CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2008-231

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING THE SAMMAMISH MUNICIPAL CODE, CHAPTER 21A.75, TO EXTEND TEMPORARY INTERIM ZONING CONTROLS ELIMINATING THE RESIDENTIAL DENSITY INCENTIVES IN R-4 AND R-6 ZONES

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 the City Council's intent in adopting 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 previously concluded that it is in the interest of the public health, safety and welfare to adopt an 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;

WHEREAS, the City Council adopted Emergency Ordinance 2007-219 on November 20, 2008; and

WHEREAS, more permanent revisions to SMC 21A.75 are currently being prepared for public review and consideration by the Planning Commission and City Council; and

WHEREAS, the City Council finds that an emergency continues to exist, and desires to extend the interim municipal code changes to allow completion of the more permanent SMC 21A.75 revisions;

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

Section 1. The provisions of Ordinance No. 2007-219 are hereby extended for a period of six (6) months from the date of enactment of this ordinance, November 20, 2008.

Section 2. The Council does hereby find that an emergency exists, in light of the potential that applicants might "vest" applications seeking approval to develop at densities greater than the surrounding area and public infrastructure can support. Therefore, immediate action is necessary. This ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. 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 4. The recitals stated above (i.e., the "Whereas" clauses) 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 MAY, 2008.

CITY OF SAMMAMISH

Mayor Lee Fellinge

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	April 26, 2008
Public Hearing:	May 6, 2008
Second Reading:	May 20, 2008
Passed by the City Council:	May 20, 2008
Date of Publication:	May 24, 2008
Effective Date:	May 20, 2008