

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2021-529**

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, REPEALING ORDINANCE NO. O2021-525 AND ESTABLISHING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CONCURRENCY CERTIFICATES UNDER SMC CHAPTER 14A.10 INCLUDING EXCEPTIONS FOR PUBLIC AGENCIES AS DEFINED BY SMC 21A.15.915; SINGLE FAMILY RESIDENCES ON EXISTING VACANT LOTS AS DEFINED BY SMC 21A.15.365; ACCESSORY DWELLING UNITS AS DEFINED BY SMC 21A.15.350 AND SMC 21A.15.351; AFFORDABLE DUPLEXES ON EXISTING LOTS AS DEFINED BY SMC 21B.15.160 THAT MEET THE AFFORDABILITY PROVISIONS OF SMC 21B.75.050 AND 21B.75.060 AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, within the express terms of the Growth Management Act and specifically RCW 36.7A.390 and the Planning Enabling Act and specifically RCW 35A.63.220, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land use and development applications; and

WHEREAS, the City of Sammamish desires to adopt the moratorium herein in order to preserve the status quo while it is engaged in its Balanced Land Use and Mobility Analysis including preparation of an EIS and consideration of options for potential Comprehensive Plan and Code Amendments; and

WHEREAS, pursuant to the 2019 King County Assessor's parcel database, approximately 1,246 existing single family residential vacant lots are located in the City of Sammamish which provide ample single-family development-capacity; the moratorium herein does not prevent development of these 1,246 existing residential vacant lots; and

WHEREAS, as reported in the City's Phase 4 Draft UGCS report filed with King County on March 9, 2021, the City of Sammamish has 661 units in the application processing pipeline, including but not limited to new single-family homes, multi-family homes, and ADUs all of which are not precluded moving forward under the moratorium herein; and

WHEREAS, in addition to the 661 pipeline units identified in the City's Phase 4 Draft UGCS report, there are an additional 28 units that have received concurrency certificates and are not held up in processing due to the moratorium herein; and

WHEREAS, the City cumulatively has 689 total housing units in the development permitting pipeline at some phase in entitlement review, including appeal, not subject to the moratorium herein; and

WHEREAS, even if the STCA Town Center's 348-unit development located in the City's TC-A1 Zone is excluded because the supporting UZDP application is currently on appeal to the City's Hearing Examiner, there are an additional 341 units already in the application pipeline and not affected by the moratorium; and

WHEREAS, after Klahanie was annexed in 2016, 209 housing units were added to the 4,640 Growth Target referenced in the City's 2015 Comprehensive Plan, and therefore the City's current Housing Growth Target, assigned by King County, is 4,849 units; and

WHEREAS, King County has reported that the City has completed 3,963 housing units from the 2035 adjusted target of 4,849 housing units, with 885 units remaining in the 2035 Growth Target as of 2019; and

WHEREAS, as of 2019 and as noted above, of the remaining 885 housing units, a current count is that 689 (and no less than 661) units were in process in some phase of entitlement or construction, or even complete and occupied, and therefore only 196 new units from the 2035 Growth Target remain to be entitled and developed; and

WHEREAS, the City is more than on track to exceed its 2035 Growth Targets, accommodating more than the growth allocated to the City as required by the GMA, and avoiding sprawl outside of urban areas; and

WHEREAS, when considering the 689 "pipeline" projects the City has per a current count only 196 (and no more than 221) units remaining toward its 2035 Housing Goal and it is only 2021; accordingly, if on average only 14 units a year are developed in Sammamish for the next 14 years, which is far less than the City has ever experienced, the City will still achieve the current adopted King County Growth Target and current Comprehensive Plan adopted Target; and

WHEREAS, under the moratorium herein, the 2035 Housing Target's remaining housing units will be readily met, and well before 2035; and

WHEREAS the City's growth targets pursuant to the GMA and King County Countywide Planning Policies have therefore proportionately already been achieved and this moratorium will not interfere with their fulfillment; and

WHEREAS, this moratorium does not preclude applications for substantial residential and affordable housing opportunities in the form of single family residences on vacant lots and accessory dwelling units ("ADUs"); and affordable duplexes that meet the provisions of SMC 21B.75.050 and 21B.75.060; and also allows development by public agencies as defined by SMC 21A.15.915; and

WHEREAS the City has already met 95% of its growth target for jobs according to the numbers reported to the City by King County because the current 2035 adjusted job target for the City is no more than 2,099 and in 2019 the County reported that the City had achieved 1,987 or 95% of its growth target related to new jobs; and

WHEREAS, in addition to the forgoing, as reported in the City's Phase 4 Draft UGCS report filed with King County on March 9, 2021 there are currently 304 pipeline jobs associated with applications currently in process in some phase of entitlement or construction; this includes 222 jobs associated with the STCA application that is under appeal before the City of Sammamish Hearing Examiner; and

WHEREAS, even without the STCA pipeline jobs, the City, in 2021, has already effectively met its 2035 jobs target adopted in the King County Planning Policies and the City's Comprehensive Plan; and

WHEREAS the moratorium herein therefore will not interfere with the City's ability to meet its job targets as adopted in the 2015 Comprehensive Plan and adjusted with the annexation of Klahanie; and

WHEREAS, since 1998, 116 affordable housing units have been provided by the City of Sammamish including 55 units built in the Town Center, 10 units built in partnership with Habitat for Humanity, and 51 units built with Imagine Housing; and

WHEREAS, in comparison to the figures noted above and as reported by A Regional Coalition for Housing ("ARCH") between 1992 and 2019, the City of Sammamish has comparable supply of affordable housing as contrasted with similar jurisdictions; the City of Sammamish has 116 affordable units, the City of Woodinville has 130 affordable units, the City of Newcastle has 67 affordable units, and the City of Mercer Island has 63 affordable units; and

WHEREAS, hurdles to affordability include the cost of property in Sammamish and market conditions, not this moratorium; and

WHEREAS, "Sammamish Home Grown," a plan for the next twenty years, was adopted by reference on January 21, 2020 in Ordinance O2020-497; this report identifies housing strategies, including incentives for affordable housing (Chapter 21A.75 SMC Residential Density Incentives; Chapter 21B.75 SMC Affordable Housing; SMC 14A.15.030 Street Impact Fee Reductions; SMC 14A.20.030 Parks and Recreational Facilities Impact Fee Reductions; and SMC 21A.105.080 School Impact Fee Reductions); and participation in local interjurisdictional programs, like the ARCH Housing Trust Fund (the City Council authorized additional funding in a Resolution adopted on March 2, 2021). The moratorium herein does not create a long term or significant impediment to any of these suggested approaches; and

WHEREAS, the Sammamish Plateau Water and Sewer District ("SPWD") recently adopted a moratorium in Resolution 5018 that affects a substantial portion of the City, and precludes service to approximately 600 vacant lots zoned R-1 to R-8 and areas designated multi-family and the SPWD prohibits development of these vacant lots the moratorium herein

notwithstanding; and

WHEREAS, the indications are that the SPWD moratorium will be extended and in effect for a significant period of time; and

WHEREAS, according to SPWD, the SPWD moratorium has been prompted by King County's withdrawal of funding for a District Capital Facility, and this Facility is cited in the SPWD 2013 Wastewater Comprehensive Plan as a basis for its projects concerning service to new development; and

WHEREAS the SWPD moratorium encompasses and impacts at a minimum the entire Town Center commercial/multifamily areas and the entire Inglewood commercial/multifamily areas; and

WHEREAS, the City of Sammamish was classified within the "Larger Cities" as part of the Puget Sound Regional Council's ("PSRC") Vision 2040. By definition, within Vision 2040, Larger Cities were expected to "become more important subregional job, service, housing, cultural, and housing centers". As such, PSRC's Vision 2040 assumed an expanded role for Larger Cities, including Sammamish, and as such this group of 18 cities was assigned 14% of the region's population growth and 12% of the region's employment growth. Under the Vision 2040 framework of growth management, the City of Sammamish was assigned a growth target in 2013 through King County CPP adoption of 4,000 housing units. This target was extended twice, once in 2015 and once again in 2016. The City's current formally adopted King County CPP growth target is 4,849 units as noted above; and

WHEREAS, with PSRC's Vision 2050, the City of Sammamish is being placed in the category of "Cities and Towns" that are "not connected to high-capacity transit options" and "should become priority areas for future investments and growth at the local level." The 19 jurisdictions in the King County Cities and Towns group are expected to take 5% of King County's share of the region's population growth (13,985 housing units) and 4% of the employment growth (jobs); and

WHEREAS, the City of Sammamish has just concluded engagement with King County in the Cities and Towns Geography Growth Caucus with the last meeting held on March 10, 2021. The City's proposed 25-year growth target (King County CPP Growth Target for 2019-2044 planning horizon) of 700 housing units and 305 jobs was accepted by partner Cities in the Caucus. Within the Vision 2050 growth framework, the City is on track for King County CPP assignment of 700 housing units and 305 jobs as the City's 2019-2044 growth target; and

WHEREAS, the moratorium herein is temporary only and does not constitute a development regulation or revise or amend any development regulation(s); and

WHEREAS, the moratorium herein is temporary only and does not amend or revise the City's Comprehensive Plan; and

WHEREAS, due to the forgoing recitals, adopted by reference below, the moratorium

herein will not preclude meeting King County Growth Targets for Sammamish nor will it interfere with GMA compliance or GMA goals; meanwhile, the moratorium allows breathing room to determine what changes if any to make to the City's current Comprehensive Plan and Code provisions after examining issues, alternatives, and impacts, and to assess the impacts of and options that may need to be considered in light of the SPWD moratorium; and

WHEREAS, without the moratorium herein, applications could potentially be submitted while the City is assessing what changes if any to make to the City's current Comprehensive Plan and Code provisions and such applications would vest to the City's existing Code, thereby undermining the City's substantial efforts and expenditures to potentially update its Comprehensive Plan and municipal code; and

WHEREAS, the City has developed and defined a specific work plan and the moratorium is only necessary until the work plan is completed; and

WHEREAS, this evaluation is especially important for Sammamish which is effectively a plateau island, with two constrained transportation routes which function as chokepoints to the City and area outside the City's jurisdiction or control, without direct access to any major highway, without direct or planned access to rail or light rail transit, and with dependency on the SPWD and a second district for sewer and water service;

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 findings of fact in support of the moratorium established by this Ordinance.

Section 2. Repealer. Ordinance No. O2021-525 is hereby repealed in its entirety.

Section 3. New Moratorium. As authorized by the Growth Management Act, RCW 36.70A.390, and the Planning and Zoning Enabling Act, RCW 35A.63.220, a moratorium on the acceptance of applications for Concurrency Certificates is hereby imposed for a six-month period. Excepted from this moratorium are the following Concurrency Certificate applications:

- (1) Concurrency Certificate applications for Public Agencies as defined in SMC 21A.15.915; and
- (2) Concurrency Certificate applications for Single Family Residences on existing vacant lots as defined by SMC 21A.365; and
- (3) Concurrency Certificate applications for Accessory Dwelling Units ("ADUs") as defined by SMC 21A.15.350 and SMC 21A.15.351; and
- (4) Concurrency Certificate applications for Affordable Duplexes on existing vacant lots as defined by SMC 21B.15.160 that meet the provisions of SMC 21B.75.050 and 21B.75.060.

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. Public Hearing. A public hearing on this moratorium will be held on June 15, 2021.

Section 6. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or 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), 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 20TH DAY OF APRIL 2021.

CITY OF SAMMAMISH




Mayor Karen Moran

ATTEST/AUTHENTICATED:



Lita Hachey, City Clerk

Approved as to form:


Lisa Marshall, City Attorney

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