AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PERTAINING TO LAND USE AND ZONING, ADOPTING A NEW CHAPTER OF THE SAMMAMISH MUNICIPAL CODE, CHAPTER 19.08, ENTITLED GROWTH MANAGEMENT PHASING OF RESIDENTIAL DEVELOPMENT FOR THE PURPOSE OF IMPLEMENTING REQUIREMENTS OF THE STATE GROWTH MANAGEMENT ACT AND THE CITY OF SAMMAMISH COMPREHENSIVE PLAN

WHEREAS, the State Legislature enacted the Growth Management Act (GMA) RCW Chapter 36.70A finding that “uncontrolled and unplanned growth together with a lack of common goals expressing the public’s interest in the conservation of and the wise use of our lands, pose a threat to the environment, sustainable development and the health, safety and high quality of life enjoyed by residents of this state;”(RCW36.70A.010); and,

WHEREAS, the GMA includes adopted goals to guide the development and adoption of comprehensive plans and development regulations for those counties and cities that are required to plan under the Act, including the following goals which are particularly relevant to the City of Sammamish (RCW36.70A.020):

1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

10) Environment. Protect the environment and enhance the state's high quality of life, including
air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance; and,

**WHEREAS**, the GMA (RCW 36.70A.090) states that “[a] comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights”;

and

**WHEREAS**, the GMA (RCW 36.70A.110 (2)) further states: Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth, and

**WHEREAS**, the Land Use Element of the City of Sammamish Comprehensive Plan includes policy language related to managing growth within the City as follows:

**Managing Growth**
As a result of rapid development over the past decade, the City of Sammamish has experienced a severe burden on its infrastructure, particularly its roadway system. With an imbalance between jobs and housing, making Sammamish basically a bedroom community, traffic congestion exiting and entering the community has steadily become worse. Other basic infrastructure such as sewer and water service is also struggling to meet the demand of this increasing population. In order to provide for adequate
infrastructure capacity for the existing population and meet the preferred level of service standards, the City must plan for future growth and its increased infrastructure demands.

The City has several choices of growth control tools by which the City can meet its preferred level of service standards and growth targets. Currently the construction of new homes is significantly constrained by the limited availability for water. The primary provider of water service to the community, the Sammamish Plateau Water and Sewer District, is currently only awarding recaptured water certificates on a periodic basis, pending a new water supply. Additional measures available to the City include limiting the number of new lots created or dwelling units constructed through a random lottery system, a complex point system, or a proportional system of issuing permits. The City may also choose to strengthen its concurrency requirements, allowed in the Growth Management Act, resulting in infrastructure being provided truly concurrent with development. Finally, the 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. In order to control development so that the adequate infrastructure is provided, level-of-service standards are met, and community character is maintained, any of these methods can help the City achieve these goals. Since it may be several years before there is adequate water to support new subdivisions, the City has time to evaluate the appropriate measures to manage growth and to monitor the need for growth controls in accordance with the policies contained in this plan.

This would need to be considered carefully and may be coordinated with local water utility providers such as the Sammamish Plateau Water and Sewer District which currently implements a lottery system.

\( ; \text{and}, \)

WHEREAS, one of the land use goals of the City's Comprehensive Plan, Goal LUG-3, states: "As new development occurs, preserve Sammamish's character, human scale and neighborhood quality;" and

WHEREAS, the City's Comprehensive Plan includes the following land use policies (LUP) to manage growth and implement LUG-3:

\[ \begin{align*}
\text{a. LUP-3.1} & \quad \text{The land use plan should accommodate carefully planned levels of development, consider existing uses, safeguard the environment, reduce sprawl, promote efficient uses of land, create alternative modes of transportation, and foster the development of the City's sense of community.} \\
\text{b. LUP-3.2} & \quad \text{Growth should be directed as follows: first, to areas with existing infrastructure capacity; second, to areas where infrastructure improvements can be easily extended; and last, to areas requiring major infrastructure improvements.} \\
\text{c. LUP-3.3} & \quad \text{The City shall institute a concurrency management system to provide for infrastructure to be in place at the time of development and meeting level of service goals of the Community. The Transportation Element and Capital Facilities Element shall} \\
\end{align*} \]
identify the level of service objectives, the infrastructure, facilities, and services that must be in place to serve development at the time of development, including, but not limited to roads, stormwater facilities, water service, wastewater service, parks, schools, and others. The City shall monitor the effectiveness of concurrency standards.

d. LUP-3.4 The City shall adopt residential development growth management tools that guide the location and timing of residential growth, recognizing environmental capacities, and established level of service standards for water, sewer, surface water, transportation, parks, schools, and other public facilities and services. The growth management tools shall provide for City attainment of the City’s housing target of 3,842 over the 20-year planning period (2001 – 2022), including affordable housing. Additional measures to control growth may be required if any of the following thresholds are exceeded:

a. Building permit applications submitted to the City for the construction of new residential development in one year period is at a rate that if continued, could result in over 3000 building permits being issued in the twenty year period of 2003 to 2022.

b. Subdivision or commercial site development permit applications are submitted to the City in any two consecutive years at a rate that if continued, could result in the creation of over 1000 new residential units in the twenty year period of 2003 to 2022.

c. A finding is made by the City Council that new growth and development is occurring at a rate or in a manner that precludes the timely provision of necessary public facilities or services, and/or that established level of service standards are not being met and

WHEREAS, the City Council finds that growth and development has been occurring at a rate which has exceeded the thresholds set in Comprehensive Policy LUP3.4; and

WHEREAS, in furtherance of the goals and objectives of the GMA, and the City Comprehensive Plan, City staff prepared amendments to the Sammamish Municipal Code to implement phasing of residential development within the City limits; and

WHEREAS, without phasing of residential development the City Council finds that the City will meet or exceed the City’s twenty year growth target, set for the year 2022 in far less than twenty years; and

WHEREAS, in order to meet the GMA goal of promoting affordable housing the City Council finds that accessory units should not count against the twenty year growth target; and

WHEREAS, an Environmental Checklist for a non-project action (the amendments) has been prepared, pursuant to RCW43.21C, WAC 197-11, and City of Sammamish Municipal Code Chapter 20.15, and a Notice of Adoption and a Determination of Non-Significance (DNS) was issued on May 13, 2005 with the comment period ending on May 30, 2005; and

WHEREAS, the Planning Commission held numerous public meetings to study the issues raised by the propose amendments, to inform the public about the amendments, and to
receive public comment concerning the proposed amendments. The Planning Commission process began on June 17, 2004 and continued through June 2, 2005, included 20 regular and special meetings of the Commission, three stakeholder meetings in February and March 2005 and two sessions of public testimony on May 2, 2005 and May 19, 2005; and,

WHEREAS, the Planning Commission has carefully considered the proposed amendments and recommended approval of the amendments to the City Council; and,

WHEREAS, the City Council held a first reading of the ordinance proposing the amendments, and a public hearing on the proposed amendments on June 7, 2005, and a second reading and continued public hearing of the ordinance on June 21, 2005 a third reading of the ordinance on July 12, 2005, a fourth reading of the ordinance on July 19, 2005 and a fifth reading of the ordinance on July 26, 2005; and,

WHEREAS, the City Council of the City of Sammamish finds that legislative action is necessary and appropriate in order to allow the City of Sammamish: (1) to develop in accordance with the State Growth Management Act; (2) to develop in accordance with the City’s Comprehensive Plan; (3) to accommodate the City’s projected population growth in a reasonable manner; (4) to avoid placing undue strain upon the City’s resources; and (5) to serve the public health, safety and welfare.

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

Section 1. Chapter 19.08 a new chapter of the Sammamish Municipal Code is adopted as set forth in Attachment A.

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 on August 15, 2005.

ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 26th DAY JULY OF 2005.

CITY OF SAMMAMISH
ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: June 3, 2005
Public Hearing: June 7, 2005
First Reading: June 7, 2005
Public Hearing June 21, 2005
Second Reading June 21, 2005
Third Reading July 12, 2005
Fourth Reading July 19, 2005
Passed by the City Council: July 26, 2005
Date of Publication: July 30, 2005
Effective Date: August 15, 2005

Donald J. Gerred, Mayor
ATTACHMENT A
SMC Chapter 19.08
Growth Management Phasing of Residential Development

SMC 19.08.010 Purpose

In order to allow the City of Sammamish to: (a) develop in accordance with the requirements of the State Growth Management Act and the City Comprehensive Plan; (b) absorb the City's projected population growth; and (c) not place undue strain upon the City's limited resources, the City hereby implements growth controls upon the creation of new single family building lots.

SMC 19.08.020 Applicability.

1. This chapter shall apply to all divisions of land whenever two or more lots or tracts or residential units are to be created except for the following:
   a. Any proposed subdivision or short subdivision for which a complete application for preliminary approval has been submitted prior to the effective date of this ordinance;
   b. Creation of Accessory Dwelling Units; and
   c. Multi-family units that are affordable to low and moderate income households (0-50% and 50-80% of King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development), consistent with Goals and Policies in the Comprehensive Plan.

SMC 19.08.030 Phasing Required

1. Final plats for all subdivisions of more than 60 lots or units (lots/units) shall be recorded in phases. The phasing plan shall be shown on all submitted preliminary plats of more than 60 lots/units. The plan shall clearly indicate which area of the plat will be developed first and each subsequent phase, including the number of lots/units to be recorded in each phase.

2. Final recording of the subdivision lots shall be phased as follows:
   a) Less than 60 lots/units: one phase.
   b) 61 to 90 lots/units: two phases,
   c) 91 or more lots/units: three phases.

3. Subdivisions exceeding 60 lots/units shall be recorded or built in phases approximately equal in size.

4. No subsequent phase of a multi-phase subdivision shall be recorded sooner than 12 calendar months from the date of recording of the previous phase.

5. Submittal of a phasing plan for subdivisions subject to this chapter, in a form acceptable to the City Community Development Department (Department), shall be a condition of preliminary plat approval.
SMC 19.08.040 Growth target.

1. The Department shall monitor the total number of lots/units submitted for approval for preliminary subdivision, short subdivision and non-exempt multi-family projects, including applications vested prior to the effective date of this ordinance, the total number of lots recorded, and permits issued for other residential units, including multi-family.

2. This information shall be considered in the annual review required by SMC 19.08.060.

3. The maximum number of proposed lots/units that will be accepted by the City for preliminary plat, short plat, or non-exempt multi-family approval, during the first 365 days following the effective date of this ordinance, shall be 420 lots/units. During the second 365 days after the effective date, the maximum number of lots/units accepted by the City shall be 420.

4. Subdivision lots and non-exempt multi-family projects shall not exceed 80% of the above maximum numbers. Short subdivision lots shall not exceed 20% of the above maximum numbers. The maximum number of lots/units may be adjusted in the event that the growth target adopted in the City’s Comprehensive Plan is revised or once in any calendar year following review by the City Council.

SMC 19.08.050 Two year system established.

1. The lots/units available for subdivision, short subdivision and non-exempt multi-family applications in the first 730 days following the effective date of this ordinance shall be selected through an allocation process. The number of lots or units awarded through the allocation shall be as follows: First 365 days following the effective date of this ordinance 420 lots/units shall be awarded, for the second 365 days 420 units shall be awarded. A combined allocation shall be completed for both 365-day periods for which lots/units are to be awarded. The Director of the Department of Community Development is hereby authorized to implement an allocation system to award lots or units to any or all potential applicants. Submittals for participation in the allocation shall be made on a form provided by the Department and shall contain, at a minimum, the names and addresses of the applicant and property owner, the legal description and tax account parcel number(s) of the subject property, a property boundary sketch, and the number of lots requested. Submittals for the allocation shall be made no later than 60 days after the effective date of this ordinance. The allocation shall be conducted by an independent organization selected by the city.

If the final application drawn in the allocation is for more lots/units than are remaining, the Director of the Department of Community Development is authorized to adjust the maximum allowed number of units in order to accommodate the project if the applicant’s proposal, as adjusted, exceeds the remaining number by no more than five (5) percent. A fraction of a unit shall be rounded up to the next whole number.

2. Following an award of lots/units through the allocation, a complete application for subdivision, short subdivision, or building permit approval shall be submitted within 180 days of the date of the City provides notice of the award. Applications not submitted by the 180-day
deadline shall be deemed null and void. Lots/units awarded to an applicant for a particular parcel of property shall not be transferable to a different parcel of property. The award of lots/units constitutes the ability to submit a development application and does not assure the subsequent approval of the number of lots/units awarded.

3. Any lots/units not submitted as part of a complete short subdivision, subdivision, or non-exempt multi-family development permit application by the 180-day submittal deadline, shall be awarded to the next applicant drawn in that allocation for the category of application desired, either the 80% for subdivisions and non-exempt multi-family developments or the 20% available for short subdivision. Any unused allocation may be awarded by the Director of the Department of Community Development to other applicants in the same class on a first come, first served basis.

SMC 19.08.060

The Director of the Department of Community Development is authorized to establish administrative procedures to effectively implement the provisions of this ordinance.

SMC 19.08.070 Annual review.

In the last quarter of each calendar year the Planning Commission shall review and report to the City Council, for the year to date, on the following:

a) The number of lots recorded;

b) The total number of other residential building permits issued for new units, including multi-family;

c) The number of lots/units remaining to reach the City's growth target number; and

d) Whether there is a need to revise the growth target number adopted in the City's comprehensive plan.

Based on this annual review, the Planning Commission shall recommend to the City Council any revisions to this chapter deemed appropriate.

SMC 19.08.080 Expiration.

This ordinance shall expire two years after the effective date unless the City Council, following review and recommendation by the Planning Commission, and a public hearing by the Commission or Council, finds a substantial need to retain this ordinance.