CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2009-254

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON AMENDING ORDINANCE NO. O2008-239 TO CONTINUE INTERIM REGULATIONS EXEMPTING CERTAIN PUBLIC EMERGENCY COMMUNICATIONS FACILITIES FROM COMPLIANCE WITH SMC CHAPTER 21A.55 AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the purpose of Chapter 21A.55 of the Sammamish Municipal Code ("SMC"), entitled Wireless Communication Facilities ("WCF"), is to provide general requirements, siting hierarchy, design standards, and evaluations in exchange for public benefits to help achieve reasonable location of wireless communication facilities; and

WHEREAS, on November 4, 2008, the Sammamish City Council by Ordinance No. 2008-239, made an emergency modification to the existing WCF, as set forth in Section 21A.55.030 SMC, for a period of six months which shall conclude on May 4, 2009; and

WHEREAS, the City Council, upon request of City staff, has been asked for a 6-month extension of Ordinance 2008-239 to allow sufficient time to complete research and review of the WCF Code provisions; and

WHEREAS, on April 7, 2009, the City Council held a public hearing to receive input on this proposed extension of Ordinance 2008-239 in accordance with RCW 35A.63.220; and

WHEREAS, permanent revisions to SMC Chapter 21A.55 are currently being prepared for public review and comment and consideration by the Planning Commission and City Council;

NOW, THEREFORE, the City Council of the City of Sammamish, Washington, do ordain as follows:

Section 1. Amendment of Ordinance 2008-239. Section 4 of Ordinance 2008-239 is hereby amended to extend the duration of the Ordinance until November 4, 2009 unless sooner terminated by action of the Council or renewed for one or more additional six-month periods as provided by state law.

Section 2. Emergency/Effective Date. The Council does hereby find that an emergency exists in that the regulations under review affect emergency communications facilities vital to the public...
health, safety and welfare. Therefore, this ordinance shall be effective immediately upon passage by five or more votes.

Section 3. 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 7th DAY OF APRIL, 2009.

CITY OF SAMMAMISH

Mayor Donald K. Gerend

ATTEST/AUTHENTICATED:

Melanie Anderson
Melanie Anderson, City Clerk

Approved as to form:

Bruce Disend, City Attorney

Filed with the City Clerk: February 2, 2009
Public Hearing: March 17, 2009
First Reading: March 17, 2009
Passed by the City Council: April 7, 2009
Date of Publication: April 9, 2009
Effective Date: April 14, 2009