

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2018-467

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
ADOPTING A RENEWAL OF A SIX-MONTH MORATORIUM ON THE
ACCEPTANCE OF CERTAIN APPLICATIONS FOR LAND USE,
DEVELOPMENT, AND BUILDING PERMITS OR APPROVALS WITHIN
THE CITY OF SAMMAMISH; PROVIDING FOR SEVERABILITY;
DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish, adopt and renew moratoria related to land uses; and

WHEREAS, the City Council sees problems with development and growth in the City of Sammamish (“City”) under current regulations, is debating this growth in both general and specific ways, and finds that there may be adverse impacts on the City and its citizens; and

WHEREAS, as one specific but non-exhaustive example, the City Council is concerned about transportation concurrency under the Growth Management Act and related traffic impacts; and

WHEREAS, in continuing to address this specific concern, the City Council is considering and deliberating transportation concurrency and traffic impacts regularly on its City Council meeting agendas, has retained an experienced traffic engineering and consulting firm to provide substantial technical assistance in reviewing the City’s existing traffic model and related data, and is working toward the completion of amendments to its Comprehensive Plan and regulations; and

WHEREAS, on October 3, 2017, the City Council adopted emergency Ordinance O2017-445, which established a six-month moratorium on the acceptance of certain applications for land use, development and building permits or approvals; and

WHEREAS, on March 6, 2018 after completing a Public Hearing, the City Council adopted Ordinance O2018-458, which renewed the development moratorium for an additional six-month term because its work on transportation concurrency issues was not yet complete; and

WHEREAS, on September 11, 2018, the City Council passed a motion directing City staff to prepare an amendment to the Comprehensive Plan that would incorporate a revised intersections-only approach to measuring transportation LOS, and to further study and bring to the Council options for potentially incorporating road-segment capacity analysis into the City’s concurrency model; and

WHEREAS, the moratorium is currently set to expire on October 3, 2018, unless renewed; and

WHEREAS, the previously declared emergency continues, and the City needs additional time to complete its analysis of possible amendments to the Comprehensive Plan and development regulations to address transportation concurrency and traffic impacts related to development and growth; and

WHEREAS, a Public Hearing was held on September 18, 2018 to receive testimony on a renewal of the moratorium; and

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to renew the moratorium on the acceptance of certain applications for land use, development and building permits or approvals for an additional six-month period effective at the expiration of the current moratorium period;

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's findings of fact in support of the moratorium renewal established by this Ordinance.

Section 2. Moratorium Renewed. As authorized by the Growth Management Act, RCW 36.70A.390 and RCW 35A.63.220, a moratorium is hereby renewed on the acceptance of applications for land use, development, and building permits or approvals ("Permit Applications") under the following Titles and Chapters of the Sammamish Municipal Code ("SMC"): Title 16, Building and Construction; Title 19A, Land Division; Title 21A, Development Code; Title 21B, Town Center Development Code; Title 25, Shoreline Management; Chapter 13.20, Surface Water Runoff Regulations; Chapter 14A.10, Concurrency; and Chapter 15.10, Flood Damage Prevention.

Section 3. Categorical Exemptions. The term "Permit Applications" shall not include applications for:

- a. Permits and approvals for churches, synagogues, and temples; health service uses; education service uses; park use; and day care facilities I and II (all as defined in chapters 21A.15 and 21A.20 SMC);
- b. Permits and approvals for additions or alterations to existing single-family residences including, but not limited to, carports/garages, decks, docks, electrical/mechanical/plumbing, interior building permits, exterior building permits, rockeries/retaining walls, spas/pools, sports courts;

- c. 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;
- d. Permits and approvals for new single-family homes, on any legally created lot;
- e. Permits and approvals for government facilities and structures including, but not limited to, streets, utilities, and surface water improvements;
- f. Permits and approvals for removal and replacement of significant trees;
- g. Permits and approvals for signs;
- h. Permits and approvals for accessory dwelling units;
- i. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;
- j. Permits and approvals of any type for properties outside of the Town Center zoning districts submitted on or before October 3, 2017, including those for which a pre-application meeting was completed with the City to the satisfaction of the Community Development Director and/or designee;
- k. Permits and approvals for development wholly comprised of “affordable housing units” as that term is defined in SMC 21B.75.060(1);
- l. Permits and approvals for Demolition;
- m. Permits and approvals for Clearing and Grading;
- n. Permits and approvals for a Boundary Line Adjustment (BLA);
- o. Permits and approvals for a Reasonable Use Exception (RUE) for any legally created lot resulting in a new single-family residence;
- p. Permits and approvals for Wireless Communication Facilities (WCF);

- q. Permits and approvals for standalone commercial uses and structures.
- r. Permits and approvals within the Town Center (TC) Sub-Area Plan boundary for those properties which are subject to an executed Memorandum of Understanding (MOU) with the City of Sammamish.
- s. Permits and approvals for preliminary Subdivisions and preliminary Short Plats.
- t. Permits and approvals for rezones involving matters previously docketed by Resolution.

Section 4. Vested Rights. The moratorium imposed in Section 2 of this Ordinance shall not apply to any rights that have vested prior to the effective date of this Ordinance.

Section 5. Effective Date and Duration of Moratorium. The renewed moratorium established in this Ordinance shall be in effect beginning on October 3, 2018, and shall continue in effect for a period of six (6) months thereafter, and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 6. Referral to the City Manager. The City Manager is hereby authorized and directed to study amendments to the City's Comprehensive Plan and regulations to address transportation concurrency and traffic impacts related to development and growth. The City Council requests that the City Manager and staff work diligently to complete this study and bring amendments forward to the Planning Commission and City Council for consideration as soon as possible, and not later than six-months from the adoption of this Ordinance.

Section 7. 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.

Section 8. Declaration of Emergency. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 18TH DAY OF SEPTEMBER, 2018.**

CITY OF SAMMAMISH



Mayor Christie Malchow

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Michael R. Kenyon, City Attorney

Filed with the City Clerk:

Public Hearing:

September 18, 2018

Passed by the City Council:

September 18, 2018

Date of Publication:

September 21, 2018

Effective Date:

October 3, 2018