

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2021-525

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RENEWING FOR AN ADDITIONAL SIX MONTHS THE SIX-MONTH MORATORIUM ESTABLISHED IN ORDINANCE O2020-508 ON THE ACCEPTANCE OF APPLICATIONS FOR CONCURRENCY CERTIFICATES UNDER SMC CHAPTER 14A.10, ADDING EXCEPTIONS FOR PUBLIC AGENCIES AS DEFINED BY SMC 21A.15.915, SINGLE FAMILY RESIDENCES ON EXISTING LOTS AND ACCESSORY DWELLING UNITS, AND ESTABLISHING AN EFFECTIVE DATE

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 moratoria related to land use and development applications; and

WHEREAS, the City Council adopted of Ordinance No. O2020-508 on July 28, 2020 imposing a six-month moratorium on the acceptance of applications for concurrency certificates; and

WHEREAS, adoption of Ordinance No. O2020-508 enabled the City to preserve the status quo after the Growth Management Hearings Board's ("GMHB") April 20, 2020 Final Decision and Order ("FDO") in the *Gerend* matter invalidated SMC 14A.10.050(2), the velocity over capacity methodology for measuring concurrency at corridors and segments; and

WHEREAS, the City filed its Compliance Report with the GMHB in the *Gerend* matter on November 13, 2020 and the City believes that it has complied with the GMHB's FDO; and

WHEREAS, renewal of the July 28, 2020 moratorium is not required by the GMHB *Gerend* decision; however, as part of consideration of options in light of *Gerend*, the City has embarked on a "Balanced Land Use and Mobility" study process to facilitate public review and Council decision-making., and renewal of the moratorium is intended to preserve the status quo until the study, now under way, is completed and the City has the opportunity to decide what if any actions to take; and

WHEREAS, RCW 36.70A.390 states that a "moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal"; and

WHEREAS, the City opened the public hearing on the renewal herein on January 5, 2021 and continued the public hearing to January 19, 2021; and

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 findings of fact in support of the moratorium established by this Ordinance.

Section 2. Renewal of Moratorium. As authorized by the Growth Management Act, RCW 36.70A.390, and the Planning and Zoning Enabling Act, RCW 35A.63.220, renewal of the moratorium established in O2020-508 imposing a moratorium on the acceptance of applications for Concurrency Certificates is hereby extended for an additional six months. Excepted from this moratorium are Concurrency Certificate applications necessary for essential public project permits associated with the following:

1. Public Agencies as defined in SMC 21A.15.915; and
2. Single Family Residences on Existing Lots and Accessory Dwelling Units (ADUs).

Section 3. Vested Rights. The moratorium imposed in Section 2 of this Ordinance shall not apply to any rights that have vested prior to the effective date of this Ordinance.

Section 4. Effective Duration of Moratorium. The moratorium established 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 5. Referral to the City Manager. The City Manager is hereby authorized and directed to pursue work on the "Balanced Land Use and Mobility" study process referred to in recitals above. The City Council requests that the City Manager and City Staff, along with consultants engaged by the City as needed, work diligently to complete the study and provide the City Council the opportunity to decide what, if any, actions to take within the moratorium timeframe, including any extensions.

Section 6. 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.

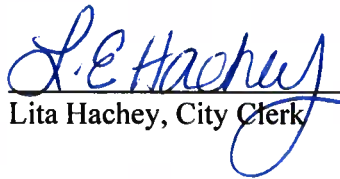
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19TH DAY OF JANUARY 2021

CITY OF SAMMAMISH




Mayor Karen Moran

ATTEST/AUTHENTICATED:



Lita Hachey, City Clerk

Approved as to form:



Lisa Marshall, City Attorney

Filed with the City Clerk:	December 17, 2020
First Reading:	January 5, 2021
Second Reading:	January 19, 2021
Passed by the City Council:	January 19, 2021
Date of Publication:	January 22, 2021
Effective Date:	January 27, 2021