



CITY OF BLACK DIAMOND
May 14, 2009 Workstudy Agenda
25510 Lawson St., Black Diamond, Washington

Workstudies are meetings for Council to review upcoming and pertinent business of the City. Public testimony is only accepted at the discretion of the Council

7:00 P.M. – CALL TO ORDER, ROLL CALL

- 1.) Capital Facilities Plan – Steve Pilcher, Seth Boettcher
- 2.) Park Rules – Aaron Nix
- 3.) Adjournment

Chapter 8. Capital Facilities

8.1. Introduction

8.1.1. Purpose of the Capital Facilities Element

This Capital Facilities Element has been prepared in accordance with Section 36.70A.070 of the Growth Management Act (GMA) to address the need for and the financing of capital facilities in the City of Black Diamond and the surrounding Planning Area. The GMA requires all Comprehensive Plans to include a capital facilities element which analyzes the need for future capital improvements to support the development goals stated in the Land Use Element, as well as the funding mechanisms available for implementation.

The Capital Facilities Element includes the following:

- Inventory of existing city-owned capital facilities, showing the approximate location and identifying the approximate capacities of those facilities;
- Forecast of future needs (for the next six years minimum);
- The proposed locations and capacities of expanded or new capital facilities;
- A six-year plan that also identifies potential revenue sources needed to fund the timely construction of the capital facilities, including specific identification of funding programs or sources of public money for such purposes; and
- Coordination among the Land Use Element, Capital Facilities Plan Element, and Financial Planning Element of the Comprehensive Plan to provide consistency with one another.

The GMA requires the Capital Facilities Element chapter to address all public facilities except transportation facilities, which are addressed separately in the Transportation Element of this plan. The GMA also requires that the Transportation and Capital Facilities Elements each identify facility/system capacity and funding mechanisms/sources for future necessary capital improvements. These items have been consolidated, for ease of reference, and appear in this section of the Plan (Capital Facilities Element).

The GMA contains requirements pertaining to the concept of *concurrency*, which mandate that the City of Black Diamond adequately demonstrate, within this Plan, that public utilities and modes of transportation will be available to support growth at the time such development (growth) occurs. Thus, the financial planning section included herein (as required by GMA) identifies a financial program for implementing this set of compiled improvements.

Planning Area

It is the intent of the GMA that all development requiring urban services will be located in the Urban Growth Area (UGA), and will have these services available to them in a timely and financially feasible manner. The Capital Facilities Element is intended to guide the City in its decision making process in order to achieve the community's goals; in particular, to provide utility service at an acceptable standard (approved minimum level of service) without compromising the existing level of service currently provided to its citizens.

Organization of Chapter

Sections 8.3 to 8.14 of this chapter are organized in the following manner for each capital facility or service:

- Inventory
- Level of Service (LOS)
- Forecast of Future Needs

Larger capital facility sections include a brief introduction that includes a concept description and relevant goals prior to the inventory.

8.1.2. Future Considerations for Capital Facilities Planning

Growth Uncertainties

The City of Black Diamond has had a development moratorium in place since 2001 in order to give the City time to upgrade necessary infrastructure, including water and sewer systems, to accommodate future development, and to update required plans

and regulations. There has been little development outside of that vested prior to 2001.

Given the potential development within the City and recently annexed areas, a large wave of development is almost certain in the near future. Following the lifting of the development moratorium, building permit activity is anticipated to begin in 2009.

Based on King County's 2007 Buildable Lands Report, Black Diamond has approximately 679 net acres of vacant and redevelopable residential land within existing city limits. This Comprehensive Plan contemplates significant residential growth in the city limits and the impact of that growth on capital facility needs.

Additional Long-Term Planning

There are many unresolved and unknown issues related to the residential development expected in the near future once the moratorium is lifted. Currently, the timing, scale, and amount of new residential development are unknown.

Once the moratorium is lifted and development projects begin permitting, the City will have a window of time to revisit and consider how capital facility needs are to be met. During this time, the City may wish to develop a series of work plans for administrative maintenance services, police, parks, and utilities to consider how the City could most appropriately and effectively deal with meeting its long-term needs. These work plans could address:

- Reevaluating long-term facility needs once a clearer picture of the amount, timing, location, and scale of development is known.
- Revisiting and adjusting LOS standards to balance services with the ability to provide them.
- Exploring alternative forms of service provision.

8.1.3. Overview of City Staffing

Considerations in Setting LOS Standards

LOS standards are a management tool that establishes benchmarks or measures to determine the adequacy of public services provided. They also represent those values that are deemed most important to the community's quality of life. The establishment of LOS standards provides a useful basis from which to project future staffing and facilities needs based on anticipated population growth. These standards are intended as planning guidelines, with actual staffing decisions to be made by the City Council during the budget process, taking into account both actual needs and financial feasibility.

LOS standards allow planners to estimate approximate staff and facilities that will be needed to provide basic municipal services to growing populations. Washington State law establishes that “those public facilities and services necessary to support development shall be adequate to serve that development at the time the development is available for occupancy and use without decreasing current levels below locally established standards.” [RCW 36.70A.0202(12)]

LOS measures are typically presented as ratios of facility capacity to demand. Examples include number of acres of parks per 1,000 population, or the response time in minutes/seconds for a fire distress call. However, it is important to note that LOS measures are generally quantitative, and therefore measure the *output* and not necessarily the *outcome* of public services.

LOS measures should reflect local values. The values and needs of each community will differ, and this uniqueness should be reflected in the LOS standards that are adopted. Several overarching criteria should be considered when developing standards for a community. LOS standards should:

- Assure that the community’s most important service needs are met;
- Recognize the limitations of any measure and strive for a balance between quantitative and qualitative measures. They should ensure a balance between input, output, and outcome measures;
- Be realistic, achievable, and flexible;
- Be tailored to the needs and values of the individual jurisdiction; and
- Represent the values and needs of the community, and should be embraced by local decision makers and the general public. National LOS standards present the framework for which local LOS measures may be developed, but ultimately, local LOS measures should be a reflection of the community and the unique characteristics and values that are important to its residents and businesses.

8.2. Capital Facilities Goal and Objectives

Capital Facilities Goal:

Ensure that utility public services are available to support development consistent with the Land Use Element.

Objective CF-1: Ensure utility provision maximizes public safety, minimizes adverse environmental impacts, and is compatible with surrounding land uses.

Objective CF-2: Consider economic development when planning the capital facilities infrastructure.

8.3. Administrative Services

8.3.1. Administrative Services Concept and Policies

Administration and Maintenance Services

Funding for City administrative services should be sufficient to provide needed services, and where possible, “economies of scale” should be realized. New growth, which necessitates or benefits from these services (residential, commercial, or industrial), should pay its fair share of associated facilities costs. The City recognizes that employees and businesses, as well as residents, will contribute to demand for city services.

Administrative and Maintenance Services Policies

- Policy CF-1: Provide adequate City Hall and other municipal space as needed to meet the demands for city services.
- Policy CF-2: Provide for the necessary additional services while recognizing appropriate "economies of scale" as growth occurs in the city.
- Policy CF-3: Require new development to finance the facilities and services needed to support the development wherever a direct connection of benefit or impact can be demonstrated.

8.3.2. Inventory

Municipal Buildings

City of Black Diamond facilities include the former City Hall on Lawson Street, which houses the police department; City Council chambers and Black Diamond Municipal Court; the Black Diamond Cemetery at Morganville; and the city shop across from former City Hall, which consists of one garage, storage room, and yard. City administrative offices are currently located within leased modular buildings and leased office space at 24301 Roberts Drive.

Equipment

The City’s maintenance and operation equipment includes the following: road grader, slope mower, dump truck, and several general public works vehicles.

Other Facilities

A Community Center and a King County Library System branch are also located in Black Diamond. The Community Center, located on Highway 169 at the North Roberts Drive intersection, contains approximately 12,000 square feet on two floors. The Center, which opened in October 1990, now offers programs for seniors and youth and classes and meeting space for community groups. The Center is owned and operated as a non-profit entity, the Black Diamond Community Center Association, with its own Board of Directors. The Center has also acquired the old 3,740 square foot elementary school gymnasium and relocated it to a site across from City Hall.

The Black Diamond branch of the King County Library System is located on Roberts Drive. The library is open 59 hours a week. In addition to the collection of books, the library maintains collections of magazines, videos, and compact discs (CDs). The library computer system allows the public to order any book in the King County system and have it mailed directly to their home.

8.3.3. Level of Service

The LOS standards for administrative buildings and services are not subject to concurrency and are listed here as a helpful management tool. The size of City facilities will be dictated by the number of employees needed to serve city residents. The recommended LOS standard for municipal building space is to provide 330 square feet of space per employee.

8.3.4. Future Needs

Municipal space needs will be affected by several variables, including the development of large residential developments, commercial/ industrial growth in the existing city limits, and policy decisions on how to deliver governmental services. The City already lacks enough permanent administrative office space to meet LOS standards, and this will increase as city staff increases. However, without any funding sources for new administration facilities, it may be sometime before the facilities are built.

Within the next year, the City should create a work plan to address the long-term facility needs for administrative and maintenance services. The work plan should:

- Evaluate how services are provided and explore other forms of service delivery, either directly or contracted.
- Develop a facility needs assessment as part of a Facilities Master Plan, based on service delivery decisions.
- Create a prospective capital projects list that the City might undertake or fund in the future.

8.4. Police

8.4.1. Police Concept, Objective, and Policies

Police Services Concept

The Police Department will continue its programs that support community policing to maintain a positive presence and sense of safety within the community.

As Black Diamond grows over the next 20 years, additional personnel and equipment will be required to maintain current service levels. An expanded police station would also be required. Reducing the turnover of police personnel is also necessary to maintain an efficient and adequate level of service.

Police Protection Goals and Policies

Objective CF-3: Ensure that adequate provisions are made to accommodate the demands of new development on police.

Policy CF-4: The City shall maintain no less than the existing ratio of 3.5 police officers per 1,000 population. As the department reaches a higher economy of scale the ratio may be reduced to 2.75 officers per 1,000.

Policy CF-5: Ensure that those public services and facilities necessary to support development are adequate to serve the City both during construction and completion of development.

Policy CF-6: Require new developments to pay their fair share of the cost of providing public services.

8.4.2. Inventory of Department Staff, Facilities, and Programs

The Black Diamond Police Department is a full-service law enforcement agency serving the citizens of Black Diamond and the City's business population. The Black Diamond Police Department currently is staffed by twelve commissioned police officers, one reserve officer, one records manager, and one part-time support position. Core services include responding to calls for service, proactive patrol, special operations, traffic enforcement, marine services, records, evidence, crime prevention, and narcotics and criminal investigation.

The police fleet currently consists of eleven patrol cars, two administrative vehicles, one undercover vehicle, one off-road Jeep, one marine boat, and one marine Jet Ski.

The police department responds to calls 24 hours per day, seven days per week through requests for service via contracted dispatch with Valley Communications. The Department is housed in approximately 1,600 square feet of space in a building

shared with the Municipal Court, Council Chambers, and the Emergency Operations Center.

The Department is committed to active involvement and participation with the community. Community Policing is a partnership of community and police working together to promote a feeling of safety and security among members of the community. These efforts are accomplished by:

- Home and business security checks
- Extra patrols upon request
- Extra traffic control upon request
- Referrals to domestic violence counseling
- D.A.R.E. and early childhood education programs
- Supervision of and participation in block watch programs
- Instruction of traffic school program
- Marine safety courses
- Court security
- The McGruff housing program
- National Night Out Against Crime and other community activities participation
- Narcotic K-9 handler program

The Black Diamond Police Department received 2,513 calls for service in 2007; these do not include officer initiated traffic stops. Matters investigated include property crimes, traffic issues, and violent crimes. The City has seen a sharp rise in violent crimes in recent years with a continuing street level drug problem and a sharp rise in methamphetamine related problems in recent years.

The Department also provides a marine patrol presence on Lake Sawyer during the summer months, which serves a large recreational user population. This enforcement effort was implemented after the 1998 annexation of Lake Sawyer into the City of Black Diamond.

The average response time in high priority calls is between three and four minutes; lower priority calls average four to eight minutes.

The Police Department is also an active member of the Coalition of Small Police Agencies (CSPA) of King County, which has proven to be an extremely effective group to consolidate training and other cooperative efforts to bring citizens the most value for their tax dollars. The Major Crimes Task Force and Special Operations Team are just two of CSPA's programs that have proven to be highly utilized.

8.4.3. Level of Service

The current LOS for police is 3.5 officers per 1,000 residents. As the City grows, the LOS standard can be reduced to 2.75 officers per 1,000 residents through efficiency gains in the provision of police services. The LOS for police is proposed to decrease with each 1,500 to 2,000 increment of population growth, shown in Table 8 - 1.

Table 8 - 1: Police Level of Service

Population Level	4,000-5,000	5,000-7,500	7,500-10,000	10,000-13,000	13,000-16,000	16,000-20,000
Police Officers	8	8.2	12.5	14.7	21	29
Sergeants	2.6	2.3	3.25	3.7	4.6	6.25
Administration	1.5	1.6	1.6	2	2.6	4.75
Total Staff	12.1	12.1	17.35	20.4	28.2	40

8.4.4. Future Needs

Currently, the most pressing need for the Police Department is additional office space. The Department has studied adequate space requirements, and a 4,500 to 5,500 square foot facility is currently needed to meet the immediate needs as well as anticipated growth over the next five to ten years.

The growth in population for the City will require additional officers and capital facilities, which will include vehicles, administrative office space, and equipment.

As county jail costs continue to rise, particularly in light of King County's funding issues, additional resources will be necessary. The Buckley city jail continues to be the primary holding facility for misdemeanor offenders. The City also contracts jail services with the Cities of Enumclaw and Issaquah.

8.5. Parks, Recreation, and Open Space

8.5.1. Parks, Recreation, and Open Space Concepts, Goal, Objectives, and Policies

Parks, Recreation, and Open Space Plan Concept

Black Diamond is rich in recreational potential but poor in existing facilities. Given demand for trail and park use in town, and given the potential corridors and open space opportunities, the City has the opportunity to provide for a first-rate park, recreation, and trail system.

To meet the community's park and recreational needs, however, the City of Black Diamond will have to focus on existing gaps in its park and recreational system, and the future needs of the city as it grows over the next 20 years. Current and future needs include having a full variety of park types, such as open space and neighborhood parks, as well as enough recreational facilities, such as baseball diamonds, to support Black Diamond's population.

These needs can be met through the strategic location of new parks and facilities as well as the maintenance and upgrading of existing facilities. New park and recreational facility standards for the City will guide the type and location of the new parks and facilities needed, and enable the City to require new development to pay its "fair-share" of such facilities.

Park, Recreation, and Open Space Goal, Objectives, and Policies

Parks, Recreation, and Open Space Goal:

Foster and support the stewardship of natural resources throughout the community in the form of parks, open space, and recreation to serve the needs of Black Diamond residents.

Objective CF-4: Parks should include a variety of active, passive, developed, and natural parks and open space.

Objective CF-5: Retention of the area's natural beauty and ecology should be represented in the park and open space system.

Policy CF-7: Provide the City of Black Diamond with a system of recreation facilities that are attractive, safe, functional, and available to all segments of the population.

Policy CF-8: Encourage development of a trail system which will connect Black Diamond's historic district, neighborhoods, Jones Lake, and Morganville with an integrated King County regional trail system, the new park site at Lake Sawyer, and a state trail system along the Green River.

Policy CF-9: Repairing deficiencies and maintaining the existing park and recreation facilities should be a top priority.

Policy CF-10: Development of new parks within the City shall involve:

- a. Obtaining land by purchase or dedication.
- b. Developing parks with emphasis on active play areas, park benches, a creek trail or trail connections, and highlighting the historical aspects of the town's development.

Policy CF-11: Current Parks, Recreation, and Open Space LOS guidelines include:

- a. Active Parks: 5 acres per 1,000 population - neighborhood and community parks.
- b. Passive Parks: 2 acres per 1,000 population.
- c. Open Space: As identified in the Open Space Plan and Policies.

Policy CF-12: Maintain an updated Parks Plan.

8.5.2. Inventory

City of Black Diamond Park Facilities

Currently, the City of Black Diamond has limited park and recreational lands, facilities, and programs. The City has 195 acres of parkland ranging from passive open space to a BMX bicycle track. The largest park is the 143-acre Lake Sawyer Regional Park (undeveloped) located at the south end of the lake.

Recreational facilities the City owns and operates include a basketball court, a tennis court, and a skate park at “School Park,” which is adjacent to Black Diamond Elementary School. The only other recreational facilities within the City are the playfield located at the elementary school, a gymnasium operated by the Black Diamond Community Center, and a BMX bike track next to the community center’s gymnasium. In-town recreation programs are minimal due to the lack of facilities.

Two pocket parks (Coal Car Memorial Park and “Union Stump”) are formed from public right-of-way, and serve as gateway elements for the City. Coal Car Memorial Park, at the intersection of SR 169 and Auburn-Black Diamond Road, contains a coal car marker reminiscent of the City’s mining history. “Union Stump,” which is near Morganville, served as the speaker platform during the union/mining era. Each site is less than 0.30 acres, and neither provides recreational opportunities.

In 1995, the City of Black Diamond acquired 14 acres of land adjacent to Jones Lake with county open space funds. Plans for this open space park include the construction of a trail around the lake. The City has also acquired the Webb (Ginder Creek) open space parcel northwest of the City Center.

Table 8 - 2: Parks Inventory

Facility	Type	Acreage	Features
Union Stump	Passive	0.23	Historical Marker
Coal Car Park	Passive	0.27	Historical Marker
Jones Lake Site	Passive	14.06	Undeveloped
Ginder Creek Site	Passive	27.59	Undeveloped
Eagle Creek Community Park	Active	0.43	Basketball Court
Lake Sawyer Boat Launch	Active	1.80	Boat Launch
BMX Park	Active	2.96	Dirt Bike Track
"School Park"	Active	4.75	Baseball Diamond, Basketball Court, Tennis Court, Skate Park
Lake Sawyer Park	Undeveloped	143.05	Undeveloped
Total Park Acreage		195.14	

8.5.3. Level of Service

The City of Black Diamond adopted the current Park Plan in August 2008. To help best identify park needs and guide the timing and implementation of the Parks Capital Improvement Program, new park LOS standards and recreational facility standards are being proposed. Black Diamond's existing LOS standards are based on a ratio of capacity (park acres) to demand (population). However, the Washington Recreation and Conservation Office has recommended a spatially-based approach for LOS standards. Spatially-based standards emphasize access to different types of park and recreational facilities, which ensure all residents are adequately served. This approach is the basis for the new LOS standards.

Redefined Park Types and Standards

More comprehensive park classification systems, in place of the old active and passive classifications, will better meet the diversity of user needs in the community. The proposed new park types include:

- **Pocket Parks** – small pedestrian-oriented areas, one-half acre or less, that provide greenery and open-space in higher-density developed areas. They include features such as play equipment, community gardens, historical/information markers, landscaping, seating, and public art.
- **Open Space** – undeveloped areas or areas with limited development intended to preserve natural areas within the City for environmental, health, and/or aesthetic reasons. They include features such as picnic areas, trails, and/or interpretive facilities.

- **Neighborhood Parks** – small pedestrian-oriented parks, one acre or less, that serve residents of the immediate, usually residential, area. They include features such as play areas, basketball courts, community gardens and/or open areas.
- **Community Parks** – large parks, one to five acres in size, which provide active recreation facilities for the broader community. They include features such as parking areas, baseball or softball diamonds, soccer fields, aquatic facilities and/or natural areas.
- **Trails (Non-motorized)** – a network of pedestrian or bicycle-oriented paths for recreational and transportation uses. They can be within an existing park or open area or separate. Ideally, they should create a well connected city- or region-wide system. They include features such as parking areas, paved or graveled paths, picnic areas, and/or historical/informational markers.

Table 8 - 3 shows the proposed park types and associated LOS standard, while Table 8 - 4 shows how existing facilities have been reclassified.

Table 8 - 3: New Park LOS Standards

Park Types	LOS Standard
Pocket Park	None
Open-Space	10% of City's Land Area
Neighborhood Park	75% of population within 0.5 miles of a neighborhood park
Community Park	90% of population within 1.5 miles of community park
Trails (Non-motorized)	75% of population within 0.5 of a trail

Table 8 - 4: Park Type Reclassification

Facility	Type	Reclassified Type	Features
Union Stump	Passive	Pocket	Historical Marker
Coal Car Park	Passive	Pocket	Historical Marker
Jones Lake Site	Passive	Open-Space	Undeveloped
Ginder Creek Site	Passive	Open Space	Undeveloped
Eagle Creek Community Park	Active	Neighborhood	Basketball Court
BMX Park	Active	Community	Dirt Bike Track
"School Park"	Active	Community	Basketball Court, Tennis Court, and Skate Park
Lake Sawyer Boat Launch	Active	Community	Boat Launch
Lake Sawyer Park	Undeveloped	Community	Undeveloped

Recreational Facility Standards

In addition to new park LOS standards, recreational facility standards are being proposed to ensure specific community recreational needs are met. These are citywide recreational needs that are usually met through the development of new or existing community parks. The combination of the recreational facilities standards and the park LOS standards will serve as a comprehensive guide for park and recreational development for the City of Black Diamond. Table 8 - 5 shows the proposed recreational facility standards.

Table 8 - 5: Recreational Facility Standards

Facility Type	Minimum Units Per Population
Basketball Court	1:2,000
Soccer Field	1:2,000
Tennis Court	1:2,000
Play Area	1:2,000
Youth Baseball/Adult Softball Field	1:2,000
Adult Baseball Diamond	1:5,000
Community Center	1:10,000
Skate Park	1:10,000
Youth Football Field	1:10,000
BMX Track	1:20,000
Swimming Pool/Beach	1:20,000

8.5.4. Future Needs

An analysis of Black Diamond's current parks inventory using the new park type classifications and LOS standards indicates the City is lacking a number of neighborhood parks, trails, and dedicated open-space, and a number of recreational facilities.

LOS Conditions

Currently, almost every household is within a 1.5 mile radius of a community park, meeting the 90 percent standard. One park, "School Park," provides most of the recreational facilities for the community. However, "School Park" is not an official city park because the City does not own the property. Instead, the City has an agreement with the property owner, Palmer Coking Coal, to only use the property for green space and recreation.

The City of Black Diamond has one percent of its gross area designated as open space, but this is still well below the 10 percent LOS standard. Two parks have been

designated open space, the Ginder Creek site and the Jones Lake site, for a total of 41.65 acres. The City only has one neighborhood park, Eagle Creek Community Park, which is relatively new. Currently, the City has no recreational trails.

Table 8 - 6: Existing Park LOS

Type	LOS Standard	Existing LOS
Pocket	None	Two
Open space	10% of gross land area	1% of land area
Neighborhood	75% of population within 0.5 miles	11% within 0.5 miles
Community	90% of population within 1.5 miles	100% within 1.5 miles
Trail (Non-motorized)	75% within 0.5 miles	0% within 0.5 miles

Table 8 - 7: Existing Recreational Facility Standards

Facility Type	Minimum Units Per Population	Existing Units Per Population
Basketball Court	1:2,000	1:2,060
Soccer Field	1:2,000	0
Tennis Court	1:2,000	1:4,120
Play Area	1:2,000	0
Youth Baseball/Adult Softball Field	1:2,000	1:4,120
Adult Baseball Diamond	1:5,000	0
Community Center	1:10,000	1:4,120
Skate Park	1:10,000	1:4,120
Youth Football Field	1:10,000	0
BMX Track	1:20,000	1:4,120
Swimming Pool/Beach	1:20,000	0

Existing Need

To meet the current LOS deficit, new parks and trails will have to be added in the City, in addition to more extensive development of existing park land. The location of new parks will need to account for the “geographic deficit” in certain areas of the City.

For example, the City will need several new neighborhood parks to meet the LOS standard. One of these new parks would have to be located in the northern end of the City around Lake Sawyer, where there is a large amount of housing but no existing neighborhood park. Other gaps in neighborhood park coverage include the northeast

corner of the City, in the vicinity of SR 169, and the area around Black Diamond's City Center.

Extensive development of a trail system will be required to bring the City up to the proposed LOS standard. Any new trail locations will need to be planned so that they enable at least 75 percent of households to have access to a trail.

Existing open space needs include an additional 439.3 acres of dedicated open space within the City.

Recreational facilities needed include: a second youth baseball or softball field, a second tennis court, two soccer fields, and two additional play areas.

Future Need

In addition to the existing park and recreation needs, the City needs to consider the effects of future development on its park and recreational facilities needs. The potential future needs of the City are determined by applying the proposed LOS standards to the City's projected 2025 population (16,980). However, delays in development of the Lawson Hills and The Villages developments likely mean the projected population increases will be delayed a couple of years at least. Thus, the number of additional facilities may be higher than the number actually needed.

Table 8 - 8 below lists the number of additional recreational facilities - beyond the current facilities - the City needs to meet its LOS standards at its projected 2025 population.

Table 8 - 8: Future Recreational Facility Needs, 2025

Facility Type	Minimum Units Per Population	Additional Facilities Needed
Basketball Court	1:2,000	6
Soccer Field	1:2,000	8
Tennis Court	1:2,000	7
Play Area	1:2,000	8
Youth Baseball/Adult Softball Field	1:2,000	7
Adult Baseball Diamond	1:5,000	3
Community Center	1:10,000	0
Skate Park	1:10,000	0
Youth Football Field	1:10,000	1
BMX Track	1:20,000	0
Swimming Pool/Beach	1:20,000	1

The City should be able to meet its LOS standard for community parks and open-space by 2025. Much of the City, developed and undeveloped, is already within 1.5

miles of a community park. Also, master planned developments (MPD) are required to dedicate at least 50 percent of new development to open space. As development occurs, this would result in more than 10 percent of the City's land area being open space.

This is not the case with neighborhood parks and trails, however. The City will need to ensure neighborhood parks and trails are developed concurrently as new residential development occurs to meet the established LOS standards.

8.5.5. Individual Projects

The following is a summary listing of individual parks projects prioritized for development and improvements for the 2009-2014 Capital Facilities Plan.

Table 8 - 9: Park Projects and Estimated Cost and Funding Sources

Park	Estimated Cost							Funding Source
	2009	2010	2011	2012	2013	2014	6-Year Total	
School Park	\$25,000	-	-	-	-	-	\$25,000	REET 1
Union Stump Memorial Park	\$15,000	-	-	-	\$20,000	-	\$35,000	REET 1
Lake Sawyer Boat Launch	\$40,000	\$55,000	\$788,000	-	-	-	\$962,000	General Fund, REET 1, Grants
Lake Sawyer Regional Park	-	-	\$500,000	\$2,500,000	\$1,647,000	-	\$4,647,000	KC Regional Park Fund, Grants, Impact Fees
Trail System	\$20,000	\$20,000	\$100,000	\$100,000	\$100,000	-	\$340,000	KC Regional Park Fund, REET 1, Grants
BMX Park	\$20,000	\$20,000	-	\$210,000	-	-	\$250,000	REET 1, Grants
Eagle Creek Community Park	\$25,000	-	-	-	-	-	\$25,000	REET 1
Total	\$145,000	\$95,000	\$1,388,000	\$2,810,000	\$1,764,000	\$0	\$6,284,000	

8.6. Schools

8.6.1. Schools Concept, Objective, and Policies

Schools Concept

The City supports the location of elementary schools, and a junior high/high school in Black Diamond. Schools within the community contribute significantly to community identity and offer the possibility of joint use of facilities. It is also important to residents of Black Diamond that their children attend schools within or near the City. Local schools will also encourage more local participation in school activities. Specific future actions should include:

- Coordinating City and School District facility planning.
- Development of a joint-use agreement for all school facilities within the City.

Schools Objectives and Policies

Objective U-1: Coordinate with the school districts serving Black Diamond to encourage the provision of safe, secure, and permanent education space for all students.

Policy U-1: Work with the school districts serving Black Diamond to identify new school sites in Black Diamond and encourage school districts to acquire those sites at the earliest possible time.

Policy U-2: Support Black Diamond representation on the Enumclaw School Board, by a resident from within the City of Black Diamond.

Policy U-3: Encourage Black Diamond residents to participate in school activities.

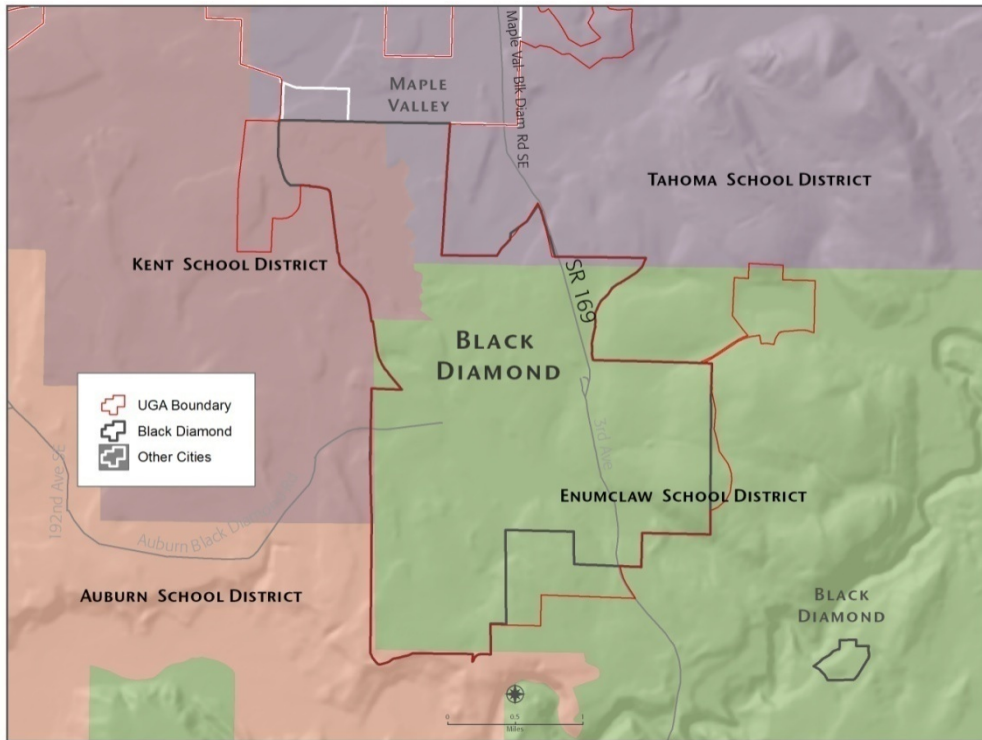
Policy U-4: Maintain a joint-use agreement for all facilities and land.

Policy U-5: Develop and implement an impact fee ordinance for the future development of schools within the City of Black Diamond. These impact fees shall be coordinated with the School District, and shall be imposed as conditions of approval on eligible development projects.

Policy U-6: School District comments shall be solicited prior to approval of residential development projects.

8.6.2. School District Overview

Figure 8 - 1: School Districts Serving Black Diamond



Enumclaw School District

The original Black Diamond School District was merged with the Enumclaw School District in 1975, to provide education and programs equivalent to the Enumclaw Schools. Most of the City of Black Diamond now lies within the Enumclaw School District No. 216, except for a portion of the area surrounding Lake Sawyer that was annexed in 1998. The lake and areas to the west are served by the Kent School District, and the area immediately to the east of Lake Sawyer is part of the Tahoma School District.

The Enumclaw School District encompasses a 440 square mile area, the northwestern portion of which contains Black Diamond. The District service area is centered in the City of Enumclaw where the district offices, high school, junior high, and several elementary schools are located. The district has five elementary schools, one of which is located in Black Diamond. Enrollment has recently declined by about 100 students per year. Based on population projections, growth is anticipated beginning in the next two years within both the Cities of Enumclaw and Black Diamond.

Black Diamond Elementary has a current (January 2009) enrollment of 284 students. According to the District's program capacity, the maximum population for the school without portables is 226 students. With the seven portables it is using, the school is

operating over its capacity. A multi-purpose addition was constructed in 1990. No other room for expansion exists, although some space conversion (to classroom space) could occur.

Students from Black Diamond attend Thunder Mountain Middle School and Enumclaw High School.

Kent School District

In 1998, the City of Black Diamond annexed Lake Sawyer and the surrounding neighborhoods. Areas on the western side of the lake were already served by the Kent School District, and children from these households continue to attend Kent schools. The Kent School District is the fourth largest in the State of Washington, with an enrollment of nearly 27,000, and operates 40 schools, including four high schools, seven middle schools, 28 elementary schools, and one academy. Students living in the portion of the City of Black Diamond served by the Kent School District attend Sawyer Woods Elementary located just west of the Black Diamond city limits, Cedar Heights Middle School in Covington, and Kentlake High School located west of Lake Sawyer.

Tahoma School District

A small portion of the City of Black Diamond immediately to the east of Lake Sawyer is served by the Tahoma School District. The Tahoma School District operates 10 schools with a combined enrollment of approximately 7,000. Tahoma School District students from Black Diamond attend Glacier Park Elementary, Tahoma Middle School, and Tahoma Senior High School.

8.6.3. Future Needs

The areas with greatest potential for growth in Black Diamond are mostly within Enumclaw School District. Kent and Tahoma School Districts have little potential for growth from within Black Diamond.

Enumclaw School District

The District is looking for school sites in Black Diamond, including the annexed area near Black Diamond Lake, but no specific action has been taken to date.

Because the school system is run by the District, the City of Black Diamond does not establish LOS standards for school facilities. LOS standards have been established by the Enumclaw School District. The following standards of service are used by the District:

- Class size for grades K - 4 should not exceed 23 students.
- Class size for grade 5 should not exceed 26 students.
- Class size for grades 6 - 8 should not exceed 28 students.

- Class size for grades 9 - 12 should not exceed 28 students.

The District anticipates using the following student generation rates for single and multiple family dwelling units cited in their 2008-2013 Capital Facilities Plan.

Table 8 - 10: Student Generation Rates

Students per unit	Single Family	Multiple Family
Elementary	.401	.137
Middle School	.135	.045
High School	.166	.056
Total	.702	.238

Source: Enumclaw School District (1/07)

To accommodate the current student population and future needs, it is anticipated that the District will need four new elementary schools, two middle schools, and one high school in Black Diamond over the long-term. The existing Black Diamond Elementary School is slated for reconstruction to add capacity, and is scheduled to open in 2011.

The school attendance area for the elementary and secondary schools would likely extend beyond the Black Diamond city limits to serve students within the District. It should be noted that these projections include the areas surrounding Lake Sawyer currently served by the Tahoma and Kent School Districts. Depending upon variable growth between individual portions of the planning area, the Enumclaw School District will only be required to absorb a portion of the growth occurring within the City of Black Diamond.

8.7. Fire and Emergency Medical Services

8.7.1. Fire and Emergency Medical Service Concept, Objective, and Policies

Fire and Emergency Medical Services Concept

The Capital Facilities Element requires adequate fire flow through the water system and adopted standards for fire flow. The water systems within new development should be served off a looped line, if required to achieve fire flow. These new systems should also be designed and constructed to meet fire flow standards.

Fire and Emergency Medical Services Objectives and Policies

Policy CF-13: The City shall contract with the District to maintain a ratio of 1.4 on-duty career fire fighters per 1,000 population to protect the suburban and urban areas of the City until such time as the City reaches a population of 10,000. Thereafter, the ratio of on-duty career firefighters per thousand residents will decrease incrementally to no less than 0.89 on-duty firefighters per 1,000 population. The District will continue to foster and support the volunteer system utilizing volunteers to augment the level of service provided by the career staff.

The staffing level of 1.4 on-duty career firefighters per 1,000 population is consistent with national averages, but is greater than the 2007 staffing level of 0.5 on-duty firefighters per 1,000 population inside the City.

Policy CF-14: The City shall take reasonable action to ensure development in urban and suburban areas is within 1.5 miles travel distance of a fire station upon built roads.

Policy CF-15: It is determined that 8,000 square feet is an adequate size for satellite fire stations.

Policy CF-16: Implement impact fees for Fire and Emergency Medical capital facilities and equipment. Impact fees will be waived for sprinklered buildings less than 32 feet in finished height and properly sprinklered residences.

Policy CF-17: Replace Station 99 and Engine 99.

Policy CF-18: The City shall negotiate with King County Fire Protection District 44 to develop a staffing and equipment plan providing the best possible fire, rescue, and emergency medical services for the citizens of Black Diamond as the City grows.

Policy CF-19: The City shall pursue a Concurrency Management Plan for fire and BLS services.

8.7.2. Inventory

Mountain View Fire and Rescue, King County Fire Protection District 44, provides fire protection, fire prevention, rescue, emergency medical services, and other services that protect life or property via a contract with the City of Black Diamond pursuant to a 2006 inter-local agreement (ILA).

Mountain View Fire and Rescue is a combination department, consisting of both career and volunteer personnel, and has 26 career fire fighters and approximately 100 volunteers, 32 of which are assigned to Black Diamond. It services a combined area of approximately seventy (70) square miles encompassing an estimated population of 27,000. Of the total population served, 4,200 live in the City of Black Diamond.

The District operates out of eight stations, two of which are located in Black Diamond: Station 98 located on SE 296th Street, near Lake Sawyer, and Station 99 located in the City Center. The ILA requires that Station 98 have one career lieutenant and one career firefighter/emergency medical technician (EMT) on duty during the day. Staffing at night is provided by two volunteer firefighter/EMTs. Station 99 is staffed solely by volunteers.

District equipment includes 12 structure fire apparatus, including three water tenders (2,000 gallons each), three brush trucks, one medium rescue vehicle, one light rescue vehicle, five aid vehicles, a special operations support vehicle, a 14-person transport van, a five-ton flatbed truck, various four-wheel drive command vehicles, and a training/safety officer vehicle. Of this equipment, the City owns three of the fire engines, one brush truck, one aid car, and two staff vehicles counted.

Advanced Life Support (ALS) services are provided by King County Medic One. ALS services are funded separately through a countywide property tax assessment of \$0.30 per \$1,000 valuation.

8.7.3. Level of Service

The City of Black Diamond has a LOS standard of 1.4 on-duty career firefighters per 1,000 population. Pursuant to the April 2006 ILA (Interlocal Agreement) between the City and District 44, one career lieutenant and one career firefighter/EMT are on duty at the Lake Sawyer station between 0600 hours and 1800 hours each day. Staffing at night is provided by two volunteer firefighter/EMTs. Station 99 is staffed only by volunteers responding from home. The staff in Black Diamond is supported by a cadre of volunteers assigned to stations 98 and 99, as well as career staff assigned to near-by stations. Nighttime coverage, between 1800 hours and 0600 hours, is augmented by volunteer staff at Station 92, Station 93 on SE Covington Sawyer Rd, Station 97 on Green Valley Rd, and Station 94 near Krain Corner.

The National Fire Protection Association (NFPA) establishes six trained firefighters arriving to a scene within 14 minutes of an alarm 80 percent of the time for volunteer fire departments in rural areas (defined as areas with a population density less than 500 people per square mile; District 44 has roughly 350 people per square mile) as a sufficient number of members to operate safely and effectively.

2007 response data indicates Station 98 had a response time of 6.98 minutes or less 80 percent of the time, and Station 99 has a response time of 8.28 minutes or less 80

percent of the time. Both stations' response times are well below the NFPA's standard. Note, both fire and EMS responses were considered together because of the limited database.

8.7.4. Future Needs

As Black Diamond and the District increase in population, the District may need to increase the number of volunteer and career fire fighters available per shift.

The City should create a work plan to address its long-term fire and emergency services needs as a result of anticipated development and growth.

8.8. Utilities

This Utilities Chapter ("Utilities Element") has been developed in accordance with Section 36.70A.070 of the Growth Management Act. It describes how the existing and planned utility capacity will be financed, and supports the City's Land Use Element.

Suggested items to be included in the Utilities Element and recommendation for preparing the element are delineated in WAC 365-195-320. These are as follows:

- Integration of the general location and capacity of existing and proposed utility lines with the Land Use Element of the Plan. For the purposes of this step, proposed utilities are understood to be those awaiting approval when the Comprehensive Plan is adopted.
- An analysis of the capacity needs for various utilities over the planning period to serve the growth anticipated at the location and densities proposed within the jurisdiction's planning area.
- A schematic identification of the general location of utility lines and facilities required to furnish anticipated capacity needs for the planning period within the jurisdiction's planning area. This should be a part of the process of identifying lands useful for public purposes to be carried out by planning jurisdictions.
- Evaluation of whether any utilities should be identified and classified as essential public facilities, subject to the separate siting process established under the comprehensive plan for such facilities, and if so, provision for applying that process as appropriate.
- Creation of local criteria for siting utilities over the planning period, involving:
 - a. Consideration of whether any siting proposal is consistent with the locations and densities for growth contemplated in the Land Use Element.

- b. Consideration of any public service obligations of the utility involved.
- c. Evaluation of whether the siting decision will adversely affect the ability of the utility to provide service throughout its system.
- d. Balancing of local design considerations against articulated needs for system-wide uniformity.
- Policies should be adopted which call for:
 - e. Joint use of transportation rights-of-way and utility corridors, where possible.
 - f. Timely and effective notification of interested utilities of road construction, and of maintenance and upgrades of existing roads to facilitate coordination of public and private utility trenching activities.
 - g. Consideration of utility permits simultaneously with the proposals requesting service and, when possible, approval of utility permits when the project to be served is approved.

It is the intent of this section to fulfill the RCW requirements relating to the Capital Facilities and Utilities Elements of the Comprehensive Plan.

The Utilities Chapter has also been developed in accordance with the countywide planning policies and has been integrated with all other planning elements to ensure consistency through the Comprehensive Plan. The Utilities Chapter specifically considers the location and level of service of all existing and proposed utilities, including electrical, telecommunication, natural gas, and non-city water transmission line; public schools; and fire protection. This Element also provides a process and policies for the siting of “Essential Public Facilities” as defined by the Growth Management Act.

8.8.1. Inventory and Analysis

The inventory presented in this element provides information useful to the planning process. The inventory summarizes general information pertaining to the existing utility service system in the City. Many public and private agencies are involved in regulation, coordination, production, delivery, and supply of utility services. This section of the element identifies those providers as well as the legislation regulating the utility. The inventory includes:

City-Provided Utilities

- Water (except around Lake Sawyer)
- Sanitary Sewer (except around Lake Sawyer)
- Stormwater

Utilities Provided by Other Entities

- Electricity (Puget Sound Energy)
- Telecommunications (Qwest and Comcast)
- Natural Gas (Puget Sound Energy)
- Tacoma Water Transmission Pipeline #5 provides wholesale water supply
- Covington Water District provides water service around Lake Sawyer
- Soos Creek Water and Sewer District provides sewer service to a small area in the northwest corner of the City and has a sewer service around Lake Sawyer.

Federal and State Utility Laws and Regulations

RCW and Washington Utilities and Transportation Commission – Utilities and transportation are regulated in Washington by the Washington Utilities and Transportation Commission (WUTC). The WUTC, composed of three members appointed by the governor, is empowered to regulate utilities (including but not limited to, electrical, gas, irrigation, telecommunication, and water companies). State law (WAC 480-120) regulates the rates and charges, services, facilities, and practices of utilities. Any change in customer charges or service provision requires WUTC approval.

Federal Energy Regulatory Commission – The Federal Energy Regulatory Commission (FERC) is an independent agency led by a five-member commission. FERC establishes rates and charges for the interstate transportation and sale of natural gas, for the transmission and sale of electricity, and the licensing of hydro-electric power projects. In addition, the Commission establishes rates or charges for the interstate transportation of oil by pipeline.

Northwest Power Planning Council – The Northwest Power Planning Council (NWPPC) focuses on the generation of electricity. The NWPPC has directed the region to develop cogeneration as an energy resource and hydro-firming as a power back-up system. Cogeneration is the use of heat, as a by-product of power generation, for industrial processes or for space and water heating. Natural gas is often used as a fuel source for cogeneration. Hydro-firming is the back-up of the region's intermittent excess spring hydro generation with gas-fired combustion turbines to provide back-up if hydro-electric power is insufficient.

The State Department of Health - The State Department of Health regulates the operations of all public water utilities in the State.

The Department of Ecology – The State Department of Ecology regulates the operations of all public sewer systems in the State.

1991 Clean Air Amendments – *The* passage of the Washington State Clean Air Act in 1991 indicates a state intent to promote the diversification of fuel sources for motor vehicles. This is in response to a need to both reduce atmospheric emissions and to reduce the nation's reliance on gasoline for strategic reasons. This Act promotes the use of alternative fuels by requiring 30% of newly purchased state government vehicle fleets to be fueled by alternative fuel by July 1992, [increasing 5% each year]. It also studies the potential and encourages the development of natural gas vehicle refueling stations.

8.9. Water System

8.9.1. Water System Description and Concept

The Black Diamond Water System is operated and maintained by the City of Black Diamond's Public Works Department. The Lake Sawyer area, which was annexed in 1998, is currently served by the Covington Water District and is not included in the existing Black Diamond Water Service Area.

The City of Black Diamond's water system is expected to serve a population of 16,980 by 2025. The City of Black Diamond has adequate supply and wholesale water contracts with the City of Tacoma to provide for the future growth as planned in this document.

In response to several large-scale development proposals, Ordinance 700, which placed a moratorium on the development of new lots within the City, was passed by the City to provide time to evaluate and update its development regulations. Thus, there has been a very limited increase in the number of water connections in recent history.

Adjacent Purveyors

Water systems adjacent to the City of Black Diamond Water System include the Covington Water District.

The Covington Water District is the purveyor for the areas to the north and to the west of the City of Black Diamond's water service area. The Covington Water District has a service area of approximately 53 square miles and provides water to the Cities of Covington, Maple Valley, and Black Diamond, as well as unincorporated areas of King County. The District is a member of the Cascade Water Alliance. The District's primary water supply comes from nine production wells located at two well-field sites. The District has 18 million gallons of storage in ground-level steel tanks at five sites, and 210 miles of pipeline. As previously mentioned, the Covington

Water District is the current purveyor for the Lake Sawyer Area within the city limits of Black Diamond.

8.9.2. Inventory

System Overview

The Black Diamond water system's primary water source is the Black Diamond Spring Field, located approximately two miles southeast of the City. Water from the Black Diamond Spring Field is pumped across the Green River to the 4.3 MG reservoir by an electric pump station located on the north side of the river. An additional source of water for the City is a recent intertie with the City of Tacoma Second Supply Pipe Line (SSPL).

The City has two reservoirs that serve the City of Black Diamond. The City's distribution system currently operates with three pressure zones—an upper pressure zone at a pressure head of approximately 965 feet, a middle pressure zone at a pressure head of approximately 850 feet, and a lower pressure zone at a pressure head of approximately 750 feet. The system operates with high pressures, so there are individual pressure-reducing valves (PRVs) on all service connections throughout the City.

Source of Supply

Black Diamond Spring Field

The City of Black Diamond's primary source of water is from a series of natural springs. The springs are located approximately two miles southeast of the City on a large city-owned parcel.

There are four major collection areas associated with the Black Diamond Spring Field. Water from two of the four collection areas is currently used for the City's drinking water system. One of the collection areas has been placed out of service at this time, and the fourth collection area is considered a future of supply for the City.

A hydrogeology report prepared for the City in 1989 estimated that the average total combined discharge from Collection Areas #1, #2, and #3 was approximately 20 cfs (12.9 MGD). The capacity range was estimated from 5 to 40 cfs (3.2 MGD to 25.9 MGD). The discharge flow from collection Area #4 was estimated to be approximately 10 cfs (6.45 MGD) with a range of 4 to 25 cfs (2.6 MGD-16.2 MGD).

Water Rights

The City of Black Diamond has two water right certificates currently on file with the Washington State Department of Ecology (DOE). The source of water for both certificates is the Black Diamond Spring Field. Certificate of Water Right No. 3580

authorizes diversion of 2.93 cfs continuously for production of power to operate a hydro-pump. Certificate of Water Right no. S1-00506C authorizes maximum instantaneous diversion of 8.0 cfs with an annual limit of 551 acre-feet.

City of Tacoma Intertie

Water system interties are physical connections between two adjacent water systems. Interties are normally separated by a closed isolation valve or control valve. Emergency supply interties provide water from one system to another during emergency situations only. An emergency situation may occur when a water system loses its main source of supply or a major transmission main and is unable to provide a sufficient quantity of water to its customers. Normal supply interties provide water from one system to another during non-emergency situations and are typically supplying water at all times.

The City of Black Diamond negotiated a Wholesale Water Agreement with the City of Tacoma in 2003 wherein the two agencies agreed that the City of Tacoma would supply wholesale water to Black Diamond. Under the terms of the agreement, the City of Black Diamond is responsible for significant System Development Charges (SDCs) associated with the connection to the City of Tacoma to be repaid over a ten-year period.

The intertie connection to the City of Tacoma's Second Supply Pipeline (SSPL) project was constructed in 2005. Amendment No. 1 to the agreement was approved in 2007 and included the purchase of an additional 500,000 gallons per day of water.

Storage

0.5 MG Reservoir

The 0.5 MG Reservoir is located on a city parcel that is approximately 1,200 feet easterly up a gravel road from the intersection of HL Botts Drive SE and SE Mountain View Drive. This reservoir was constructed in 1986 and has a capacity of 500,000 gallons. The 0.5 MG Reservoir is at an approximate elevation of 930 feet, with an overflow elevation of approximately 965 feet.

4.3 MG Reservoir

The 4.3 MG Reservoir is located just west of the intersection of Lawson Road and SE Botts Drive on a city parcel. This reservoir was constructed in 2006 and has a capacity of 4.3 million gallons. The Lower Reservoir is at an approximate elevation of 770 feet, with an overflow elevation of approximately 850 feet.

Treatment Facilities

The Black Diamond water system is currently disinfected via a hypochloride chlorination system at the North Bank Pump Station. Corrosion treatment is provided at the pump station located at the 4.3 MG reservoir site.

Table 8 - 11: Pipe Inventory (2007)

Pipe Size Diameter	Material	Approximate Length (Linear Feet)
2 inches or less	Galvanized Iron	3,800
	PVC	6,250
3 inches	PVC	200
4 inches	Ductile Iron	400
	Asbestos Cement	3,600
6 inches	Ductile Iron	550
	Asbestos Cement	11,400
	PVC	3,800
8 inches	Ductile Iron	42,000
	Asbestos Cement	15,000
	PVC	2,500
10 inches	Asbestos Cement	500
12 inches	Ductile Iron	13,300
16 inches	Ductile Iron	1,000
20 inches	Ductile Iron	3,700
Total Length	–	108,000

[Source: 2007 Black Diamond Water System Comprehensive Plan]

8.9.3. Future Needs

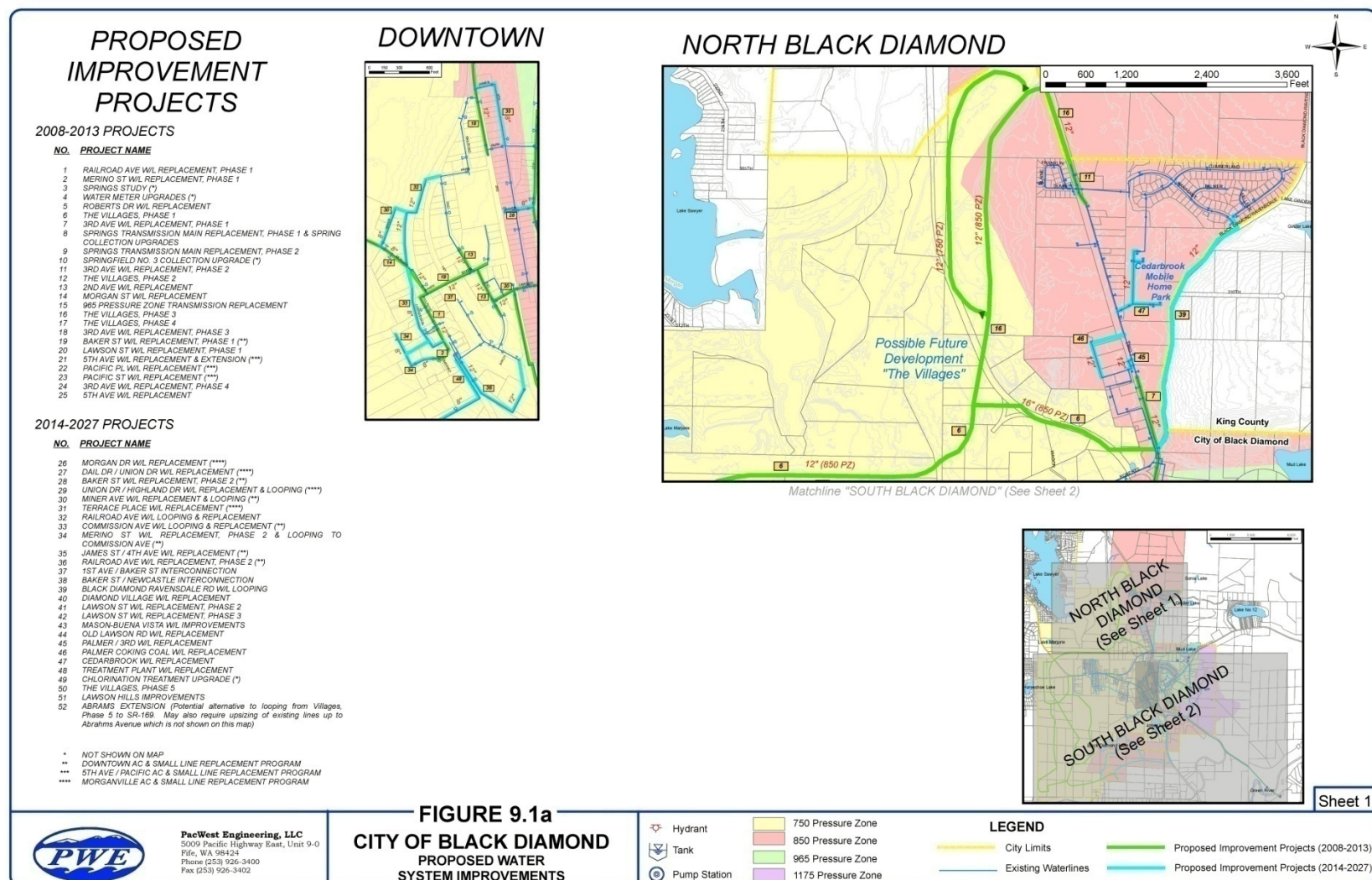
A complete hydraulic analysis of the system has been completed as part of updating the Water System Comprehensive Plan. The City currently has the storage capacity and water supply capacity to provide for approximately another 10,500 residential connections. Projects recommended for the six-year funding program are shown in the Table 8 - 12: Six-Year Water System Needs.

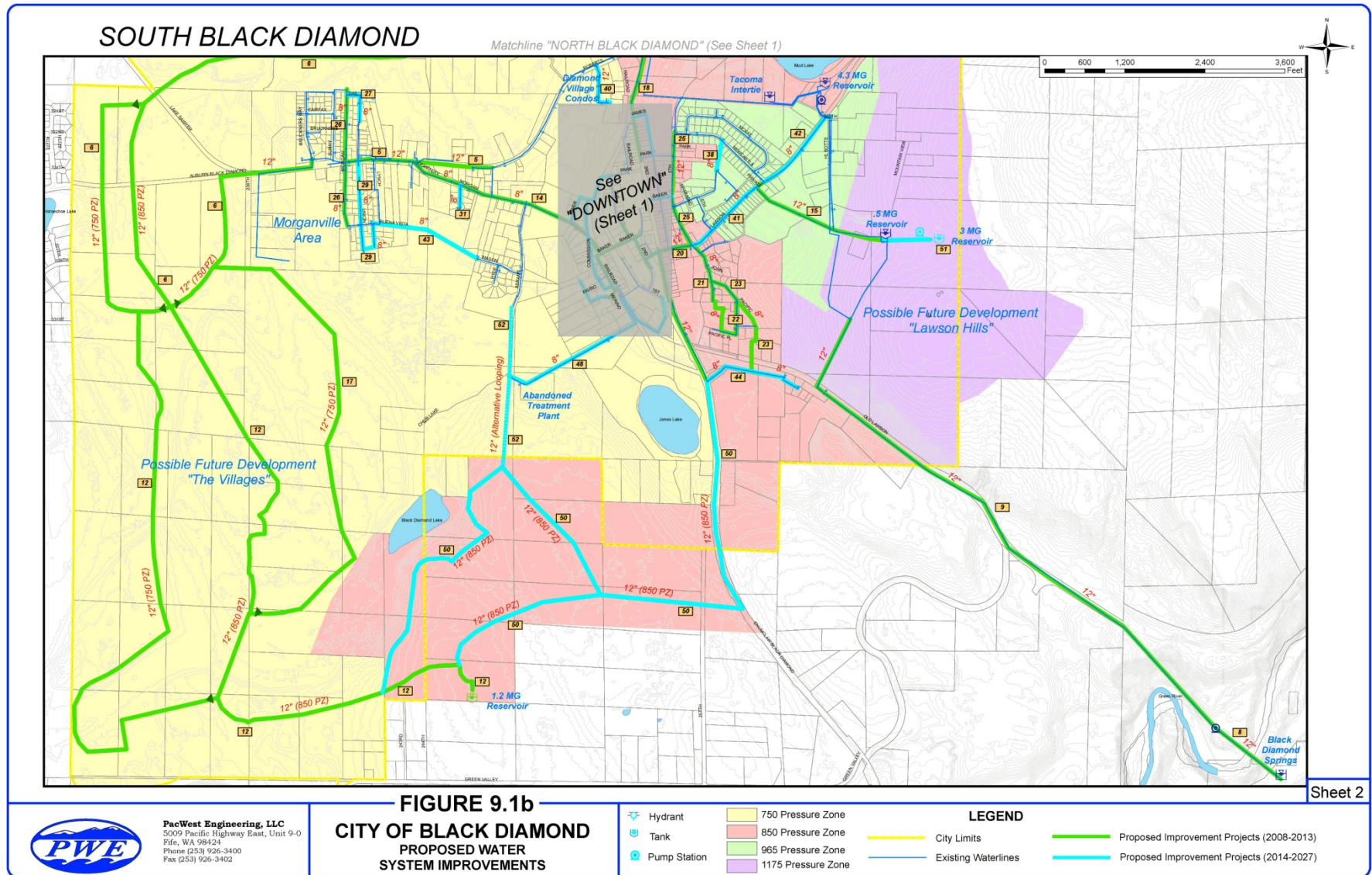
Table 8 - 12: Six-Year Water System Needs

Project Number	Project Name	Estimated Cost							Funding Source
		2009	2010	2011	2012	2013	2014	6-Year Total	
1	Railroad Ave. W/L Replacement, Phase 1	\$186,000	-	-	-	-	-	\$186,000	Rates
2	Merino St. W/L Replacement, Phase 1	\$30,000	-	-	-	-	-	\$30,000	Rates
3	Springs Study	\$50,000	-	-	-	-	-	\$50,000	Rates
4	Water Meter Upgrades	\$70,000	\$70,000	\$60,000	-	-	-	\$200,000	Rates
5	Roberts Dr. W/L Replacement	\$440,000	-	-	-	-	-	\$440,000	Development
6	The Villages, Phase 1	\$3,780,000	-	-	-	-	-	\$3,780,000	Development
7	3 rd Ave. W/L Replacement, Phase 1	-	\$250,000	-	-	-	-	\$250,000	Connection Charges
8	Springs Transmission Main Replacement, Phase 1 & Collection Upgrades	-	\$1,000,000	-	-	-	-	\$1,000,000	Development
9	Springs Transmission Main Replacement, Phase 2	-	\$1,274,000	-	-	-	-	\$1,274,000	Development
10	Springfield No. 3 Collection Upgrade	-	-	\$100,000	-	-	-	\$100,000	Rates
11	3 rd Ave. W/L Replacement, Phase 2	-	-	\$200,000	-	-	-	\$200,000	Connection Charges
12	The Villages, Phase 2	-	-	\$5,790,000	-	-	-	\$5,790,000	Development
13	2 nd Ave W/L Replacement	-	-	-	\$190,000	-	-	\$190,000	Rates
14	Morgan St. W/L Replacement	-	-	-	\$416,000	-	-	\$416,000	Rates
15	965 Pressure Zone Transmission Replacement	-	-	-	\$300,000	-	-	\$300,000	Connection Charges
16	The Villages, Phase 3	-	-	-	\$1,820,000	-	-	\$1,820,000	Development
17	The Villages, Phase 4	-	-	-	\$689,000	-	-	\$689,000	Development
18	3 rd Ave. W/L Replacement, Phase 3	-	-	-	\$398,000	-	-	\$398,000	Development
19	Baker St. W/L Replacement, Phase 1	-	-	-	-	\$100,000	-	\$100,000	Rates
20	Lawson St. W/L Replacement, Phase 1	-	-	-	-	\$150,000	-	\$150,000	Rates

21	5 th Ave. W/L Replacement & Extension	-	-	-	-	\$208,000	-	\$208,000	Rates
22	Pacific Pl. W/L Replacement	-	-	-	-	\$72,000	-	\$72,000	Rates
23	Pacific St. W/L Replacement & Extension	-	-	-	-	\$228,000	-	\$228,000	Rates
24	3 rd Ave. W/L Replacement, Phase 4	-	-	-	-	\$440,000	-	\$440,000	Connection Charges
25	5 th Ave. W/L Replacement	-	-	-	-	\$440,000	-	\$440,000	Connection Charges
	Total	\$4,556,000	\$2,594,000	\$6,150,000	\$3,813,000	\$1,638,000	\$0	\$18,751,000	

The maps below show the locations of the major extensions to the water distribution system and how the water will be distributed to service new development within the City.





8.10. Sanitary Sewer System

8.10.1. Sanitary Sewer System Concept, Objectives, and Policies

Sanitary Sewer System Concept

The City of Black Diamond provides sewer collection services to all of the currently developed portion of the City except around Lake Sawyer. The area around Lake Sawyer is within the Soos Creek Water and Sewer District. Only a small portion in the northwest portion of the Soos Creek Sewer district within the city is currently served. The City sewer system delivers all of the city sewage to the King County Waste Water Department-maintained sewage pump station near Jones Lake. King County Waste Water Division operates the Jones Lake Pump Station and transmits all of the flow via regional transmission facilities to the Soos Creek system. By interlocal agreements with Soos Creek, Black Diamond sewage is wheeled through the Soos Creek system back to King County regional facilities further west. Ultimately the Black Diamond sewage is delivered to the Renton Treatment Plant.

The sanitary sewer service collection capacity within the City is adequate to service the existing city and allow for some growth. As the City grows, several new pump stations and sewer trunk lines will be needed to provide sewer service to undeveloped portions of the City as identified in Figure 8-2. King County is in the preliminary engineering phase of a peak flow storage project to reduce the peak flows from Black Diamond and extend the capacity of the regional transmission facility to the Soos Creek System. The peak flow storage project is expected to be completed in 2012. King County is bound by contract and has adopted policies to meet the sewer transmission and treatment demands of the City of Black Diamond. The city intends to coordinate with King County for interim and long-term transmission and sewage treatment needs.

Sanitary Sewer System Objectives and Policies

Objective CF-6: Provide and maintain a sanitary sewer collection system that protects public health and water quality.

Objective CF-7: Require sewer connections for all new subdivisions and commercial /industrial developments. New residential construction and redevelopment on existing lots of record where sewer is available will be required to connect to public sewer.

Policy CF-20: Provide sanitary sewer to only those areas inside the Black Diamond city limits and designated sewer service areas.

- Policy CF -21: Utilize the identified sanitary sewer service capacity of the King County downstream trunk main when allocating availability of sewer service. This shall serve as the sewer capacity until more capacity is obtained by the City through improvements planned for completion by 2010 by King County. King County is planning for peak day storage within the City of Black Diamond in order to extend and maximize the use of the transmission facilities from Black Diamond to the west.
- Policy CF-22: Coordinate with King County for improvement in the downstream regional conveyance of sewage to insure that needed capacity improvements are in place as needed for growth in the City.
- Policy CF-23: Prior to approving development, ensure that the sanitary sewer system necessary to support development meets City requirements and is adequate to serve the development at the time the development is available for occupancy and use.
- Policy CF-24: Track the total sewer hook-ups to the sanitary sewer system, as a means to monitor available sanitary sewer capacity. Initiate a certificate of sanitary sewer availability requirement for proposed development.
- Policy CF-25: Upgrade any deficiencies in the sewer system within six years as they come up.
- Policy CF-26: Design new sewer facilities to allow for efficient and economical provision of sanitary sewers and require new development to provide those new facilities following the general concepts in this chapter.
- Policy CF-27: Encourage parcels on septic systems to connect to the municipal sanitary sewer when it becomes available to the property. Septic systems that fail will be required to connect to the sanitary sewer system.
- Policy CF-28: Plan for regional pump stations and minimize the use of neighborhood scale pump stations. Neighborhood scale pump stations will only be allowed on a case-by-case basis and must be funded totally by the developer.
- Policy CF-29: Maintain an updated Sanitary Sewer Comprehensive Plan.
- Policy CF-30: Ensure coordination between the City and all other utilities providing sanitary sewer service within the Black Diamond planning area.
- Policy CF-31: Create a Reserve Fund to pay for replacement of existing facilities and equipment.

- Policy CF-32 Update the capital facility charge calculations regularly, and consider a capital facility charge based on sewer flow and waste water strength, compared to single-family residential flow characteristics.
- Policy CF-33 New development will be required to pay its fair share of expansion of the sewer system through capital facility charges, built, and dedicated facilities.
- Policy CF-34 The City will consider late comer fees and Local Improvement Districts as a way encouraging investment in public infrastructure.

8.10.2. Inventory

Collection System

The City's existing sanitary sewer system consists of approximately 16 miles of gravity and pressurized piping systems. The following table itemizes the piping systems and pump station capacities in the existing sanitary system.

Table 8 - 13: Black Diamond Sanitary Sewer System Inventory as of 2000

Facility	Size	
Gravity Main Piping: Size & Type	Total Length (Approximate lineal footage)	
6" PVC & Conc.	1,350 LF	
8" PVC	61,750 LF	
10" PVC	4,750 LF	
15" PVC	1,650 LF	
18" RCP	2,700 LF	
Total	72,200 LF	
Force Main Piping: Size & Type	Total Length (Approximate lineal footage)	
2 & 2-1/2"	400 LF	
4"	350 LF	
6"	3,200 LF	
10"	8,750 LF	
*All Pipe is PVC or HDPE	TOTAL = 12,700 LF	
Sanitary Sewer Lift Stations (Name)	Pump Size	Existing Capacity
City of Black Diamond	50 HP-2 Each	1,060 gpm
Morganville	20 HP-2 Each	313 gpm
Ridge	1.5 HP-2 Each	105 gpm
Diamond Glen	1.5 HP-2 Each	94 gpm

Source: 1996 Comprehensive Plan updated with 2000 Sewer Plan information

Treatment System

The City of Black Diamond currently has no sanitary sewer treatment system in operation. All sanitary flows tributary to the City's system are conveyed to King County's South Treatment Plant in Renton. As an alternative to transporting all future sewage flows to Renton, King County is currently exploring local water reclamation plants in the south County area to accommodate future sewage treatment needs, provide for local water uses, and provide water for the environment.

Collection System

The minimum level of service for the City's sanitary sewer system (both existing and future) shall be provided in compliance with those minimum standards and guidelines identified in the *Criteria for Sewage Works Design*, as published by the Department of Ecology (DOE), 1998, as well as Development Guidelines and Public Works Standards adopted by the City (1995) by City ordinance No. 533.

Generally speaking, conventional gravity type service will be required. Individual private pressure sewer systems and/or septic systems will only be considered on a case-by-case basis, and permitted or approved due to the City's evaluation of extenuating circumstances.

New stations will be sized to serve the "regional" area to eliminate the need for redundant stations. At a minimum, the design of these new facilities shall comply with the minimum design criteria for pumping stations as outlined in the aforementioned DOE design standards and City standards. The City will also require that emergency auxiliary power be provided at any future lift station(s).

8.10.3. Future Needs

The capital improvement projects recommended in this Plan are based on existing system deficiencies, a six-year population projection, and the anticipated maximum build-out development within the UGA boundary.

All calculated future sewage flow rates were developed by applying per capita flow rates and peaking factors to the estimated population figures developed for various periods of the planning period, as have been presented within the Land Use Element section of this report.

Collection System

Using King County standards and DOE sewage design criteria, the expected flow rate (not including infiltration or inflow) for residential land uses is 60 gallons per capita per day. The expected flow rate is 35 gallons per employee per day for retail/commercial uses, and 75 gallons per employee per day for industrial uses. DOE standards call for a peaking factor of 3.0 for trunk lines and sewer interceptors, and a

peaking factor of 4.0 for sewer mains and laterals. These are typical numbers, and more specific peaking factors from the DOE design criteria should be used for actual system design.

For system analysis, the UGA was divided into several sub-sections or tributary basins, based on both topography and the location of existing sewer interceptor lines. Maximum discharge quantities (sewage flows) were then calculated for each sanitary basin based on zoning, area, and projected growth rates. Cumulative totals for population, average and peak flows, and the necessary gravity pipe size needed to accommodate each basin were calculated for each of the sub-basins. Gravity pipelines were sized by "assuming" minimum pipe slopes as recommended by DOE, and minimum pipe scouring velocities of two feet/second would be required when flowing full.

The evaluation of the City's collection and conveyance system identified several capital improvement projects which are required to serve both existing and future customers. These projects are briefly discussed below.

Infiltration and Inflow Study of System and Infiltration and Inflow Project

The City will aggressively and efficiently seek to reduce infiltration and inflow by studying the existing system to locate inflow and leaks into the system, adopt policies that prohibit misuse of the sewer system and provide for private upgrade to side sewers, and schedule targeted sewer collection system repairs and upgrades.

This project will be funded by capital facilities charges and customer rates. As infiltration and inflow are reduced, capital and operational costs are reduced. Lower I & I also improves the possibilities for a water reclamation plant in Black Diamond. If this project is effective, additional downstream transmission capacity will also be provided.

Manhole Rehabilitation

Conducting repairs to manholes to prevent leaking of ground water into the wastewater system. Repairs will provide additional system capacity.

Treatment System

Preserve and Protect the Old Treatment Plant for future use

The City currently is using the old sewage treatment plant to treat the remaining bio-solids. A period of anaerobic treatment is complete, and the lagoon needs to be prepared for aerobic treatment of the bio-solids.

Capacity Projects:

NPS1 (New Pumps Station #1) - The sizing of this facility will be determined through the Sewer Comprehensive Plan in progress. This facility is roughly estimated

to cost \$6,000,000 and is scheduled for 2012. This project will be funded by the developer of The Villages. There is a possibility that the facility could be upgraded to become the central pump station for King County Wastewater Treatment Division.

NPS2 (New Pump Station #2) - The sizing of this facility will be determined through the update of the Sewer Comprehensive Plan in progress. This facility is roughly estimated to cost \$6,000,000, and is scheduled for 2015.

Trunk Line #1 - Trunk line #1 will collect sewage from the initial phases of The Villages and route the sewage to NPS1. Trunk Line #1 is estimated to be 10,000 feet of 12- to 18-inch gravity sewer main costing \$3,000,000 and is scheduled for 2012.

Trunk line #2 - Trunk Line #2 will collect sewage from Lawson Hills MPD, and discharge the collected sewage flows to a force main that routes the sewage to the western storage facility. Trunk Line #2 is estimated to be 2,500 feet of 12-inch sewer main from Lawson Street to SR 169 costing \$750,000 and is scheduled for 2015.

Trunk Line #3 - Trunk Line #3 will collect sewage from the north triangle and portions of the Morgan Kame Pit delivering sewage to NPS2. Trunk Line #3 is estimate to be 600 feet of 12-inch sewer main costing about \$1,800,000 and is scheduled for 2017.

Trunk Line #4 - Trunk Line #4 will collect sewage from the south area of the City (later phases of The Villages) and deliver the sewage to the west to NPS1. Trunk Line #4 is estimated to be about 8,000 feet of 12-inch sewer main costing about \$2,400,000 and is scheduled for 2017.

Force Main #1 - Force Main #1 will deliver sewage from NPS1 to a distribution box and storage facility along Roberts Drive. The force main is estimate to be about 8,000 feet costing \$960,000 and is scheduled for 2012.

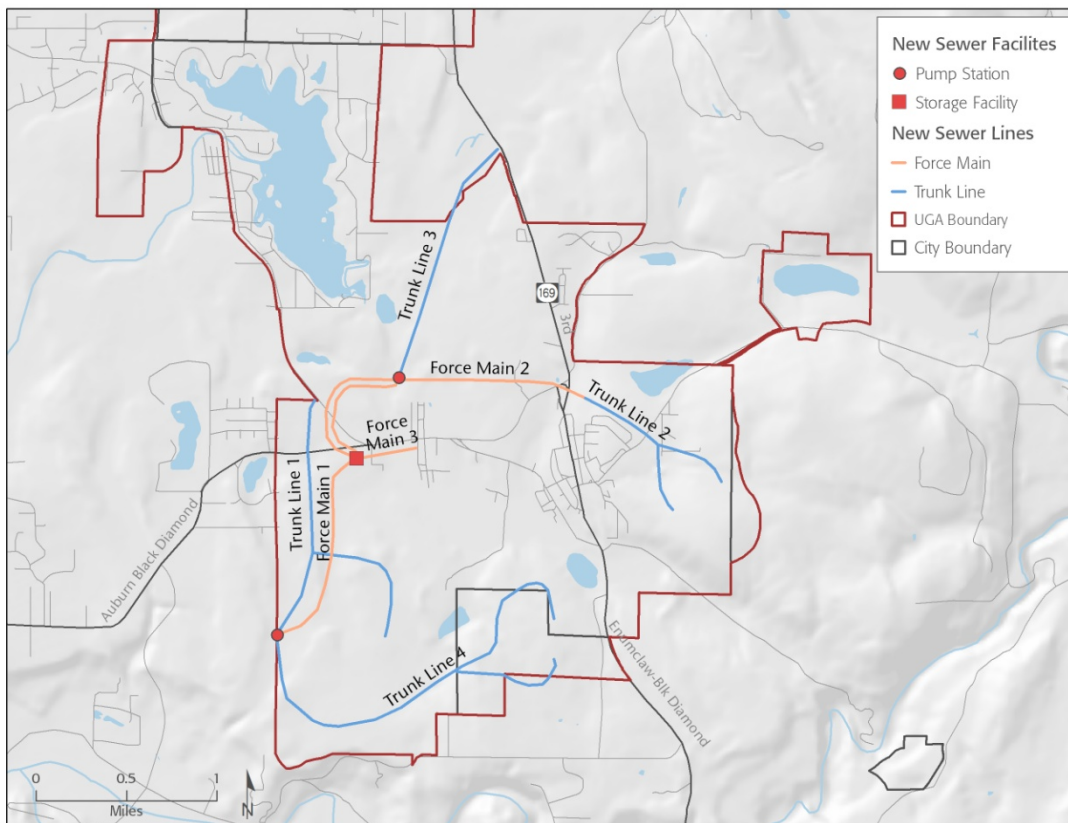
Force Main #2 - Force Main #2 will deliver sewage from the Lawson Hill's gravity line and NPS2 to the distribution box and storage facility along Roberts Drive. It is scheduled for 2015.

Storage Project #1 - The Storage Project #1 will accept all of the flows from the various pump stations around Black Diamond and attenuate the flows. Initially the flows will be routed through a distribution facility that will direct flows to the gravity transmission main. During very high peak flow events the storage facility will store the peak flow and limit the flows to the gravity transmission line to approximately 1.6 million gallons per day, and flows in excess of that will overflow into storage.

This project is a King County Wastewater Treatment Division project and is only mentioned here as the City is involved in the location decision. If King County decides to locate their regional facilities other than where shown in Figure 8 - 2: Sewer Capacity Projects, the sewer comprehensive plan will need to be revised.

The projects listed above are intended to provide general guidance for future development of the City's sewer system in coordination with King County Wastewater Division. The actual implementation of the concepts described in Figure 8-2 may be made in smaller increments or interim type projects. Interim projects that do not build toward the City Sewer System Plan will not be granted Sewer Capital Facility Charge Credit.

Figure 8 - 2: Sewer Capacity Projects



8.11. Stormwater System

8.11.1. Storm Drainage System Concept, Objective, and Policies

Storm Drainage System Concept

The City recognizes that a Comprehensive Storm Drainage Plan is needed to manage the stormwater runoff within the City. The Plan should emphasize measures to address the adverse impacts of poor water quality of the stormwater runoff to the natural drainage systems. This Plan should also address the volume of water impacts on receiving waters. Of primary concern are the steep channel of Lawson Creek and the outflow of Mud Lake. Larger creeks are less of a concern because of the shallow slopes and the large receiving bodies of water including the Rock Creek Wetland, Frog Lake, and Lake Sawyer. Proper construction practices, especially with regard to erosion control, shall be required. Zoning regulations, construction, and development standards should allow for low impact development measures.

Development regulations should encourage ways to provide stormwater cleansing and infiltration. The loss of current biofiltration opportunities in roadside ditches should be replaced as ditches are replaced with pipes. The City should be prepared to respond to new federal or state requirements, which may require the treatment of stormwater releases. The City should encourage the potential for regional detention facilities where development was not built with drainage facilities. Dual use of storm drainage facilities for open space/recreation uses is encouraged where feasible. The overall Storm Drainage Plan must balance the needs of an urban community and the natural drainage system, which provides significant fish and wildlife habitat.

Storm Drainage System Objective and Policies

Objective CF-8: Manage the quality of stormwater runoff to protect public health and safety, surface and groundwater quality, and the natural drainage systems.

Policy CF-35: Complete the Storm Drainage Comprehensive Plan that addresses both quantity and water quality concerns, and complies with NPDES Phase II permitting requirements.

Policy CF-36: Design storm drain lines or pathways to minimize potential erosion and sedimentation, discourage significant vegetation clearing, and preserve the natural drainage systems such as rivers, streams, lakes, and wetlands.

Policy CF-37: Development regulations should encourage the reduction of impervious surface and retention of natural vegetation.

- Policy CF-38: Ensure that the storm drainage facilities necessary to support construction activities and long-term development are adequate to serve the development at the time construction begins and when the development is available for occupancy and use.
- Policy CF-39: Design new development to allow for efficient and economical provision of storm drainage facilities, and require new development to pay its fair share of providing service.
- Policy CF-40: The City of Black Diamond Stormwater Utility shall be responsible for implementing the Storm Drainage Plan.
- Policy CF-41: New development should minimize increases in total runoff quantity, should not increase peak stormwater runoff, and should prevent flooding and water quality degradation.
- Policy CF-42: Ensure coordination between the City and adjacent drainage systems.

8.11.2. Inventory

Conveyance System

The City's stormwater conveyance system is a combination of piped and open channel drainage systems and sheet flow, with outfalls to Ginder Creek, Rock Creek, or Jones Lake. The overall City and natural drainage systems are shown in Figure 8 - 3. The City reports no known major flooding problems. However, minor ponding does occur at some locations during larger storm events and/or during extended wet weather conditions.

The City's existing stormwater conveyance system consists of approximately 50,000 LF (9.4 miles) of gravity pipe, and 18,000 LF (3.4 miles) of open ditch. The pipe system is composed mainly of concrete culverts, corrugated metal pipe, and PVC pipe. Approximately 30% of the piped system is located in housing developments. Table 8 - 14 itemizes the piping systems and open ditch systems. There are few stormwater ponds in the City of Black Diamond. One of the more significant stormwater pond systems is the Greenbrier detention ponds located near Lake Sawyer.¹

¹ Dal Santo, Dan, Black Diamond Utility Supervisor. Phone conversation, December 27, 2006.

Figure 8 - 3: Current City and Natural Drainage Systems

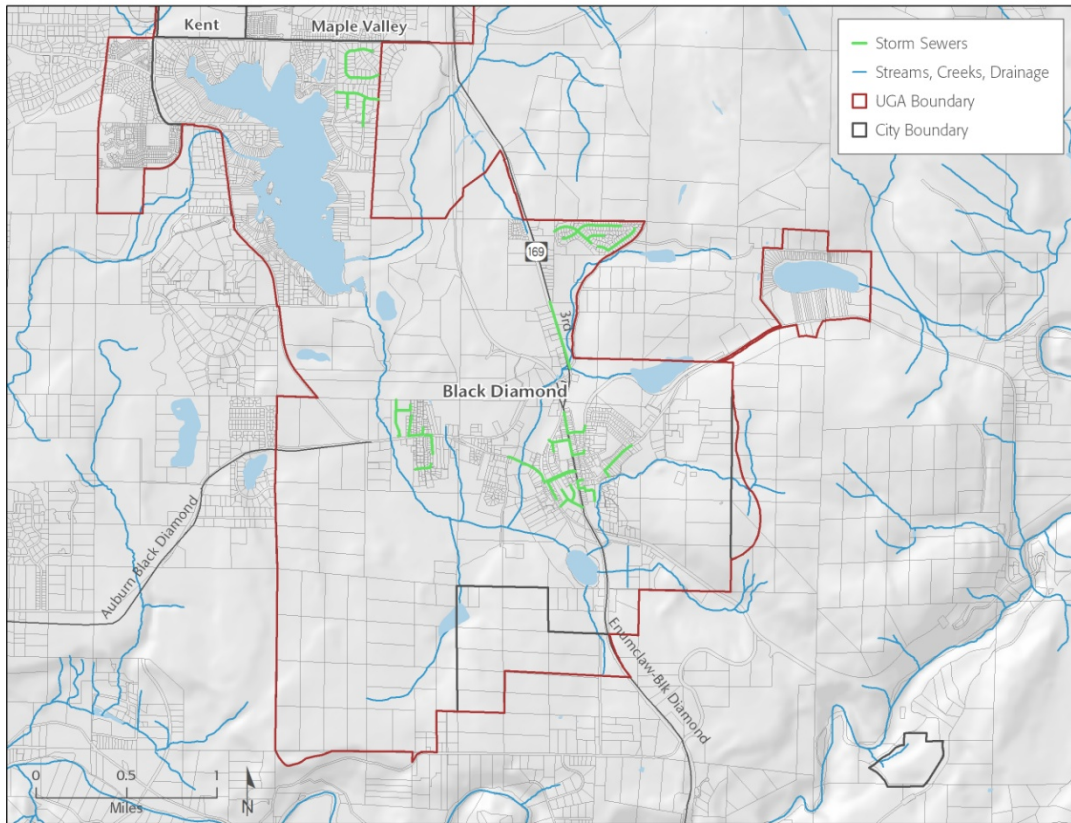


Table 8 - 14: Black Diamond Stormwater Conveyance System Inventory

Piped Storm Water System Size (Inches/Diameter)	Total Length Linear Feet (Approximate)
6"	250
8"	450
10"	550
12"	27,250
15"	2,150
18"	3,950
24"	950
36"	1,250
48"	150
54"	150
TOTAL	50,000
Open Ditch Size	
Variable	18,000

Source: City of Black Diamond Comprehensive Plan (1996)

Stormwater Runoff Treatment

Stormwater flow from the majority of the currently developed portions of the City does not receive treatment, other than some limited biofiltration. Stormwater detention ponds are located in the Lawson Hills and Morgan Creek developments and a 20-lot development in the Morganville area. There are additional stormwater detention ponds associated with the Greenbrier development near Lake Sawyer. These facilities may, and likely do, provide some minimum level of treatment of stormwater runoff from these developments.

8.11.3. Level of Service

Conveyance System

The LOS for the stormwater conveyance system capacity, as defined in the City's Stormwater Ordinance, requires that the conveyance system have sufficient capacity to convey the peak flow predicted for the 25-year, 24-hour design storm event within the storm pipe. The City will also require that the 100-year storm stay within the gutter system and that a route to a safe outfall for the overflow is planned for with a 10% factor of safety. In addition, new and redeveloped areas of the City are required to provide sufficient detention so that the peak runoff from the site during the 2-year, 10-year, and 100-year storm event does not exceed peak runoff predicted under existing conditions. Looking forward, the City will be adopting the 2005 Department Ecology Stormwater Manual.

Stormwater Runoff Treatment

The City has adopted Ordinance No. 523, Stormwater Management. This ordinance requires all new development that creates 5,000 square feet or more of impervious surface, or redevelopment which increases the existing impervious area by 25% or more or increases the value of the property by 25% or more, to provide stormwater treatment that meets the criteria for stormwater treatment contained in the DOE's, *Stormwater Management Manual for the Puget Sound Basin, 1992*. Additionally, it is the long-term goal of the City to eventually provide stormwater treatment for all urban runoff.

8.11.4. Future Needs

Stormwater Planning

The Stormwater Comprehensive Plan is under development at this time. It will support and add definition to the general guidance of this chapter and address the following:

- Comprehensive Stormwater Management and Programs
- Detailed mapping and inventory of the stormwater systems
- Capital Project Planning will propose stormwater project concepts to minimize the environmental impacts of stormwater, minimize maintenance, and protect public and private property from storm runoff.

Capital Planning

A capital improvement plan is under development as part of the comprehensive stormwater planning. The projects that are needed to serve growth will be included in the City's capital planning just as recognition of the future facility. However, the projects supporting future development will not be included as city-funded projects. It is expected that each developer will provide for stormwater treatment and detention as needed for its projects. Given that much of the City will be developing as Master Planned Communities, the City preference for regional storm facilities can be coordinated with the developers through the permitting and development approval process. The majority of the projects listed in the Capital Improvement Plan are maintenance projects replacing old, rusted out culverts.

The City is investigating opportunities where regional storm facilities serving the new Master Planned Communities could provide a storm treatment or detention benefit to areas of the City that are already developed. If such a project is identified, this will be incorporated into the City's Comprehensive Plan during the next update.

Other Plans and Requirements

The **King County Stormwater Management Soos Creek Basin Plan** recommended two water quality enhancement projects for inclusion in the six-year Capital Improvement Plan. The projects listed in this Plan are now outdated as the John Henry Mine has very limited activity, and there are no longer any livestock in the Jones Lake area.

Lake Sawyer Total Maximum Daily Load Restrictions (Department of Ecology Requirements to clean up a water body): The City will need to consider various measures through capital planning, policy development, coordination with Soos Creek Water and Sewer District, and development of designed and constructed facilities to reduce phosphorous loading into Lake Sawyer. Part of the solution to the phosphorous loading into Lake Sawyer will be the elimination of septic systems around Lake Sawyer and the education of homeowners.

8.12. Utilities Provided By Other Entities

As independent utilities, the private companies providing the services described in this section, for the most part, fund capital investments and ongoing operations and maintenance costs independently through their rate base.

This section describes how the goals in the other Plan elements will be implemented through utility policies and regulation, and is an important element in implementing the Comprehensive Plan. The main purpose of this section is to ensure that Black Diamond will have utility capacity to adequately serve the Land Use Element.

8.12.1. Utilities Concept, Goal, Objective, and Policies

Utilities Concept

The City should consider, when reasonable and feasible, the co-location of new public (non-city owned) and private utility distribution facilities in shared trenches, and coordination of construction timing, to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. The City will encourage provision of an efficient, cost effective and reliable utility service by ensuring land will be made available for the location of utility lines and utility facilities.

The City will review and amend existing regulations, including Critical Areas Ordinances, as necessary within existing corridors to allow maintenance, repair, installation, and replacement of utilities in a timely manner.

The City will provide standard locations for gas, power, phone, and cable within the street section of the City's construction standards.

The City will encourage communication among the private utility providers to support service planning for the City. It will be important for the City to encourage system design practices intended to minimize the number and duration of interruptions to customer service. The City supports necessary amendments to the Utility and Public Services Element for the purposes of updating individual provider plans.

As a strategy, Black Diamond will facilitate and encourage conservation of resources to delay the need for additional facilities for electrical energy and water resources, and to achieve improved air quality. In addition, the City will support the conversion to cost-effective and environmentally sensitive alternative technologies and energy sources.

Utilities Goal, Objectives, and Policies

Utilities Goal: Coordinate City land use and utility facility planning to ensure consistency and to enable utility service providers to meet public service obligations.

Objective U-2: Design and construction standards will be environmentally sensitive, safe, cost effective, and consistent with utilities' public service obligations.

Policy U-7: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the City.

Policy U-8: Facilitate the provision of utilities and ensure environmentally sensitive, safe, and reliable service that is aesthetically compatible with the surrounding land uses and results in a reasonable economic cost.

Policy U-9: Process permits and approvals for utility facilities in a fair and timely manner and in accordance with development regulations which encourage predictability.

Policy U-10: Encourage conservation of all non-renewable non-municipal resources.

8.12.2. Utilities Overview

Electricity

Electricity is provided by Puget Sound Energy (PSE). Various facilities are located throughout the City of Black Diamond and King County, including one substation and one overhead transmission line within existing City limits.

The Bonneville Power Administration has a 500 kV transmission easement and line that lies about one mile north of the City limits,

Telecommunications

The City of Black Diamond is served by Qwest Communications. There are various facilities located throughout the County and the City. Many of the telecommunication facilities, including aerial and underground, are co-located with those of the electrical power provider.

Cellular service in the Black Diamond area is currently available through a variety of providers, including Verizon Wireless, AT&T Wireless, T-Mobile, and Sprint. There are at least three cell towers located in or near Black Diamond. Additional cell sites are located around Black Diamond in the vicinity of the cities of Maple Valley, Covington, and Enumclaw. Generally, locating new cell tower sites would depend on the density and location of new cell phone users, not overall population trends.

Cable television service throughout Black Diamond is provided by Comcast. Comcast usually locates its cable lines on private property, or on the power company lines within street right-of-way. They will also locate their lines within other utility easements along the right-of-way. No new major facilities would be required to accommodate population increases. Only additional cable lines would need to be provided to new development. Comcast also uses these lines to deliver broadband internet and digital phone service to its customers.

Natural Gas

Puget Sound Energy provides natural gas via existing pipelines to the City of Black Diamond. Gas service is generally extended to new development upon evaluations of requests based on an economic feasibility study. Currently the gas supply system meets the existing demand.

Tacoma Water Transmission Pipeline #5

The City of Tacoma, Department of Public Utilities, Water Division completed a project to improve its water supply system with construction of the second supply pipeline (Pipeline No. 5) in May 2006. Construction of the project allows diversion and transmission of an additional 100 cubic feet per second (or an additional 65

million gallons per day - MGD) of water from the Green River to the Tacoma Regional Water Supply Area. The pipeline begins at the headworks near Kanaskat located approximately one-half mile downstream of the diversion dam and river intake, and travels in a westerly direction through Black Diamond and other communities, terminating near the Portland Avenue Reservoir in Tacoma.

The section of the pipeline through Black Diamond first passes through a wetland east of Lake 12, then south of Lake 12, to within 150 feet of the north right-of-way of the Green River Gorge Road (along the edge of the John Henry Mine), then along the south boundary of the John Henry mine to SR-169. The pipeline continues north along SR-169 to the existing Palmer Coking Coal roadway and turns west, to Lake Sawyer Road then north along Lake Sawyer Road to SE 305th Street then west to where it leaves the city limits.

8.13. Essential Public Facilities

The Washington State Growth Management Act provisions include the identification and location of essential public facilities in the comprehensive plan. Essential public facilities are defined to be essential land and building uses that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.

As specified in the Washington State Growth Management Act, local comprehensive plans may specify alternative sites, mitigating development conditions, and other particulars involved in the siting of essential public facilities. By statutory dictate, however, local comprehensive plans may not prevent outright the location and thereby the provision for essential public facilities as defined in the Growth Management Act.

When essential public facilities are identified for potential siting within the City of Black Diamond, the City will participate in the siting study. essential public facilities are not limited to utilities, but represent a type of special land use. Thus, the objectives and policies for essential public facilities are contained in the Land Use Element.

8.14. Financial Resources

8.14.1. Revenue Sources

The six-year Capital Facilities Plan includes improvements that the comprehensive plan elements indicate are necessary, along with potential funding sources. The funding sources identified below are potential long-term choices that may be available to the City for major capital improvement projects.

The following section describes several funding sources available to the City, organized by specified program use, but without reference to any specific project.

General Purpose Revenues for Capital Funding

Real Estate Excise Tax

Real Estate Excise Tax (REET) revenues are levied in two portions and must be expended on capital projects. The first 0.25% of property value may be used for the general purpose of financing capital improvements, and the second 0.25% may be used for only those capital projects listed in a comprehensive plan. Since the REET is based on the total value of real estate transactions in a given year, the amount of REET revenues a city receives can vary substantially from year to year based on the normal fluctuations in the real estate market. During years when the real estate market is active, revenues are high, and during softer real estate markets, revenues are lower.

Sales Tax

Of the 8.9% sales tax currently collected in the City, a 1% “local” share of the tax accrues to local jurisdictions. The City receives 85% of the 1% local tax and the County receives 15%. This tax is levied on businesses in the area, on construction activity, and on some transactions that are related to housing, such as certain online purchases and telecommunications services. Cities may discretionally use general fund revenues to fund capital improvements. By policy, some cities have chosen to dedicate a portion of their local sales tax toward the construction of their capital needs. All city residents and visitors to the City who make retail purchases within the city limits contribute to this revenue stream.

Utility Taxes

Utility taxes are a form of business and occupation tax levied on utilities, and a revenue source that is currently used by the City. These revenues contribute to the municipality’s General Fund and may be used for many city expenses, including capital improvements. Washington State sets the maximum rate of tax on electrical, natural gas, steam energy, and telephone businesses at 6.0%, unless a higher rate is approved by voters. There is no tax rate limit on other utilities such as water, sewer,

and garbage services. Utility taxes are paid by the companies that provide the utility service, but are likely passed on to the customers of those companies. Therefore, these funds are primarily paid by city residents.

General Obligation Bonds

The City, by special election or council decision, may issue general obligation bonds to finance almost any project of general benefit to the City. The bonds are paid off by assessments levied annually against all privately owned properties within the City. This type of bond issue is usually reserved for municipal improvements that are of general benefit to the public, such as arterial streets, bridges, lighting, municipal buildings, fire-fighting equipment, and parks. Inasmuch as the money is raised by assessment levied on property values, the business community also provides a fair share of the funds to pay off such bonds. General obligation bonds have the best market value and carry the lowest rate of interest of all types of bonds available to the City because they are backed by the good faith of the entire City's assets.

Parks and Recreation-Specific Revenues

Park Impact Fees

Park impact fees are a financing tool that requires new development to pay a portion of the costs associated with infrastructure improvements that are “reasonably related” to that development. The impact fee must be related to improvements to serve new development and not existing deficiencies, assessed proportionally to the impacts of new development, allocated for improvements that reasonably benefit new development, and spent on facilities identified in the Capital Facilities Plan.

Washington State Recreation and Conservation Office Grants

The Recreation and Conservation Office is dedicated to creating and maintaining recreational and habitat opportunities in Washington State. The Recreation and Conservation Office staffs five Boards: the Recreation and Conservation Funding Board, the Salmon Recovery Funding Board, the Governor's Forum on Monitoring Salmon Recovery and Watershed Health, the Washington Biodiversity Council, and the Invasive Species Council. Two of the Boards, the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board, are responsible for awarding and managing capital project grants. Both Boards solicit, make grant awards, and oversee sponsor progress for property acquisition and facility development projects that support the Boards' missions. Grants are typically for open space protection and acquisition, farmland protection, habitat conservation, trail development, and parks and recreation facility projects.

Transportation-Specific Revenue Sources

State Motor Vehicle Fuel Tax

Counties and cities receive a portion of the State Motor Vehicle Fuel Tax (MVF) based on a reimbursement formula. This provides a nexus between those who pay the tax, and those who benefit from the improvements paid for with those revenues. These funds are collected from people who purchase gas for vehicles and are presumably users of the road system, and are used to pay for improvements that benefit those users. Generally, there is a positive relationship between road use and taxation.

State Grants

Grants are an important funding source for transportation capital projects; however, these funds are distributed in a competitive process making it difficult to determine future grant funding levels. State grants are primarily funded with the state-levied portion of the MVF, which is paid by anyone purchasing fuel in the state. Therefore, users of the state roads are the largest funding source for improvements paid by grants, and are the primary beneficiaries as well.

There have, in recent years, been increases in the state MVF rate. However, many of these additional funds were earmarked for specific large projects, although there was some allocation to local jurisdictions. The Transportation Partnership Act of 2005 provided some additional funds to the Transportation Improvement Board and the County Road Administration Board, for a total of \$80 million to be disbursed to local jurisdictions as grants over a 16-year period. However, these increases in funds are very small relative to demand, with requests to the Transportation Improvement Board overreaching available funds by 800%.

Federal Grants

Federal transportation grants are funded through the federal portion of the fuel excise tax. The federal gas tax rate has fluctuated between \$0.183 and \$0.184 per gallon since 1994. The majority of these funds are deposited into the Highway Trust Fund and disbursed to the states through the Highway and Mass Transit Accounts.

This tax is paid by all who purchase gas in the United States. Again, users of the roads are therefore the largest funding source for improvements paid by federal grants and the primary beneficiaries. However, the pool of contributors is nationwide, and the grants are distributed nationwide. This means that each year all states contribute to grant revenues, but depending on their grant awards may receive more or less in funding than they contributed.

Transportation Impact Fees

Impact fees are a financing tool that requires new development to pay a portion of the costs associated with infrastructure improvements that are “reasonably related” to that development. The GMA allows agencies to develop and implement a transportation impact fee program to help fund some of the costs of transportation facilities needed to accommodate growth. State law (Chapter 82.02 RCW) requires that impact fees be related to improvements to serve new developments and not existing deficiencies, assessed proportionally to the impacts of new developments, allocated for improvements that reasonably benefit new development, and spent on facilities identified in the Capital Facilities Plan.

Legally, financing for improvements that will serve the new development must provide a balance between impact fees and other sources of public funds, and the fees must be structured in a manner that ensures that funds collected do not exceed a proportionate share of the costs of improvements reasonably related to new development.

Transportation Benefit District

Cities, towns, and counties may establish a Transportation Benefit District to fund capital improvements of city streets, county roads, and state highways. A Transportation Benefit District may include an area within one or more counties, cities, port districts, or public transportation benefit areas. Transportation Benefit Districts may be funded with a local sales tax of up to 0.02% and may be levied for a 10-year period unless reauthorized for a second 10-year period by the voters. In addition to the sales tax, Transportation Benefit Districts may be funded with 1) single-year, voter-approved excess property tax levies; 2) multi-year, voter-approved levies for bond redemption; 3) up to a \$100 annual vehicle fee per vehicle registered in the district with any fee exceeding \$20 requiring a public vote, 4) vehicle tolls, and 5) transportation impact fees. Improvements funded by the Transportation Benefit District must be 1) consistent with local and regional transportation plans; 2) required for economic development; and 3) partially funded by local governments or private sources.

Local Improvement Districts

Another potential source of funds for improvements comes through the formation of Local Improvement Districts (LIDs) involving a lien against the property collected through assessment made on properties benefited by the improvements.

LID financing is frequently applied to water, sewer, and street system extensions into previously underserved areas. Typically, LIDs are formed by the City at the written request (by petition) of the property owners within a specific area of the City. Upon receipt of a sufficient number of signatures on petitions, the local improvement area is defined, and a system is designed for that particular area in accordance with the

City's general comprehensive plan. Each separate property in the LID is assessed in accordance with the special benefits the property receives from the system improvements.

Centennial Clean Water Fund

This program offers low interest loan programs, with a limited grant funding program. State grants and loans administered by the Department of Ecology for the design, acquisition, construction, and improvement of Water Pollution Control Facilities and related activities to protect water quality.

Surface Water Management Fees

The City is required by state and federal law to provide surface water management services. The surface water management program identifies, prevents, and manages the impacts of development on flooding, erosion, pollution, and low stream flows. To pay for these services, a fee is assessed on property owners in the City. These management fees are used to fund a range of surface water infrastructure projects.

State Revolving Fund

This consists of state low-interest loans and loan guarantees administered by the Department of Ecology for water pollution control projects. Applicants must show a water quality need, have a facilities plan for treatment works, and show the ability to pay back the loan through a dedicated source of funding. Funds must be used for construction of water pollution control facilities (wastewater treatment plants, stormwater treatment facilities, etc.).

State Revolving Fund (SRF)

This program was created by the August 1996 reauthorization of the Safe Drinking Water Act. The SRF program provides low-interest loan financing to cities for capital improvements that promote public health and increase compliance with drinking water regulations.

Aquatic Land Enhancement Account (ALEA)

This grants program is administered by the Department of Natural Resources. ALEA funds are limited to water dependent public access/recreation projects or on-site interpretive projects. A 25% local match is required.

Rural Economic Community Development (RECD)

A Federal Agency, the Rural Economic Community Development (RECD, formerly FmHA), has a loan program that, under certain conditions, includes a limited grant program. Grants can be awarded when utility and/or garbage debt service payments exceed 1% of the community's Median Household Income.

In addition, the RECD has a loan program for communities that cannot obtain funding by commercial means through the sale of revenue bonds. The loan program provides long-term, 30- to 40-year loans at an interest rate that is based on federal rates, varying with the commercial market. The City of Black Diamond is not likely to get funding from this source because of the City's median household income level and because other financing mechanisms are potentially available.

State Public Works Trust Fund

The Public Works Trust Fund (PWTF) is a revolving loan fund designed to help local governments finance needed public works projects through low-interest loans and technical assistance. The PWTF, established in 1985 by legislative action, offers loans substantially below market rates, payable over periods ranging up to 20 years.

Interest rates are 1%, 2%, or 3%, with the lower interest rates providing an incentive for a higher local financial share. A 20% local share qualifies the applicant for a 2% interest rate and a 30% local share qualifies for a 1% PWTF loan. A minimum of 10% of project costs must be provided by the local community. The useful life of the project determines the loan term, with a maximum term of 20 years.

To be eligible, an applicant must be a local government or special purpose district, and have a long-term plan for financing its public works needs. If the applicant is a county or city, it must adopt the optional 0.25% real estate excise tax dedicated to capital purposes. Eligible public works systems include streets and roads, bridges, storm sewers, sanitary sewers, and domestic water. Loans are presently offered only for purposes of repair, replacement, rehabilitation, reconstruction, or improvement of existing eligible public works systems, in order to meet current standards and to adequately serve the needs of existing service users. Ineligible expenses include public works financing costs that arise from forecasted, speculative, or service area growth. Such costs do not make a project ineligible but must be excluded from the scope of their PWTF proposal.

Private Funding Sources

Latecomer Agreements

Latecomer Agreements allow property owners who have paid for capital improvements to recover a portion of the costs from other property owners in the area who later develop property that will benefit from those improvements. The period of collection may not exceed 15 years and is based on a pro rata share of the construction and contract administration costs of the particular project. The city or county must outline an area subject to the charges by determining which properties would require similar improvements. The improvement must be required for property development by city or county ordinance in order for the reimbursements to be assessed.

Capital Facility Charges

The City may adopt a capital facility charge to finance improvements of general benefit to the system which are required to meet future growth. Capital facility charges are generally established as one-time charges assessed against developers or new customers as a way to recover a part or all of the cost of additional system capacity constructed for their use.

The capital facility charge or fee is deposited in a construction fund to construct such facilities. The intent is that all new system customers will pay an equitable share of the cost of the system improvements needed to accommodate growth. Typical items of construction financed by the capital facility charge are water treatment facilities, pump stations, transmission lines, and other general improvements that benefit the entire system.

Capital facility charges are based on the cost of the existing facilities of that utility and the cost of the capacity-adding public projects that are planned to service new development, divided by the number of units of development to be served within the planning period.

Developer Mitigation

The City has the authority to require developers to mitigate the impacts of their projects either through developer impact fees or general mitigation under SEPA. However, the law does not allow the City to impose both methodologies in a way that charges developers twice for the same mitigation. Developer mitigation would be used to close the gap between what the City can afford and the total. In addition, the mitigation would only be used to ensure that new development pays its "fair share" of capital facilities (unless precluded by any agreement).

Planned Actions

Planned Actions are a project specific action under SEPA in which an Environmental Impact Statement designates, by ordinance, those types of projects to be considered Planned Actions – spelling out mitigation measures that will be applied. This type of action is appropriate for small areas expecting a specific type of development.

8.14.2. Six-Year Capital Facilities Funding

Table 8 - 15, on pages 62 and 63, sets forth the six-year Capital Facilities Plan, based on the capital facility needs identified in this Plan; while Table 8 - 16, on page 64, summarizes the funding needs. Since the comprehensive planning process is a continuing, evolving process, this six-year Plan will be continually reviewed and updated. Any plan is a tool to aid in decision making. This Plan is no exception. By outlining how the needed capital facilities of the future can be successfully provided, it will assist annual budget decisions which need to incrementally provide the

funding for those facilities. The Plan is not intended as a substitute for those budget decisions, only as a tool to help make them.

If the probable funding for capital facilities at any time is insufficient to meet existing needs, the Land Use Element must be reassessed. At the same time, funding possibilities and levels of service might also be reassessed. The Comprehensive Plan requires that as a result of such reassessment, appropriate action must be taken to ensure the internal consistency of the Land Use and Capital Facilities Elements of the Plan.

Table 8 - 15: Black Diamond Six-Year Capital Facilities List

Capital Facility Projects	Estimated Cost	Potential Funding
Administration	\$0	
None	-	-
Police	\$0	
None	-	-
Parks and Recreation	\$6,284,000	
School Park	\$25,000	General & Local
Union Stump Memorial Park	\$35,000	General & Local
Lake Sawyer Boat Launch	\$962,000	General & Local, State & Federal Grants
Lake Sawyer Regional Park	\$4,647,000	General & Local, State & Federal Grants, Private
Trail System	\$340,000	General & Local, State & Federal Grants
BMX Park	\$250,000	General & Local, State & Federal Grants
Eagle Creek Community Park	\$25,000	General & Local
Fire and Emergency Services	\$0	
None	-	-
Transportation	\$9,778,710	
See Chapter 7 for Complete List	-	-
Water System	\$18,751,000	
Railroad Ave. W/L Replacement, Phase 1	\$186,000	Utility Funding & Fees
Merino St. W/L Replacement, Phase 1	\$30,000	Utility Funding & Fees
Springs Study	\$50,000	Utility Funding & Fees
Water Meter Upgrades	\$200,000	Utility Funding & Fees
Roberts Dr. W/L Replacement	\$440,000	Private
The Villages, Phase 1	\$3,780,000	Private
3 rd Ave. W/L Replacement, Phase 1	\$250,000	Utility Funding & Fees
Springs Transmission Main Replacement, Phase 1 & Collection Upgrades	\$1,000,000	Private
Springs Transmission Main Replacement, Phase 2	\$1,274,000	Private
Springfield No. 3 Collection Upgrade	\$100,000	Utility Funding & Fees
3 rd Ave. W/L Replacement, Phase 2	\$200,000	Utility Funding & Fees
The Villages, Phase 2	\$5,790,000	Private
2 nd Ave W/L Replacement	\$190,000	Utility Funding & Fees

Morgan St. W/L Replacement	\$416,000	Utility Funding & Fees
965 Pressure Zone Transmission Replacement	\$300,000	Utility Funding & Fees
The Villages, Phase 3	\$1,820,000	Private
The Villages, Phase 4	\$689,000	Private
3 rd Ave. W/L Replacement, Phase 3	\$398,000	Private
Baker St. W/L Replacement, Phase 1	\$100,000	Utility Funding & Fees
Lawson St. W/L Replacement, Phase 1	\$150,000	Utility Funding & Fees
5 th Ave. W/L Replacement & Extension	\$208,000	Utility Funding & Fees
Pacific Pl. W/L Replacement	\$72,000	Utility Funding & Fees
Pacific St. W/L Replacement & Extension	\$228,000	Utility Funding & Fees
3 rd Ave. W/L Replacement, Phase 4	\$440,000	Utility Funding & Fees
5 th Ave. W/L Replacement	\$440,000	Utility Funding & Fees
Sanitary Sewer System	\$10,340,000	
New Pump Station 1	\$6,000,000	Private
Trunk Line 1	\$3,000,000	Private
Force Main 1	\$960,000	Private
Preserve Old Treatment Plant	\$30,000	General & Local, Utility Funding & Fees
Manhole Rehabilitation	\$50,000	General & Local, Utility Funding & Fees
Infiltration and Inflow Program	\$300,000	Utility Funding & Fees
Stormwater System	\$200,000	
Third Avenue Basin Improvements	-	Private (Occur as needed)
North Town Basin Improvements	-	Private (Occur as needed)
Park Street Basin Improvements	-	Private (Occur as needed)
First Avenue Basin Improvements	-	Private (Occur as needed)
Railroad Avenue Basin Improvements	-	Private (Occur as needed)
Stream Bank Revegetation	-	Grants
Storm Culvert Replacement	\$200,000	Grants, Utility Funding and Fees
Total	\$45,353,710	

Table 8 - 16: Six Year Capital Facilities Plan Summary

Category	Cost Estimates						
	2009	2010	2011	2012	2013	2014	6-Year Total
Administration	-	-	-	-	-	-	-
Police	-	-	-	-	-	-	-
Parks and Recreation	\$195,000	\$145,000	\$1,438,000	\$2,810,000	\$1,767,000	-	\$6,284,000
Fire and Emergency Services	-	-	-	-	-	-	-
Transportation	\$715,000	\$1,755,000	\$227,000	\$3,950,000	\$680,000	\$2,451,710	\$9,778,710
Water System	\$4,556,000	\$2,594,000	\$6,150,000	\$3,813,000	\$1,638,000	-	\$18,751,000
Sanitary Sewer System	\$90,000	\$60,000	\$60,000	\$10,020,000	\$60,000	\$50,000	\$10,340,000
Stormwater System	-	-	-	\$200,000	-	-	\$200,000
Total	\$5,556,000	\$4,554,000	\$7,875,000	\$16,980,000	\$4,145,000	\$2,501,701	\$45,353,710



INTEROFFICE MEMORANDUM

TO: BLACK DIAMOND CITY COUNCIL
FROM: AARON NIX, PARKS/NATURAL RESOURCES DIRECTOR
SUBJECT: UPDATED PARKS RULES
DATE: 5/5/2009
CC: HOWARD BOTTS, MAYOR, GWENDOLYN VOELPEL, CITY ADMINISTRATOR

HONORABLE COUNCIL MEMBERS,

It's been sometime (1987) since the council had an opportunity to look over and review expectations and rules within City park facilities. This language is currently captured within BDMC section 9.86 and includes these elements:

9.86.010 Hours of operation.

- A. The hours of operation of city parks shall be dawn to dusk.
- B. The foregoing hours shall not apply to individuals participating in activities established and sponsored by authorized groups and/or the city, nor for any activity for which written permission has been granted by the city council.
- C. Any group wishing to use parks or park facilities for political or religious gatherings, concerns or festivals, must obtain prior consent from the city council and must demonstrate to the council's satisfaction adequate policing and management of the event. (Ord. 569 § 1, 1995: Ord. 360 § 7 (part), 1987)

9.86.020 Fire restrictions.

No fire shall be allowed in parks other than in approved fireplaces. (Ord. 360 § 7 (part), 1987)

9.86.030 Motor vehicle restrictions.

No motor vehicles, including automobiles, trucks, buses, motorcycles and motor bikes, camp trailers, campers or trailers shall be operated in any park except on designated roadways and parking areas. (Ord. 360 § 7 (part), 1987)

9.86.040 Liquor.

The consumption of intoxicants is prohibited in all parks in the city. (Ord. 360 § 7 (part), 1987)

9.86.050 Animals.

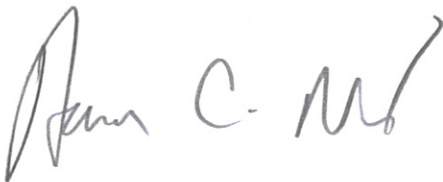
No animal shall be allowed in any park other than dogs, cats and horses under restraint. All horses shall be confined to those areas designated as roadways and parking areas. (Ord. 360 § 7 (part), 1987)

9.86.060 Camping.

No overnight camping shall be allowed in any park, whether in camper, camp trailer, tent, or otherwise. (Ord. 360 § 7 (part), 1987)

These elements have served well up to the recent future and discussions held with citizens as the potential of an active park's system is coming to fruition. Staff as well as the Park's Committee held a meeting recently with residents of 312th along the entrance to the Lake Sawyer Regional Park facility and tried to capture some of these sentiments into revised code. I think you'll find that the rules capture what we heard at that meeting as well as other discussions staff have had with members of the public. Staff is more than willing to continue this communication with the public and is looking for direction from the council on how they'd like to see the rules published and brought forward to the public. A well-published public hearing is suggested in which staff can reach out to the community and assure that everyone's voice is heard on this issue.

Thanks for your time in reviewing these proposed rules and I look forward to an active discussion on this subject.



Aaron C. Nix
City of Black Diamond
Parks/Natural Resources Director
anix@ci.blackdiamond.wa.us

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BLACK DIAMOND, KING COUNTY,
WASHINGTON, AMENDING CHAPTER 9.86 OF
THE BLACK DIAMOND MUNICIPAL CODE TO
UPDATE THE PROVISIONS DEALING WITH
PROHIBITED CONDUCT IN CITY PARKS**

WHEREAS, city parks perform a vital social function by providing a place for individuals and families to enjoy a natural setting and escape many of the sounds and activities that are otherwise part of city life; and

WHEREAS, this social function shall become even more important in the future as population growth brings increased density and commercial development occurs within our city; and

WHEREAS, the cost of maintaining the City's parks has made it necessary for the City to authorize the imposition of permit fees and user fees to help generate revenue to cover maintenance costs; and

WHEREAS, the municipal code is currently silent about many nuisance behaviors that detract from the public's ability to enjoy our city parks.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.015 to read as follows:

9.86.015 Permit and user fees authorized.

The city may require permits to be issued and user fees to be assessed prior to allowing certain activities to be conducted in city parks. The types of activities subject to permits and user fees, as well as the cost for such permits and fees, shall be established by the city's official fee schedule.

Section 2. Section 9.86.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

9.86.030 Motor vehicle restrictions.

a. motorized wheelchairs and other motorized mobility assistance devices necessary for disabled or handicapped persons or others with restricted mobility to access areas of the park are exempt from these restrictions unless noted otherwise.

- b. No unauthorized motor vehicles, including automobiles, trucks, buses, motorcycles, motor bikes, all terrain vehicles, camp trailers, campers or trailers shall be operated in any park except as allowed on designated roadways and parking areas.
- c. It is unlawful to speed in excess of the posted speed limit or in excess of fifteen miles per hour where no speed limit is posted in any park. In addition, no motorized vehicle, including motorized wheelchairs or other motorized mobility assistance devices, shall be operated in a negligent or reckless manner.
- d. It is unlawful for any person in any park to engage in, conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal, except at specified places and times designated for such activities by the City Council upon determination that:
 - (1) Reasonable provision has been made to insure that the health and safety of participants and spectators will be protected and not be subject to undue hazard, provided, the city shall not be liable for any injuries to participants and may require participants to expressly waive any potential claims against the city as a condition of participation in any event or activity;
 - (2) Such activities will be conducted in such a manner as to minimize potential damage to public or private property;
 - (3) Such activities will not constitute a public nuisance; and
 - (4) Such activities will not unduly interfere with the use of park facilities by the general public.
- e. No operator of any vehicle shall park or put such vehicle in any Black Diamond park area, except where the operator is using the area for an allowed recreational purpose and the vehicle is parked either in a designated parking area, or in another area with the permission of a park employee. For purposes of this section, "vehicle" shall mean an automobile, Recreational Vehicle, trailer of any kind, tent trailer, boat, camper, or other motorized conveyance not otherwise exempted under this chapter. No person shall park, leave standing, or abandon a vehicle in any Black Diamond park area after closing time. Any vehicle found parked in violation of this section may be towed away at the owner's or operator's expense.
- f. It is unlawful to park a motor vehicle in a designated handicapped parking space without the officially recognized symbol on the vehicle license plate. All improperly parked vehicles are subject to being towed away at the owner's or operator's expense.

Section 3. Section 9.86.040 of the Black Diamond Municipal Code is hereby amended to read as follows:

9.86.040 Liquor.

The possession and/or consumption of intoxicants are prohibited in all parks in the city without a permit.

Section 4. Section 9.86.050 of the Black Diamond Municipal Code is hereby amended to read as follows:

9.86.050 Animals.

No animal shall be allowed in any park without a permit except for police animals, service animals or domesticated animal under restraint by a person able to properly control the animal or while the animal is within a designated off-leash area. All horses shall be confined to those areas designated as roadways and parking areas. The person who has brought the animal into the park shall be responsible for depositing all of the animal's solid wastes in a designated waste receptacle. No animal shall be abandoned or left to remain unattended in a city park.

Section 5. The Black Diamond Municipal Code is hereby amended to read as follows:

9.86.160 Camping.

It is unlawful for any person to camp overnight in any park except by permit of the Black Diamond Park's Director.

Section 6. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.070 to read as follows:

9.86.070 Team sports and group athletic activities.

Team sports and other group athletic activities, including but not limited to softball, baseball, football, soccer, volleyball, and Frisbee football, shall be allowed only in designated areas or by permit.

Section 7. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.080 to read as follows:

9.86.080 Damaging uses prohibited.

It is unlawful for any person to remove, destroy, mutilate or deface any structure, or any part of any structure, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system or sprinkling system, or any other property lawfully located within a city of Black Diamond park area, *provided*, insignificant damage to sod or playfield surfaces as a result of permitted activities is exempt.

Section 8. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.090 to read as follows:

9.86.090 Harassing wildlife or disturbing wildlife habitat prohibited.

- a. The intentional harassment of wildlife or intentional disturbing of wildlife habitat is prohibited within city parks.
- b. Disturbance by animals. It is unlawful for any person to permit any dog or other pet, whether on or off a leash, to disturb or harass any park personnel, users, neighboring property owners, farm animals, wildlife or other pets.

Section 9. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.100 to read as follows:

9.86.100 Erecting poles or signs prohibited.

a. It is unlawful for any person, without prior written permission of the city council, to attach any notice, bill, banner, poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; provided that the director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

b. It is unlawful for any person, without prior written permission of the city council, to use, place or erect any signboard, sign, banner, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or to place or erect in any park a permanent or temporary structure of any kind; provided, that before granting any such permit, the city council shall establish general rules and regulations pertaining hereto, including provisions pertaining to removal, protection of the city Park Department and its employees, protection of the interests of the general public, and of persons using said park.

Section 10. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.110 to read as follows:

9.86.110 Soliciting and commercial activity prohibited.

No person may engage in soliciting or commercial activity in any City park without a permit.

Section 11. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.120 to read as follows:

9.86.120 Aggressive begging—Misdemeanor.

No person may engage in aggressive begging in a city park. "Aggressive begging" shall be defined as using threats, profane language, blocking passage or engaging in intentionally intimidating behavior combined with a request for money or other assistance, or making continued requests for money or other assistance from the same person after that person has clearly indicated that they decline to assist. Engaging in aggressive begging shall be a misdemeanor.

Section 12. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.130 to read as follows:

9.86.130 Firearms and Explosives.

It is unlawful to shoot, fire, or explode any firearms, rockets, fireworks, firecrackers, torpedo or explosive of any kind or to carry any firearm or to shoot or fire any air gun, bows and arrows, BB gun, or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park,

except in such designated recreational areas as may be permitted by the city council and/or law enforcement officials acting in their official capacity.

Section 13. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.140 to read as follows:

9.86.140 Building Fires—Fires may be prohibited.

- A. It is unlawful for any person to build a fire in any park except in such areas as may be designated by the city within the park and where such designation is clearly defined by signs posted in such park areas. Fires may only be started and maintained in a fire burning facility that is sufficiently able to contain and prevent flames from spreading beyond the facility.
- B. The city may prohibit open fires, barbecues, or other sources of flame within any city park whenever, in the opinion of the city, allowing such activities would create risk of fire spreading within the park or other damage to the park.
- C. Nothing in this section shall prohibit commissioned members of the King County Fire Department from enforcing any other rules or regulations related to open fires and any flame-related cooking activities.

Section 14. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.150 to read as follows:

9.86.150 Overnight Moorage Prohibited.

It is unlawful for any person to moor a watercraft overnight in any park, except by permit of the City Parks Director.

Section 15. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.160 to read as follows:

9.86.160 Amplified music and public address systems.

It is unlawful to operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the director. Battery-operated portable radios and tape players are permitted, provided they shall not be operated at a volume or in any manner which unreasonably disturbs the peace of others.

Section 16. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.170 to read as follows:

9.86.170 Littering

- a. No person shall throw or deposit litter on any park property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by animals or the elements upon any part of the park, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried

away and properly disposed of.

b. No person shall use the Parks and Recreation Department litter receptacles in the following manner:

1. No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or detract from its proper appearance.
2. No person shall deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle.
3. No person shall deposit household garbage in any litter receptacle; provided that this subsection shall not be construed to mean that wastes of food consumed on park property may not be deposited in litter receptacles.

c. For purposes of this section, "litter" means garbage, refuse, rubbish, or any other waste material which, if thrown or deposited as prohibited in this section tends to create a nuisance which annoys, injures, or endangers the health, safety, or comfort of the public.

d. Any person littering in an amount less than or equal to one cubic foot the maximum penalty and the default amount shall be \$50, not including statutory assessments; any person littering in an amount greater than one cubic foot the maximum penalty and the default amount shall be \$250, not including statutory assessments. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of \$25 per cubic foot of litter. The court may, in addition to or in lieu of part or the entire cleanup fee, order the person to pick up and remove litter from the property.

Section 17. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.180 to read as follows:

9.86.180 Smoking in City Parks

Smoking in City of Black Diamond Parks shall be prohibited, unless done within designated smoking areas.

Section 18. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.190 to read as follows:

9.86.190 Interference with Employees

No person, firm or corporation shall prevent, delay or interfere with the employees of the City in the lawful performance of their duties, including but not limited to planting, pruning, spraying or removing of trees, plants, or shrubs in a public park or a public place.

Section 19. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.200 to read as follows:

9.86.200 Feeding Waterfowl Prohibited

No person, other than authorized personnel, shall feed waterfowl on public property. Nor shall any person supervising a minor and having the ability to control the minor allow the minor to feed waterfowl on public property.

Section 20. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.210 to read as follows:

9.86.210 Park Hours

City Parks shall be open from dawn until dusk each day. No unauthorized person shall go upon any City park except during open hours.

Section 21. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.220 to read as follows:

9.86.220 Violations – Penalties

- A. The acts or conditions enumerated in this chapter are proclaimed to be public nuisances. Those persons responsible for maintaining with knowledge such nuisances shall be subject to immediate ejection from the City park area and served with a no trespass order by the police department. Unless otherwise specifically set forth herein, a violator may also be charged with an infraction for which the penalty shall be as follows:

1 st offense within one year	\$45.00
2 nd offense within one year	\$150.00
3 rd offense within one year	\$200.00

- B. Persons charged with infractions shall be processed by the municipal court in the same manner as persons charged with traffic infractions. Persons failing to appear for hearings for violations of this chapter shall be subject to the penalties set forth with Black Diamond Municipal Code.
- C. Nothing in this section shall limit or prohibit the ability of the city to pursue additional civil penalties for violations of this chapter, or to seek criminal penalties for behavior that constitutes a crime under any ordinance, law, or regulation adopted under the city municipal code.

Section 22. The Black Diamond Municipal Code is hereby amended by the addition of a new section 9.86.230 to read as follows:

9.86.230 Adoption of Rules and Regulations by Director

The Black Diamond Parks Director shall have the power to bring forward and adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Such rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department.

Section 23. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 24. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the ____ day of _____, 2009.

Passed by the City Council on the ____ day of _____, 2009.

Mayor Howard Botts

ATTEST:

City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: _____

Effective Date: _____