

RESOLUTION NO. 14-920

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, EXPRESSING THE UNDERSTANDING AND BELIEF OF THE CITY COUNCIL REGARDING THE REGIONAL STORMWATER FACILITY PROPOSED IN THE DRAFT DEVELOPMENT AGREEMENT BETWEEN BD VILLAGE PARTNERS, LPBD VILLAGE PARTNERS, LP AND KING COUNTY.

WHEREAS, the City Council understands that BD Village Partners, LP seeks to enter into a development agreement with King County which would include provisions for a Regional Stormwater Facility to be located on rural land in King County that will receive stormwater from a rural development and from Horseshoe Lake; and

WHEREAS, BD Village Partners, LP has submitted a SEPA checklist for the proposed development agreement that states: “the proponent anticipates in the future that the Regional Stormwater Facility will be owned and maintained by the City of Black Diamond under an interlocal agreement with King County as specifically contemplated in the City's approval of The Villages Master Planned Development” and “The Villages MPD Development Agreement ... and MPD Conditions of Approval ... contemplate ownership and maintenance of the facility by the City of Black Diamond”; and

WHEREAS, The Villages MPD Ordinance and The Villages MPD Development Agreement contemplate, but do not require, the City of Black Diamond to take ownership, operate, or maintain a facility that accepts stormwater from a rural development and/or Horseshoe Lake; and

WHEREAS, Condition of Approval No. 63 for the Villages MPD Permit provides that BD Village Partners, LP shall provide [storm water] mitigation facilities within the project limits, expansion parcels or provide an agreement with King County for long term City ownership and/or maintenance of off-site facilities not within the City limits; and

WHEREAS, Condition of Approval No. 72 for the Villages MPD Permit provides that BD Village Partners, LP shall construct a storm water system that does not burden the City with excessive maintenances costs and reserves the right to the City to reject higher cost of maintenance facilities when lower cost options may be available; and

WHEREAS, Condition of Approval No. 78 for the Villages MPD Permit provides that BD Village Partners, LP shall provide any necessary approval or agreement providing for the City's ability to perform maintenance upon the large regional storm water pond; and

WHEREAS, Section 7.4.1 of the Villages Development Agreement provides that, as an alternative to the regional facility, BD Village Partner, LP may submit an alternative storm of storm water treatment within the City limits; and

WHEREAS, no proposal or agreement has been presented to the City regarding the City's right, duty or obligation to own and/or maintain the proposed regional storm water facility; and

WHEREAS, absent an understanding of the proposed maintenance costs and obligations associated with the Regional Facility, it is premature to assume that the City will ultimately agree to own and/or maintain the proposed regional facility;

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

Section 1. The City Council believes that it premature for the King County Council to consider a development agreement for the regional facility until it is determined whether or not the City and County can agree to the terms and conditions of any potential future ownership and/or maintenance obligations, if any, of the City. Therefore, the City Council recommends that the King County Council consider delaying approval of the development agreement with BD Village Partners, LP given the lack of certainty regarding the future obligations, if any, of the City of Black Diamond regarding the proposed regional facility.

Section 2. The City Clerk shall forward copies of this resolution to the King County Executive and members of the King County Council.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 2nd DAY OF JANUARY 2014.

CITY OF BLACK DIAMOND



Dave Gordon, Mayor

ATTEST:



Brenda L. Martinez, City Clerk