

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 05-792

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, CONTINUING A MORATORIUM ON ACCEPTING APPLICATIONS FOR MASTER PLANNED DEVELOPMENTS, SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS WITHIN THE CITY

WHEREAS, the City Council makes the following findings:

1. The City has updated its Comprehensive Plan, and is in the process of updating its Zoning Code and development regulations in compliance with the Growth Management Act in order to implement the Comprehensive Plan provisions.
2. Some of the implementation regulations have been completed and adopted, such as the Transfer of Development Rights program.
3. Many of the remaining implementation regulations are in various stages of development, some of which have already gone through the public hearing process.
4. Due to the complexity of some of the update elements, such as implementing the Black Diamond Urban Growth Area Agreement of 1996, it has taken the City longer to finish the Comprehensive Plan implementation steps.
5. The City has many large undeveloped parcels that, if developed before the new development regulations are in place, could result in the comprehensive development plan for the entire City that is contained in the Comprehensive Plan being severely compromised, if not thwarted.
6. It would be detrimental to the public health, safety and welfare to allow further large scale subdivision of properties within the City until such time as the new development standards are adopted by the City, as many of these standards vest upon the recording of the land use application;
7. It is in the interest of the City to allow for some small scale subdivision activity consisting of four lots or less within the City as this type of development is less likely to negatively impact the vision set forth in the Comprehensive Plan and can provide for desired in-fill development in appropriate areas of the City.
8. It is anticipated that the implementation regulations will be completed and adopted by December 31, 2005.

9. The current moratorium will expire at midnight on October 6, 2005 and continuation of the moratorium is necessary.

10. A public hearing on the continuation of the moratorium was duly noticed and held before the City Council on October 6, 2005. Based upon the above findings;

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The existing moratorium on accepting applications for any land use activity resulting in the creation of greater than four (4) contiguous lots in the same ownership, including but not limited to, subdivisions, master planned developments or planned unit developments is hereby continued in full force and effect up to and including April 7, 2006, unless earlier terminated by action of the City Council. Acceptance of Short Plat Applications for the division of land into four (4) or fewer lots shall be allowed provided that new lots are to be served by public water and sewer facilities.

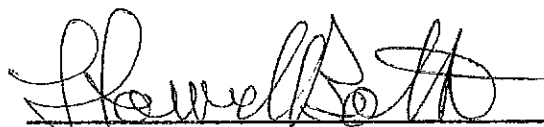
Section 2. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of the public health, safety, public property or the public peace and shall be effective upon adoption.

Section 3. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to the law by a Court of competent jurisdiction, it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

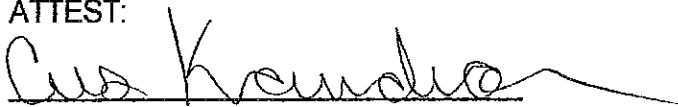
Introduced the 6th day of October, 2005.

Passed by the City Council at a meeting held on the 6th day of October, 2005.

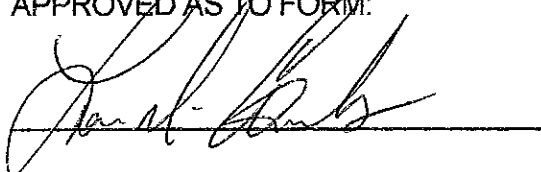
Approved by the Mayor on the 6th day of October, 2005.


Howard Botts, Mayor

ATTEST:


Cris Kandior, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: 10-11-05

Posted: 10-07-05

Effective Date: 10-06-05