CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2015-390

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ESTABLISHING INTERIM DEVELOPMENT REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT RELATING TO TREE RETENTION; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, to promote the public health, safety, aesthetic, and welfare, the City of Sammamish (the "City") provides for the retention of significant trees, which is done through the implementation of comprehensive and thorough review of new subdivisions and short plats; and

WHEREAS, the City has determined that tree retention for new subdivisions and short plats as currently codified in Sammamish Municipal Code (SMC) chapter 21A.35 is not accomplishing the goals set forth by the Sammamish Comprehensive Plan; and

WHEREAS, the City has determined that amendments to the tree retention regulations are required, and is interested in preventing the removal of additional significant trees until such time as the tree retention regulations can be thoroughly reviewed; and

WHEREAS, the City has determined that interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary in order to allow adequate time for the City to effectively analyze and determine if the current development regulations are sufficient to provide for appropriate tree retention within the City; and

WHEREAS, through the adoption of Ordinance No. 02014-375 on October 14, 2014, the City Council adopted interim development regulations relating to tree retention; and

WHEREAS, pursuant to State law, the City held a public hearing on December 2, 2014 to take public testimony and further consider said interim development regulations; and

WHEREAS, the City Council finds that it is necessary to extend the effective duration date of the Interim Development Regulations for an additional six (6) month timeframe in order to complete the research and other analysis necessary for the adoption of permanent regulations;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council’s initial findings of fact in support of the interim development regulations adopted herein. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.

Section 2. Adoption of Interim Zoning Regulations. The City Council hereby adopts the interim development regulations as set forth in Attachment A to this Ordinance amending Chapter 21A.35 SMC.

Section 3. Effective Duration of Interim Development Regulations. The interim development regulations set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The City Council held a public hearing at the City Council’s regular meeting beginning at 6:30 p.m. on April 7, 2015 in order to take public testimony and to consider adopting further findings of fact.

Section 5. Referral to the City Manager. The City Manager is hereby authorized and directed to study the issues described in the above findings and to develop appropriate regulations for same as authorized by law. The City council requests that the City Manager and his staff work diligently to produce regulations for City Council consideration as soon as possible, and not later than October 14, 2015.

Section 6. 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 7. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force on April 14, 2015 to extend the interim development regulations for an additional six (6) months. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 7TH DAY OF APRIL, 2015.
CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson,
Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon,
Michael R. Kenyon, City Attorney

Filed with the City Clerk: April 1, 2015
First Reading: April 7, 2015
Public Hearing: April 7, 2015
Passed by the City Council April 7, 2015
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