AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, RELATING TO LAND USE AND ZONING,
AND ESTABLISHING A MORATORIUM ON THE FILING
OF APPLICATIONS FOR DEVELOPMENT PERMITS AND
APPROVALS WITHIN THE CORPORATE LIMITS OF
THE CITY OF SAMMAMISH

WHEREAS, there has been rapid and substantial growth in and around the area of the new City of Sammamish; and

WHEREAS, one of the concerns of the citizens of Sammamish leading to incorporation was the impact of County land use decisions on the Sammamish community; and

WHEREAS, voters approved incorporation of the City of Sammamish at an election held on November 8, 1998; and

WHEREAS, the City Council was elected on April 27, 1999, and sworn in on May 8, 1999; and

WHEREAS, the City of Sammamish will officially incorporate on August 31, 1999; and

WHEREAS, state law, RCW 35.02.137, authorizes the City Council of a newly incorporated city to establish a moratorium during the interim transition period on the filing of applications with the county for development permits and approvals, including, but not limited to subdivision approvals, short subdivision approvals, and building permits; and

WHEREAS, the City Council passed Resolution No. R99-04 on May 19, 1999 imposing a moratorium on the filing of applications with King County for development permits and approvals within the corporate limits of the City of Sammamish; and

WHEREAS, state law, RCW 35A.63.220, authorizes the City Council to adopt moratoriums following incorporation; and

WHEREAS, a public hearing was conducted on July 28, 1999 to receive comment on the impacts and effectiveness of the moratorium imposed by Resolution No. R99-04 and the need to continue and/or modify the moratorium following incorporation; and

WHEREAS, based upon the information presented at the July 28th public hearing, and information presented at the public hearing conducted prior to the adoption of Resolution No. 99-04, the City Council finds that it is in the best interests of the community to continue the moratorium, but to modify certain provisions in order to address the needs of the community; and
WHEREAS, in addition, the City Council needs sufficient time to carefully consider the appropriate land use and development of property within the City limits and to develop the plans and regulations necessary to comply with State planning, land use and environmental laws; and

WHEREAS, the City currently has no permanent staff and needs time to hire staff in order to carry out the business of the City; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports establishment of a moratorium on applications for development permits and approvals for property within the corporate limits of the City of Sammamish;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Findings of Fact. The "Whereas" clauses set forth above shall constitute findings of fact and are incorporated herein by reference.

Section 2. Moratorium Established. Except as hereinafter set forth, a moratorium is imposed upon the filing of applications for development permits and approvals for property located within the corporate limits of the City of Sammamish. For purposes of this moratorium, the terms "development permits and approvals" include:

a. Subdivision approvals;

b. Short subdivision approvals;

c. Site plan approvals;

d. Multi-family dwelling unit approvals (apartments, townhouses, condominiums, mobile home parks, group residences);

e. Rezones;

f. Building permits;

g. Conditional use or special use permits;

h. Communication facilities;

i. Commercial construction in business and office zones; and

j. Shoreline substantial development permits.
Section 3. Exemptions. The terms "development permits and approvals" do not include the following:

a. Permits and approvals for: churches, synagogues, and temples (SIC Code 866); health service uses; educational service uses; park and recreational uses; and Day Care facilities I and II; all as defined in King County Code, Title 21A;

b. Permits and approvals for additions or alterations to existing residential and commercial structures when such additions or alterations do not result in the creation of new units, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;

c. Permits and approvals for government services including, but not limited to: streets, utilities, and surface water improvements;

d. Permits and approvals for construction of single family residences;

e. Permits and approvals for signs;

f. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage; and

g. Permits and approvals for lot line adjustments.

Section 4. Effective Period of Moratorium. The moratorium, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately upon the City's official date of incorporation, August 31, 1999, and shall continue until February 18, 2000 unless terminated sooner by action of the City Council.

Section 5. Hardship. In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exemption from the provisions of the moratorium. The City Council may grant an exemption upon a showing of such unusual or unreasonable hardship.

Section 6. Severability. If any section, sentence, or phrase of this ordinance should be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this ordinance.

CITY OF SAMMAMISH

Deputy Mayor Jack Barry

ATTEST/AUTHENTICATED:

Ruth Muller, Interim City Clerk

Approved as to form:

Bruce L. Disend, Interim City Attorney

Filed with the City Clerk: August 19, 1999
Passed by the City Council: August 25, 1999
Ordinance No.: 99-28