

**ORDINANCE NO. 15-1052**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING FINDINGS AND CONCLUSIONS IN SUPPORT OF THE CONTINUANCE OF A SIX MONTH EXTENSION OF A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT WITHIN THE MASTER PLANNED DEVELOPMENT (MPD) DISTRICT, EXCLUDING ANY APPLICATIONS SUBJECT TO THE DEVELOPMENT AGREEMENTS APPROVED FOR THE MPD DEVELOPMENTS ENTITLED THE VILLAGES AND LAWSON HILLS.

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WHEREAS, on May 1, 2014, the City adopted Ordinance 14-1025, which imposed a six-month moratorium on the City's acceptance of certain applications for development for property zoned Master Planned Development ("MPD"); and

WHEREAS, on August 21, 2014, the City Council adopted Ordinance 14-1034, extending the moratorium for another six months; and

WHEREAS, on February 19, 2015, the City Council adopted Ordinance 15-1050, extending the moratorium for another six months; and

WHEREAS, on April 2, 2015, the City Council held a public hearing on the continued maintenance of this moratorium for the six month period established in Ordinance 15-1050; and

WHEREAS, after this public hearing, the Council voted to continue the extension of the existing moratorium on the acceptance of development applications for any "development activity," "development permit" or "project permit" as defined below, for any property within the Master Plan Development (MPD) district (excluding any applications subject to the development agreements approved for the Villages and Lawson Hills developments), as shown

on the City's Official Zoning Map, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference for another six months; Now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. Findings. A public hearing was held by the City Council on the moratorium extension in Ordinance 15-1050. Here is a summary of the testimony received during that hearing:

Carol Morris. In the agenda bill for this public hearing, City Attorney Carol Morris summarized the need for the extension of the moratorium in order to perform the necessary steps in the adoption of new development regulations to replace the MPD zone.

Aaron Nix. Community Development Director Aaron Nix explained that the moratorium needed to be extended because of ongoing and as yet incomplete discussions with the owner of property within the Moratorium area and the City of Black Diamond. He referenced a letter dated March 31, 2015, which was sent to the City by Property Owner William Kombol, Manager of Palmer Coking Coal Company. Mr. Nix further explained that the MPD moratorium continues to be a priority that Staff is giving it top priority.

Proposal by Palmer Coking Coal. In a previous hearing, the Council specifically exempted any tree cutting or forest practice activities (identified in Black Diamond Municipal Code Section 19.30.050(F) from this moratorium.

2. Council Deliberations. The Council voted to continue the moratorium.
3. Moratorium Continued. The City Council hereby continues the six-month moratorium adopted on August 21, 2014 in Ordinance 15-1050, on the acceptance of all non-exempt development permit applications (as defined in that Ordinance) for development

activities on property located within the MPD zone, as such property is shown on the map attached to Ordinance 15-1050 as Exhibit A, which is derived from the City's Official Zoning Map. All such non-exempt applications shall be rejected and returned to the applicant. The moratorium imposed by Ordinance 15-1050 shall not prevent any property owner from submitting an application for an exemption under BDMC Section 19.30.050(F). With regard to the City's acceptance of any such application for an exemption under BDMC Section 19.30.050(F), the City's acceptance shall allow processing to proceed, but shall not constitute an assurance that the application will be approved.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.


Section 4. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this 16<sup>th</sup> day of April, 2015.

CITY OF BLACK DIAMOND

  
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Mayor Carol Benson

ATTEST/AUTHENTICATED:

  
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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 4/16/15  
PASSED BY THE CITY COUNCIL: 4/16/15  
PUBLISHED: 4/21/15  
EFFECTIVE DATE: 4/26/15  
ORDINANCE NO: 15-1052