

**CITY OF BLACK DIAMOND  
WASHINGTON  
ORDINANCE NO. 12-978**

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**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, RELATING TO DURATION OF SITE  
PLAN APPROVALS; AMENDING CHAPTER 18.16 OF THE  
BLACK DIAMOND MUNICIPAL CODE; ADDING NEW  
SECTION 18.16.060 BDMC; DECLARING AN  
EMERGENCY; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, on June 18, 2009, the City Council adopted Ordinance No. 09-909 to replace the majority of the City's then-existing zoning regulations and procedural requirements codified in Title 18 of the Black Diamond Municipal Code; and

WHEREAS, Ordinance No. 09-909 established a new chapter 18.14 relating to vesting of project permits; and

WHEREAS, BDMC 18.14.070 established that project permits approved prior to the adoption of Chapter 18.14 would retain their approval until April 1, 2012 and that project permits that otherwise did not have a duration specific, would expire two years after date of issuance if construction had not been substantially complete; and

WHEREAS, because of unfavorable economic conditions that affected real properties and markets, the state legislature amended state subdivision laws to extend from five to seven and from seven to nine the minimum number of years to obtain final approval of preliminary plats; and

WHEREAS, in approving SSB 6544 (Ch. 79, Laws of 2010), for example, the 2010 legislature found that, "active land use permits are expiring due to a downturn on the state economy; that considerable cost has been expended by applicants and local jurisdictions to approve projects; that, allowing these projects to expire would make it difficult for the state to meet its housing needs in the future and impose considerable staff costs on local governments to perform work that has already been completed; that in the current period of economic challenge, an extension for plat approvals will contribute to the overall employment of the state by

employing citizens of Washington as soon as is practicable in the family wage jobs of the land development and home building industries; and

WHEREAS, preliminary site plan approvals authorized pursuant to Chapter 18.16 BDMC are not affected by the extension granted for final plat approval; however, the consequences of allowing a site plan approval to expire would have the same harmful consequences as allowing a preliminary plat approval to expire; and

WHEREAS, in June of 2012, Black Diamond Plaza, LLC filed a request to amend the text of BDMC 18.14.070 to extend the period of approval set forth in BDMC 18.14.070; and

WHEREAS, the Planning Commission reviewed the above described request at a public hearing held on August 7, 2012; and

WHEREAS, after consideration of the request and other facts, the Planning Commission has recommended that the BDMC 18.14.070 be amended to provide the previously approved project permits shall remain vested until April 1, 2015; and

WHEREAS, the City Council has reviewed the recommendation of the Planning Commission and finds that it would be in the best interest of the public health, safety and welfare to amend BDMC Chapter 18.16 as set forth herein to established a two-year time period for site plan approval granted after April 1, 213 and, because of the current economic conditions, to provide for a longer time period for site plan approvals that are or have been granted prior to April 1, 2013;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

**Section 1. New Subsection Added to BDMC Chapter 18.16 (Site Plan Review Process).** Chapter 18.16 of the Black Diamond Municipal Code is hereby amended by the addition of a new subsection to read as follows:

**18.16.060 (Duration of Approval).**

Site plan approvals granted pursuant to this Chapter shall expire two (2) years after the date of approval if construction of the project has not been substantially completed; provided that, an extension of the approval period may be granted pursuant to BDMC 18.14.050(B). Notwithstanding the foregoing, all site plan approvals granted prior to April 1, 2013, that have not otherwise expired, shall expire on April 1, 2015.


**Section 2. Declaration of Emergency.** The City Council hereby finds that the current economic conditions as set forth in the recitals above establish a public emergency and that it is necessary for the protection of public health, public safety, public property and the public peace, to adopt this ordinance. This finding is based upon the recitals set forth above which are incorporated herein by this reference.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

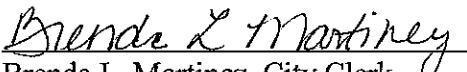
**Section 4. Effective Date.** This Ordinance shall be effective upon adoption.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF SEPTEMBER, 2012.**

CITY OF BLACK DIAMOND

  
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Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

  
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Brenda L. Martinez, City Clerk

Approved as to form:

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Chris D. Bacha,  
Kenyon Disend PLLC  
City Attorney

Filed with the City Clerk: 9/21/2012  
Passed by the City Council: 9/20/2012  
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