

## EMERGENCY ORDINANCE

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 08-870

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, CONTINUING A MORATORIUM ON ACCEPTING APPLICATIONS FOR MASTER PLANNED DEVELOPMENTS, SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS WITHIN THE CITY, ADDING A MORATORIUM ON PREAPPLICATION MEETINGS ON THOSE APPLICATIONS IF REQUIRED BY CITY CODE AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, the City Council makes the following findings:

1. For over twelve years the City has been working toward the goal of bringing into reality a vision for the development of Black Diamond that will make the City a model city demonstrating excellent small City comprehensive urban land planning and development.
2. The City has this opportunity because a vast percentage of the total land area within the City is undeveloped and is in the control of only two entities.
3. One of those entities has provided the funding, through various agreements, to hire the consultants and expert staff to complete the changes to the City's Comprehensive Plan and development regulations that are necessary to bring the City's vision into reality.
4. In order to expedite the completion of the necessary Comprehensive Plan and development regulations the City Council and Planning Commission have been holding additional meetings.
5. Since the City has many undeveloped or underdeveloped parcels allowing development to occur before the new development regulations are in place would result in the vision of the City that is contained in the Comprehensive Plan being severely compromised, if not thwarted.
6. The development regulations that are being developed include increased standards for the protections for critical wildlife habitat, environmentally sensitive areas, and areas that are critical for the protection of water quality for endangered species.
7. It would be detrimental to the public health, safety and welfare to allow large portions of the City to vest to the old development standards until such time as the new

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development regulations are adopted by the City, as development applications might vest to the old standards unless the premature filing of applications is prevented.

8. It is in the interest of the City to allow for construction, reconstruction or remodeling of single-family residences within the City as this type of development is less likely to negatively impact the vision set forth in the Comprehensive Plan and can provide for desired in-fill development in appropriate areas of the City.

9. It is anticipated, given the current work plan and increased number of public meetings, that the implementation regulations will be completed within six months.

10. Pursuant to RCW 35A.63.220 a public hearing was held on September 18, 2008 regarding the continuation of the existing moratorium that is in effect as a result of the adoption of Ordinance 08-856.

Based upon the above findings,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY,  
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The existing moratorium on accepting applications for any land use activity resulting in the creation of greater than four contiguous lots in the same ownership, including but not limited to, subdivisions, master planned developments or planned unit developments is hereby continued in full force and effect up to and including December 31, 2008, and shall also include a moratorium on conducting any preapplication meeting that is required by the Black Diamond Municipal Code for the above referenced applications, unless earlier terminated by action of the City Council. Acceptance of short plat applications for the division of land into four (4) or fewer lots shall be allowed provided that new lots are to be served by public water and sewer facilities.

Section 3. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

Section 4. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to the law by a Court of competent jurisdiction, it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Introduced the 18th day of September, 2008.

Passed by an affirmative vote of no less than 4 Council Members on the 18<sup>th</sup> day of September, 2008.

Approved by the Mayor on the 18th day of September, 2008.

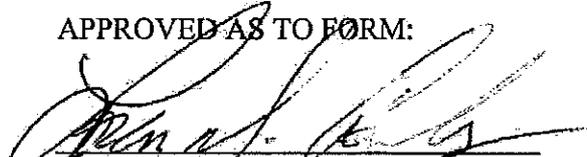
**EMERGENCY ORDINANCE**

  
Howard Botts, Mayor

ATTEST:

  
Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

  
Loren D. Combs, City Attorney  
Published: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Effective Date: \_\_\_\_\_