CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2003-127

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING ORDINANCE NO. 2003-120, TO EXTEND 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 round 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, in accordance with state law, the City Council passed Resolution No. R99-04, on May 19, 1999, which adopted a moratorium during the transition period on the filing of applications with King County for development permits and approvals within the city limits of the City of Sammamish 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 upon the impacts and effectiveness of the moratorium imposed by Resolution No. R99-04 and the need to extend 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 second public hearing was conducted on February 9, 2000 to receive comment upon the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and the need to extend and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the February 9, 2000 public hearing, the City Council found that there was a substantial basis and public support for extension of the moratorium; and

WHEREAS, 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 and the need to extend 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 found that extending the moratorium was in the public interest; and

WHEREAS, the City Council passed Ordinance No. 2000-68, on August 16, 2000, to extend the moratorium from August 16, 2000 until February 16, 2001; and

WHEREAS, the City Council passed Ordinance No. 2000-74, on December 6, 2000, to amend Ordinance No. 2000-68 by the addition of a categorical exemption for certain wireless communications facilities; and

WHEREAS, the City Council passed Ordinance 2001-77 on February 7, 2001, extending the land use development moratorium from February 16, 2001 to August 16, 2001; and

WHEREAS, based upon the public testimony and other evidence submitted at the July 11, 2001 public hearing, the City Council found that certain development applications may be considered by the City and would not significantly impact the level of permit activity currently experienced by the City; and

WHEREAS, a public hearing was conducted on July 11, 2001, to receive comment on the need to extend and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the July 11, 2001 public hearing, the City Council found that extending the moratorium was in the public interest; and

WHEREAS, the City Council passed Ordinance No. 2001-86, on August 1, 2001, to extend the moratorium from August 1, 2001 until February 16, 2002; and

WHEREAS, the City Council passed Ordinance No 2002-98 on February 5, 2002 to extend the moratorium from February 14, 2002 to August 14, 2002; and,

WHEREAS, the City Council passed Ordinance No 2002-106 on August 6, 2002 to extend the moratorium from August 14, 2002 to February 14, 2003; and,

WHEREAS, the City Council anticipated adopting a Comprehensive Plan by December of 2002 and has been working with the City's Planning Advisory Board to achieve this objective; and

WHEREAS, a public hearing was conducted on August 6, 2002 to receive comment on the need to extend and/or modify the moratorium; and

WHEREAS, the adoption of the City's Comprehensive Plan is regulated by the State Growth Management Act (RCW Chapter 36.70A) and the comprehensive plans of all cities planning under the Act must include a process for siting essential public facilities; and

WHEREAS, the Growth Management Act has been amended to require that cities adopt regulations for the siting of essential public facilities known as "secure community transition facilities" (SCTF's), which will provide or ensure the provision of sexual offender treatment services; and

WHEREAS, the amendments to the Growth Management Act established a deadline of September 1, 2002 for adopting regulations for siting the SCTF's, but the work plan for completion and adoption of the City's Comprehensive Plan was December 31, 2002; and

WHEREAS, the Council determined that the siting of Secure Community Transition Facilities should be included in the City's comprehensive planning process in order to properly integrate such facilities into the City's Comprehensive Plan and regulations and, therefore, that SCTF's should be included in this moratorium; and,

WHEREAS, the Planning Advisory Board requested additional time to complete the comprehensive plan and development regulations; and,

WHEREAS, Council granted the Planning Advisory Board's request to revise the dates for the adoption of the Comprehensive Plan and Development Regulations and had established a revised adoption date of May 6th for the comprehensive plan and updated development regulations; and,

WHEREAS, the City Council passed Ordinance No 2003-120 on February 6, 2003 to extend the moratorium from February 14, 2003 to August 14, 2003; and,

WHEREAS, Council conducted two public hearings on the Comprehensive Plan and has received more than 100 comments from interested citizens; and,

WHEREAS, due to the extent of public comment received, Council has conducted three workstudy session over 6 weeks to consider the transportation issues alone; and,

WHEREAS, additional workstudy sessions will be conducted to address remaining land use issues; and,

WHEREAS, in recognizing the that the comprehensive plan and development regulations may not be in place prior to of expiration of the moratorium ordinance, the moratorium should be extended.

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, except as provided in Section 3;

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. Communications facilities;

i. Commercial construction in business and office zones; and

j. Shoreline substantial development permits.

k. Secure Community Transition Facilities (SCTF)

Section 3. Categorical Exemptions. The terms "development permits and approvals" shall 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 in 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.

i. Permits and approvals for construction of the following wireless communications facilities, which shall be reviewed under the criteria set forth in ISDC Chapter 20.20 for a Type 1 Decision:

(1) Wireless communications facilities located within the public rights-of-way of 228th Avenue SE/Sahalee Way NE, Inglewood Hill Road, East Lake Sammamish Parkway SE, SE 43rd Street, 212th Avenue SE, NE 20th Street, and Lewis-Thompson Road. These communications facilities may be attached to utility poles, light standards, or other support structures with the ancillary equipment cabinets placed on the ground. An existing utility pole or light standard may be replaced with a new pole or light standard to accommodate the wireless communications facilities. The height of the new pole may be increased up to twenty-five feet above the existing pole height to accommodate the signal quality and coverage of the proposed antenna(s). If the wireless communications facility is fifteen cubic inches or less in volume, it may be located within any public right-of-way.

(2) Applications to maintain, repair or replace existing wireless communications facilities, including those approved and installed prior to incorporation.

(3) Wireless communications facilities collocated on existing antenna support structures, such as monopoles or lattice towers.

(4) Wireless communications facilities collected on existing buildings in non-residential zoning districts so long as each wireless communications facility is screened from view from adjacent public rights-of-way.

j. Short subdivisions of no more than two lots, tracts or parcels within the R-1 and R-4 zoning districts.

Provided that except as noted in Subsection 3j, an exemption shall not be granted if it includes the division of land; and this moratorium shall not affect vested rights established pursuant to previously filed and fully complete applications.

Section 4. 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 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on **August 14, 2003**, effective thru **February 14, 2004.**

Section 6. 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1st DAY OF JULY 2003.

CITY OF SAMMAMISH

Kenneth J. Kilroy

Mayor Kenneth J. Kilroy

ATTEST/AUTHENTICATED:

Melonie Anderson

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	June 6, 2003
First Reading:	June 17, 2003
Passed by the City Council:	July 1, 2003
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