

CODE

**CITY OF REDMOND**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF REDMOND,  
WASHINGTON, AMENDING REDMOND ZONING CODE  
21.76.070(L) TO AUTHORIZE THE CITY COUNCIL TO  
APPROVE DEVIATIONS FROM DEVELOPMENT STANDARDS  
VIA DEVELOPMENT AGREEMENTS FOR HIGH-CAPACITY  
TRANSIT FACILITIES; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE

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WHEREAS, the Growth Management Act (Chapter 36.70A RCW)  
requires continuing review and evaluation of land use plans and  
development regulations; and

WHEREAS, the Growth Management Act requires that local  
governments plan for and encourage regional high-capacity transit  
facilities; and

WHEREAS, the City has adopted Comprehensive Plan policies and  
development regulations to facilitate the extension of high-  
capacity transit facilities to Redmond; and

WHEREAS, the Local Project Review Act (Chapter 36.70B RCW)  
authorizes local governments to enter into development agreements  
with those owning or controlling real property; and

WHEREAS, the City of Redmond has adopted local regulations  
concerning the approval of development agreements; and

WHEREAS, the City's development regulations sometimes conflict with the unusual nature of high-capacity transit facilities; and

WHEREAS, the timeline for the extension of high-capacity transit to Downtown Redmond has been accelerated and is to be completed using the design-build project delivery method; and

WHEREAS, the Planning Commission held a public hearing on July 25, 2018 and study sessions on July 11, 25, and August 15, 2018 to consider amending development regulations concerning the use of development agreements in Redmond; and

WHEREAS, after considering all public testimony received, the Planning Commission recommended approval of amendments to RZC 21.76.070(L) as described in its report to the City Council dated August 22, 2018 and as shown in Section 3 of this ordinance; and

WHEREAS, the City issued a Determination of Non-Significance under the State Environmental Policy Act concerning these amendments on July 2, 2018; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation on September 11 and 25, 2018; and

WHEREAS, the City Council desires to amend RZC 21.76.070(L) to provide for an efficient means of considering and approving

deviations from development standards for high-capacity transit facilities.

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

Section 1.      Classification.      This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2.      Findings and Conclusions.      The City Council adopts the Planning Commission's findings and conclusions described in the Planning Commission Report dated August 22, 2018.

Section 3.      Land Use Actions and Decision Criteria.      Redmond Zoning Code 21.76.070(L) is hereby amended to read as follows:

**L. Development Agreement.**

1. Purpose. The purpose of this section is to provide a mechanism whereby developers and the City can be certain that upon approval a project may proceed in accordance with existing policies and regulations, and that public facilities and services will be adequate to serve existing and new development at such time as development occurs. Development agreements are authorized by RCW 36.70B.170, et seq.

2. Scope. Any person having ownership or control of real property within the City desiring to enter may apply for a

development agreement in order to set forth the development standards and other provisions that will apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

3. Decision Criteria. A development agreement may be entered into if the following criteria are met:

a. The agreement must be consistent with the applicable development regulations for the property;

b. All impacts of the development must be mitigated by the measures set forth in the agreement or the agreement must provide a mechanism for analyzing and mitigating such impacts as they occur;

c. The agreement must reserve the City's authority to impose new or different regulations to the extent required by a serious threat to public health and safety;

d. The duration of the agreement must be reasonable in light of the anticipated build-out period for the proposed development and the needs of the City; and

e. The agreement must be in the public interest and provide a public benefit.

4. Approving Deviations. The City Council may approve deviations from development standards through a development agreement when the agreement concerns the design, construction, or operation of high-capacity transit facilities constructed by or for a regional transit authority established by Chapter 81.112 RCW, except for surface parking lots outside of the high-capacity transit right-of-way and identified station sites. In approving such deviations, the City Council must find that the deviations facilitate the design, construction, or operation of high-capacity transit facilities in Redmond, and that the development agreement meets the provisions of subsection (3)(b) through (3)(e) of this section.

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 of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 16th day of October,  
2018.

CITY OF REDMOND

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JOHN MARCHIONE, MAYOR

ATTEST:

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MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

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JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.