

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2013-540**

**A RESOLUTION OF THE SAMMAMISH CITY COUNCIL
RELATED TO USE OF THE LAND CONSERVATION AND LOCAL
INFRASTRUCTURE PROGRAM**

WHEREAS, Sammamish Municipal Code (SMC) Title 21A.80 establishes procedures for Transfer of Development Rights (TDR); and

WHEREAS, in 2011 Sammamish and King County executed an Interlocal Agreement that sets forth an inter-jurisdictional Transfer of Development Right (TDR) program that provides for 75 TDR credits from King County Rural Areas that are in close proximity to the City to be used for increased development capacity in the Sammamish Town Center area; and

WHEREAS, the 2011 Washington State Legislature created the framework for a regional TDR mechanism by adopting ESSB 5253, the Landscape Conservation and Local Infrastructure Program (“LCLIP”), codified as RCW 39.108; and

WHEREAS, RCW 39.108 creates a mechanism for cities and counties to enact regional TDR partnerships for rural and resource land conservation that also create new financial tools to help pay for necessary infrastructure to support new urban development; and

WHEREAS, LCLIP is a financial tool that allows cities to implement a form of Tax Increment Financing (TIF) through an inter-jurisdictional TDR program, and thereby receive additional tax revenue to help pay for infrastructure improvements and amenities; and

WHEREAS, under RCW 39.108, the Puget Sound Regional Council determined the City of Sammamish’s Receiving City Allocated Share is 215 TDR Credits, with a minimum acceptance of 43 TDR Credits to utilize the LCLIP tool; and

WHEREAS, to test the financial feasibility of the LCLIP tool in Sammamish, King County provided \$15,000 of United States Environmental Protection Agency Sound Ecosystem Restoration and Protection Cooperative Agreement grant funds to Sammamish to pay for a consultant study; and

WHEREAS, the consultant study has been completed and the results show that the LCLIP tool would be useful to generate additional revenue for such infrastructure and amenities, and that the projected benefits of the LCLIP tool depend on a variety of factors and choices;

WHEREAS, it is in the interest of Sammamish to have a variety of financial tools available to address infrastructure funding needs and opportunities.

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

Section 1. Authorization of City Manager. The City Council authorizes the City Manager to bring forth a proposal for City Council consideration to utilize the LCLIP financial tool when the City Manager makes the following findings:

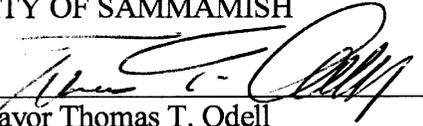
- a. Sufficient development applications have proposed or are using the TDR incentives in peer city TDR programs or in the Sammamish Town Center TDR Receiving Area that confirm regional market interest in TDR.
- b. Analysis of the use of TDR credits confirms that the likelihood of meeting the threshold requirements for TDR use in a LCLIP district is reasonably high.
- c. Infrastructure projects have been identified that qualify under the LCLIP program.
- d. A district can be created that maximizes the projected LCLIP revenue to pay for infrastructure projects while meeting the requirements of the LCLIP legislation.
- e. As needed, a shared strategy approach with King County or another partner agency should be included in the proposal.

Section 2. Effective Date. This resolution is effective immediately upon adoption.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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 2nd DAY OF JULY, 2013

CITY OF SAMMAMISH



Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk



Melonie Anderson

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk: June 26, 2013
Passed by the City Council: July 2, 2013
Resolution Number: R2013-540