



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 11/12/2013      **In control:** Transportation, Economy, and Environment Committee

**On agenda:**      **Final action:** 2/3/2014

**Enactment date:** 2/13/2014      **Enactment #:** 17745

**Title:** AN ORDINANCE approving a development agreement between King County and BD Village Partners, LP, relating to a seventy-seven-lot subdivision adjacent to the city of Black Diamond, a regional stormwater facility and transfer to King County of open space lands.

**Sponsors:** Larry Phillips, Jane Hague

**Indexes:** Agreement, Black Diamond, City of

**Code sections:**

**Attachments:** 1. Ordinance 17745.pdf, 2. 2013-0481 Legislative Review Form.pdf, 3. A. Draft Development Agreement, dated January 27, 2014, 4. A. Draft Development Agreement, 5. 2013-0481 fiscal note.xlsx, 6. 2013-0481 transmittal letter.docx, 7. 2013-0481 Staff Report (11-19-13).docx, 8. 2013-0481 Staff Report (12-03).docx, 9. 2013-0481 Attach 2 - Letter from Muckleshoot Tribe (11-25-13).pdf, 10. 2013-0481 submitted written testimony.pdf, 11. BD Village Partners MDNS 012314.pdf, 12. 2013-0481 Amendment 1 2-3-14.pdf

Date	Ver.	Action By	Action	Result
2/3/2014	1	Metropolitan King County Council	Passed as Amended	Pass
1/27/2014	1	Metropolitan King County Council	Hearing Held	
1/27/2014	1	Metropolitan King County Council	Deferred	
1/13/2014	1	Metropolitan King County Council	Hearing Held	
1/13/2014	1	Metropolitan King County Council	Deferred	
1/13/2014	1	Metropolitan King County Council	Reintroduced	
12/16/2013	1	Metropolitan King County Council	Deferred	
12/3/2013	1	Transportation, Economy, and Environment Committee	Passed Out of Committee Without a Recommendation	Pass
11/19/2013	1	Transportation, Economy, and Environment Committee	Deferred	
11/12/2013	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE approving a development agreement between King County and BD Village Partners, LP, relating to a seventy-seven-lot subdivision adjacent to the city of Black Diamond, a regional stormwater facility and transfer to King County of open space lands.

STATEMENT OF FACT:

1. King County adopted the Black Diamond Urban Growth Area Agreement ("BDUGAA") through passage of Ordinance 12534 on November 25, 1996.
2. The BDUGAA determined the final urban growth area boundary for the city of Black Diamond ("the city") and identified open space lands within the city and King County for permanent preservation.
3. The agreement was based on a principle that for every one acre of urban land added to the urban growth area, four acres would be permanently preserved as open space.
4. The agreement has been largely implemented and the majority of the open space has been conveyed through two open space agreements:
  - a. The Black Diamond Area Open Space Protection Agreement was approved by King County Ordinance 15291 on October 3, 2005. Ordinance 15291 resulted in the permanent protection of Ravensdale Ridge and the conveyance to King County of six hundred forty-five acres of open space; and
  - b. The 2009 Open Space Agreement between the county and BD Village Partners, LP, was approved by King County Ordinance 16739 on December 14, 2009. Ordinance 16739 resulted in the conveyance to King County of two hundred fifty-five acres of open space.
5. The 2009 Open Space Agreement provided that BD Village Partners, LP, would dedicate for permanent preservation more land than required by the "four to one" principle, if the county and BD Village Partners, LP, entered into a development agreement placing the open space in tracts as part of a rural clustered subdivision. It also anticipated that the rural cluster subdivision could include a regional stormwater facility.
6. The attached development agreement conveys to King County an additional one hundred forty-seven acres of open space, anticipated by previous agreements, that will become part of the county's open space system. A final seventeen acres of open space in Section 23 will be

conveyed to King County in fee or easement by 2021, as established in Section 5.4(b) of the 2009 Open Space Agreement. The development agreement will also relocate a trail easement for the county's future Green to Cedar Rivers Regional Trail.

7. The Horseshoe lake area of the county is near the proposed subdivision. For decades, there has been periodic flooding of Horseshoe lake that requires emergency pumping to protect homes and limit damage. The emergency pumping also imposes a financial burden on the county.

8. A permanent solution to the Horseshoe lake flooding is needed and can be implemented if the county and BD Village Partners, LP, create a regional stormwater facility within the proposed subdivision.

9. The attached development agreement allows BD Village Partners, LP, to construct a regional stormwater facility and allows the county to divert floodwaters from Horseshoe lake to the facility.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to enter into an agreement, substantially in the form of Attachment A to this ordinance, with BD Village Partners, LP, regarding a regional stormwater facility, a seventy-seven-lot rural clustered subdivision and transfer of open space lands to King County.