, the property would be better suited to lower density residential development or clustered development, than standard urban density residential development. The property has remained undeveloped and unused for several years except for two residences since the school and treatment plant closed.
- vii. Not applicable, not a downzone.

In summary a designation of "Suburban Residence" would be compatible with existing uses to the west. There have been changes in the area which justify a change in zoning. Under the current zoning the property has remained undeveloped and it would be suitable for use as proposed if mitigation of impacts occurs.

The Ranch Estate District provides area for residences at densities of one house per five acres. It is a District that provides for uses that are rural in character. The uses on the site now and in the area are not rural in character.

The Suburban Residence Districts are areas with densities of 4, 5 or 6 homes per acre. Public services and facilities are to be available in these areas and some non-residential uses are permitted.

The Urban Residence Districts are areas for densities of 8 or 12 homes per acre. Public services and facilities are to be available in these Districts also as well as some additional non-residential uses.

The proposed rezone to R-8 - R-12 would be inconsistent with the R-4 zoning to the west.

Zoning of R-4 would be compatible with R-4 zoning to the west. R-4 zoning for the whole area between Marymoor Park and the intersection of Bel-Red Road and West Lake Sammamish Parkway would provide a transition between the R-8 and R-20 zoning there and the Park on the north.

E. Support for Limitations on Retirement Residence Density

Development of a retirement residence in excess of 10 suites per net acre would not be comparable with the residential development to the west or with the lower density uses to the north and south.

0020.150.091
LCM/ko
10/02/86

CONCOMITANT ZONING AGREEMENT
FOR JOBE/EASTSIDE CATHOLIC HIGH SCHOOL
PREANNEXATION ZONING

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, the undersigned are the Owners 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 is set forth in full, and have applied for preannexation zoning of such property, and

WHEREAS, the City Council has authorized preparation of an ordinance establishing the zoning classification of Suburban Residence District - R-4 to become effective upon annexation of the property, subject to agreement by the property Owner to the conditions set forth hereinafter, and

WHEREAS, the City, pursuant to RCW 43.21C of the State Environmental Policy Act desires to mitigate any adverse impacts which might result because of the proposed classification, and

WHEREAS, the Owners have indicated a willingness to cooperate with the City to insure compliance with all local and state regulations and policies 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 classified as Suburban Residence District - R-4 by the City of Redmond, the Owners hereby covenant and agree as follows:

1. Density Limitation. In the event that any retirement residence development is constructed upon the subject property, such development shall not exceed a density of ten suites per net acre.

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 herein by this reference as if set forth in full, and shall be binding upon the Owners, their successors in interest and assigns. The Owners agree to pay all costs of recording this Agreement.

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

4. 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.

5. 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, the City shall have the right to bring the proposed development 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 _____ day of _____, 1986.

OWNERS

Accepted by the City of Redmond

By Mayor Doreen Marchione

Attest/Authenticated:

By City Clerk, Doris Schaible

Approved as to form:
Office of the City Attorney

By _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that
_____ and _____ signed this
instrument and acknowledged it to be their free and voluntary act
for the uses and purposes mentioned in this instrument.

Dated _____
Signature of _____
Notary Public _____
Title _____
My appointment expires: _____