

**RESOLUTION NO. 21-1420**

**A RESOLUTION OF THE CITY OF BLACK DIAMOND, WASHINGTON, GRANTING APPROVAL OF THE FINAL PLAT FOR TEN TRAILS (F/K/A “THE VILLAGES”) PLAT 2E SUBDIVISION**

**WHEREAS**, on September 20, 2010, the City Council adopted Ordinance No. 10-946 approving a Master Planned Development (“MPD”) permit for applicant CCD Black Diamond Partners LLC’s (“Oakpointe”), f/k/a Yarrow Bay, to develop a master planned community known as “The Villages”; and

**WHEREAS**, on December 12, 2011, the City Council adopted Ordinance No. 11-970 approving The Villages Development Agreement (“DA”) with Oakpointe setting forth extensively negotiated requirements and agreed conditions governing commercial and residential development activity within The Villages MPD, now known as “Ten Trails”; and

**WHEREAS**, in a decision dated July 14, 2020, the City’s Hearing Examiner granted Preliminary Plat Approval for the subdivision known as Ten Trails Phase 2E (“PP2E”) of The Villages MPD, processed under City File No. PLN18-0076; and

**WHEREAS**, Oakpointe has applied for final plat approval (File No. PLN21-0024) for Ten Trails Plat 2E, which lies within Ten Trails PP2E; and

**WHEREAS**, under the DA, Oakpointe’s application for final plat approval of Ten Trails Plat 2E is vested to the Black Diamond Municipal Code in effect as of the date of the DA, which is attached as Exhibit E to the DA (“Vested Code”); and

**WHEREAS**, City staff and members of the Master Developer Review Team (“MDRT”) have reviewed the proposed final plat for Ten Trails Plat 2E for compliance with all provisions of state law and the Vested Code, as well as all conditions imposed by the applicable MPD permit, the DA, the Hearing Examiner’s Preliminary Plat Approval, and the MPD Framework Design Standards and Guidelines (collectively, “Conditions of Approval”), and have prepared and provided to the City Council a Staff Report summarizing their findings in detail; and

**WHEREAS**, City staff and members of the MDRT, based on their review of the final plat application, recommend approval of Ten Trails Plat 2E final plat, subject to Oakpointe’s submission of adequate security to ensure the completion of the remaining work; and

**WHEREAS**, City staff and members of the MDRT have reviewed and approved the bonds guaranteeing completion and maintenance of the infrastructure improvements required by the Conditions of Approval; and

**WHEREAS**, section 17.20.060.B of the Vested Code requires the City Council to review the Staff Report and proposed final plat to assure its conformance to all

Conditions of Approval and that the required bonds, if applicable, have been posted, and further requires the City Council, by resolution, to make written findings to that effect and thereupon to authorize the Mayor to execute the City Council's approval in writing on the face of the final plat; and

**WHEREAS**, RCW 58.17.140 and Vested Code section 17.20.060 require that the City Council approve, disapprove, or return the final plat for modification within a limited time period, unless the applicant consents to a longer time; and

**WHEREAS**, RCW 58.17.195 prohibits the approval of any subdivision unless the City makes a formal, written finding of fact that the proposed subdivision conforms to applicable zoning ordinances and other land-use controls;

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

**Section 1. Final Plat Approval.** The City Council finds, based on its review of the Staff Report and proposed final plat for Ten Trails Plat 2E, that all Conditions of Approval have been satisfied, or where they have not yet been satisfied, that adequate security has been or will be posted to ensure the full and prompt completion of all required improvements that have not yet been completed. Further, the City Council finds that the proposed subdivision conforms to applicable zoning ordinances and land-use controls of the City. Accordingly, the final plat for Ten Trails Plat 2E is hereby approved on condition that Oakpointe provides bonds, in a form and amount acceptable to the City, guaranteeing completion of all infrastructure improvements required by the Conditions of Approval that have not yet been completed.

**Section 2. Authorization.** Upon Oakpointe's provision of the bond(s) described in Section 1, the Mayor is authorized to sign the final plat for Ten Trails Plat 2E, signifying the Council's approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF MAY 2021.**

**CITY OF BLACK DIAMOND:**



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**Carol Benson, Mayor**

**Attest:**



**Brenda L. Martinez, City Clerk**