

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2006- 194**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING ORDINANCE NO.
O2005-185 RELATING TO LAND USE AND ZONING,
DECLARING A MORATORIUM ON THE FILING OF
CERTAIN APPLICATIONS FOR DEVELOPMENT
PERMITS AND BUILDING PERMITS WITHIN THE
TOWN CENTER AREA OF THE CITY OF SAMMAMISH**

WHEREAS, the Sammamish City Council enacted Ordinance No. 2005-182, establishing a moratorium on the filing of certain development permits within the area designated as the Sammamish Town Center for the purpose of conducting a study to determine appropriate uses and densities for said area; and

WHEREAS, as required by state law, the City Council scheduled a public hearing on the moratorium and, based upon the public comment received, and further consideration, Council determined that amendments to the moratorium ordinance were in the public interest; and

WHEREAS, those amendments were adopted by Ordinance 02005-185; and

WHEREAS, the Council held a Public Hearing on a proposed six-month extension of the moratorium on January 3, 2006 and has determined that extending the moratorium is necessary to complete the Town Center study and in the public interest;

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

Section 1. Findings of Fact. The "Whereas" clauses set forth above, and in Ordinance no.'s 2005- 182 and 185, shall constitute findings of fact in support of the amendments hereafter set forth.

Section 2 Ordinance amended. The following sections of Ordinance No. 2005-185 are hereby amended as follows:

Section 2. Moratorium Established. Except as hereafter set forth, a moratorium is imposed upon the filing of applications for development permits and building construction permits, for property located within the limits of the area known as Sammamish Town Center Study Area within the City of Sammamish as identified in "Attachment A" to this Ordinance. For purposes of this moratorium, the terms "development permits and building construction permits" include:

- a. Subdivision approvals;
- b. Short subdivision approvals;

- c. Single and Multi-family dwelling unit approvals (homes, apartments, townhouses, condominiums, mobile home parks, group residences);
- d. Building permits, other than those exempted in Section 3 of this Ordinance;
- e. Rezones.
- f. Traffic concurrency certificates
- g. Discretionary use permits, including conditional use permits, special use permits and variances.
- h. Commercial site development permits and grading permits other than those exempted in Section 3 of this Ordinance.

Section 3. Categorical Exemptions. The terms "development permits and building construction permits" shall not include the following:

- a. Permits and approvals for repair, restoration, rehabilitation, remodeling or to comply with health and safety standards to existing single family residential, multi-family residential and commercial structures when such additions or alterations do not result in the creation of new units or the addition to any building, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;
- b. Permits and approvals for government facilities and structures;
- c. Permits and approvals for signs;
- d. Permits and approvals for lot line adjustments;
- e. Permits that are for the construction of an attached or detached building related to existing residential use when the gross square footage of such building addition does not exceed 25% of the gross square footage of existing residential use buildings.
- f. Permits that are for the construction of an attached or detached building related to existing day care facility use when the gross square footage of an attached or detached building addition does not exceed 55% of the gross square footage of existing day care use buildings.
- g. Permits for clearing, grading and construction of roadways, utilities and recreational amenities for development of educational facilities taking place outside of the moratorium area but needing land within the moratorium area to complete the project.

- h. Building permits that implement, and are in conformance with, an approved conditional use permit or other land use approval issued prior to July 26, 2005.

Provided that this moratorium shall not affect vested rights established pursuant to previously filed and fully complete applications.

Section 4. Effective Period of Moratorium. This Ordinance shall take effect on January 19, 2005 and remain in effect through July 18, 2006 unless terminated sooner by action of the City Council.

Section 5. 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 3r DAY OF JANUARY 2006.**

CITY OF SAMMAMISH


Michele Petitti, Mayor

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:


Bruce L. Disend, City Attorney

Filed with the City Clerk:	December 6, 2005
First Reading:	December 13, 2005
Public Hearing:	January 3, 2006
Passed by the City Council:	January 3, 2006
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