

EMERGENCY ORDINANCE

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 07-825

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, IMPOSING A MORATORIUM ON ACCEPTING APPLICATIONS FOR MASTER PLANNED DEVELOPMENTS, SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS WITHIN THE CITY, AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

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. 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.
4. The City has many large undeveloped parcels that have consolidated into large tracts of land controlled by a few persons and if developed before the new development regulations are in place, could result in the development plan for the entire City that is contained in the Comprehensive Plan being severely compromised, if not thwarted.
5. It would be detrimental to the public health, safety and welfare to allow further large scale master plan development and 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.
6. 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.
7. The Critical Areas Ordinance, Zoning Regulations and Public Works Standards updates are not yet completed.
8. It is anticipated that the implementation regulations will be completed and adopted by December 31, 2007.

9. The City does not have sufficient funding to hire the staff and purchase equipment and facilities necessary to handle increased development activity.

10. The City anticipates it will have adequate funding and sufficient personnel within the next year to accommodate the anticipated growth.

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

Section 1. A moratorium is hereby imposed 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 October 5, 2007, 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.

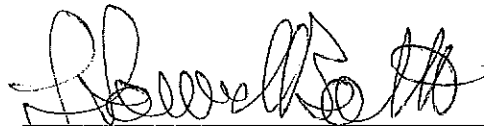
Section 2. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of the public health, safety, public property or the public peace and shall be effective upon adoption. A public hearing shall be held on the 19th day of April, 2007 at 7:00 P.M. at the Black Diamond City Hall.

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 5th day of April, 2007.

Passed by the City Council at a meeting held on the 5th day of April, 2007.

Approved by the Mayor on the 5th day of April, 2007.



Howard Botts, Mayor

ATTEST:



Brenda Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: _____

Posted: _____

Effective Date: _____