

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2011 - 315

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING
CHAPTER 21A.50 (ENVIRONMENTALLY CRITICAL AREAS), OF THE
SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City Council adopted Ordinance O2005-193, which amended the Sammamish Municipal Code to update the City's environmentally critical area regulations to meet the requirements of state law; and

WHEREAS, the City Council included provisions within Ordinance O2005-193, which would automatically sunset provisions for wetland, stream, and lakes and ponds protection forty eight (48) months after the effective date of Ordinance O2005-193; and

WHEREAS, the City Council adopted Ordinance O2009-274 on December 1, 2009, which extended the sunset provisions to seventy two (72) months after the effective date of Ordinance O2005-193; and

WHEREAS, the City will undertake an update of the adopted regulations for environmentally critical areas in 2012; and

WHEREAS, the City Council has identified a set of known items, along with required steps such as a review of Best Available Science, that will be addressed as part of the environmentally critical area regulation update; and

WHEREAS, a schedule for the public process was reviewed by the Sammamish City Council and Planning Commission in November and December, 2011; and

WHEREAS, the City Council considered the proposed amendments at a City Council public hearing conducted on November 14, 2011, which was continued to December 6, 2011.

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

Section 1. Amendments to the Municipal Code. Sammamish Municipal Code (SMC) 21A.50.400 Sunset provisions, is amended to read as follows: "The provisions contained in SMC 21A.50.290, Wetlands – Development standards, 21A.50.310 (6)(a), wetland mitigation ratios, and 21A.50.330, Streams – Development standards, shall revert to those in effect prior to January 3, 2006, ~~72-84~~ months following the January 3, 2006, effective date of the ordinance codified in this chapter unless renewed or revised."

Section 2. Process and schedule for update. The general schedule and process for review of the proposed update to the environmentally critical area regulations as set forth in Attachment “A” to this ordinance are hereby adopted.

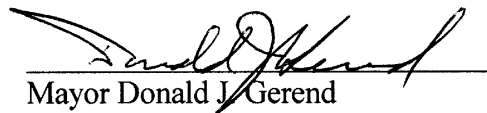
Section 3. Scope of environmentally critical areas regulations update. The update to the environmentally critical areas regulations shall focus on the items as set forth in Attachment “B” to this ordinance.

Section 4. 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 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE DAY 6th OF DECEMBER 2011.

CITY OF SAMMAMISH



Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk: November 8, 2011
Public Hearing: November 14, 2011

First Reading:	November 14, 2011
Public Hearing:	December 6, 2011
Passed by the City Council:	December 6, 2011
Date of Publication:	December 11, 2011
Effective Date:	December 16, 2011

Environmentally Critical Areas (ECA) update process and public outreach – overall schedule

Item	Nov – 11	Dec – 11	Jan – 12	Feb – 12	Mar – 12	Apr – 12	May – 12	Jun – 12	Jul – 12	Aug – 12	Sep – 12	Oct – 12	Nov – 12	Dec – 12
City Council Policy Direction / Scope	Known Topics/Policy Direction					One or more PC / CC Joint Meetings								
Best Available Science Review					Ongoing BAS support through PC and Council review process									
Public Outreach					<ul style="list-style-type: none"> > Ongoing public outreach during PC and Council review > Comments on facts through website or otherwise 									
Planning Commission Review					<ul style="list-style-type: none"> > Review to include following topics: <ul style="list-style-type: none"> • BAS evaluation of erosion, seismic, landslide hazards, critical aquifer recharge areas, wetlands, streams, and administrative provisions • Council identified topics requiring further analysis > Approximately 3 roundtable and public forum presentations followed by PC deliberation on topic(s) > Informal opportunities /office hours > Use of citizen volunteers > Public Hearing(s) on complete amendment package 									
City Council Review											<ul style="list-style-type: none"> > Review of PC recommendation: <ul style="list-style-type: none"> • Changes based on BAS • Public policy amendments > SEPA checklist, Dept. of Commerce review > Public Hearings 			Fall back time for review

Known Topics

Environmentally Critical Areas update

November 2011

The following is a list of known topics identified for the update of the Sammamish Environmentally Critical Areas (ECA) code. The list is based on direction from the City Council and Planning Commission, permit applicant feedback, resident and stakeholder comments, and staff experience working with the code since 2006. These are shown as topic areas without a specific direction as to the nature of the change. Other topic areas may arise as the update process proceeds. The topic areas include:

- ▶ Restrictions on development in:
 - ▶ Erosion Hazard Near Sensitive Water Bodies (EHNSWB) overlay area
 - ▶ Wetland Management Area overlay area
 - ▶ Landslide Hazard area
- ▶ Mitigation requirements and options for development on sites with wetlands and streams with low functions and values
- ▶ Review of existing and potential areas of flexibility and options for applicants
- ▶ Standards for human-altered or created features (e.g. ditches, altered and urbanized streams, constructed ponds, ponds historically created in wetlands)
- ▶ Standards for new trails and other public development in stream or wetland buffers
- ▶ Terms and definitions in state statute (RCW) and regulations (WAC) and local code, and clarification of state law requirements (bookends)
- ▶ Amendments arising from the updated Best Available Science (BAS) review and/or from changes in statute or case law, or the Sammamish Comprehensive Plan as a guiding document
- ▶ Clarification and housekeeping changes – non-substantive procedural and technical language