



CITY OF BLACK DIAMOND

Physical Address: 24301 Roberts Drive
Mailing Address: PO Box 599
Black Diamond, WA 98010

Phone: (360) 851-4500
Fax: (360) 851-4501
www.blackdiamondwa.gov

SITE PLAN REVIEW DECISION KING COUNTY HOUSING AUTHORITY RAINIER VIEW MANUFACTURED HOME PARK PLN20-0006

A. ADMINISTRATIVE REPORT & DECISION

DECISION: ☐ Approved ☒ Approved with Conditions ☐ Denied

Report Date: June 14, 2023

Project Name: Rainier View Manufactured Home Park

Applicant: King County Housing Authority

City File Numbers: PLN20-0006 Site Plan Review
PLN20-0052 SEPA Checklist
PUB20-0018 Transportation Concurrency

Project Summary: Site plan and SEPA review to expand the number of single-family manufactured homes for low-income seniors in the Rainier View Manufactured Home Park. The site plan proposes the addition of 13 new residential units on the residentially zoned portion of the property. Main access to the site will be off SR 169 (3rd Avenue), with new homes being accessed off First Avenue. The portion of the site being redeveloped is zoned R-4. No development within the commercial zoned portion of the site fronting SR 169 is proposed or authorized with this site plan approval.

Project Location: 32800 1st Avenue, Black Diamond, WA; King County Tax Parcel Number 084100-0005; SE ¼ Section 14, Township 21N, Range 6E W.M.

Zoning: Residential 4 units/acre (R-4); Community Commercial (CC)

Comprehensive Plan: Low Density Residential

Project Location Map:



Project Area

B. EXHIBITS

- Exhibit 1: Notice of Application (NOA)
- Exhibit 2: SEPA Mitigated Determination of Non-significance (MDNS)
- Exhibit 3: Capacity Reservation Certificate dated 07-23-2020
- Exhibit 4: Master Plan dated 10-12-2022
- Exhibit 5: Housing Cooperation Agreement dated 10-26-22

C. SUMMARY OF REQUEST

The Applicant requests Site Plan Approval to expand the Rainier View Manufactured Home Park with additional single-family residential units for senior housing. The existing development contains 31 manufactured homes and is proposing to add 13 additional homes for a total of 44 single-family residences.

Vehicular access to the site would be provided off SR 169 (Third Avenue), with primary access to the new units being off First Avenue via individual driveways.

D. FINDINGS OF FACT

1. Site Plan Approval is an administrative decision processed as a Type 2 decision pursuant to Black Diamond Municipal Code (BDMC) 18.16.030.
2. A preapplication conference (PLN18-0071) was held between the applicant and city staff to preliminarily discuss compliance with development regulations and design standards prior to application submittal.

3. An application was submitted on January 30, 2020 and deemed complete on February 27, 2020.
4. Type 2 decisions require public notice, as set forth in BDMC 18.08.120. A Notice of Application (NOA) was distributed and posted on July 7, 2020 in accordance with BDMC 18.08.125, with a statement of the 14-day comment period ending on July 22, 2020 (see Exhibit 1). One public comment letter was received, which was addressed by the applicant and will be managed by City Code and other applicable regulations.
5. The parcel is zoned both Residential R-4 and Community Commercial (CC). The CC portion of the site fronts SR 169 (3rd Avenue) and is not proposed to be developed at this time.
6. The parcel is designated Low Density Residential on the Comprehensive Plan Future Land Use Map.
7. The city, acting as Lead SEPA Agency, reviewed the potential environmental impacts for the proposal under City File Number PLN20-0052. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on June 14, 2023 (see Exhibit 2). The SEPA MDNS includes mitigation measures that will apply to the project and are incorporated into this Site Plan decision.
8. The project is not exempt from BDMC Chapter 11.11, Concurrency Management for transportation impacts. A Traffic Impact Analysis (TIA) was prepared by Parametrix on July 23, 2020, per BDMC 11.11 (Concurrency Management) to look at the transportation impacts associated with the proposed new residential units. The TIA was prepared prior to the City's adoption of BDMC 3.80 (Transportation Impact Fees), and collection of this proportionate share payment will be enforced through SEPA mitigation. A Capacity Reservation Certificate (CRC) was issued by the City's Public Works Director on July 23, 2020 (see Exhibit 3). A transportation concurrency fee in the amount of \$6,195.00 was included as a condition of the SEPA MDNS.
9. Access to the project is off SR 169, a state facility. The applicant is required to work with WSDOT for any additional approvals for access, though none are proposed as part of this site development plan. The site plan has been conditioned to provide additional right-of-way dedication in the future along the SR 169 frontage.
10. Single-family residential uses are permitted in the R-4 zone and were evaluated under this site plan review and development standards for manufactured home parks. Commercial development in the Community Commercial zone and will be evaluated under future separate permits (Site Plan, SEPA, Civil Engineering, Building, etc.) when commercial development is proposed on site. See Exhibit 4 for Master Plan site layout.
11. The proposal was reviewed for compliance with all relevant City Codes and standards.
12. No sensitive areas will be impacted on the subject development site with the addition of new units.
13. The project area lies within the Coal Mine Hazard Area; the Coal Mine Hazard overlay was previously addressed with prior site plan approval. However, the areas where new homes are currently proposed was not evaluated for development. A coal mine hazard report will need to be submitted with future building permits to verify the area is declassified.
14. The City Council entered into a "Cooperative Agreement" with King County Housing Authority under Resolution 22-1508, which authorized waiving specific regulations in the zoning code (see Exhibit 5).

E. ANALYSIS

Planning Review

The Applicant requests Site Plan Approval to construct 13 new manufactured home buildings, on an approximate 9.35-acre site, consisting of one tax parcel, within the City of Black Diamond in accordance with the Master Plan (see Exhibit 4).

Development Standards for Manufactured Home Parks (BDMC 18.90.040)

BDMC 18.90.040 specifies development standards for manufactured home parks. Impervious surfaces will be reviewed as part of the building permit reviews to assure compliance with development regulations. The City's adopted stormwater rules require the applicant to evaluate the feasibility of incorporating Low Impact Development (LID) techniques into final design. The applicant shall adhere to the 2019 Stormwater Management Manual for Western Washington (SWMMWW) and the Black Diamond Engineering Design and Construction Manual. This requirement will be implemented as part of the approved civil plans.

Any existing significant trees proposed to be removed as part of the site development will be evaluated with the civil design and subsequent tree removal permit.

Any proposed lighting shall comply with the requirements of Chapter 18.70 and the Design Guidelines for manufactured home parks.

The site plan meets the requirements for access and roadways. A condition of Site Plan Approval will be for the final civil plans to include adequate stormwater measures.

SEPA authorizes the City to collect appropriate fees to mitigate direct impacts arising as a consequence of a proposed project, including a proportionate cost of the capacity adding projects needed to serve the subject development.

A SEPA MDNS was issued on June 14, 2023 (see Exhibit 2). The SEPA Mitigated Determination of Non-Significance includes mitigation for transportation impacts. The MDNS requires the applicant to pay to the city a total of \$6,195.00 for transportation concurrency prior to issuance of any building permit.

PUBLIC WORKS REVIEW

The Public Works Director has reviewed the Site Plan proposal and recommended approval with conditions. The Applicant's civil plans will be further analyzed, and additional measures may be required.

1. Utilities. All utility lines including electric, telephone, data, and cable television, shall be installed underground. Underground utility trenches within landscaped areas must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.
2. Water. The site is currently served by public water, which will be further evaluated as part of the civil plan review. Reduced pressure backflow assemblies will be required and evaluated at the time of building permit review.

3. Sewer. The proposed plan for sewer service is acceptable and will be further evaluated as part of the civil plan review.
4. Storm water: The existing stormwater system was designed and constructed for the site previously; the current proposal increases the proposed impervious surface of the site. The stormwater system will be reviewed as part of the civil plan review.
5. Access and circulation: New driveways will be constructed to serve the proposed new homes.
6. Traffic: A Transportation Capacity Reservation Certificate (CRC) has been issued, in accordance with Title 11 of the Black Diamond Municipal Code, for the proposed development.

FIRE DEPARTMENT REVIEW

The Fire Department has reviewed this preliminary site plan application and finds it complies with fire codes. Further review of fire hydrant locations, fire flow requirements, and access will be conducted at civil permit and with building permit applications.

F. CONCLUSION

As conditioned, the proposed site plan is consistent with the City's Comprehensive Plan and complies with all applicable regulations, requirements, and standards. The proposed site plan for residential development will not adversely impact the health, safety, and general welfare of the residents of the City. Any alteration or amendments to this approved site plan are subject to the same procedures as those required for this initial site plan approval. Site plan approval granted pursuant to this decision expires two years after the date of approval if construction of the project has not been substantially completed. An extension may be granted pursuant to BDMC 18.15.050.

G. DECISION & CONDITIONS OF APPROVAL

As the Mayor's designee and under the authority of BDMC 18.08.030, Site Plan Approval to construct 13 single-family residential buildings is hereby **APPROVED** with the following conditions:

1. The applicant shall adhere to the 2019 Stormwater Management Manual for Western Washington (SWMMWW) and the Black Diamond Engineering Design and Construction Standards. A minimum 50% phosphorus removal rate for stormwater from pollution-generating surfaces is required. Low impact development (LID) features must be included in the project per City Code. The civil plans shall demonstrate compliance with this condition of approval.
2. A Coal Mine Hazard Study will need to be submitted with future building permits to verify the location of new homes has been declassified as a coal mine hazard area.
3. A 10-foot-wide dedication of right-of-way along SR 169 on Parcel 0841000005 is required prior to development of the commercial property.
4. Utilities must be undergrounded to the extent feasible and utility boxes, cabinets or other utilities that must be located aboveground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.

5. Any required utility, access, and/or future connectivity easements shall be executed as part of civil plan approval.
6. The applicant shall pay a Transportation Concurrency payment of \$6,195.00 prior to the issuance of any building permits.

G. APPEALS

Any aggrieved party of record may file an appeal of this final administrative decision to grant Site Plan Approval for File No. PLN20-0006. An appeal request must be filed in writing with the required fee to the Department of Community Development at 24301 Roberts Drive, PO Box 599, Black Diamond, WA 98010 within fourteen calendar days of this Notice of Decision (by June 28, 2023). For information about filing an appeal and/or appeal procedures, please contact the Community Development Department at (360) 851-4500.

Mona Davis
Mona Davis, Community Development Director
City of Black Diamond

6-14-2023
Date

cc: Parties of Record



CITY OF BLACK DIAMOND

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NOTICE OF APPLICATION: SITE PLAN APPROVAL

Notice Released: July 7, 2020

The City of Black Diamond has received the following development applications that may be of interest to you. The applications and any related documents are available for public review during normal business hours by emailing the Staff Contact listed below. If you do not have access to email, please call the Community Development Department at 360-851-4447.

Project Name: Rainer View Manufactured Home Park Expansion

Application Date: January 30, 2020

Complete Application Date: February 27, 2020

Application Numbers: PLN20-0006 Site Plan

PLN20-0052 SEPA

PUB20-0018 Concurrency

Property Owner: King County Housing Authority

Applicant: Hugh Watkinson

Frank Kirkbride, Kirkbride Group, Inc.

Project Description: Applicant proposes to expand the number of homes within an established Mobile Home Park from 31-existing homes to 53-homes; resulting in the placement of 22 new homes.

Location: King County Parcel Number 084100-0005; a portion of the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼, Section 14, Township 21N, Range 6E W.M.

Environmental Documents: A SEPA checklist and supporting studies were filed under City file number PLN20-0052. An environmental determination under SEPA is currently under review. The City anticipates issuing a mitigated determination of significance (MDNS) with a 14-day comment period for this proposal.

Concurrency: The City received a concurrency application for this proposal on February 2, 2020. This application is currently under review, City file number PUB20-0018.

Project Permits: The following approvals identified at this time include Site Plan Approval, SEPA threshold determination, and Transportation Concurrency.

Requested Approval: Site Plan Approval.

Staff Contact: Barb Kincaid, Community Development Department, City of Black Diamond, 360-851-4447, bkincaid@blackdiamondwa.gov

There is a 14-day public comment period with this Notice of Application. You are invited to submit written comments, request a copy of the decision when it becomes available, and be made aware of any appeal rights during the public comment period by contacting Barb Kincaid, Community Development Department, 24301 Roberts Drive, PO Box 599, Black Diamond, WA 98010. Comments may be sent by mail to the City's PO Box or via email to bkincaid@blackdiamondwa.gov. **Responses must be received no later than 5pm on Wednesday, July 22, 2020.**



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**NOTICE OF DECISION – Rainier View Manufactured Home Park
State Environmental Policy Act (SEPA)
Mitigated Determination of Non-Significance (MDNS)
Site Plan Review Decision**

Date of issuance: June 14, 2023

Lead agency: City of Black Diamond Community Development

Agency Contact: Mona Davis, mdavis@blackdiamondwa.gov, 360-851-4528

Agency File Number(s): PLN20-0052 SEPA Checklist
PLN20-0006 Site Plan Review
PUB20-0018 Transportation Concurrency

Description of proposal: Applicant requests Site Plan Approval and a SEPA threshold determination to expand the number of single-family manufactured homes for low-income seniors in the Rainier View Mobile Home Park. The site plan proposes the addition of 13 additional units on the residential portion of the property. Main access to the site would be off 3rd Ave (SR 169), with new homes being accessed off First Avenue. The portion of the site being redeveloped is zoned R-4 (Residential 4 units/acre). No development on the Community Commercial (CC) zoned portion of the site fronting SR 169 is being proposed currently.

Location of proposal: 32800 1st Avenue; King County Tax Parcel 084100-0005; SE Section 14, Township 21 N, Range 6E WM

Applicant(s): King County Housing Authority
600 Andover Park West, Seattle WA 98188

Concurrency: The proposed development, as mitigated by this SEPA MDNS, is found to be concurrent consistent with Black Diamond Municipal Code (BMDC) Chapter 11.11

The City of Black Diamond (lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3) and

WAC 197-11-355(4), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination is based on the comments received during the comment period (7/7/2020-7/22/2020) and the following findings, conclusions, mitigation measures, and permit conditions are required to adequately address potential impacts from this project proposal. All relevant materials related to this file are available to the public by request to the City contact listed above.

Mitigation Measures: The following two mitigation measures are hereby incorporated into this Mitigated Determination of Non-significance (MDNS). These conditions are in addition to the mitigation required from development regulations and other conditions resulting from other government approvals.

1. The applicant shall adhere to the 2019 Stormwater Management Manual for Western Washington (SWMMWW) and the Black Diamond Engineering Design and Construction Standards. A minimum 50% phosphorus removal rate for stormwater from pollution-generating surfaces is required. Low impact development (LID) features must be included in the project per City Code.
2. The applicant shall pay a transportation concurrency fee of \$6,195.00 as a SEPA mitigation measure, prior to issuance of any building permit.

Signature: Mona Davis

Date: 6-14-2023

Appeal Process: You may appeal this determination by submitting the required fees and City appeal form to the Community Development Department, City of Black Diamond, 24301 Roberts Dr, PO Box 599, Black Diamond, WA 98010.

The appeal period for this MDNS will be concurrent with the underlying action, which is the decision for the proposed Site Plan (PLN20-0006). All interested parties may request to receive the Notice of Decision. The appeal period ends June 28, 2023 at 5:00 pm. Please contact the responsible official at mdavis@blackdiamondwa.gov to inquire about procedures for appeals.

EXHIBIT 3

Issue Date: July 23, 2020

Project Number: PUB20-0018

CAPACITY RESERVATION CERTIFICATE

Pursuant to Black Diamond Municipal Code, Chapter 11.11, this Certificate confirms that the transportation concurrency requirement for the proposed development described below has been satisfied pursuant to the conditions contained in this Certificate.

Applicant Name and Address

Hugh Watkinson
King County Housing
Authority
600 ANDOVER PARK WEST
Seattle, WA 98188

1. Property Location:
 - a) Property Address:
25326 BIRCH LN
 - b) Development Name:
Rainier View Mobil Home Park
 - c) Tax Account
Number:**0841000005**
2. Type of Development Permit to be Requested:
Add 20 new home sites to the existing park
3. Proposed Land Use: **No change just expanding**
4. This Certificate Applies Only to the Following Development Units:
 - a) Commercial Project:
 - b) Single-Family - **Number of Units: 20 new SF units**
 - c) Multi-Family - Number of Units:
5. This Certificate is only a preliminary determination by the City that there is adequate vehicular capacity on the City of Black Diamond street network to support the traffic forecasted to be generated by the development described above. Per BDMC 11.11.120, any revisions to the proposed development that result in an upward deviation from the estimated traffic impact shall require at least one of the following: (a) a finding by the City that the additional capacity required for the revised project is available to be reserved following an additional concurrency analysis; (b) mitigation of the additional impact under SEPA; or (c) revocation of the CRC.
6. This Certificate implies no other approvals of land use, site design, or code compliance. It is subject to the following general conditions:
 - a) This Certificate shall be valid until the Development Permit for which it was issued expires.
 - b) A Capacity Reservation Certificate is valid only for the uses and intensities authorized for the Development Permit with which it is issued. Any change in use or intensity that increases the impact of development on the City's transportation facilities is subject to an additional capacity evaluation.
 - c) A Capacity Reservation Certificate is valid only for the Development Permit with which it is issued, and for subsequent Development Permits for the same parcel, as long as the Applicant obtains the subsequent Development Permit prior to the expiration of the earlier Development Permit.

City of Black Diamond, 24301 Roberts Drive, P.O. Box 599, Black Diamond, WA 98010 (360) 851-4500

- d) A Capacity Reservation Certificate runs with the land, and cannot be transferred to a different parcel. A Capacity Reservation Certificate transfers automatically with ownership of the parcel for which the Certificate was issued.

7. Notes:

- a) The master developer within the City is constructing capacity-adding projects that Project No. PLN20-0006 will directly benefit from. A SEPA condition will be included with respect to Project No. PLN20-0006 that requires the applicant to pay its fair pro rata share of the capacity-adding projects being constructed by the master developer.





Board of Commissioners
Doug Barnes, *Chair*
Susan Palmer, *Vice-Chair*
John Welch
TerryLynn Stewart
Regina Elmi

Executive Director/CEO
Robin Walls

October 26, 2022

Mr. David Linehan
Madrona Law Group, PLLC
14205 SE 36th St, Suite 100/PMB 400
Bellevue, WA 98006

Dear Mr. Linehan,

Attached is the Housing Cooperation Agreement between the City of Black Diamond and the King County Housing Authority signed by KCHA. Thank you for facilitating obtaining the City's countersignature.

Thank you for your assistance.

Most Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Walter'.

Tim Walter
King County Housing Authority

CC: Ms. Mona Davis
Mr. Jonathon Moore

Encl. Housing Cooperation Agreement

EXHIBIT B
COOPERATIVE AGREEMENT FOR LOW-INCOME SENIOR HOUSING

This Cooperative Agreement ("Agreement") is by and between the Housing Authority of the County of King ("KCHA"), a public body corporate and politic under the laws of the State of Washington, and the City of Black Diamond (the "City"), a Washington municipal corporation.

Recitals

A. KCHA owns and operates a manufactured home park for on Assessor's Parcel Number 0841000005 (the "Park") for seniors age 55 and older.

B. The Park currently consists of 31 existing single-family manufactured homes for low-income seniors within a parcel area of 9.35 acres.

C. The Park is currently zoned as Single Family Residential (R4) and Community Commercial (CC).

D. KCHA desires to develop 13 additional manufactured homes for low-income seniors (the "Additional Units") within the Park.

E. 45 total manufactured homes on 9.35 acres is consistent with Black Diamond Municipal Code ("BDMC") requirement that manufactured home parks have four to ten units per acre. However, BDMC also requires a minimum project area of ten acres for manufactured home parks.

F. The Housing Cooperation Law, Chapter 35.83, authorizes agreements between cities and public housing authorities related to housing developments and permits cities to waive local regulations related to such developments by resolution or ordinance.

NOW, THEREFORE, in conformance with RCW 35.83 the Housing Cooperation Law, the parties agree as follows:

1. Effective Date. This Agreement becomes effective upon the City's adoption of this Agreement by resolution or ordinance and execution by the authorized representatives of KCHA and the City.

2. Development Plan. KCHA shall develop or cause to be developed the Additional Units in the Park in substantial compliance with the Master Plan attached hereto as Exhibit A and incorporated hereto by reference.

3. City Approval and Code Exceptions. The City hereby approves of the Master Plan and grants KCHA the right to develop the Additional Units in substantial compliance with the Master Plan and the terms of this Agreement. The City hereby waives

compliance with the following Black Diamond Municipal Code requirements to the extent applicable with respect to the proposed development of the Additional Units:

- 3.1. BDMC 18.90.040(C) Minimum project area: ten acres;
- 3.2. BDMC 18.90.040(E) Open Space requirements; provided that current open space areas within the Single Family Residential zone shall be maintained consistent with the Master Plan;
- 3.3. Any requirement of commercial use on any portion of the Park other than the vacant area depicted on the Exhibit A and bounded by Third Avenue, Lawson Street, Second Avenue, and First Avenue (the "Commercial Area"), with appropriate uses for the Commercial Area within the CC zone to be identified and developed in the future;
- 3.4. Any requirements listed in the BDMC for landscaping, frontage improvements, right of way/street improvements, dedication of public parking, or other work on or adjacent to the Commercial Area until a future development plan for the Commercial Area is agreed upon;
- 3.5. Any requirements for dedication of land for public parking within the Single Family Residential zone;
- 3.6. Elimination of pedestrian easements associated with public parking and access to Railroad Avenue; and
- 3.7. Any other permitting requirement or development regulation that the staff of the City and the Housing Authority agree would make development of the Additional Units impractical, unduly expensive, or unduly delayed, provided that this waiver shall not apply to material life safety, public health, or similar regulations materially affecting the health or welfare of Black Diamond residents.

4. Permit Processes. Nothing in this Agreement shall be construed as exempting KCHA's proposal to develop the Additional Units from the City's usual permit review processes applicable to such developments, including site plan review approval, SEPA review, and civil plan review. The purpose of this Agreement is to modify or waive certain substantive requirements that would otherwise apply to KCHA's development activities within the Park. Development of the Additional Units shall remain subject to applicable state building codes and inspection requirements. However, to the extent that a conditional use permit would be required for development of the Additional Units, the City hereby waives any such conditional use approval requirement.

5. Compliance with Applicable Law. Except to the extent expressly waived herein, KCHA shall comply, and shall cause its contractors to comply, with all applicable City, state, and federal laws and regulations, including stormwater management regulations, and shall certify such compliance to the City upon request by the City. KCHA shall hold

the City harmless from any loss, damage, expense, claim or demand (including costs and attorneys' fees) resulting from KCHA's failure to comply with any applicable City, state or federal law in connection with development of the Additional Units. For the avoidance of doubt, nothing herein shall be deemed to waive any requirements of the BDMC with respect to any future development of the Commercial Area.

6. General Provisions.

6.1. Amendment. No modification to or amendment of this Agreement shall be effective unless a written amendment, approved by the City by resolution or ordinance, is executed by the authorized representatives of KCHA and the City.

6.2. Choice of Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Washington.

6.3. The City's Rights. Failure by KCHA to perform or comply with any term or provision of this Agreement within ninety (90) days of written notification from the City of KCHA's nonperformance of or noncompliance with any term or condition shall be an event of default; provided that if the nonperformance or noncompliance cannot reasonably be cured within ninety (90) days then so long as KCHA is diligently pursuing cure and such cure is completed within a reasonable period, it shall not be an event of default. Upon the occurrence of an event of default that is not cured within 90 days (or such other reasonable time period as may be necessary under the circumstances) the City may terminate this Agreement. Termination of this Agreement is not a substitution for any rights or remedies available at law or in equity, including, but not limited to, specific performance.

6.4. Non-Waiver. Failure to promptly enforce compliance with any term or provision of this Agreement shall not constitute a waiver or limitation of any right or remedy under this Agreement. No waiver shall be effective unless in writing. A waiver of any breach of this Agreement shall not constitute waiver of any subsequent breach of the same or different provision of this Agreement.

6.5. No Assignment or Third Party Beneficiaries. Neither KCHA nor the City shall assign any of its rights or interests or delegate any of its obligations or duties under this Agreement without the prior written approval of the other. Nothing in this Agreement is intended to confer any rights or remedies on any persons or entities other than KCHA and the City.

6.6. Notice. Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States mail, postage prepaid, certified mail, return-receipt requested, addressed as follows, or to such other address as the receiving party specifies in writing:

If to the City:

City of Black Diamond


Attention: Mayor
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010

If to KCHA:

King County Housing Authority
600 Andover Park W.
Tukwila, WA 98188
Attn: Robin Walls, Executive Director

EXECUTED the dates shown below.

THE CITY OF BLACK DIAMOND

By: 
Name: Carol Benson
Title: Mayor

Date: 10/31/22

THE HOUSING AUTHORITY OF THE
COUNTY OF KING

By: 
Name: Robin Walls
Title: Executive Director

Date: 10/24/2022

EXHIBIT A – MASTER PLAN

