

RESOLUTION NO. 16-1085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON GRANTING FINAL PLAT APPROVAL TO THE DIAMOND RIDGE SUBDIVISION, 5TH AVENUE AND PARK STREET; APPLICATION PLN15-0044

WHEREAS, in 2011, an application was submitted to the City for a preliminary plat to divide 2.85 acres of property located at 5th Avenue and Park Street, in Black Diamond, Washington, into ten lots, located in the R4 Single Family Residential zone district; and

WHEREAS, on November 23, 2011, the Hearing Examiner held a hearing on the preliminary plat, and on December 11, 2011, the Hearing Examiner granted preliminary plat approval, subject to thirteen (13) conditions; and

WHEREAS, Shake n Bake, LLC, a Washington limited liability corporation, subsequently acquired the property in the preliminary plat; and

WHEREAS, Shake n Bake submitted an application for final plat approval of the plat, named Diamond Ridge, in accordance with Black Diamond Municipal Code (BDMC) Chapter 17.20 on January 6, 2016; and

WHEREAS, after receipt of the application, the City staff performed the necessary inspections, and the City staff determined that the applicant has completed and/or submitted appropriate financial guarantees for all required improvements, all as set forth in the attached Staff Report; and

WHEREAS, the applicant has submitted for review and approval by the City Council a final plat map contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full; and

WHEREAS, the final plat application has been reviewed by relevant City departments; and

WHEREAS, the City of Black Diamond staff has determined that all conditions of the preliminary plat have either been met or bonded for and has recommended that final plat be granted subject to the terms and conditions of those bonds; and

WHEREAS, the final plat application was forwarded to the City Council for action during the regular meeting of April 7, 2016;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Findings. The Black Diamond City Council makes the following findings with regard to the Diamond Village final plat:

A. Public Works Director. Pursuant to BDMC Section 17.20.060, the Public Works Director has recommended approval of the final plat because:

(1) it meets the standards established by state law (chapter 58.17 RCW), the City's subdivision regulations (Chapter 17.20), the City's zoning, the preliminary plat conditions of approval and the City's development standards relating to the final plat drawings and subdivision improvements;

(2) it bears the certificates and statements of approval required by chapter 17.20 BDMC;

(3) the current title insurance report furnished by the applicant/property owner confirms the title of the land in the proposed plat is vested in the name of the owners whose signatures appear on the plat's certificate; and

(4) the facilities and improvements required to be provided by the applicant/property owner have either been completed, or the applicant/property owner has provided a bond in an amount and with sureties commensurate with improvements remaining to be completed, securing to the City the construction and installation of the improvements and that all survey monument lot corners are in place and visible.

B. Compliance with Conditions of Hearing Examiner's Decision and applicable law. Both the Public Works Director and the Community Development Director have determined that the final plat conforms to the conditions of preliminary plat approval, subject to the bond. In addition, the Community Development Director has determined that the final plat is in conformance with any applicable zoning ordinance or other land use controls which may exist, pursuant to RCW 58.17.195.

C. City Council. Pursuant to BDMC Section 17.20.060, and consistent with the attached Staff Report, the City Council has determined that:

1. With the bond that has been posted, the final plat for the subdivision known as "Diamond Village" conforms to all the terms and conditions of the preliminary plat approval granted by the City of Black Diamond Hearing Examiner, approved December 1, 2011.

2. The final plat meets the requirements of the state laws and the Black Diamond Municipal Code that was in effect at the time of Preliminary Plat application.

3. All required plat improvements have either been constructed in compliance with approved plans or have been financially secured with the bond, as specified by the Public Works Director.

4. The final plat has been processed and reviewed in material compliance with all applicable state and local procedural requirements.

5. The final plat is in conformance with all applicable zoning and other land use controls.

6. The final plat is supported by all applicable owner, staff and agency approvals, attestations, certifications and/or recommendations as required by state and local regulations.

Section 2. Final Plat Approval. Based upon the above findings, the City Council of Black Diamond hereby **APPROVES** the final plat of the Diamond Ridge subdivision (PLN15-044) and authorizes and directs staff and the Mayor to inscribe and execute the Council's written approval on the face of the plat. The original of the final plat shall be filed for record by the City with the King County Department of Records and Elections. One reproducible copy shall be furnished to the City Public Works Department. One paper copy shall be filed with the County assessor.

Section 3. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or 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 resolution.

Section 4. Effective Date. This resolution shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF APRIL, 2016.

CITY OF BLACK DIAMOND:



Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk