

## RESOLUTION NO. 21-1407

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, SUPPORTING THE PUGET SOUND REGIONAL COUNCIL (PSRC) VISION 2040 PLAN, REGIONAL GROWTH STRATEGY, AND ADOPTED GROWTH TARGETS, AND REQUESTING FULL CERTIFICATION OF THE CITY'S COMPREHENSIVE PLAN BY PSRC.**

**WHEREAS**, the Growth Management Act ("GMA") requires the City of Black Diamond to develop, adopt, and implement a comprehensive plan pursuant to Chapter 36.70A RCW; and

**WHEREAS**, the GMA further requires that comprehensive plans be subject to continuing review and evaluation and requires that these plans be updated on a periodic basis to ensure continuing compliance with the GMA; and

**WHEREAS**, the City initiated a major period update of its comprehensive plan in 2015 as required by the GMA; and

**WHEREAS**, due to various issues concerning staff turnover, political turmoil on the City Council, and other obstacles to completion, the City did not complete its 2015 periodic update until 2019; and

**WHEREAS**, the City Council adopted the updated Black Diamond Comprehensive Plan on May 2, 2019 ("Comprehensive Plan"); and

**WHEREAS**, the Comprehensive Plan was appealed to the Growth Management Hearings Board, which upheld the validity of the Comprehensive Plan and the City's adoption process by decision dated January 6, 2020; and

**WHEREAS**, on January 17, 2020, following its certification review procedures, the Puget Sound Regional Council ("PSRC") issued a PSRC Plan Review Report & Certification Recommendation ("Certification Report") to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board, in which PSRC recommended conditional certification of the City's Comprehensive Plan, with full certification conditioned on the City's satisfaction of four requirements by December 31, 2020; and

**WHEREAS**, the City's four required conditions for full certification, as stated in the January 17, 2020 PSRC Certification Report are summarized as follows: (1) amend the Comprehensive Plan to indicate that a state route development plan for SR-169 has not been completed, and that the City's transportation demand models and project list do not assume a widening of SR-169; (2) amend the Comprehensive Plan to acknowledge that SR-169 has been designated a highway of statewide significance, with associated levels of service established by the state, not the City; (3) amend the Comprehensive Plan to

provide more details of contingency planning to address funding shortfalls if the Master Developer fails to complete the planned improvements associated with the Master Planned Developments; and (4) adopt a City Council resolution that commits the City to continue working with regional, county, and local planning agencies to ensure the impacts of the Master Planned Developments are managed appropriately, including (i) coordination with King County and other jurisdictions during the 2021 target-setting process to narrow the current gap between anticipated growth and the growth targets (as acknowledged in the Comprehensive Plan); (ii) avoidance of increases in development capacity that would significantly surpass adopted targets; and (iii) coordination with other jurisdictions regarding unanticipated growth levels, with assessment and mitigation of traffic impacts; and

**WHEREAS**, the City Council adopted a work plan to address the three Comprehensive Plan amendments required by the PSRC Certification Letter, and the City's Planning Commission has now reviewed, received public testimony, deliberated, and recommended a package of Comprehensive Plan amendments that address the PSRC requirements for full certification; and

**WHEREAS**, the PSRC staff have reviewed the City's proposed package of 2020 Comprehensive Plan amendments and has determined that the amendments, if adopted by the City Council, will satisfy the conditions established by the PSRC for full certification, as described above; and

**WHEREAS**, the only remaining PSRC requirement for full certification of the Comprehensive Plan is the adoption of a City Council resolution that meets the criteria described above; and

**WHEREAS**, the recent departure of the City's Director of Community Development and other complications arising from the COVID-19 pandemic have unfortunately delayed completion of the City's work plan in time to meet the December 31, 2020, deadline established in the PSRC Certification Report; and

**WHEREAS**, the City has requested an extension until June 30, 2021, to complete the requirements for full certification, and the PSRC is expected to grant the request; and

**WHEREAS**, the City Council desires to complete the four requirements of the PSRC Certification Report and obtain full certification of the Comprehensive Plan;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The City Council is committed to continue advancing the integrity and mission of VISION 2040 and the Regional Growth Strategy through the policies and implementation strategies adopted in the City's comprehensive plan and regulatory standards.

**Section 2.** The City Council acknowledges that currently anticipated and vested growth in the City exceeds the growth targets established for Black Diamond by regional planning agencies. Recognizing the binding nature of the vested development

agreements that govern the Master Planned Developments (“MPD”), and that these MPD development agreements do not expire until 2027, the City will continue, as it consistently has, to diligently enforce the mitigation requirements built into the development agreements. Further, the City Council is committed to actively managing and mitigating impacts related to other growth in the City, including impacts on surrounding communities, rural and resource lands, and the local and regional transportation system.

**Section 3.** It is a City priority for staff and other City representatives to continue working collaboratively with other cities, King County, and the PSRC on future growth allocations during the 2021 (and future) housing and employment target-setting process. The City Council commits to planning for growth in future updates to the Comprehensive Plan, seeking consistency with those collaboratively set and adopted targets, while continuing to comply with state and federal law and vested development rights.

**Section 4.** The City Council is committed to studying and, as needed, adopting future measures reasonably necessary to manage anticipated growth and mitigate potential impacts on surrounding communities, rural and resource lands, and the regional transportation system. Potential mitigation strategies include: growth monitoring, collaborative planning, impact fees, transportation concurrency requirements, non-motorized transit planning, planning for expanded public facilities, enforcement of environmental regulations, and design review. The Council commits to continue the City’s proactive identification and adoption of strategies, measures, and actions to manage and mitigate the impacts of growth.

**Section 5.** The City Council commits to managing its growth within the current City of Black Diamond and UGA boundaries, and to using the adopted countywide criteria for evaluating any potential UGA modifications.

**Section 6.** The City Council commits to prioritizing consistency with VISION 2040 and the Regional Growth Strategy when considering future land use and zoning changes and capital facilities investments, subject to applicable state and federal constitutional limitations and consistent with all applicable laws and vested development rights.

**Section 7.** The City Council finds that it has reasonably addressed the four conditions of certification set forth in the PSRC’s Plan Review Report & Certification Recommendation dated January 17, 2020. Accordingly, the City Council hereby requests that the PSRC Executive Board grant full certification of the City of Black Diamond Comprehensive Plan.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF FEBRUARY, 2021.**

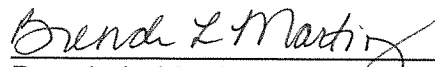
CITY OF BLACK DIAMOND:



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Carol Benson, Mayor

Attest:

  
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Brenda L. Martinez, City Clerk