

November 26, 1996
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Introduced By: Chris Vance

Proposed No.: 96-710

ORDINANCE NO. **12533**

AN ORDINANCE relating to comprehensive planning and zoning; adopting amendments to 1994 King County Comprehensive Plan and area zoning, in compliance with the Washington State Growth Management Act, as amended; amending Ordinance 263, Article 2, Section 1 as amended, and K.C.C. 20.12.010, Ordinance 11653, Section 6, and K.C.C. 20.12.017; and amending Ordinance 12065, Sections 2, 3 and 4.

PREAMBLE:

For the purposes of effective land use planning and regulation, the King County Council makes the following legislative findings:

1. King County, the City of Black Diamond, Palmer Coking Coal Company and Plum Creek Timber Company have worked together to identify a Rural City Urban Growth Area (UGA) for Black Diamond that meets the requirements of the Washington State Growth Management Act (GMA), the County-wide Planning Policies and the 1994 King County Comprehensive Plan.
2. The proposed UGA and open space areas recognize the sensitive environmental features found in the area. The principle of designating four acres of open space for every one acre of urban land has been applied to the West and South Annexation areas yielding 1668 acres of public open space inside and outside the City and 417 acres of development land within the Urban Growth Area. The open space lands that have been identified provide the following benefits: completion of some of the missing links within the Green to Cedar Regional Trail system and the State Conservation Corridor along the Green River, increased protection of fishery resources, and providing long term public ownership or stewardship of the open space areas.
3. Natural Resource Principles which are based on Soos Creek Basin Plan Goals and Objectives for Fish and Wildlife Conservation have been developed and applied to guide designation of urban lands and open space.
4. The Lake 12 area which includes approximately 160 acres is identified as a Potential Annexation Area to allow future annexation and provision of water and sewer services to address existing health concerns.
5. Fifty acres are being added at the eastern boundary of the City of Black Diamond for residential uses and a commensurate 50 acres inside the City will be designated in-City forest preserved through a limited term conservation easement.
6. As provided in Ordinance 12065, a ten acre boundary adjustment on the western boundary of the City of Black Diamond is being made for alignment of transportation and utility corridors.
7. The proposed UGA provides growth opportunities for the City over the next 20 years. When these lands are annexed to the City, they will broaden the economic base for residential, mixed use, commercial and industrial development.

- 1 8. King County is adopting amendments to the Land Use Map of the 1994
2 Comprehensive Plan which require changes to the County's zoning map.
- 3 9. The changes to the area zoning maps and text adopted by this ordinance
4 are required to make zoning consistent with the 1994 Comprehensive
5 Plan, as amended, as required by GMA.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Ordinance 263, Article 2, Section 1 as amended, and K.C.C.20.12.010 are
8 each amended to read as follows:

9 A. Under the provisions of the King County Charter, King County's constitutional authority
10 and pursuant to the Washington State Growth Management Act, RCW 36.70A, the 1994 King
11 County Comprehensive Plan is adopted and declared to be the comprehensive plan for King
12 County until amended, repealed or superseded. The comprehensive plan shall be the principal
13 planning document for the orderly physical development of the county and shall be used to guide
14 subarea plans, functional plans, provision of public facilities and services, review of proposed
15 incorporations and annexations, development regulations and land development decisions.

16 B. The amendments to the 1994 King County Comprehensive Plan, and the 1995 area
17 zoning amendments contained in King County Comprehensive Plan 1995 Amendments attached
18 as Appendix A to Ordinance 12061, are hereby adopted as amendments to the King County
19 Comprehensive Plan and adopted as the official zoning control for those portions of
20 unincorporated King County defined therein.

21 C. The amendments to the 1994 King County Comprehensive Plan contained in
22 Attachment A to this ordinance are hereby adopted to comply with the Central Puget Sound
23 Growth Management Hearings Board Decision and Order in Vashon-Maury Island, et. al. v.
24 King County, Case No. 95-3-0008.

25 D. The Vashon Town Plan, attached this Ordinance as Attachment 1, is adopted as a
26 subarea plan of the King County Comprehensive Plan and, as such, constitutes official County
27 policy for the geographic area of unincorporated King County defined therein and amending the
28 1994 King County Comprehensive Plan Land Use Map.

29 E. The Black Diamond Urban Growth Area attached as Appendix A to this ordinance is
30 hereby adopted as an amendment to the King County Comprehensive Plan.

31 SECTION 2. Ordinance 11653, Section 6, and K.C.C. 20.12.017 are each amended to
32 read as follows:

1 A. Ordinance 11653 adopts area zoning to implement the 1994 King County
2 Comprehensive Plan pursuant to the Washington State Growth Management Act
3 RCW 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County
4 to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant to the
5 area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted as
6 attachments* to Ordinance 11653:

7 Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19,
8 1994.

9 Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

10 Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

11 Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

12 Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

13 Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

14 Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

15 Appendix H: Amendments to East Sammamish Community Plan P-Suffix Conditions.

16 Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix Conditions.

17 Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

18 Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix
19 Conditions.

20 Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

21 Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

22 Appendix N: Amendments to Resource Lands Community Plan P-Suffix Conditions.

23 Appendix O: 1994 Parcel List, as amended December 19, 1994.

24 Appendix P: Amendments considered by the Council January 9, 1995.

25 B. Area zoning adopted by Ordinance 11653, including potential zoning is contained in
26 Appendices A and O. Amendments to area-wide P-suffix conditions adopted as part of
27 community plan area zoning are contained in Appendices B through N. Existing P-suffix
28 conditions whether adopted through reclassifications or community plan area zoning are retained
29 by Ordinance 11653 except as amended in Appendices B through N.

30 C. The department is hereby directed to correct the official zoning map in accordance
31 with Appendices A through P of Ordinance 11653.

1 D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A are
2 adopted as the official zoning control for those portions of unincorporated King County defined
3 therein.

4 E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance
5 11653 Appendices A through P, as contained in Attachment A to this ordinance are hereby
6 adopted to comply with the Decision and Order of the Central Puget Sound Growth Management
7 Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

8 F. The Vashon Town Plan Area Zoning, attached to this Ordinance as Attachment 2, is
9 adopted as the official zoning control for that portion of unincorporated King County defined
10 therein.

11 G. The Black Diamond Urban Growth Area Zoning Map attached as Appendix B is
12 adopted as the official zoning control for those portions of unincorporated King County defined
13 therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning
14 are retained by this ordinance.

15 SECTION 3. Ordinance 12065, and K.C.C. 20.10.075 are hereby amended to read as
16 follows:

17 A. Overlay Designation Deleted. The overlay designation for the Black Diamond Joint
18 Planning Area (as shown on Attachment A to Ordinance 12065)* shall be deleted from the
19 Countywide Growth Pattern map.

20 B. Comprehensive Plan Land Use Map and Zoning Map Amended. The King County
21 Comprehensive Plan, King County Comprehensive Plan Land Use Map (Attachment B to
22 Ordinance 12065)* and Zoning Map shall be amended as follows:

23 ~~((1. The 783 acres of land annexed to the city in 1994 shall be included within the~~
24 ~~permanent Urban Growth Area (UGA) for the city as shown on Attachment A (to Ordinance~~
25 ~~12065)* and as specified in the 1994 King County Comprehensive Plan text shall be designated~~
26 ~~"Incorporated City".))~~

27 1((2 1,927)) 782.2 acres, ((including 1,767 acres of the former JPA and 160 acres in the
28 area known as Lake 12 Neighborhood)) shall be designated "((New)) Rural City Urban Growth
29 Area" on the King County Comprehensive Plan Land Use Map as shown on ((Attachment A(to
30 Ordinance 12065))) Appendix A provided that no more than ((915))597.2 acres, ((which does not
31 include the area known as the Lake 12 Neighborhood,)) shall be designated for future urban

1 development and the remainder shall be designated Open Space ((or Natural Resource Use))
 2 Lands consistent with the terms of the Black Diamond Urban Growth Area (UGA) Agreement
 3 adopted by Proposed Substitute Ordinance 96-711.

4 ~~((3. All amendments to the King County Comprehensive Plan are due to the council~~
 5 ~~no later than June 3, 1996. Any required amendments to the King County Comprehensive Plan~~
 6 ~~relative to the Black Diamond interlocal agreement shall be included in the Executive~~
 7 ~~Comprehensive Plan transmittal on or before June 3, 1996. The deadline for all other aspects of~~
 8 ~~the interlocal agreement which do not impact the King County Comprehensive Plan shall be~~
 9 ~~transmitted to the council no later than September 1, 1996.~~

10 4. On or before December 31, 1996, the Council shall designate 915 acres of the lands
 11 within the New Rural City Urban Growth Area for future urban development and the remainder
 12 of the New Rural City Urban Growth Area, excluding the Lake 12 Neighborhood shall be
 13 designated Open Space or Natural Resource Use land. These land use map designations shall be
 14 consistent with the provisions of K.C.C. 20.10.075C. If these designations are not made and the
 15 provisions of K.C.C. 20.10.075C are not met by December 31, 1996, the New Rural City Urban
 16 Growth Area designation shall expire and shall automatically revert to a Rural designation under
 17 the King County Comprehensive Plan.))

18 2 ((5)). Until annexation the ((New)) Rural City Urban Growth Area shall be zoned UR-
 19 P Urban Reserve, ((one DU per 5 acres (UR-P))) with the p-suffix condition that requires
 20 development to be consistent with the terms of the Black Diamond UGA Agreement
 21 ((conditions)) as shown on ((Attachment B (to Ordinance 12065)*, except the John Henry Mine
 22 shall retain the existing Mining, with conditions, (M-P) zone classification. The conditions are
 23 that no development potential is permitted that would be greater than densities allowed under the
 24 1994 Zoning Atlas and that existing mining/mineral uses be protected for the life of the resource
 25 or until such uses are terminated.)) Appendix B.

26 ((6. The following text on page 221 of the King County Comprehensive Plan shall be
 27 deleted and replaced with Sections 20.10.075B.1-5, 20.10.075B.7 and 20.10.075C): "King
 28 County anticipates Black Diamond completing and adopting its final Comprehensive Plan in
 29 early 1995. Upon receipt and review of Black Diamond's final Comprehensive Plan, the
 30 executive will recommend a final Urban Growth Area in the form of a joint planning area
 31 overlay ordinance to the Metropolitan King County Council by July 1, 1995."

1 7. ~~No annexations or extension of utilities or commitments for extension of utilities~~
 2 ~~shall be allowed within the New Rural City Urban Growth Area until the proviso in subsections~~
 3 ~~B2, B3, B4 and B5 above and the requirements of K.C.C. 20.10.075C below are satisfied on or~~
 4 ~~before December 31, 1996 in the Potential Annexation Area agreement and or development~~
 5 ~~agreement as described in K.C.C. 20.10.075C.15))~~

6 3. The county in proposed substitute ordinance 96-711 has adopted the Black Diamond
 7 UGA Agreement which when executed by the parties shall govern annexation of the Black
 8 Diamond UGA.

9 ~~((C. Potential Annexation Area Agreement. King County, the City of Black Diamond~~
 10 ~~and the affected property owners will address and resolve the following issues in the Potential~~
 11 ~~Annexation Area agreement and or development agreement as described in K.C.C.~~
 12 ~~20.10.075C.15:~~

13 ~~1. Affordable housing that meets or exceeds the goals established by the Countywide~~
 14 ~~Planning Policies and King County Comprehensive Plan. Market rate housing goals shall also be~~
 15 ~~established.~~

16 ~~2. Completion and/or amendment of the Black Diamond Comprehensive Plan that is~~
 17 ~~consistent with the Countywide Planning Policies and includes:~~

18 ~~a. The completion of the Natural Resource Management Plan, with input from King~~
 19 ~~County surface water management division;~~

20 ~~b. The UGA, when combined with the existing City boundary, provides a future~~
 21 ~~job/housing mix sufficient for a fiscally viable city;~~

22 ~~c. The net residential land within the New Rural City UGA (a portion of the 915~~
 23 ~~acres) will have a base density to be determined but will be developed at a minimum of 2~~
 24 ~~dwelling units per acre to a maximum of 18 dwelling units per acre through clustering, Transfer~~
 25 ~~of Development Rights and other methods as described in the city's Comprehensive Plan; and~~

26 ~~d. A Transfer of Development Rights program and residential densities that provide~~
 27 ~~sufficient value to meet the open space goals within the existing city limits.~~

28 ~~3. Nature and location of open space uses including resource management and the~~
 29 ~~purposes described in the 1994 King County Comprehensive Plan found on pages 220-221.~~

30 ~~4. Timing of open space and density transfers.~~

1 ~~5. Implementation measures to ensure that open space and resource lands within the~~
2 ~~New Rural City UGA, Open Space and Natural Resource Use Overlay Area are not~~
3 ~~inappropriately developed pending transfer of density or property interests.~~

4 ~~6. Specify options for open space, including fee title, conservation easements, Transfer~~
5 ~~of Development Rights, resource management plans, reclamation plans and other methods.~~

6 ~~7. Delineation of open space and resource use lands and a process for exchanges of like~~
7 ~~kinds of open space and resource lands within the area surrounding Black Diamond.~~

8 ~~8. Identification of phasing criteria for annexations within the New Rural City UGA.~~

9 ~~Phasing shall be based on criteria described in County Comprehensive Plan, and will include~~
10 ~~benchmarks for open space acquisition, population growth and available land capacity. Phasing~~
11 ~~will prevent premature urbanization and ensure that annexations will not occur until an agreed~~
12 ~~upon level of residential and commercial development has first occurred in the existing~~
13 ~~incorporated area of the city. Phasing shall be enforced by zoning and land use contract.~~

14 ~~9. Long term contract mechanisms for zoning and land use controls to provide certainty~~
15 ~~for present and future land owners, and upon which public and private decisions can be made.~~

16 ~~10. Residential densities that comply with the Countywide Planning Policies and the~~
17 ~~King County Comprehensive Plan and which will preserve open space within the existing city.~~

18 ~~11. Phasing agreements relating to commercial development.~~

19 ~~12. Options for providing city water and sewer service to the Lake 12 Neighborhood.~~

20 ~~13. Demonstrate whether or not the city is able to adequately provide sewer and water~~
21 ~~service to their area by either preparing an addendum to an existing plan or providing a new plan.~~
22 ~~Provide interlocal agreement with sewer service provider prior to Black Diamond's utilization of~~
23 ~~service to a population equivalent of 3,600.~~

24 ~~14. Identification of Open Space or Natural Resource Use lands within the New City~~
25 ~~Rural UGA, plus additional lands inside the existing city and outside the New Rural City UGA~~
26 ~~(an area totaling 3,660 acres, or four times the 915 acres of future urban development) as "Open~~
27 ~~Space or Natural Resource Use Overlay Area." The exact boundaries of the Open Space or~~
28 ~~Natural Resource Use Land within the New Rural City UGA may be established at the time of~~
29 ~~annexation to the city. The county and city shall also agree on a mechanism to allow minor~~
30 ~~modifications of these designated areas at the time annexation occurs to the city which include~~
31 ~~the following:~~

32 ~~a. The city's east city limit line and the Forest Production District line may be~~
33 ~~adjusted on an acre for acre basis to better reflect land use capabilities. Approximately four~~
34 ~~hundred fifty (450) acres of land formerly within the Joint Planning Area (JPA) and the current~~
35 ~~City Limits may be designated as the revised Forest Production District which will be subject to~~
36 ~~current King County zoning but shall recognize existing lot patterns. The east city limits line~~

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may be adjusted to reflect the revised Forest Production District line. The maximum total acreage to be adjusted shall not exceed 100 acres (50 acres in, and 50 acres out) and should not result in any net increase of developable urban land within the city limits.

~~_____ b. The west boundary of the city limits may be adjusted, up to 10 acres, to facilitate proper alignment of the transportation corridor for the 783-acre annexation area.~~

~~_____ 15. The county, the city, Plum Creek Timber Company and Palmer Coking Coal Company must unanimously agree on the resolution of these issues outlined in K.C.C. 20.10.075C by executing a Potential Annexation Area agreement and or development agreement among all the parties reflecting such concurrence, no later than December 31, 1996.)~~

C((D)). Development proposal within city exempt. Nothing in this section shall affect the city's authority to review and act upon development proposals within the city's existing boundaries.

~~((E. Partial ratification by GMPC. Inclusion of the 160 acres known as the Lake 12 Neighborhood into the Urban Growth Area will not be effective until ratified by the Growth Management Planning Council.))~~

D((F)). Non-severability. Each provision of this section is integral with all provisions hereof, and if any provision of this section is determined to be invalid or unenforceable for any reason, then this section shall be invalid and unenforceable in its entirety. In such event, the UGA of the city will be limited to the 1995 incorporated boundaries of the city.

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SECTION 4. This ordinance shall not become effective until and unless Proposed Substitute Ordinance 96-711 is adopted and The Black Diamond Agreement provided for therein is executed prior to December 31, 1996.

INTRODUCED AND READ for the first time this 26th day of August, 1996.

PASSED by a vote of 11 to 2 this 25th day of November, 1996.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Jane Hogue
Chair

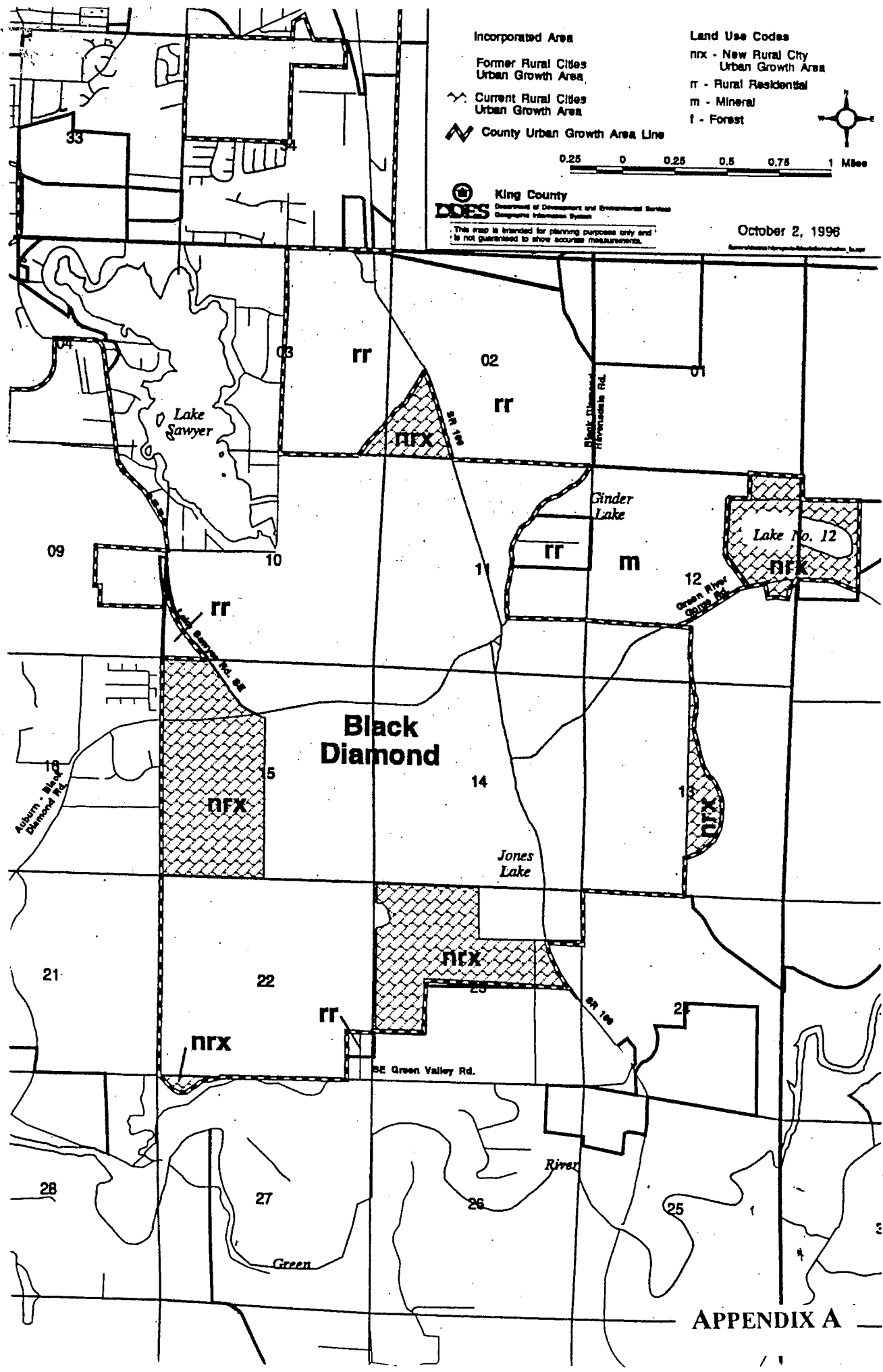
ATTEST:

Gerald C. Peterson
Clerk of the Council

APPROVED this 5th day of December, 1996

Jimmy Lohr
King County Executive

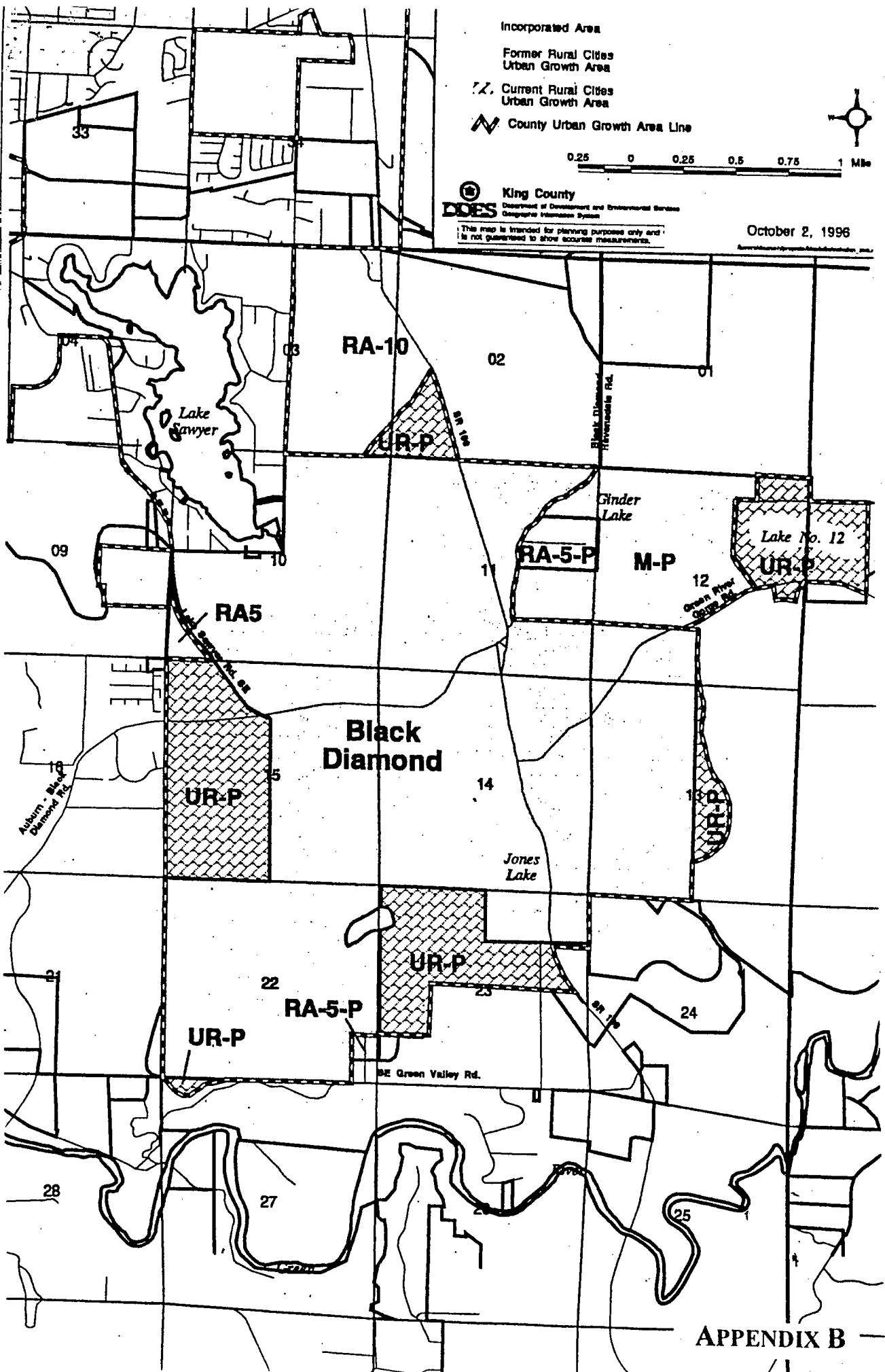
Attachments: (A) Black Diamond Rural City Urban Growth Area
(B) Black Diamond Rural City Urban Growth Area Zoning



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APPENDIX A

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