

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 11-973

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WHEREAS, on June 18, 2009, the City Council adopted Ordinance 09-908, which repealed the 1996 Comprehensive Plan and established a new comprehensive plan in compliance with the Washington State Growth Management Act; and

WHEREAS, on June 18, 2009, the City Council adopted Ordinance No. 09-912, which repealed the then-existing Title 16 of the Black Diamond Municipal Code (BDMC) and established a new Title 16 in its place; and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 July 1, 2011 for submittals; and

WHEREAS, City staff prepared a list of potential comprehensive plan amendments for consideration by the Planning Commission; and

WHEREAS, a total of four potential amendments were submitted to the "docket" pursuant to BDMC 16.30.100; and

WHEREAS, the Planning Commission reviewed the entire list of potential amendments at its July 2011 regular meeting and declined to initiate two of the potential amendments suggested by City staff; and

WHEREAS, on August 9, 2011, the Planning Commission passed a resolution formally initiating the remaining list of potential amendments, including those submitted to the docket; and

WHEREAS, on September 6, 2011, 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, the Planning Commission directed city staff to prepare alternate comprehensive plan language addressing parks and open space and to also draft a proposed "Parks" zone district as an amendment to the Zoning Code (Title 18, Black Diamond Municipal Code); 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 18 and November 1, 2011; and

WHEREAS, at the conclusion of public testimony on November 1, 2011, 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 December 1, 2011 regular meeting;

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

Section 1. CPM-11-02 Correct MPD overlay boundary to conform to the approved Lawson Hills MPD property boundaries.

The City of Black Diamond Future Land Use Map is hereby amended to conform the MPD overlay boundary

Section 2. CMP-11-03 Lawson Hills water tower site: change from Public to Low Density Residential/MPD Overlay.

The City of Black Diamond Future Land Use Map is hereby amended to redesignate parcel # from Public to Low Density Residential/MPD Overlay.

Section 3. CPM-11-04 Black Diamond Historical Museum: change from Town Center to Public.

The City of Black Diamond Future Land Use Map is hereby amended to redesignate parcel # from Town Center to Public.

Section 4. CPT-11-03 Amend the text concerning Master Planned Developments to eliminate the need for a residential component.

Page 5-13 of the Comprehensive Plan is hereby amended as depicted on Exhibit "A" attached.

Section 5. CPT-11-05 Add language to the Capital Facilities Plan (Chapter 8) relating to fire and emergency medical services.

Pages 8-21 through 8-26 are hereby amended as depicted on Exhibit "A" attached.

Section 6. CPT-11-06 Revise language in the Chapter 8 relating to private utilities.

Pages 8-26 through 8-28 and pages 8-49 through 8-51 are hereby amended as depicted on Exhibit "A" attached.

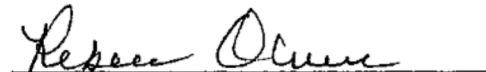
Section 7. CPT-11-07 Adopt a Trails element as part of the Comprehensive Parks Plan.
Trails Plan, as depicted in Exhibit "B" attached, is hereby adopted as an amendment to the Comprehensive Parks, Recreation and Open Space Plan.

Section 8. 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.

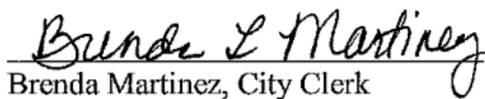
Section 9. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 15 DAY OF Dec., 20 11.

CITY OF BLACK DIAMOND


Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:


Brenda Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:

Passed by the City Council: 12/15/11

Ordinance No.

Date of Publication: 12/23/11

Effective Date: 12/28/11