CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2012 - 338

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

WHEREAS, the City Council adopted Ordinance 2005-193, which amended the Sammamish Municipal Code to update the City’s environmentally critical area regulations to meet the requirements of state law; and

WHEREAS, the City Council included provisions within Ordinance 2005-193, which would automatically sunset provisions for wetland, stream, and lakes and ponds protection forty eight (48) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City Council adopted Ordinance 2009-274 on December 1, 2009, which extended the sunset provisions to seventy two (72) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City Council adopted Ordinance 2011-315 on December 6, 2011, which extended the sunset provisions to eighty-four (84) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City has undertaken an update of the adopted regulations for environmentally critical areas in 2012; and

WHEREAS, the City Council has identified a set of known topics that are being addressed as part of the environmentally critical area regulation update, along with required steps including review and inclusion of Best Available Science; and

WHEREAS, the original schedule for the public process has been extended such that the adoption date of the updated critical areas regulation is anticipated to be beyond the January 3, 2013 sunset date; and

WHEREAS, the City Council desires to provide for additional time to complete the amendments by extending the sunset date to assure a thorough and inclusive process; and

WHEREAS, the City Council considered the proposed amendment to extend the sunset date at a City Council public hearing conducted on December 4, 2012.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Amendments to the Municipal Code. Sammamish Municipal Code (SMC) 21A.50.400 Sunset provisions, is amended to read as follows: "The provisions contained in SMC 21A.50.290, Wetlands – Development standards, 21A.50.310 (6)(a), wetland mitigation ratios, and 21A.50.330, Streams – Development standards, shall revert to those in effect prior to January 3, 2006, 84-91 months following the January 3, 2006 effective date of the ordinance codified in this chapter unless renewed or revised."

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 SPECIAL MEETING THEREOF ON THE 11TH DAY OF DECEMBER 2012.

CITY OF SAMMAMISH

[Signature]
Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

[Signature]
Bruce L. Disend, City Attorney
Filed with the City Clerk: November 28, 2012
Public Hearing: December 4, 2012
First Reading: December 4, 2012
Passed by the City Council: December 11, 2012
Date of Publication: December 14, 2012
Effective Date: December 19, 2012