

CITY OF BLACK DIAMOND
WASHINGTON
ORDINANCE NO. 12-986

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AMENDING THE CITY OF BLACK
DIAMOND COMPREHENSIVE PLAN; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, on June 18, 2009, the City Council adopted Ordinance 09-908, which repealed the 1996 Comprehensive Plan and established a new comprehensive plan in compliance with the Washington State Growth Management Act; and

WHEREAS, on June 18, 2009, the City Council adopted Ordinance No. 09-912, which repealed the then-existing Title 16 of the Black Diamond Municipal Code (BDMC) and established a new Title 16 in its place; and

WHEREAS, BDMC Title 16 provides for an annual amendment process to the comprehensive plan and establishes rules and procedures for considering potential amendments; and

WHEREAS, the City provided public notice of the annual amendment process and established a deadline of June 15, 2012 for submittals; and

WHEREAS, on June 7, 2012, the City Council adopted Resolution No. 12-808, initiating two potential amendments to the text of the comprehensive plan; and

WHEREAS, one potential amendment was submitted to the “docket” pursuant to BDMC 16.30.100; and

WHEREAS, the Planning Commission reviewed the potential amendment at its July 10, 2012 regular meeting and passed a resolution formally initiating that suggested amendment; and

WHEREAS, on September 19, 2012, notification of the potential comprehensive plan amendments were transmitted to the Washington State Department of Commerce for 60-day agency review as required by RCW 36.70A.106; and

WHEREAS, to date, no comments have been received from any State agency; and

WHEREAS, the Planning Commission conducted public hearings on the proposed amendments on October 9 and October 23, 2012; and

WHEREAS, at the conclusion of the public hearing on October 23, 2012, the Planning Commission issued its recommendations on the various proposed amendments; and

WHEREAS, the City Council conducted a public hearing on the proposed amendments as recommended by the Planning Commission at its November 15, 2012 regular meeting;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. CPT-12-01 Amend language in the Land Use element of the Comprehensive Plan to indicate that residential densities are to be calculated based upon “net” instead of “gross” acreage.

Pages 5-12 through 5-15 of the Comprehensive Plan are hereby amended as depicted on Exhibit “A” attached.

Section 2. CPT-12-02 Transportation Concurrency on SR-169

Pages 7-4 and 7-5 of the Comprehensive Plan (Sections 7.2.2 and 7.2.4) are hereby amended as depicted on Exhibit “A” attached.

Section 3. CPT-12-03 Bryant Airstrip

Page 5-7 of the Comprehensive Plan is hereby amended as depicted on Exhibit “A” attached.

Section 4. 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 5. 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF DECEMBER, 2012.

CITY OF BLACK DIAMOND



Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez
Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk: 12/21/2012
Passed by the City Council: 12/20/2012
Ordinance No. 12-986
Date of Publication: 12/28/2012
Effective Date: 1/2/2013