



CITY OF BLACK DIAMOND

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Staff Report Zoning Map Amendment Area-wide Rezone

I. APPLICATION INFORMATION

Applicant:

City of Black Diamond

Owner:

Palmer Coking Coal Co. LLP
31407 Highway 169
P.O. Box 10
Black Diamond, WA 98010

Project Name:

MPD Rezone

Project Description:

The proposal is for a Zoning map amendment that would take approximately 160 acres (shown on the attached map) out of the Master Planned Development (MPD) zoning designation and replace it with new zoning designations consistent with the City's Low Density Residential (LDR) Comprehensive Plan land use designation. The proposed new zoning designations and legal site descriptions are shown as Exhibits "A" & "B" of the draft rezone Ordinance attached to this report. Staff has worked closely with the property owners in evaluating these proposed zoning district changes and the changes are reflective of this work with the property owner.

Parcel Numbers:

2221069054, 2221069008, 2221069055, 2221069007, 02221069056, 2221069009, 2221069057 and 2221069010

Current Zoning:

Master Planned Development (MPD)

Comprehensive Plan:

Low Density Residential (LDR)

II. FINDINGS

1. The city is proposing to rezone eight parcels, totaling approximately 160 acres, from MPD to R4 and R6.
2. The eight parcels are not part of the Villages MPD Development Agreement.
3. The property owner is in agreement with the proposed rezone.
4. A development moratorium on the subject parcels was imposed by Black Diamond Ordinance 14-1025 on March 20, 2014.
5. The development moratorium has been extended three times and is due to sunset on November 18, 2015.
6. The property owner has provided the city with suggested boundaries for the proposed rezone that the city is in agreement with.
7. The property owner has provided legal descriptions for the proposed rezone.
8. A SEPA determination of non-significance (DNS) was issued by the city on May 13, 2015.
9. The proposed rezone was submitted to the Washington State Department of Commerce for an expedited 60 day review process on April 20, 2015.
10. A zoning map amendment is a Type 5 legislative decision per Black Diamond Municipal Code (BDMC) 18.08.030; these decisions are recommended by the planning commission and made by the city council.

III. APPLICABLE PLANS, CODES AND STANDARDS

1. BDMC Title 18 Zoning

IV. ANALYSIS

This section of the report analyzes the proposal in light of the various standards contained in adopted plans, codes and regulations.

(Staff comments shown in italics)

18.12.020 Zoning reclassification (rezone) and zoning text amendments.

- B. Criteria—Map Amendments. The city will consider the following criteria in reviewing applications for zoning reclassifications, and may only approve an application if the applicant demonstrates that all of the criteria are met:
 1. The proposal is consistent with the goals and policies of the comprehensive plan, and with the future land use map;

The map amendment would change the properties from MPD to R4 and R6 which is consistent with the Comprehensive Plan Future Land Use Map that designates the area Low Density Residential.

2. The subject property is suitable for development in conformance with the standards applicable to the requested zoning designation;

The proposed rezone covers areas that are bound on three sides by the future site of the Villages Master Planner Development (MPD) which will be dominated by residential development.

3. The proposal will not be materially detrimental to properties in the immediate vicinity or the community based on the range of uses allowed in the proposed zoning classification;

Rezoning the subject properties to low density residential (R4 and R6) is compatible with the Villages MPD on three sides and possible future residential to the west, outside of the city boundary.

4. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses permitted in the proposed zoning classification;

Services and facilities will be available in the future for low density zoning with development of the Villages MPD .

5. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification;

Since the subject properties were not part of the Villages MPD development agreement, the MPD zoning designation is inconsistent with the Comprehensive Plan Future Land Use map. Changing the zoning district to R4/R6 allows the properties to be developed consistent with the comprehensive plan.

6. The reclassification does not reflect special treatment of the subject property; and

This downzone was initiated by the city with agreement by the property owner. The low density zoning designation is compatible with the neighboring MPD zoning.

7. The reclassification will promote the general health, safety and welfare of the community.

Public health, safety and general welfare will be promoted by insuring that future development complies with residential zoning regulations and storm drainage, water and sewer availability and appropriate setbacks are implemented.

V. CONCLUSION

1. The proposed rezone conforms to Title 18 (Zoning) of the Black Diamond Municipal Code (BDMC).
2. The proposed rezone satisfies the criteria of BDMC 18.12.020(B).

VI. RECOMMENDATION

This rezone is recommended for approval by staff.

VIII. EXHIBITS

- | | |
|-----------|--|
| Exhibit 1 | Zoning Map |
| Exhibit 2 | Legal Description |
| Exhibit 3 | Comprehensive Plan Future Land Use Map |

ORDINANCE NO. 15-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO LAND USE AND ZONING, REZONING 26.26 ACRES FROM MASTER PLANNED DEVELOPMENT (MPD) TO RESIDENTIAL 4 (R-4) ZONING DISTRICT, LOCATED WITHIN THE NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, KING COUNTY PARCEL NUMBER 2221069054 (PARTIAL) AND 2221069056 (PARTIAL), 2221069008 (PARTIAL), 2221069009; AND REZONING 156.91 ACRES FROM MASTER PLANNED DEVELOPMENT (MPD) TO RESIDENTIAL 6 (R-6) ZONING DISTRICT, LOCATED WITHIN THE NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6; KING COUNTY PARCEL NUMBERS 221069054 (PARTIAL) AND 221069056 (PARTIAL), 2221069008 (PARTIAL), 2221069009 (PARTIAL) AND 2221069055, 2221069057, 2221069007, 2221069010; AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.

WHEREAS, the City imposed a moratorium on the submission of applications for development in the Master Planned Development District (other than the properties that were included in two Development Agreements); and

WHEREAS, the purpose of the moratorium was to consider whether a new zoning classification was appropriate for the property; and

WHEREAS, the property has a land use designation of in the City's Comprehensive Plan, which allows for zoning classifications of Residential 4 dwelling units per acre (R-4) and Residential 6 dwelling units per acre (R-6); and

WHEREAS, the owner of the property currently zoned MPD is Palmer Coking Coal; and

WHEREAS, Palmer Coking Coal and City staff discussed the most appropriate zoning classification for the property, and all agreed that the property should be rezoned to R-4 and R-6; and

WHEREAS, a SEPA threshold determination of Non-significance (DNS) was issued for this Ordinance on May 13, 2015; and

WHEREAS, a public hearing was held on this Ordinance on September 8, 2015 before the Planning Commission, which issued a recommendation of _____ to the City Council; and

WHEREAS, the City Council considered this Ordinance during a regular City Council meeting on _____, together with the Planning Commission's recommendation;

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

Section 1. The real property located within the NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, which is King County Parcel Numbers 221069054 (partial), 2221069056 (partial), 2221069008 (partial), 2221069009 (partial); which are legally described in Exhibit A, and shown on the map labeled Exhibit B, both of which are attached hereto and incorporated herein by this reference, are hereby rezoned from Master Planned Development (MPD) to Residential 4 (R-4).

Section 2. The real property located within the NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, which is King County Parcel Numbers 2221069008 (partial), 2221069009 (partial), 2221069055, 2221069057, 2221069007, 2221069010, which are legally described in Exhibit A, and are shown on the map labeled Exhibit B, both of which are attached hereto and incorporated herein by this reference, are hereby rezoned from Master Planned Development (MPD) to Residential 6 (R-6).

Section 3. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with Sections 1 and 2 of this Ordinance.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance

should be held to be 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 Ordinance.

Section 5. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this ____ day of _____, 2015.

CITY OF BLACK DIAMOND

Mayor Carol Benson

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

LEGAL DESCRIPTIONS

R-4 ZONING

That portion of the Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington, more particularly described as follows;

BEGINNING at the Northwest corner of said Northwest quarter;
THENCE South 84°32'13" East, 136.46 feet along the North line of said Northwest quarter;
THENCE South 24°17'57" East, 191.60 feet;
THENCE South 27°19'58" East, 565.98 feet;
THENCE South 33°31'50" East, 669.49 feet to a point of tangency;
THENCE Southerly along the arc of a curve to the right, having a radius of 255.00 feet, through a central angle of 82°40'55", and an arc length of 367.98 feet;
THENCE South 49°09'05" West, 157.81 feet;
THENCE South 52°26'54" West, 292.38 feet;
THENCE South 47°44'13" West, 355.65 feet;
THENCE South 55°29'33" West, 243.73 feet to the West line of said Northwest quarter;
THENCE North 00°25'30" East, 2,240.98 feet along said West line to the POINT OF BEGINNING;

Containing Approximately 26.26 Acres.

R6 Zoning

That portion of the Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington, lying Northeasterly, Easterly and Southeasterly of the following described line;

COMMENCING at the Northwest corner of said Northwest quarter;
THENCE South 84°32'13" East, 136.46 feet along the North line of said Northwest quarter to the TRUE POINT OF BEGINNING;
THENCE South 24°17'57" East, 191.60 feet;
THENCE South 27°19'58" East, 565.98 feet;
THENCE South 33°31'50" East, 669.49 feet to a point of tangency;
THENCE Southerly along the arc of a curve to the right, having a radius of 255.00 feet, through a central angle of 82°40'55", and an arc length of 367.98 feet;
THENCE South 49°09'05" West, 157.81 feet;
THENCE South 52°26'54" West, 292.38 feet;
THENCE South 47°44'13" West, 355.65 feet;
THENCE South 55°29'33" West, 243.73 feet to the West line of said Northwest quarter and the terminus;

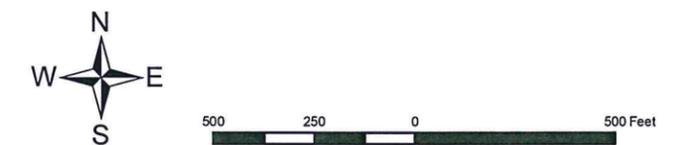
Containing Approximately 130.65 Acres



ORDINANCE NO. 15 EXHIBIT B

City of Black Diamond Proposed Rezone

- City Limits
 - Proposed Rezone Parcels
 - Parcels
- Proposed Rezone**
- MPD to R4
 - MPD to R6



GIS data source: King County and City of Black Diamond.
Map prepared August 2015
This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.
S:\Community Development\PLANNING Dept\Comprehensive Plan\Comp Plan Update 2015\Maps

