

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2017-445

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

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 and adopt moratoria related to land uses; and

WHEREAS, the City Council sees problems with development and growth in the City of Sammamish (“City”) under current regulations, is debating this growth in both general and specific ways, and finds that unless the City acts immediately, there may be adverse impacts on the City and its citizens; and

WHEREAS, as one specific but non-exhaustive example, the City Council is concerned about transportation concurrency under the Growth Management Act and related traffic impacts. In continuing to address this specific concern, the City Council is considering and deliberating about transportation concurrency and related traffic impacts regularly on its City Council meeting agendas, has retained an experienced traffic engineering and consulting firm to provide substantial technical assistance in reviewing the City’s existing traffic model and related data, and is working toward the completion of a Transportation Master Plan; and

WHEREAS, the City needs additional time to consider possible amendments to the City’s planning documents and development regulations to address these transportation concurrency and other issues related to development and growth; and

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to impose a moratorium on land use, development and building permit applications for a period of six months; and

WHEREAS, the City Council shall hold a public hearing within 60 days of the adoption of this Ordinance;

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council’s initial findings of fact in support of the moratorium established by this Ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 6 below.

Section 2. Moratorium Imposed. As authorized by the Growth Management Act, RCW 35A.63.220, a moratorium is hereby enacted on the acceptance of applications for land use, development, and building activities (“Permit Applications”) under the following Titles and chapters of the Sammamish Municipal Code (“SMC”): Title 19A, Land Division; Title 21A, Development Code; Title 21B, Town Center Development Code; Title 25, Shoreline Management; Title 16, Building and Construction; chapter 15.10, Flood Damage Prevention; chapter 14A.10, Concurrency; chapter 13.20, Surface Water Runoff Regulations.

Section 3. Categorical Exemptions. The term “Permit Applications” shall not include applications for:

- a. Permits and approvals for churches, synagogues, and temples; health service uses; education service uses; park use; and day care facilities I and II (all as defined in chapters 21A.15 and 21A.20 SMC);
- b. Permits and approvals for additions or alterations to existing multi-family residential and commercial structures when such additions or alterations do not result in the creation of new units, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;
- c. Permits and approvals for single family homes, on lots previously created through subdivision or short subdivision approvals;
- d. Permits and approvals for government facilities and structures including, but not limited to, streets, utilities, and surface water improvements;
- e. Permits and approvals for removal and replacement of hazardous trees;
- f. Permits and approvals for signs;
- g. Permits and approvals for accessory dwelling units;
- h. Approved unified zone development plans (“UZDP”) issued under chapter 21B.95 SMC;
- i. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;
- j. Permits and approvals of any type for which an application was received by the City on or before the date of adoption of this ordinance, even if such application is not complete; and

- k. Permits and approvals for development wholly comprised of “affordable housing units” as that term is defined in SMC 21B.75.060(1).

Section 4. Vested Rights. The moratorium imposed in Section 2 of this Ordinance shall not apply to any rights that have vested prior to the effective date of this Ordinance.

Section 5. Effective Duration of Moratorium. The moratorium established in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 6. Public Hearing. The City Council will hold a public hearing within 60 days of adoption of this Ordinance in order to take public testimony and to consider adopting further findings of fact.

Section 7. Referral to the City Manager. The City Manager is hereby authorized and directed to study these issues related to growth. The City Council requests that the City Manager and City Staff work diligently to produce regulations for Planning Commission and City Council consideration as soon as possible, and not later than six months from the adoption of this Ordinance.

Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 9. Effective Date. 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.

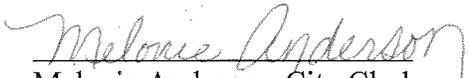
**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 3RD DAY OF OCTOBER, 2017.**

CITY OF SAMMAMISH

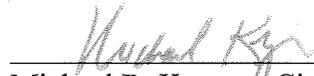


Mayor Bob Keller

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:


Michael R. Kenyon, City Attorney

Filed with the City Clerk: October 3, 2017
First Reading: October 3, 2017
Passed by the City Council: October 3, 2017
Date of Publication: October 6, 2017
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