

ORDINANCE NO. 05-797

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ESTABLISHING MPD OVERLAY ZONING FOR THE WEST POTENTIAL ANNEXATION AREA LOCATED IN SECTION 15, TO BE EFFECTIVE UPON ANNEXATION OF SAID PROPERTY INTO THE CITY AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, in 1996 the City entered into the Black Diamond Urban Growth Area Agreement (BDUGAA), that established Potential Annexation Areas for the City; and

WHEREAS, the City's Comprehensive Plan, as amended in 2001, contemplated that the area known as the West Potential Annexation Area would be developed pursuant to a master plan; and

WHEREAS, the City Council, by adopting Ordinance 05-779, created the Master Plan Development (MPD) Program, and by adopting Ordinance 05-796 created a MPD overlay zoning district classification; and

WHEREAS, the property owner for the West Potential Annexation Area has petitioned the City for annexation; and

WHEREAS, RCW 35A.14.330 authorizes the City to establish the zoning that will become effective upon annexation;

WHEREAS, the City Council held a public hearing on November 3, 2005 and second public hearing on December 8, 2005 to consider the proposal to zone the West Potential Annexation Area with the MPD overlay zoning classification, to be effective upon annexation, and notices of said hearings were published as required by RCW 35A.14.340; and

WHEREAS, the Black Diamond Area Open Space Protection Agreement ("Agreement") protects hundreds of acres of land inside the City and in King County from future development, and also provides the funding for the City to acquire significant park lands, at no cost to the City; and

WHEREAS, the Agreement expires on December 9, 2005, unless certain lands are annexed into the City; and

WHEREAS, said lands cannot be annexed unless the City has applied the necessary zoning designation, so that the designation will be effective upon annexation; and

WHEREAS, in order for the zoning to be established before the annexation is considered this ordinance must be effective immediately, and

WHEREAS, the annexation is to be considered by the City Council on December 8, 2005, now therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON DOES ORDAIN, AS FOLLOWS:

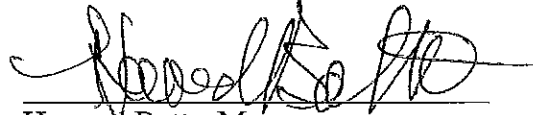
Section 1. The real property legally described in Exhibit A, and pictorially illustrated in Exhibit B, shall be zoned as a Master Plan Overlay District, effective immediately upon its annexation into the City.

Section 5. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

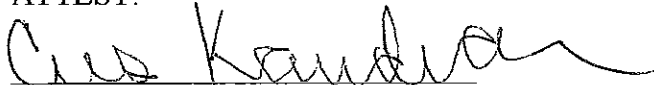
Section 6. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance and Ordinances and/or Resolutions modified by it shall remain in force and effect.

Introduced the 8th day of December, 2005.

Passed unanimously by the City Council on the 8th day of December, 2005.


Howard Botts, Mayor

ATTEST:


Cris Kandior, City Clerk

Published: 12-13-05
Posted: 12-09-05
Effective Date: December 8, 2005

APPROVED AS TO FORM:

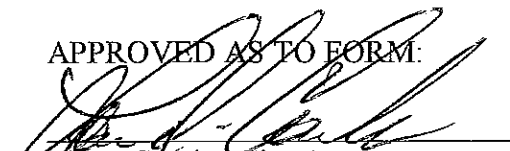

Loren Combs, City Attorney

EXHIBIT A
To
Ordinance No. 05-797

That portion of the west half of Section 15, Township 21 North, Range 6 East, W.M. King County, Washington, lying southerly of the northeasterly right-of-way margin of Maple Valley-Lake Sawyer Road and the existing city limits of Black Diamond, as annexed by Ordinance No. 319.

Containing approximately 278.7 acres.

EXHIBIT B
To
Ordinance No. 05-797

