

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

| ITEM INFORMATION | | |
|---|---------------------------------|---|
| SUBJECT: | | Agenda Date: September 17, 2020 AB20-068 |
| Proposed Resolution entering a final decision on an administrative appeal requesting a revision to the number of TDRs available under DRC No. 09122017KOM01, for King County Parcel No. 1121069051 | Mayor Carol Benson | |
| | City Administrator | |
| | City Attorney David Linehan | X |
| | City Clerk – Brenda L. Martinez | |
| | Com Dev – Barb Kincaid | X |
| | Finance – May Miller | |
| | MDRT/Ec Dev – Andy Williamson | |
| | Police – Chief Kiblinger | |
| Cost Impact (see also Fiscal Note): | Public Works – Seth Boettcher | |
| Fund Source: | Court – Stephanie Metcalf | |
| Timeline: | | |
| Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator | | |
| Attachments: Proposed Resolution | | |
| SUMMARY STATEMENT: City Attorney Linehan and Community Development Director Kincaid will be addressing this item. | | |
| COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: | | |
| RECOMMENDED ACTION: MOTION to adopt Resolution No. 20-1382 entering a final decision on an administrative appeal requesting a revision to the number of transferrable development rights available under DRC No. 09122017KOM01, for King County Parcel No. 1121069051. | | |
| RECORD OF COUNCIL ACTION | | |
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
| September 17, 2020 | | |
| | | |

RESOLUTION NO. 20-1382

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ENTERING A FINAL DECISION ON AN ADMINISTRATIVE APPEAL REQUESTING A REVISION TO THE NUMBER OF TRANSFERRABLE DEVELOPMENT RIGHTS AVAILABLE UNDER DRC NO. 09122017KOM01, FOR KING COUNTY PARCEL NO. 1121069051

WHEREAS, on April 6, 2020, CCD Black Diamond Partners, LLC (“Oakpointe”) filed an administrative appeal to the City Council requesting a correction to the number of transferrable development rights available under Development Rights Certificate (“DRC”) No. 09122017KOM01, for King County Parcel No. 1121069051; and

WHEREAS, the City Council has jurisdiction under BDMC 19.24.070 to hear administrative appeals related to DRCs and to make a final decision whether to correct or revise the number of development rights available under a DRC for a specific parcel; and

WHEREAS, the City Council’s consideration of this appeal constitutes a Type 6 quasi-judicial decision under BDMC 18.08.090.A; and

WHEREAS, pursuant to BDMC 19.24.070.D, City staff have prepared and submitted a report with recommendations for disposition of Oakpointe’s DRC appeal; and

WHEREAS, the City Council held a closed-record appeal hearing on September 17, 2020, to consider the documents submitted by the appellant, the Staff Report and Recommendation to the City Council, and relevant authorities concerning whether the appeal should be granted; and

WHEREAS, being fully advised of the relevant facts and having fully considered the applicable legal standards, the City Council is ready to issue its decision on the pending appeal;

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

Section 1. The City Council hereby adopts the Staff Report and Recommendation presented during the closed-record appeal hearing and attached to Agenda Bill AB20-067 as the findings and conclusions of the Council. The Staff Report and all exhibits attached thereto and referenced therein are hereby made part of the record of decision and are incorporated into this Resolution as if fully set forth herein.

Section 2. The City Council concurs with the recommendations of the Staff Report and determines, for the reasons set forth in the Staff Report, that DRC No. 09122017KOM01 should be revised to increase the number of development rights available, from 36 to 45.

Section 3. The City shall issue a corrected DRC to appellant Oakpointe reflecting 45 transferrable development rights on King County Parcel No. 1121069051 as provided in this Resolution.

Section 4. Notice of this decision should be provided to appellant Oakpointe and to any other person who has previously requested to receive a copy of this decision.

Section 4. This Resolution reflects the final decision of the City and takes effect immediately upon passage, pursuant to BDMC 18.08.190. If appellant believes it has been aggrieved by the City Council's decision in this matter, further appeal rights to Superior Court are described in BDMC 18.08.200 and 18.08.230.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 17th DAY OF SEPTEMBER, 2020.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk