AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING SECTION 21A.25.080 OF THE SAMMAMISH MUNICIPAL CODE REGARDING DENSITY CALCULATIONS SUBTRACTING CERTAIN ENVIRONMENTALLY SENSITIVE AREAS AND STREETS FROM THE ALLOWED MAXIMUM DENSITY CALCULATION WHILE ALLOWING FOR A DENSITY INCENTIVE FOR TREE RETENTION

WHEREAS, pursuant to the provisions of state law, Revised Code of Washington (RCW) Chapter 35A.63 and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC) including Title 21A, Development Code, for the City of Sammamish which regulates land use and may amend the same; and

WHEREAS, the City Council adopted the City of Sammamish Comprehensive Plan which contains goals, objectives, and policies related to land use compatibility, development density, and environmental considerations; and

WHEREAS, it is the intent of the Sammamish City Council to ensure the development of fair and reasonable regulations; and

WHEREAS, the Planning Commission, pursuant to SMC 2.60.040(2), “shall review and make recommendations to the City council relating to the City's land use ordinances and regulations”; and

WHEREAS, the Planning Commission considered proposed amendments to SMC Section 21A.25.080 concerning the manner by which density is calculated during their regular meetings on September 16, October 21, November 4 and December 9, 2004; and

WHEREAS, after providing public notice pursuant to the Sammamish Municipal Code, the Planning Commission held a public hearing on November 18, continued to December 9, 2004, to consider amending Section 21A.25.080 of the Sammamish Municipal Code; and

WHEREAS, an Environmental Checklist for a non-project action was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on November 5, 2004; and

WHEREAS, the City of Sammamish Comprehensive Plan, Land Use Element, page III-4, states “[T]he City may consider revising its zoning ordinance by changing the method by which density is calculated, such as a net density system in place of gross density system, or down-zoning parcels encumbered by significant sensitive areas.”; and
WHEREAS, the City of Sammamish Comprehensive Plan contains the following goal and policies:

Land Use Goal-3:
As new development occurs, preserve Sammamish’s character, human scale and neighborhood quality.

Land Use Policy-3.4
The City shall adopt residential development growth management tools that guide the location and timing of residential growth, recognizing environmental capacities. The growth management tools shall provide for City attainment of the City’s housing target...

Land Use Policy -3.7
Zoning regulations shall be written to:
a. Achieve the desired scale and character for an area,
...  
c. Protect environmental quality,
...

Land Use Policy- 3.9
Regulations shall include limitations to residential density, lot sizes, impervious surface, and building location, height, and bulk.

Land Use Policy -7.3
Residential development standards should address housing densities, lot dimensions and sizes, building setback and height, impervious surface limitations, access, parking and other standards.

and;

WHEREAS, the City’s growth forecasting was calculated, in the Comprehensive Plan, by subtracting certain environmentally sensitive areas, roads, and a market factor for unavailable property; and

WHEREAS, without the proposed amendment, the City’s growth target and capacity, as set forth and calculated in the Comprehensive Plan, would likely be exceeded; and

WHEREAS, the Planning Commission, after due consideration, recommended that the City Council amend Section 21A.25.080 of the Sammamish Municipal Code as hereafter set forth; and

WHEREAS, the City Council finds this amendment to the Sammamish Municipal Code to be consistent with, and to implement the intent of, the Comprehensive Plan; and
WHEREAS, after providing thirty (30) days public notice, the City Council held a public hearing on January 18, 2005, to consider amending Section 21A.25.080 of the Sammamish Municipal Code; and

WHEREAS, an informational meeting between city staff and interested parties was held on February 9, 2005 on the proposed amendment to Section 21A.25.080; and

WHEREAS, the City Council held a second reading on March 1, 2005; and

WHEREAS, the City Council considered the proposed amendment, the Planning Commission recommendation, and public comment received, and after due consideration, found the amendment to be in the public interest:

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

Section 1. Amendment. Section 21A.25.080 of the Sammamish Municipal Code is amended to read as follows:

Calculations - Site area used for base density and maximum density floor area calculations.

(1) All site areas may be used in the calculation of base and maximum allowed residential density or project floor area except as outlined under the provisions of subsection (2) of this section.
(2) Submerged lands, steep slopes and buffers, class 1-3 wetlands and buffers, class 1-3 streams and buffers, and property to be used as a street(s), shall not be credited toward base and maximum density or floor area calculations, provided that subdivisions or short plats that meet the tree retention standards of SMC 21A.35.210(2), Tree Retention Incentives, shall be credited ten (10) percent of the environmentally sensitive areas and associated buffers identified above.

Section 2. 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 3. 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 the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1st DAY OF MARCH 2005.
CITY OF SAMMAMISH

Mayor, Don Gerend

ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: January 13, 2005
Public Hearing: January 18, 2005
First Reading: January 18, 2005
Passed by the City Council: March 1, 2005
Date of Publication: March 5, 2005
Effective Date: March 10, 2005