

CITY OF SAMMAMISH

WASHINGTON

RESOLUTION NO. *R99-04*

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, RELATING TO LAND USE AND ZONING,  
AND ESTABLISHING A MORATORIUM ON THE FILING  
OF APPLICATIONS WITH KING COUNTY FOR  
DEVELOPMENT PERMITS AND APPROVALS WITHIN  
THE CORPORATE LIMITS OF THE CITY OF  
SAMMAMISH**

WHEREAS, one of the concerns of the citizens of Sammamish leading to incorporation was the impact of County land use decisions on the Sammamish community; and

WHEREAS, voters approved incorporation of the City of Sammamish at an election held on November 8, 1998; and

WHEREAS, the City Council was elected on April 27, 1999, and sworn in on May 8, 1999; and

WHEREAS, state law, RCW 35.02.137, authorizes the City Council of a newly incorporated city to establish a moratorium during the interim transition period on the filing of applications with the county for development permits and approvals, including, but not limited to subdivision approvals, short subdivision approvals, and building permits; and

WHEREAS, the City Council needs sufficient time to carefully consider the appropriate land use and development of property within the City limits; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports establishment of a moratorium on applications for development permits and approvals for property within the corporate limits of the City of Sammamish;

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

Section 1. Moratorium Established. Except as hereinafter set forth, a moratorium is imposed upon the filing of applications for development permits and approvals with King County for property located within the corporate limits of the City of Sammamish. For purposes of this moratorium, the terms "development permits and approvals" include:

- a. Subdivision approvals;
- b. Short subdivision approvals;

- c. Site plan approvals;
- d. Multi-family dwelling unit approvals (apartments, townhouses, condominiums, mobile home parks, group residences);
- e. Rezones;
- f. Building permits;
- g. Conditional use or special use permits;
- h. Communication facilities;
- i. Commercial construction in business and office zones; and
- j. Shoreline substantial development permits.

Section 1.A. Exemptions. The terms "development permits and approvals" do not include the following:

- a. Permits and approvals for churches, synagogues, and temples (SIC Code 866); health service uses; educational service uses; and park and recreational uses (all as defined in King County Code, Title 21);
- b. Permits for additions or alterations to existing 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;
- c. Single family residences, when a complete application for a building permit was filed prior to the effective date of this Resolution;
- d. Residential short subdivisions that create four or fewer lots;
- e. Government services including, but not limited to: streets, utilities, and surface water improvements;
- f. Permits for construction of single family residences on lots legally established prior to the effective date of this moratorium; and
- g. Sign permits.

This moratorium shall not affect vested rights, if any, established pursuant to previously filed and fully complete applications.

Section 2. Effective Period of Moratorium. The moratorium, as a public emergency

measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately and shall continue in effect until the City's official date of incorporation.

Section 3. Public Hearing. A public hearing on the moratorium established by this Resolution shall be held before the City Council on June 9, 1999 at the offices of the Sammamish Water and Sewer District, located at 1510 228th Avenue SE, Sammamish, Washington. The Interim City Clerk shall cause notice of the public hearing to be published in the City's official newspaper at least ten days prior to the hearing date. The Interim City Clerk shall also post notice of the public hearing at the offices of the Sammamish Water and Sewer District and the Sammamish Public Library, at least ten days prior to the hearing date.

Section 4. Duties of City Clerk and King County. The Interim City Clerk shall immediately transmit a certified copy of this Resolution to the King County Council, the King County Executive, and the Director of the King County Department of Development and Environmental Services. King County shall immediately cease accepting any applications for development permits or approvals as described in Section 1 above.

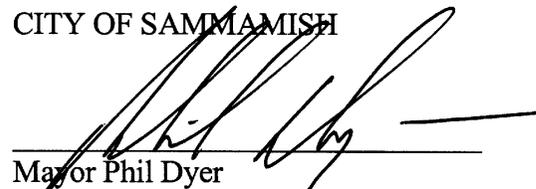
Section 5. Intent of the City Council. The City Council intends this Resolution to have the full legal force and effect of, and to be enforceable as, an ordinance. This document is in Resolution form pursuant to the statutory requirements of RCW 35.02.137.

Section 6. Hardship. In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exemption from the provisions of the moratorium. The City Council may grant an exemption upon a showing of such unusual or unreasonable hardship.

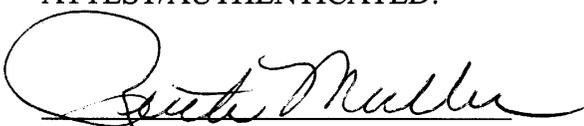
Section 7. Severability. If any section, sentence, or phrase of this resolution should be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, ON THIS 19 DAY OF MAY, 1999.

CITY OF SAMMAMISH

  
\_\_\_\_\_  
Mayor Phil Dyer

ATTEST/AUTHENTICATED:

  
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Ruth Muller, Interim City Clerk

Approved as to form:



Bruce L. Disend, Interim City Attorney

Filed with the City Clerk: *May 17, 1999*  
Passed by the City Council: *May 19, 1999*  
Resolution No.: *R99-04*