CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2009 - 274

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING CHAPTER 21A.50 (ENVIRONMENTALLY CRITICAL AREAS), OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, the City Council adopted the City’s Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, the adopted City of Sammamish Comprehensive Land Use Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the City Council adopted Ordinance O2005-193, which amended the Sammamish Municipal Code to update the City’s environmentally critical area regulations to meet the requirements of RCW 36.70A.020, RCW 36.70A.172, and WAC 365-195-900 through 925; and

WHEREAS, prior to adopting Ordinance O2005-193, the City Council undertook an extensive Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Sammamish Municipal Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the requirements contained within RCW 36.70A for the adoption environmentally critical area protections included significant changes to the then-current Sammamish Municipal Code environmentally sensitive area protections; and

WHEREAS, the City Council wished to provide for a trial period in implementing the environmentally critical area regulations adopted in Ordinance O2005-193; and

WHEREAS, the City Council included provisions within Ordinance O2005-193, which would automatically sunset provisions for wetland, stream, and lakes and ponds protection forty eight (48) months after the effective date of Ordinance O2005-193; and

WHEREAS, the City Council intends to review the basis for the wetland and stream protections to ensure that they are consistent with Best Available Science; and
WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed 2009 Shoreline Master Program and associated SMC 21A.50 (Critical Areas) amendments was issued on August 26, 2009; and

WHEREAS, in accordance with WAC 365-195-620, a notice of intent to adopt the proposed Sammamish Shoreline Master Program was received by the State of Washington Department of Community, Trade and Economic Development on August 18, 2009; and

WHEREAS, development applications are reviewed for compliance with these regulations; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities and included presentation to the Sammamish City Council on November 17, 2009 and December 1, 2009; and

WHEREAS, the City Council considered the proposed amendments at a City Council public hearing conducted on November 17, 2009, which was continued to December 1, 2009.

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

Section 1. Amendments to the Municipal Code. The municipal code amendments set forth in Attachment “A” to this ordinance are hereby adopted.

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. Attachment “A” Effective Date. Attachment “A” to 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 DECEMBER 2009.

CITY OF SAMMAMISH

[Signature]
Mayor Donald Gerend
ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: November 6, 2009
Public Hearing: November 17, 2009
First Reading: November 17, 2009
Public Hearing: December 1, 2009
Passed by the City Council: December 1, 2009
Date of Publication: December 4, 2009
Effective Date: December 9, 2009
ATTACHMENT A

SMC 21A.50.400 - Sunset provisions.

“Plain Text” is existing code language
“Strikethrough Text” is existing language that will be deleted
“Underline Text” is code language that will be added

21A.50.400 Sunset provisions.


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