CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2011-307

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON GRANTING DISCRETIONARY AUTHORITY TO THE CITY'S DIRECTOR OF COMMUNITY DEVELOPMENT TO EXTEND REASONABLE USE EXCEPTIONS AND COMMERCIAL SITE DEVELOPMENT PERMITS THAT EXPIRED DUE TO THE RECENT ECONOMIC RECESSION

WHEREAS, the Sammamish Municipal Code allows a Reasonable Use Exception (RUE) to be granted for land development when all reasonable uses of a site, as allowed by adopted zoning, is denied as result of critical areas; and

WHEREAS, the Sammamish Municipal Code allows a Commercial Site Development Permit (CSDP) to be granted for land development that meets specific criteria established by Chapter 95 of Title 21A of the Sammamish Municipal Code; and

WHEREAS, RUE's are recognized in federal, state and local law as a means of avoiding the taking of private property by allowing reasonable use of property; and

WHEREAS, a RUE is evaluated by the City based upon the criteria established in Sammamish Municipal Code, Section 21A.50.070; and

WHEREAS, a CSDP allows for the start of construction which may be phased over several years to allow for appropriate construction and financial management of a development; and

WHEREAS, certain RUE's and CSDP's were issued by the City during the period beginning January 1, 2003 and ending December 31, 2009, a time of economic slowdown and recession, which prevented many planned residential projects from proceeding; and

WHEREAS, some RUE' and CSDP's issued during the economic downturn have expired due to the economic circumstances; and

WHEREAS, some landowners whose permits expired during the recession period now wish to proceed with their project; but doing so will require the landowners to submit new applications, pay new application fees and engage in a further administrative process; and

WHEREAS, allowing such permits to be administratively renewed and extended until June 30 of 2013 is in the public interest and a reasonable exercise of the municipal

police power, provided all other development requirements are met;

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

Section 1. Any use or activity authorized by a Reasonable Use Permit issued on or after November 1, 2005 and before January 1, 2010 that has expired may be administratively renewed and extended by the Director of Community Development for a period of time up to and including June 30, 2013, provided that good cause is shown.

Section 2. Any use or activity authorized by a Commercial Site Development Permit issued on or after January 1, 2003 and before January 1, 2010 that has expired may be administratively renewed and extended by the Director of Community Development for a period of time up to and including June 30, 2013, provided that good cause is shown.

Section 3. The "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.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20th DAY OF JUNE, 2011.

CITY OF SAMMAMISH

Donald J. Gerend

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	May 25, 2011
Public Hearing:	June 7, 2011
First Reading:	June 7, 2011
Public Hearing:	June 20, 2011
Passed by the City Council:	June 20, 2011
Date of Publication:	June 23, 2011
Effective Date:	June 28, 2011