

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2000-68**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
RELATING TO LAND USE AND ZONING, AND EXTENDING A
MORATORIUM ON THE FILING OF APPLICATIONS FOR
DEVELOPMENT PERMITS AND APPROVALS WITHIN THE
CORPORATE LIMITS OF THE CITY OF SAMMAMISH**

WHEREAS, incorporation of the City of Sammamish was approved at an election held on November 8, 1998; and

WHEREAS, the City Council was elected on April 27, 1999, and sworn in on May 8, 1999; and

WHEREAS, the City of Sammamish officially incorporated on August 31, 1999; and

WHEREAS, there has been rapid and substantial growth in and around the City of Sammamish; and

WHEREAS, one of the concerns of the citizens of Sammamish which led to incorporation of the City was the impact of County land use decisions on the Sammamish community; and

WHEREAS, state law, RCW 35.02.137, authorizes the City Council of a newly incorporated city to adopt moratoriums during the interim transition period between the incorporation election and the date of official incorporation; and

WHEREAS, in accordance with state law, the City Council passed Resolution No. R99-04 on May 19, 1999, which adopted a moratorium during the interim transition period on the filing of applications with King County for development permits and approvals including, but not limited to, subdivision approvals, short subdivision approvals, and building permits; and

WHEREAS, state law, RCW 35A.63.220, authorizes the City Council to adopt moratoriums following incorporation; and

WHEREAS, a public hearing was conducted on July 28, 1999 to receive comment on the impacts and effectiveness of the moratorium imposed by Resolution No. R99-04 and the need to continue and/or modify the moratorium following the date of incorporation; and

WHEREAS, based upon the public testimony and other evidence presented at the July 28, 1999 public hearing, the City Council passed Ordinance No. O99-28, on August 25, 1999, to extend the moratorium from the date of incorporation until February 18, 2000; and

WHEREAS, a public hearing was conducted on February 9, 2000 to receive comment on the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and the need to continue and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence presented at the February 9, 2000, public hearing, the City Council passed Ordinance No. 2000-51, on February 16, 2000, to extend the moratorium from February 18, 2000 until August 16, 2000; and

WHEREAS, a public hearing was conducted on August 16, 2000 to receive comment on the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and extended by Ordinance 2000-51 and the need to continue and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the August 16, 2000 public hearing, the City Council finds that there is a substantial basis and public support for extension of the moratorium; and

WHEREAS, in accordance with the State Growth Management Act, the City is diligently pursuing a planning process that will result in the adoption of the City's first comprehensive plan; and

WHEREAS, the City Council needs sufficient time to carefully consider the appropriate land use designations and development regulations of property within the City limits; and

WHEREAS, the City Council desires to prevent further overburdening of the existing municipal infrastructure pending completion of the City's Growth Management Act planning process; and

WHEREAS, absent an extension of the moratorium, property owners could obtain vested rights to develop their property contrary to the City's planning process; and

WHEREAS, at the time of the February 9, 2000 extension, the Council established a categorical exemption from the terms of the moratorium for property owners who applied for water certificates prior to the August 25, 1999 extension, and whose water certificates will lapse unless exercised during the term of this moratorium; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports extending the moratorium on applications for development permits and approvals for property within the corporate limits of the City of Sammamish;

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

Section 1. Findings of Fact. The “Whereas” clauses above shall constitute findings of fact in support of the moratorium hereafter set forth and are incorporated herein.

Section 2. Moratorium Established. Except as hereinafter set forth, a moratorium is imposed upon the filing of applications for development permits and approvals for property located within the corporate limits of the City of Sammamish. For purposes of this moratorium, the terms "development permits and approvals" include:

- a. Subdivision approvals;
- b. Short subdivision approvals;
- c. Site plan approvals;
- d. Multi-family dwelling unit approvals (apartments, townhouses, condominiums, mobile home parks, group residences);
- e. Rezones;
- f. Building permits;
- g. Conditional use or special use permits;
- h. Communication facilities;
- i. Commercial construction in business and office zones; and
- j. Shoreline substantial development permits.

Section 3. Categorical Exemptions. Except as hereafter set forth, the terms "development permits and approvals" do not include the following:

- a. Permits and approvals for churches, synagogues, and temples (SIC Code 866); health service uses; educational service uses; park and recreational uses; and day care facilities I and II (all as defined per ISDC 21A.06);
- 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 government facilities and structures including, but not limited to, streets, utilities, and surface water improvements;
- d. Permits and approvals for construction of single family residences;

- e. Permits and approvals for signs;
- f. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;
- g. Permits and approvals for lot line adjustments;
- h. Permits and approvals for any land use permitted by ISDC when all of the following conditions are met: (1) The property owner(s) applied for the right to connect to a public water supply before August 25, 1999; (2) The property owner(s) were granted the right to connect to a public water supply; and (3) The property owner(s) right to connect to a public water supply will lapse unless exercised by a completed development permit application to the City of Sammamish during the term of this moratorium.

Provided, an exemption shall not be granted if it includes the division of land; and, this moratorium shall not affect vested rights established prior to the imposition of the moratorium.

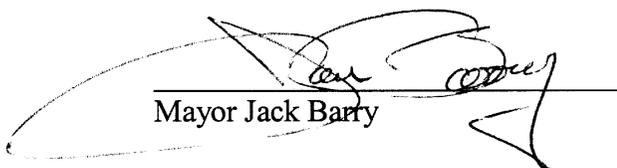
Section 4. Effective Period of Moratorium. This moratorium, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately upon termination of the moratorium imposed by Ordinance No. O99-51 (August 16, 2000) and shall continue in effect until February 16, 2001 unless earlier repealed, renewed or modified by the City Council as provided by state law.

Section 5. Hardship Exceptions. In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exception from the provisions of the moratorium. The City Council may grant an exception upon a showing of such unusual or unreasonable hardship.

Section 6. Severability. If any section, sentence, or phrase of this ordinance should be declared 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, or phrase of this ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON,
ON THIS 16th DAY OF AUGUST, 2000.

CITY OF SAMMAMISH



Mayor Jack Barry

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:


Bruce L. Disend, City Attorney

Filed with the City Clerk: August 9, 2000
Passed by the City Council: August 16, 2000
Publication Date: August 19, 2000
Effective Date: August 28, 2000