

NON-CODE

**REDMOND CITY COUNCIL  
ORDINANCE NO. 2948**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF CERTAIN LAND USE APPLICATIONS, DEVELOPMENT, AND BUILDING PERMITS OR APPROVALS WITHIN THE CITY OF REDMOND FOR RETIREMENT RESIDENCES; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

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WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish, adopt, and renew moratoria related to land uses; and

WHEREAS, the City Council has concerns with development and growth in the City of Redmond ("City") under current regulations, is debating this growth in both general and specific ways, and finds that there may be adverse impacts on the City and its residents; and

WHEREAS, as one specific but non-exhaustive example, the City Council is concerned about the triple density bonus for Retirement Residences with assisted living facilities in residential zones under RZC 21.08(C)3b, the current municipal code; and

WHEREAS, in continuing to address this specific concern, the City Council is considering and deliberating the question about

clustering, massing, and buffers on large residential retirement facilities; and

WHEREAS, the City Council has concerns about the compliance with affordable housing requirements for residential retirement developments; and

WHEREAS, the City Council has further concerns regarding the language in the Comprehensive Plan and the Redmond Zoning Code, Section 21.08, around the terms "compatibility" and "adverse impacts" in the context of siting retirement residences facilities in zoned residential neighborhoods; and

WHEREAS, the City Council has concerns regarding not-for-profit retirement facilities in the City of Redmond which are not invested in the city's public health system, as such facilities do not pay property taxes (a prime source of funding for Fire and EMS services), and the City Council would like to investigate alternate mechanisms to include such retirement residences in bearing the commensurate cost of providing these emergency medical services to its residents; and

WHEREAS, the City Council would like to investigate possible amendments to the Comprehensive Plan and Zoning Code to address the inequity borne by some neighborhoods in the siting of facilities within these defined subarea borders; and

WHEREAS, to promote the public health, safety, and welfare of the City, the City Council deems it appropriate to authorize the moratorium on the acceptance of certain applications for land use, development, and building permits or approvals on retirement residences for a six-month period effective immediately; and a renewal to be considered for an additional six-months if the Council is unable to come to a consensus and/or the Administration is not able to adequately address the concerns of the Council.

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

Section 1.        Classification.    This is a non-code ordinance.

Section 2.        Findings of fact.    The recitals set forth above are hereby adopted as the City Council's Findings of Fact in support of the moratorium established by this ordinance.

Section 3.        Moratorium enacted.    As authorized by the Growth Management Act, RCW 36.70A.390 and RCW 35A.63.220, a moratorium is hereby enacted on the acceptance of applications for land use, development, and building permits or approvals ("Permit Applications") for retirement residences under the following Titles and Chapters of the Redmond Municipal Code Article I Zone Based Regulations: RZC 21.08 Residential Regulations.

Section 4.      Vested rights.      The moratorium imposed in Section 3 of this ordinance shall not apply to any rights that have vested prior to the effective date of this ordinance.

Section 5.      Duration of moratorium.      The moratorium established in this ordinance shall be in effect beginning on January 15, 2019, and shall continue in effect for a period of six (6) months thereafter, and shall automatically expire at the conclusion of that six-month period unless sooner repealed or renewed by an act of the Redmond City Council.

Section 6.      Referral to the mayor.      The Mayor is hereby authorized and directed to study amendments to the City's Comprehensive Plan and zoning regulations to address development of retirement residences in residential neighborhoods and the impacts related to this development and growth. The City Council requests that the Mayor and staff work diligently to complete this work and bring amendments forward to the Planning Commission and City Council for consideration as soon as possible, and not later than six-months from the adoption of this ordinance.

Section 7.      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 8.      Declaration of emergency. This ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

Section 9.      Hearing Date. The City of Redmond shall hold a Public Hearing on February 19, 2019, during the meeting beginning at 7:30 p.m., in the Redmond City Hall Council Chambers to allow testimony on the moratorium. This is within the 60-day requirement.

Section 10.      Effective date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

DEFEATED by the Redmond City Council this 15<sup>th</sup> day of January,  
2019.

CITY OF REDMOND

DEFEATED

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JOHN MARCHIONE, MAYOR

ATTEST:

DEFEATED

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MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

DEFEATED

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JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: January 8, 2019  
DEFEATED BY THE CITY COUNCIL: January 15, 2019  
ORDINANCE NO. 2948

YES: CARSON, MARGESON

NO: ANDERSON, BIRNEY, FIELDS, MYERS, PADHYE