CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2005-185

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING ORDINANCE NO. O2005-182 RELATING TO LAND USE AND ZONING, DECLARING A MORATORIUM ON THE FILING OF CERTAIN APPLICATIONS FOR DEVELOPMENT PERMITS AND BUILDING PERMITS WITHIN THE TOWN CENTER AREA OF THE CITY OF SAMMAMISH

WHEREAS, the Sammamish City Council enacted Ordinance No. 2005-182 establishing a moratorium on the filing of certain development permits within the Town Center area of the City: and

WHEREAS, the City Council conducted a public hearing on September 6, 2005 to receive public comment regarding the moratorium; and

WHEREAS, based upon the public comment received, and further consideration of the scope of the ordinance, Council has determined that amendments to the ordinance are in the public interest;

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

Section 1. Findings of Fact. The "Whereas" clauses above shall constitute findings of fact in support of the moratorium amendment hereafter set forth and are incorporated herein.

Section 2. Ordinance amended. The following sections of Ordinance No. 2005-182 are hereby amended as follows:

Section 2. Moratorium Established. Except as hereafter set forth, a moratorium is imposed upon the filing of applications for development permits and building construction permits, for property located within the limits of the area known as Sammamish Town Center Study Area within the City of Sammamish as identified in "Attachment A" to this Ordinance. For purposes of this moratorium, the terms "development permits and building construction permits" include:

a. Subdivision approvals;

b. Short subdivision approvals;

c. Single and Multi-family dwelling unit approvals (homes, apartments, townhouses, condominiums, mobile home parks, group residences);
d. Building permits, other than those exempted in Section 3 of this Ordinance;

e. Rezones.

f. **Traffic concurrency certificates**

g. **Discretionary use permits, including conditional use permits, special use permits and variances.**

h. **Commercial site development permits and grading permits other than those exempted in Section 3 of this Ordinance.**

Section 3. **Categorical Exemptions.** The terms "development permits and building construction permits" shall not include the following:

a. Permits and approvals for repair, restoration, rehabilitation, remodeling or to comply with health and safety standards to existing single family residential, multi-family residential and commercial structures when such additions or alterations do not result in the creation of new units or the addition to any building, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;

b. Permits and approvals for government facilities and structures;

c. Permits and approvals for signs;

d. Permits and approvals for lot line adjustments;

e. **Permits that are for the construction of an attached or detached building related to existing residential use when the gross square footage of such building addition does not exceed 25% of the gross square footage of existing residential use buildings.**

f. **Permits that are for the construction of an attached or detached building related to existing day care facility use when the gross square footage of an attached or detached building addition does not exceed 55% of the gross square footage of existing day care use buildings.**

g. **Permits for clearing, grading and construction of roadways, utilities and recreational amenities for development of educational facilities taking place outside of the moratorium area but needing land within the moratorium area to complete the project.**

h. **Building permits that implement, and are in conformance with, an approved conditional use permit or other land use approval issued prior to July 26, 2005.**
Provided that this moratorium shall not affect vested rights established pursuant to previously filed and fully complete applications.

Section 4. Effective Period of Moratorium. This moratorium, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately upon passage and shall continue until January 19, 2006 unless terminated sooner by action of the City Council; provided, that the property within the moratorium area designated as 831 228th AVE SE, King County Parcel # 0424069011 shall, at the request of the property owner, be excluded from the moratorium area if a request is made no later than January 3, 2006. Such request shall be made in writing and addressed to the City Clerk.

Section 5. 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 18th DAY OF OCTOBER 2005.

CITY OF SAMMAMISH

Mayor Donald Gerend

ATTEST/AUTHENTICATED:

Mélodie Anderson
Méline Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

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