

**ORDINANCE NO. 17-1091**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO EXCEPTIONS FROM CONCURRENCY; AMENDING CHAPTER 11.11 OF THE BLACK DIAMOND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, BDMC 11.11.040 exempts certain development activity from the capacity reservation certificate process (as set forth in BDMC Ch. 11.11) because they do not create additional long-term impacts on transportation facilities; and

**WHEREAS**, the City Council finds that the temporary uses, structures, and activities described in BDMC 2.59, 18.52.030(A), 18.52.030(B), and 18.52.040 do not create additional long-term impacts on transportation facilities; and

**WHEREAS**, the City Council desires to alleviate the administrative and financial burdens of demonstrating concurrency for persons and businesses engaged in said temporary uses and activities;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1 Amendment of BDMC 11.11.040 (Exempt development). Section 11.11.040 of the Black Diamond Municipal Code is hereby amended to read as follows:

**11.11.040 Exempt development and activities**

No development activity as defined in Section BDMC 11.11.030 shall be exempt from the requirements of this chapter, unless the permit, use, structure, or activity is listed below. The following types of permits, uses, structures, and activities are not subject to the capacity reservation certificate (CRC) process because they do not create additional long-term impacts on transportation facilities:

- A. Administrative interpretations;
- B. Sign permit;
- C. Street vacations;
- D. Demolition permit;
- E. Street use permit;
- F. Interior alterations of a structure with no change in use;
- G. Excavation/clearing permit;
- H. Hydrant use permit;
- I. Right-of-way permit;
- J. Single-family remodeling with no change of use;
- K. Plumbing permit;

- L. Electrical permit;
- M. Mechanical permit;
- N. Excavation permit;
- O. Sewer connection permit;
- P. Driveway or street access permit;
- Q. Grading permit;
- R. Tenant improvement permit;
- S. Fire code permit;
- T. Design review approval.;
- U. Events permitted under BDMC 2.59;
- V. Temporary uses, structures, and activities permitted under BDMC 18.52.030(A) or (B); and
- W. Temporary uses, structures, and activities described under BDMC 18.52.040.


Notwithstanding the exemptions noted in this section, if any of the above permit applications will generate any permanent (as opposed to temporary) new p.m. peak hour trips, such application shall not be exempt from the requirements of this chapter.

**Section 2. 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 3. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY A MAJORITY OF THE CITY COUNCIL AT A SPECIAL MEETING HELD ON THE 8<sup>TH</sup> DAY OF JUNE, 2017.**

CITY OF BLACK DIAMOND:

  
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Carol Benson, Mayor

Attest:

  
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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

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David Linehan, City Attorney

Published: June 13, 2017

Posted: June 9, 2017

Effective Date: June 18, 2017