

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2007-219**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING THE CITY ZONING CODE,
SMC CHAPTER 21A.75, TO ADOPT TEMPORARY
INTERIM ZONING CONTROLS TO ELIMINATE THE
RESIDENTIAL DENSITY INCENTIVES IN R-4 AND R-6
ZONES; DECLARING AN EMERGENCY; AND
SCHEDULING A PUBLIC HEARING**

WHEREAS, the purpose of Chapter 21A.75 of the Sammamish Municipal Code (SMC), entitled Residential Density Incentives, is to provide density incentives to developers of residential lands in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, open space protection, and energy conservation; and

WHEREAS, a recent decision of the City Hearing Examiner has interpreted the provisions of Chapter 21A.75 in a manner that would allow development to occur at higher densities than anticipated; and

WHEREAS, the Hearing Examiner's interpretation is inconsistent with staff's interpretation of Chapter 21A.75; and

WHEREAS, to avoid confusion over the interpretation of Chapter 21A.75, and to prevent development at higher densities in zones intended for lower density, an amendment to the zoning code is necessary and appropriate; and

WHEREAS, RCW 35A.63.220 provides that the City may adopt temporary interim zoning controls provided that a public hearing on the interim zoning ordinance is held within sixty days of its adoption; and

WHEREAS, an interim zoning ordinance may be effective for not longer than six months unless renewed in accordance with RCW 35A.63.220; and

WHEREAS, the City Council has concluded that it is in the interest of the public health, safety and welfare to adopt this emergency ordinance to prevent conflicts with the City's Comprehensive Plan and to prevent significant density from occurring in an areas planned for lower densities;

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

Section 1. Sammamish Municipal Code Chapter 21A.75 is hereby amended as follows:

21A.75.020 Permitted locations of residential density incentives.

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

- (1) In ~~R-4~~ R-8 through R-18 zones; and
- (2) In NB, CB and O zones when part of a mixed use development.

21A.75.040 Public benefits and density incentives.

(5) Residential development in ~~R-4~~ R-8 through R-18 zones with property specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus dwelling units as set forth in subsection (6) of this section when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

21A.75.080 Applicability of development standards.

(1) RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development; provided, that an RDI proposal in the ~~R-4~~ R-8 through ~~R-8~~ R-18 zone shall conform to the height requirements of the underlying zone in which it is located.

(2) RDI developments in the ~~R-4~~ R-8 through ~~R-8~~ R-18 zones shall be landscaped as follows:

(a) When 75 percent or more of the units in the RDI development consists of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with Chapter 21A.35 SMC for townhouse or apartment projects.

(b) When less than 75 percent of the units in the RDI consists of townhouses or apartments, the development shall provide landscaping and tree retention in accordance with Chapter 21A. 35 SMC for townhouses or apartments on the portion(s) of the development containing such units; provided, that if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.

(c) All other portions of the RDI shall provide landscaping or retain trees in accordance with Chapter 21A.35 SMC.

Section 2. The Council does hereby find that an emergency exists and that immediate action is necessary. This ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. The City Clerk is directed to schedule a public hearing within sixty days of the date of adoption of this ordinance in accordance with RCW 35A.63.220.

Section 4. This Ordinance shall be effective for a period of six months from the date of enactment unless: sooner terminated by action of the Council; or, renewed for one or more additional six-month periods as provided by state law.

Section 5. The above "Whereas" clauses of this ordinance constitute specific findings by the Council in support of passage of this ordinance. If any part or portion of this ordinance is declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portion.

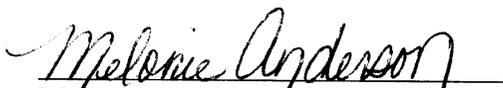
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20th DAY OF NOVEMBER, 2007.

CITY OF SAMMAMISH



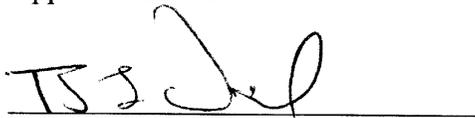
Mayor Mark Cross

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	November 15, 2007
Passed by the City Council:	November 20, 2007
Date of Publication:	November 24, 2007
Effective Date:	November 20, 2007