

CITY OF BLACK DIAMOND, WASHINGTON  
ORDINANCE NO. 08-885

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, ADDING A MORATORIUM ON PREAPPLICATION MEETINGS ON THOSE APPLICATIONS IF REQUIRED BY CITY CODE AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, the City Council makes the following findings:

1. For over twelve years the City has been working toward the goal of bringing into reality a vision for the development of Black Diamond that will make the City a model city demonstrating excellent small City comprehensive urban land planning and development.
2. The City has this opportunity because a vast percentage of the total land area within the City is undeveloped and is in the control of only two entities.
3. One of those entities has provided the funding, through various agreements, to hire the consultants and expert staff to complete the changes to the City's Comprehensive Plan and development regulations that are necessary to bring the City's vision into reality.
4. In order to expedite the completion of the necessary Comprehensive Plan and development regulations the City Council and Planning Commission have been holding additional meetings.
5. Since the City has many undeveloped or underdeveloped parcels allowing development to occur before the new development regulations are in place would result in the vision of the City that is contained in the Comprehensive Plan being severely compromised, if not thwarted.
6. The development regulations that are being developed include increased standards for the protections for critical wildlife habitat, environmentally sensitive areas, and areas that are critical for the protection of water quality for endangered species.
7. It would be detrimental to the public health, safety and welfare to allow large portions of the City to vest to the old development standards until such time as the new development regulations are adopted by the City, as development applications might vest to the old standards unless the premature filing of applications is prevented.

8. It is in the interest of the City to allow for construction, reconstruction or remodeling of single-family residences 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.

9. When the moratorium was last extended the administration's work plan contemplated the completion of all comprehensive plan and development regulation updates by March, 2008; however the Council only extended the moratorium until December 31, 2008 so that they could review the work plan progress before extending the moratorium for a longer period of time.

10. More public meetings have been held, and the public hearings have had to be extended both before the Planning Commission and the City Council to allow adequate time for public input on some of the development regulations, thus requiring the extension of the work plan timeline to allow the completion of the development regulation and comprehensive plan updates while assuring adequate public involvement.

11. Significant progress has been made on completing the comprehensive plan and development regulation updates, and the City Council finds that an extension of the moratorium for six months is warranted to allow the completion of the work plan and also to make sure sufficient time is allowed for additional public meetings if the public continues to express the level of interest they have demonstrated in the last 3 months.

12. The modification of the moratorium would be appropriate on MPD applications if the applicant would agree that the application would not vest to any of the regulations that are currently being updated, and it would assume the risk that the application requirements and the applicable development regulations would change and the matter could not be set for hearing until the comprehensive plan and development regulation updates were completed and the moratorium lifted. This would allow some of the basic processing of the application to begin and the discussion to occur on general concepts without affecting the potential vesting of the application to outdated regulations.

13. Pursuant to RCW 35A.63.220 a public hearing was held December 23, 2008 regarding the continuation of the existing moratorium that is in effect as a result of the adoption of Ordinance 08-870.

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 contiguous lots in the same ownership, and 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 June 30, 2009, and shall also include a

moratorium on conducting any preapplication meeting that is required by the Black Diamond Municipal Code for the above referenced applications, 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 moratorium shall not apply to the filing of an application for a master planned development, and holding the preapplication meeting required for master planned developments, if the applicant, and the property owner or owners if different from the applicant, sign an agreement on a form to be provided to the City, wherein it is agreed that: 1) conducting the preapplication meeting and the filing of the application will not vest the applicant to the MPD code, the comprehensive plan provisions or development regulations in effect at that time; and 2) they assume the risk that the regulations and comprehensive plan will significantly change prior to the lifting of the moratorium; and 3) their application will be subject to the comprehensive plan, MPD and development regulations that are adopted by the City in order to lift the moratorium; and their application will not be deemed complete until the MPD code amendments are adopted, the moratorium lifted, and they have submitted all information required under the amended MPD code in order to be considered a complete application.

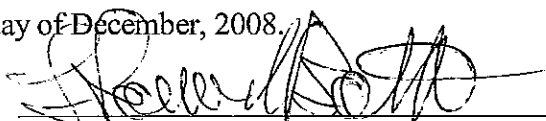
Section 3. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

Section 4. 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.

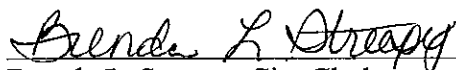
Introduced the 23d day of December, 2008.

Passed on the 23d day of December, 2008.

Approved by the Mayor on the 23d day of December, 2008.

  
Howard Botts, Mayor

ATTEST:

  
Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

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Loren D. Combs, City Attorney  
Published: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Effective Date: \_\_\_\_\_