



CITY OF BLACK DIAMOND
September 2, 2010 Meeting Agenda
25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

PUBLIC COMMENTS: Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-2560. Thank you for attending this evening.

PUBLIC HEARINGS:

- 1) **AB10-070** – Proposed Changes to the Tree Preservation Code Mr. Nix

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

Presentation - Chief for a Day Mayor Olness

Proclamation - King County Quits! – Tobacco Free Proclamation Mayor Olness

UNFINISHED BUSINESS:

NEW BUSINESS:

- 2) **AB10-071** – Resolution Amending Council Rules Regarding Order of Business Mayor Olness
3) **AB10-072** – Resolution Adopting Stormwater Management Plan Mr. Boettcher

PUBLIC COMMENTS:

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

CONSENT AGENDA:

- 4) **Claim Checks** – September 2, 2010, No.35998 through No. 36003, No.36005 through No. 36050 (voided No. 36004) in the amount of \$126,006.06
5) **Minutes** – Council Meeting of August 19, 2010

EXECUTIVE SESSION:

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION			
SUBJECT: Public Hearing – Proposed revisions to the Tree Preservation Code	Agenda Date: September 2, 2010		AB10-070
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney – Chris Bacha	X	X
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact: N/A	Natural Resources – Aaron Nix		X
Fund Source: N/A	Comm. Dev. – Steve Pilcher		
Timeline: N/A			
Attachments: Proposed Ordinance			
SUMMARY STATEMENT: Before the Council are revisions to Chapter 19.30 Tree Preservation Code, of the Black Diamond Municipal Code. Due to comments received from the public, the City Council thought that it was important to make some adjustments to the current code language. The code has made its way through the Planning Commission and the Parks/Cemetery Committee with some modifications made by the City Attorney.			
COMMITTEE REVIEW AND RECOMMENDATION: Approval with modifications			
RECOMMENDED ACTION: Public Hearing only.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
September 2, 2010			

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO PRESERVATION OF TREES; REPEALING AND RE-ENACTING CHAPTER 19.30 OF THE BLACK DIAMOND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council finds that trees and woodlands are an important asset to the natural ecosystem, beneficially contribute to the character of the community and positively influence the quality of life in the City; and

WHEREAS, the City Council further finds that conventional development without specific regulations to protect natural resources frequently encroaches upon, damages or eliminates important trees, other forms of vegetation and natural resources and that these trees, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to residents of the City, visitors, businesses and the general public; and

WHEREAS, the City Council further finds that tree conservation is a cost effective method of reducing air pollution in urban environments, can reduce storm water runoff and lessen erosion by anchoring soil, and filter pollutants before reaching waterways, can protect wildlife habitat, reduce noise and energy consumption, and can improve physical and psychological health through the aesthetic, restorative qualities of natural, scenic settings; and

WHEREAS, City Council finds that tree conservation can yield tangible economic benefits including increased land value; lower heating and cooling costs; greater appeal to tourists, employers, and employees; and reducing costs for engineered alternatives to manage pollution, and

WHEREAS, in 2008, the City Council adopted City Ordinance No. 866 creating the "Tree Preservation Code" of the City with the objective to reduce tree loss during construction and development; reduce indiscriminate removal and destruction of trees; and to mitigate tree loss by requiring replacement of trees; and

WHEREAS, the City desires to amend the Tree Preservation Code to provide for additional measures for the conservation and preservation of significant trees by, among other things, adopting site development guidelines, clarifying the exemptions from the requirements of the Tree Preservation Code, increasing the ratio for replacement of significant trees that are

removed, establishing a process for a variance from the requirements of the Tree Preservation Code, adopting requirements for the maintenance of replacement trees, providing for additional remedial measures, amending the enforcement provisions;

WHEREAS, the City Council finds that it is in the best interests of the public health, safety and welfare to amend the Tree Preservation Code as set forth herein;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Repeal and Re-enactment of BDMC Chapter 19.30 (Tree Preservation).
Chapter 19.30 of the Black Diamond Municipal Code is hereby repealed in its entirety and re-enacted as set forth below:

19.30.010 Intent

A. The City recognizes the importance of trees for the benefits they provide to property values and to the environment. Trees stabilize soil and control water pollution, conserve energy, reduce storm water runoff, improve air quality, provide habitat to wildlife, and preserve the forested character of the Pacific Northwest that citizen's value. Preserving trees in large quantities also contributes to a reduction in global warming.

B. The objectives of this chapter include reducing tree loss during construction and development; reducing indiscriminate removal and destruction of trees; and mitigating tree loss by requiring replacement of trees.

19.30.020 Applicability

The requirements of this chapter shall apply any time of any land alteration, whether pursuant to a permit for clearing, grading, land alteration, land disturbance, building construction or land development, or on an existing developed site.

19.30.030 Definitions

The following definitions shall apply in the interpretation and enforcement of this Chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. If specific provisions of law, regulation or rule referred to herein be renumbered or re-codified, then the reference shall be read to refer to the renumbered or re-codified provision.

Caliper: Standard for trunk diameter measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured at DBH (Diameter at Breast Height), which is four and one-half feet above grade.

Development: Land disturbing activities, including Class IV – general forest practices that are conversions from timber land to other uses; structural development, including construction or

installation of a building or other structures; the installation of utilities; creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure.

Drip Line: An area encircling the base of a tree delineated by a vertical line descending from the outer limit of a tree's branch tips to the ground.

Heritage Tree: A tree of unique significance to the community that may be associated with historic figures, events or properties; be of rare or unusual species; or may have aesthetic value worthy of preservation for the health and general welfare of the community.

Lot: Lot shall have the same meaning as that term is given pursuant to BDMC 17.08.010, as now or may hereafter be amended. In the case of a preliminary plat, lot shall include those lots proposed to be created upon recording of the final plat.

Significant Tree: Any healthy tree that is at least six (6) inches in caliper, excepting nonsignificant trees. A tree growing with multiple stems shall be considered significant if at least one of the stems, as measured at a point six (6) inches from where the stems digress from the main trunk, is at least four (4) inches in diameter. Any tree that is planted to fulfill requirements of this chapter shall be considered significant, regardless of size or species.

Nonsignificant Tree: any tree under six (6) inches caliper or those included on the following list, regardless of size:

1. Black locust (*Robinia pseudoacacia*);
2. Cottonwood (*Populus fremontii*);
3. Native alder (Native *Alnus* only);
4. Native willow (Native *Salix* only);
5. Lombardy poplar (*Populus nigra*).

Site: The portion of a single lot, or two or more contiguous lots that are under common ownership or documented legal control, which lot(s) is(are) directly subject to development.

Site Improvements: Changes to a site resulting from development.

19.30.040 Retention of Significant Trees

A. **Permit Required.** No person, corporation, agency or other entity shall remove any significant tree, as defined in this chapter, without first obtaining a tree removal permit pursuant to this chapter; provided that, a permit shall not be required for situations specifically exempted by this chapter.

B. **Minimum Density.** In all development of land, a minimum of 20 percent of all significant trees shall be retained on each lot that is subject to development; provided that, if there are fewer than 5 significant trees on a lot, at least one significant tree shall be retained. A variance from this standard may be requested and reviewed in accordance with BDMC 19.30.080, Variances.

C. Site Design Guidelines. Site improvements shall be designed and constructed to meet the following guidelines:

- (a) The site design incorporates trees as a site amenity, and reflects a strong emphasis on tree protection.
- (b) To the extent possible, forested sites retain their forested look, value, and function after development. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.
- (c) Site improvements should be designed to give priority to protection of trees with the following characteristics, functions, or location:
 - (i) Existing stands of healthy trees;
 - (ii) Healthy trees that have a reasonable chance of survival once the site is developed or will not pose a threat to life or property;
 - (iii) Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness;
 - (iv) Trees providing habitat value, such as riparian habitat;
 - (v) Trees within the required yard setbacks or around the site perimeter;
 - (vi) Trees having a significant land stability function;
 - (vii) Trees adjacent to public parks and open space.
- (d) Building footprints, parking areas, roadways, utility corridors and other structures are designed and located with a consideration of tree protection opportunities.
- (e) The project grading plans accommodate existing trees and avoid alteration to grades around existing significant trees.
- (f) Required open space and recreational space is designed and located to protect existing stands of trees.
- (g) The site design and landscape plans provide suitable locations and adequate area for replacement trees as required in BDMC 19.30.070, Tree Replacement.
- (h) In considering trees for protection, avoid selecting trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.

19.30.050 Exemptions

The following actions are exempt from the permit and density requirements of this Chapter:

- A. Emergency removal of any hazardous significant trees necessary to remedy an imminent threat to persons or property;
- B. Removal of significant trees within or adjacent to public rights-of-way or easements, at the direction of the City, for the protection of the public safety (such as obstructions inhibiting visibility at intersections) or for the improvement of the public rights-of-way or easements;

C. Removal of obviously dead or diseased trees. Prior to removal of an obviously dead or diseased significant tree, the property owner or person in control of the property shall file an application for a tree removal permit with the Community Development Department and request exemption from the requirement to obtain a tree removal permit. The City Administrator, or designee, may grant an exemption upon satisfaction that the significant tree is dead or diseased. In cases where conflicts arise regarding the condition or health of a tree, the City can require the applicant to submit a certified arborist's report to the City. The certified arborist report shall identify the tree or trees and the condition and health of the tree, including whether or not the diseased tree should be removed. The certified arborist and the arborist's report must be submitted and approved by the City prior to tree removal. The cost for the certified arborist shall be borne entirely by the applicant;

D. A property owner or person in control of the property may remove no more than six (6) significant trees under (16) inches in caliper, in any thirty-six (36) consecutive months. Prior to removal, the property owner, or person in control of the property, shall file an application for a tree removal permit with the Community Development Department and request exemption from the requirement to obtain a tree removal permit. The City Administrator, or designee, may grant an exemption from the permit requirement subject to the following conditions:

1. There is no current application for development on the subject lot;
2. The tree(s) is(are) not within an easement protecting a regulated critical area, designated primary or secondary open space, or a required buffer area;
3. At least two significant trees must remain on each lot; and
4. Removal of the trees will not reduce the density of significant trees on the lot below the density requirements of BDMC 19.30.040(B).

E. Trees that have been grown for the purpose of sales of Christmas trees or commercial landscaping materials by commercial nurseries and tree farms; and

F. Harvesting with a Class II or Class III forest practices permit issued by the Washington State Department of Natural Resources under RCW 76.09.050. Provided that, the City shall not accept and/or issue any land use or building permit for six years from the date of approval of a Class II or Class III forest practices permit.'

19.30.060 Tree Removal Permits

A. Tree Removal Permit Required. A tree removal permit is required for the removal of significant trees unless the tree removal is exempt from the permit requirements of this Chapter. No person shall remove a significant tree except pursuant to a tree removal permit lawfully issued pursuant to this Chapter or pursuant to an exemption granted herein. All applications for a tree removal permit shall be filed with the Community Development Department using a form provided by the City. The tree removal permit fee shall be set by resolution or ordinance of the City Council.

B. Persons Authorized to Apply. No person may apply for a tree removal permit under this Chapter unless that person is the owner or person in control of the property or has been otherwise

authorized in writing by the property owner to apply for the tree removal permit on behalf of the property owner.

C. Tree Plan Required. All applications for a tree removal permit under this Chapter, for which there is no exemption or request for an exemption, shall include a tree plan showing the location, species, and size of new trees to be planted and the location of any significant tree to be removed. A tree plan for significant tree removal when associated with the development of property, shall meet the following requirements and standards:

1. Existing Development/Level I Tree Plan. A Level 1 Tree Plan is required for changes to existing development, including all residential, commercial, industrial or institutional sites that involve a land disturbance or expansion of buildings or impervious surface. The following information shall be provided as part of the plan:
 - a. A site plan showing all proposed development or expansion of structures, parking, driveways, roadways, lanes, sidewalks and pathways, and retaining walls;
 - b. The site plan will show all significant trees located within the lot or lots subject to development and shall depict those significant trees to be retained in order to meet the minimum density requirements of BDMC 19.30.040(B); and
 - c. Planting plan including location, species, and size of new trees to be planted.
2. New Development/Level II Tree Plan. A Level II Tree Plan is required for new development, including residential, commercial, industrial or institutional developments that involve land disturbance, parking areas, roads, buildings, or other construction. The Tree Plan must be completed by a certified professional forester, arborist, or landscape architect and must provide the following information:
 - a. Information required for a Level I Plan; and
 - b. Description of off-site trees that could be affected by proposed activity.

D. All significant trees within any required perimeter planting area, critical area, buffer, designated primary or secondary open space, or native growth protection area shall be retained, except for driveways, lanes, or streets necessary for access and as approved by the City. In all other areas, site improvement design should integrate significant trees into required landscaping.

19.30.070 Tree Replacement

A. Each application for a tree removal permit shall require a tree replacement plan. With the exception of significant trees that are relocated, each significant tree removed shall be replaced by new trees based on Diameter at Breast Height (DBH) as required by the table below.

B. Replacement trees shall be planted on the site from which significant trees are removed; provided that, if a variance is granted pursuant to BDMC 19.30.080 to allow location of the replacement tree off-site, the location must be approved by the City Administrator.

C. Replacement trees must meet the following criteria:

1. Significant trees required to be replaced to meet the density requirements pursuant to BDMC section 19.30.040 (B), shall, unless a variance is granted, be replaced on the basis of a one to one ratio regardless of the size of the significant tree that has been removed. In all other circumstances, significant trees must be replaced with an equivalent number of trees based on Diameter at Breast Height (DBH) in accordance with the following table;

Size of Tree Removed (DBH)	Number of Replacement Trees Required
6" – 9"	3
9" – 12"	4
12" – 16"	5
>16"	6

2. New trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock;

3. New trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;

4. New trees must be located away from areas where damage is likely.

5. Deciduous replacement trees shall be a minimum of one and half (1.5) inch in caliper (DBH), evergreen trees shall be a minimum of six (6) feet in height.

6. Trees shall be watered as necessary to ensure survival and growth during their first two growing seasons after planting.

D. The City shall create a "Significant Tree" removal mitigation fund. An applicant for a tree removal permit can request payment of a fee into the removal mitigation fund in lieu of tree replacement. If such request is granted by the City Administrator, or designee, the applicant may deposit the amount of \$100.00 for each replacement tree that would be required in accordance with the tree replacement ratios identified in section 19.30.070.C.6. These funds will be utilized in replanting projects throughout the City of Black Diamond, as determined by the City.

19.30.080 Variance.

A. Where exceptional conditions that prevent full compliance with the minimum density requirements of BDMC 19.30.040(B) or the requirement for on-site replacement of significant trees pursuant to BDMC 19.30.070, the applicant may request a variance. A request for a variance shall be submitted in writing by the property owner for consideration by the City Administrator, and shall accompany the application for a tree removal permit reviewed under this Chapter. The written request shall fully state all substantiating facts and evidence pertinent to the exception request, and include supporting maps or plans. The City Administrator may also require the recommendation of a certified arborist approved by the City Administrator to aid in reviewing a variance request. The cost to the City for the certified arborist shall be borne entirely by the applicant. The City may require the applicant to make an advance deposit to be applied to the cost of the certified arborist.

B. Exception Criteria. An exception shall not be granted unless criteria 1 and 2 of this section are satisfied:

1. The variance is necessary because:
 - a. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property; or
 - b. Strict compliance with the provisions of this code may jeopardize reasonable use of property;
 - c. Proposed vegetation removal, replacement, and any mitigative measures proposed are consistent with the purpose and intent of the regulations;
 - d. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.
2. If a variance is granted to the required minimum density requirement of 20 percent, tree replacement shall be in accordance with the tree replacement table identified in section 19.30.70C(1).

19.30.090 Protection of Trees During Construction

The following best management practices shall be applied to protect trees during development or construction activities.

- A. All construction activities, including staging and traffic areas, shall be prohibited within five feet of the drip line of all heritage and significant trees.
- B. Tree protective fencing shall be installed along the outer edge and completely surrounds the drip line of significant trees and all heritage trees to be protected prior to any land disturbance.
- C. Tree protective fencing shall be a minimum of four feet high and be highly visible. Signs must be posted on the fence reading "Tree Protection Area."
- D. Trees to be retained shall be watered appropriately during and immediately after construction and shall be protected from erosion and sedimentation.
- E. The grade shall not be changed within 5 feet of the drip line of all heritage trees and the significant trees to be preserved, nor shall any impervious surface be installed within 5 feet of the drip line of any heritage trees or the significant trees to be preserved.
- F. Directional felling shall be used to avoid damaging any heritage trees or significant trees designated for protection.

19.30.100 Maintenance.

- A. All required replacement trees and relocated trees shown on an approved tree removal permit shall be maintained in healthy condition by the property owner, and the person in control of the property, throughout the duration of the work necessary to complete all site improvements, unless otherwise approved by the City Administrator in a subsequent tree removal permit.

B. Cutting and Pruning.

- 1, Heritage trees and significant shall not be topped. Topping is defined as the severe cutting back of limbs to stubs larger than 3" in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Significant and heritage trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions, where other pruning practices are impractical are exempt from this prohibition.
2. Street trees shall be cut or pruned only under the supervision of the City of Black Diamond Public Works Department.
3. Pruning and maintenance of Heritage trees and significant trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree. Pruning shall mean the selective removal of portions of branches from a tree so as to modify the tree(s) shape or profile or alter the tree's appearance.
4. Thinning or windowing of significant or heritage trees shall not be allowed unless necessary to protect life or property or where other pruning practices are impractical because of the tree has been severely damaged by storms or other causes or for certain trees under utility wires.

19.30.110 Enforcement.

A. Application of BDMC Ch. 8.02. The provisions of this Chapter shall constitute a regulation within the meaning of section 8.02.020 BDMC, a violation of which is subject to the code enforcement provisions and penalties set forth at BDMC Chapter 8.02 together with the code enforcement provisions, penalties and remedies set forth in BDMC 19.30.

B. Monetary Penalties. Any person found to have removed a significant tree in violation of BDMC 19.30.060 or found to have damaged a significant tree or heritage tree in violation of BDMC 19.30.090 or BDMC 19.30.100, shall be subject to a monetary penalty in the amount of \$1,000 for each such violation.

C. Remedies. In addition to such other corrective action the hearing examiner may order upon finding a person to be in violation of BDMC 19.30.060, the hearing examiner shall order replacement of each significant tree unlawfully removed or payment of the in-lieu of fee, in accordance with the provisions of BDMC 19.30.070.

19.30.120 Heritage Trees

The purpose of the heritage tree designation is to recognize trees with a unique significance to the community, to establish a register of these trees, and to provide additional means for their protection. Heritage trees may be associated with historic figures, events or properties; be of rare or unusual species; or may have aesthetic value worthy of preservation for the health and general welfare of the community.

A. The City shall maintain a heritage tree register and map, which may be amended at any time pursuant to the process in this section.

1. Trees can be nominated for designation by individual citizens, community groups, city staff, or any board or commission of the City.

2. Staff shall review an application, obtain consent in writing of the affected property owner, and make a recommendation to the City Council, which shall have the final authority for designating heritage trees.

3. Trees designated as heritage trees shall be classified as follows:

a. Historical – a tree which by virtue of its age, its association with or contribution to a historical structure or district, or its association with a noted citizen or historical event;

b. Specimen – age, size, health and quality factors combine to qualify the tree as unique among the species in Black Diamond and Washington State;

c. Rare – one or very few of a kind, or is unusual in some form of growth or species;

d. Significant grove – outstanding rows or groups of trees that impact the city's landscape.

B. Upon receipt of a nomination, the Natural Resources Director shall review the request and provide mailed notice of the nomination to the property owner and provide other public notice such as to invite public comment for a period of not less than ten (10) days. The director shall inspect the tree, consider public comments, and formulate a recommendation to the City Council for its consideration at a regular Council meeting no less than 60 days after the nomination is made.

C. Each property owner who has one or more registered heritage trees shall be notified by first class mail of the designation within thirty (30) days of the Council's action.

D. Heritage tree declassification. Any heritage tree may be removed from heritage tree status by action of the City Council following the written request of the property owner, provided that if the request is based upon whether the tree is of poor health, diseased or no longer alive, the Natural Resources Director may approve the request.

1. The request shall be filed with the Natural Resources Director. If the request for decertification is based upon the health of the tree, and a visual inspection by the director cannot establish that the tree is dead, diseased, or hazardous, the applicant shall pay for an outside certified arborist or forester to make a determination. If it is determined that the tree is dead, diseased, or otherwise hazardous and cannot be saved, the director may approval the removal. If the tree is determined to be healthy, or with treatable infestation or infection, the director may deny the permit.

2. In its evaluation of whether to declassify a heritage tree, the City Council shall consider the following:

a. if the tree may be considered hazardous according to this chapter;

b. if the tree no longer meets the criteria for initial designation as specified in subsection (A) of this section;

c. retention of the tree would make reasonable use of the property allowed under the current zoning district impractical or impossible in that development would not be allowed to meet the maximum density/intensity allowed by that zoning district.

E. Heritage trees warrant protection from unnecessary removal. No person may remove a heritage tree except as provided in BDMC 19.30.120. Any person removing a heritage tree shall be subject to a \$2,000 fine and may be required to replace each removed heritage tree in accordance with the ratios identified in section 19.30.070C.

19.30.130. Duty not creating liability.

Nothing in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____, 20__.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda Martinez, City Clerk

Approved as to form:

Chris D. Bacha
Kenyon Disend,
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:

Effective Date:

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION			
SUBJECT: Resolution No. 10-708, amending Council Rules and Procedures regarding Order of Business	Agenda Date: September 2, 2010		AB10-071
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		X
	City Administrator –		
	Interim City Attorney – Chris Bacha		
	City Clerk – Brenda L. Martinez	X	
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact:	Court – Stephanie Metcalf		
Fund Source:	Comm. Dev. – Steve Pilcher		
Timeline:			
Attachments: Resolution No. 10-708, Exhibit A			
SUMMARY STATEMENT: <p>As requested by Council at the last meeting this Resolution would amend Section 3 of the current Council Rules and Procedures and establish new order of business for regular Council meetings to better meet the needs of the Council, staff and citizens.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: 			
RECOMMENDED ACTION: MOTION to adopt Resolution No. 10-708, amending Council Rules and Procedures adopted on May 7, 2009 and revised on January 7, 2010.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
September 2, 2010			

RESOLUTION NO. 10-708

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AMENDING COUNCIL RULES AND PROCEDURES
ADOPTED ON MAY 7, 2009 AND REVISED ON JANUARY
7, 2010**

WHEREAS, the City Council of the City of Black Diamond adopted Resolution No. 09-598 establishing Council Rules and Procedures; and

WHEREAS, the City Council amended Section 17.1 of the Council Rules and Procedures regarding Council Standing Committees on January 7, 2010; and

WHEREAS, the City Council wishes to amend Section 3 of the Council Rules and Procedures regarding Regular Council Meeting Order of Business;

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

Section 1. Section 3 of the adopted City Council Rules and Procedures is hereby amended to read as set forth in the attached Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2nd DAY OF SEPTEMBER, 2010.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

SECTION 3 - REGULAR COUNCIL MEETING ORDER OF BUSINESS

- 3.1 Preparation of Council Agenda. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. on the Thursday preceding each regular Council meeting. At the discretion of the Council, items added to the agenda after that time may be declined to be considered by the Council until a future council meeting. The City Clerk shall then prepare a proposed agenda for approval by the Council. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

The agenda of a Regular City Council meeting shall be as follows:

- 3.2 Call to Order. The Mayor or other presiding officer shall call the meeting to order.
- 3.3 Flag Salute. The Mayor or other presiding officer shall lead the flag salute. However, the Mayor or other presiding officer may designate a Councilmember or other person to lead the flag salute.
- 3.4 Roll Call. The City Clerk will call the roll. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.
- 3.5 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period. See *Section 10*.

At the discretion of the Mayor or other Presiding Officer, citizens may also speak on individual agenda items at the time they are considered by the Council.

- 3.6 Public Hearings and Appeals. Individuals may comment on public hearing and appeal items. However, when the Council is considering a closed record appeal, the Council shall only consider arguments that are limited to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be presented to the Council or

added to the record. The Mayor or other Presiding Officer shall state the public hearing and/or appeal procedures before each hearing. No person may testify more than once. Comments are limited to five (5) minutes per person or ten (10) minutes if the person is representing a group. However, a group may only have one designated spokesperson.

- 3.7 Quasi-judicial hearings. Quasi-judicial hearings are limited to one (1) hour and fifteen (15) minutes per hearing, as follows: 15 minutes for staff report; 15 minutes for applicant presentation; 15 minutes for proponent testimony; 15 minutes for opponent testimony; 5 minutes for applicant rebuttal; 10 minutes for questions and decision by Council. *See Section 11 for complete details.*

3.8 Appointments, Announcements, Proclamations and Presentations.

3.8.1 *Appointments.* Individuals appointed by the Mayor to hold positions within City government may require confirmation by the Council. Persons appointed by the Mayor or other Presiding Officer to serve on various committees, boards and commissions shall require confirmation by the Council. Where confirmation is required, the vote of the Council may be preceded by discussion in executive session. *See Sections 16 and 17.*

3.8.2 *Announcements.* An announcement is a brief statement that informs the public of an event or happening of general interest. However, it cannot be a statement regarding a subject prohibited under section 3.8.5.

3.8.3 *Proclamations.* A proclamation is an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has had a major city-wide impact. The Mayor will read the proclamation and may invite guests to speak on the topic for no more than five (5) minutes.

3.8.4 *Presentations.* Any person(s) or organization wishing to make a presentation to the Council must first submit a completed "Request to be on Council Agenda Form" with the City Clerk. The request should be made at least two weeks prior to the intended Council date. The Mayor or his/her designee will determine if the proposed presentation is approved and will notify the applicant of the selected meeting date. If the presentation is not approved, the Mayor or his/her designee will notify the applicant of the decision and the reason(s) for the decision. Presentations will not last more than five (5) minutes in length.

3.8.5 *Prohibited topics.* No person may use this time to address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may use this time to address the Council for the purpose of advertising any item, service, or product for profit or otherwise.

3.9 Agenda Modifications. The Mayor or other Presiding Officer shall announce any changes to the Council's published agenda.

3.10 Unfinished Business. Unfinished business consists of subjects discussed by the Council at a previous regular or special meeting and which have been placed on the agenda for additional discussion or resolution.

3.11 New Business, Ordinances and Resolutions.

3.11.1 *New business.* New business shall mean topics or issues, other than ordinances and resolutions, that have not previously been before the City Council for discussion or other action.

3.11.2 *Ordinances.* All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared or presented to the Council unless requested by two members of the Council, or the Chair of a Council Committee, or the Mayor or other Presiding Officer, or the City Administrator. All ordinances shall be in writing, and the titles thereof shall be read aloud by the Mayor or other Presiding Officer prior to a vote being called. A motion and a second are required to bring an ordinance to a vote. Any Councilmember may request a full reading of the text of a proposed ordinance prior to the vote on its adoption. It shall not require a second to the request for a full reading of an ordinance. It is further provided, however, that the requirement for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance, may be waived upon a motion duly made, seconded and approved by a majority of the Councilmembers in attendance at the council meeting.

Discussion and debate by the City Council on ordinances will be held prior to the vote on an ordinance. Prior to voting on passage of an ordinance, the Council may decide by majority vote to amend the ordinance or may direct staff to review the proposed ordinance and make a report to the Council.

An ordinance must be adopted by a majority vote of a quorum of the City Council, provided that adoption of any ordinance that grants or revokes a franchise or license shall require the affirmative vote of at least a majority of the whole membership of the Council, and provided that

public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

Following enactment of an ordinance, either the full text of the ordinance or a summary shall be published in the first possible edition in the City's designated official newspaper. An ordinance becomes effective five (5) days after publication unless otherwise specified in the ordinance or as required by law.

- 3.11.3 *Resolutions.* Resolutions may be prepared or presented to the Council at the request of two Councilmembers, or the Chair of a Council Committee, or the Mayor or other Presiding Officer, or the City Administrator. All resolutions shall be in writing, and the titles thereof shall be read aloud by the Mayor or other Presiding Officer prior to a vote being called on their passage, provided that any Councilmember may, upon request, have a full reading of the text of a proposed resolution prior to the vote on its passage. A request for a full reading of a resolution need not be seconded. However, it is further provided that the requirement for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution, may be waived upon a motion duly made, seconded and approved by a majority of the Councilmembers in attendance at the Council meeting.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Prior to voting on passage of a resolution, the Council may decide by majority vote to amend the resolution or direct staff to review the proposed resolution and make a report to the Council.

A resolution must be passed by a majority vote of a quorum of the Council; if passed, it becomes effective immediately.

- 3.12 Public Comments. Members of the audience may request to comment on any issue discussed during the Council meeting. Comments will be allowed subject to the time limits and other restrictions in Section 10.

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- 3.132 Department Reports. Department Directors may report on action and activities of their respective departments.

- 3.143 Mayor's Report. The Mayor may report on significant activities since the last regular meeting, inquire on matters of general City business, or initiate investigation or action on a matter of concern.

- 3.154 Councilmember Reports. Councilmembers may report on Council Committee discussions or other significant activities since the last regular meeting, or on matters of general City business, or may initiate investigation or action on a matter of concern.
- 3.165 City Attorney Report. The City Attorney may report on legally significant events or activities since the last meeting.
- ~~3.16 Public Comments. Members of the audience may request to comment on any issue discussed during the Council meeting. Comments will be allowed subject to the time limits and other restrictions in Section 10.~~
- 3.17 Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action. Items on the Consent Agenda include but are not limited to the following:
- a. Approval of minutes.
 - b. Fixing dates for public hearings and appeals.
 - c. Approval of claims, vouchers and payroll, bid awards and contracts.
 - d. Approval of property as surplus.
 - e. Authorization of grant applications.
 - f. Approval of interlocal agreements.
 - g. Other items designated by the City Council.
- 3.18 Executive Session. Pursuant to RCW 42.30.110, executive sessions are closed to the general public. *See Section 2.10.*
- 3.19 Adjournment. With no further business to come before the Council, the Mayor or other Presiding Officer may adjourn the meeting.
- 3.20 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

|

3.17 Adjournment

With no further business to come before the Council, the Mayor adjourns the meeting.

3.18 Recess

The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION			
SUBJECT: Resolution No. 10-709, Adoption of the Stormwater Management Program (SWMP) 2010 Annual Update	Agenda Date: September 2, 2010		AB10-072
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney –Chris Bacha		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher	X	
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact: as per budget	Court – Stephanie Metcalf		
Fund Source: stormwater utility	Comm. Dev. – Steve Pilcher		
Timeline: September			
Attachments: Resolution No. 10-709, Stormwater Management Plan			
<p>SUMMARY STATEMENT:</p> <p>The City updates the Stormwater Management Program annually to identify how the City will meet various stormwater permit requirements.</p> <p>The annual update is a requirement of the Western Washington Phase II Municipal Stormwater Permit from the State of Washington Department of Ecology.</p>			
<p>COMMITTEE REVIEW AND RECOMMENDATION: Public Works Committee is recommending approval.</p>			
<p>RECOMMENDED ACTION: MOTION to adopt Resolution No. 10-709, adopting the Stormwater Management Program (SWMP) 2010 Annual Update.</p>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
September 2, 2010			

RESOLUTION NO. 10-709

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
ADOPTING THE STORMWATER MANAGEMENT
PROGRAM (SWMP) 2010 ANNUAL UPDATE**

WHEREAS, staff for the City of Black Diamond prepared our Stormwater Management Program (SWMP) 2010 Annual Update; and

WHEREAS, the City is required to update the SWMP on an annual basis as required by the Western Washington Phase II Municipal Stormwater Permit issued by the State of Washington Department of Ecology; and

WHEREAS, the purpose of the SWMP is to detail actions that the City has taken and will take to maintain compliance with conditions in the permit, and to reduce the discharge of pollutants from the City's Municipal Separate Storm Sewer System to the maximum extent practicable; and

WHEREAS, the City Council held a public hearing on May 20th to take public comment on the SWMP;

**THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES
RESOLVE AS FOLLOWS:**

Section 1. The City Council hereby adopts the Stormwater Management Program (SWMP) 2010 Annual Update.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2ND DAY OF
SEPTEMBER, 2010.**

CITY OF BLACK DIAMOND:

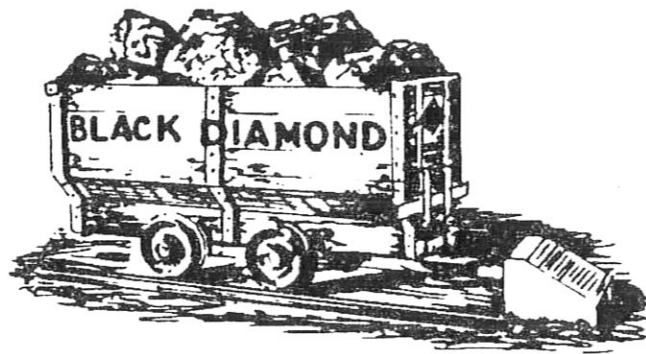
Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND
STORMWATER MANAGEMENT PROGRAM
(SWMP)

2010 ANNUAL UPDATE



PREPARED BY
Public Works Department
CITY OF BLACK DIAMOND
PO BOX 599
BLACK DIAMOND, WA 98010
(360) 886-2560

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THIS PLAN IS BASED ON THE REQUIREMENTS OUTLINED IN THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT. MUCH OF THE LANGUAGE INCLUDED IN THIS DOCUMENT DESCRIBING PERMIT REQUIREMENTS HAS BEEN TAKEN DIRECTLY FROM THIS PERMIT AND HAS BEEN SUMMARIZED FOR EASE OF THE READER.

FOR COMPLETE REQUIREMENTS AND DETAILS, PLEASE REFER TO SECTION S5.C OF THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT.

SECTION 1 – INTRODUCTION

1.1 INTRODUCTION

This document constitutes the City of Black Diamond's Stormwater Management Program (SWMP) as required under Condition S5 of the Western Washington Phase II Municipal Stormwater Permit (the Permit). In addition to the City's permit, this SWMP includes the Total Maximum Daily Load (TMDL) requirements on Lake Sawyer as published in the TMDL document 09-10-053.

The purpose of SWMP is to detail actions that the City of Black Diamond has taken and will take to maintain compliance with conditions in the permit. This SWMP will be an attachment to the *Annual Report Form for Cities, Towns, and Counties* which is required to be submitted to the Department of Ecology by March 31st each year.

The City's SWMP is intended to reduce the discharge of pollutants from the City's Municipal Separate Storm Sewer System to the maximum extent practicable, meet Washington State's All Known and Reasonable Treatment requirements, and protect water quality. This goal is accomplished by the inclusion of all Permit SWMP components, minimum measures, and implementation schedules into the City's SWMP.

In compliance with Permit requirements, where the City is already implementing actions or activities called for in this document, the City will continue those actions or activities regardless of the schedule called for in this document.

The City now is active in 5 areas of permit activity including:

- Educating the public with a current focus on homeowner activities

- Involving the public in stormwater management programming
- Building an Illicit Discharge Detection and Elimination Program
- Establishing a permitting, inspection program to enforce the Department of Ecology 2005 stormwater Management Manual for Western Washington
- Reviewing all Municipal operations and Facilities and implementing new operation and maintenance practices to prevent and reduce stormwater pollutant runoff from municipal operations.

SECTION 2 –MONITORING AND REPORTING

2.1 PERMIT REQUIREMENTS AND DATES

Section S5.A, S8, and S9 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop, monitor, and report the City's Stormwater Management Program (SWMP). The Stormwater Management Program shall be designed to reduce the discharge of pollutants from the City stormwater system to the maximum extent practicable and to protect water quality. The monitoring and reporting requirement helps keep the city on track with best management practices to reduce the discharge of pollutants to stormwater.

2.2 CURRENT ACTIVITIES

The current city activities associated with Monitoring and reporting include:

- Submit the *Annual Report Form for Cities, Towns, and Counties* which is intended to summarize the City's compliance with the conditions of the Permit. The annual report shall be submitted by March 31 of each calendar year covering the previous calendar year.
- Prepare written documentation of the SWMP and update at least annually for submittal with the City's annual reports to the Department of Ecology.
- Include with the annual report, notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the City's geographic area of permit coverage during the reporting period and the implications for the SWMP.
- Track the number of inspections, official enforcement actions and types of public education activities for inclusion in the City's annual reports to the Department of Ecology.
- Provide a description of any stormwater monitoring or studies conducted by the City during the reporting period for inclusion in the City's annual reports to the Department of Ecology.
- Track the estimated cost of development and implementation of the SWMP.

2.3 PLANNED ACTIVITIES

Actions recommended for continued Permit compliance include:

- Now that the City has a separate storm water utility most of the permit compliance activities can be reasonably estimated and tracked by reviewing the actual expenses within the stormwater budget. There are some activities that are expended outside the stormwater utility and those will be estimated and reported in the annual report.
- Survey a random select group from Black Diamond on any changes in car washing practices and report findings in the next annual report.
- Collect base line water quality information in the natural drainage system as surface water drains into, through and out of Black Diamond.
- Coordinate, as necessary, with other entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas.
- Complete annual update to the City's SWMP.
- Summarize annual activities for the Annual Compliance Report.

SECTION 3 –PUBLIC EDUCATION AND OUTREACH

3.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.1 of the Western Washington Phase II Municipal Stormwater Permit requires the City to include an education program to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts. Specific program components are outlined below.

- Distribute stormwater education information to residents in Black Diamond by Feb 15, 2009
- Track the types of public education and outreach activities implemented; Feb. 15, 2009
- Measure the stormwater education level of the public; Feb 15, 2009

3.2 CURRENT ACTIVITIES

The City currently has been educating the public in Black Diamond by direct mailing stormwater articles in the city newsletter, posting educational materials on the stormwater website, and coordinating various stormwater classes and workshops to train City staff. The first level of education has been educate the public on the need for a stormwater utility and why everyone in Black Diamond needs to assist with the effort to improve the stormwater quality in Black Diamond.

3.3 PLANNED ACTIVITIES

Actions recommended for continued Permit compliance in public education and outreach include:

The City's goal for 2010 is to:

- Continue with the direct mailing of 3 to 4 education articles included in the City newsletter. Year 2010 emphasis will be on car washing and yard care. The education materials are also sent to all businesses in town as well.
- Educate the businesses, industries, landscapers and property managers; and Engineers, contractors, developers, through direct contact within the permitting processes.
- Educate the elected officials, review staff, planning staff and other City employees through workshops, in house trainings and meetings.

- Develop a short assembly curriculum to educate school children on the impacts of stormwater runoff on the environment and Best Management Practices that homeowners can implement to help protect the environment. Approach the local school district to set up regular educational outreach in the schools.
- Track and maintain records of public education and outreach activities.
- Evaluate understanding and adoption of target behaviors.
- Summarize the 2009 public education activities in the Annual Compliance Report.

SECTION 4 – PUBLIC INVOLVEMENT AND PARTICIPATION

4.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.2 of the Western Washington Phase II Municipal Stormwater Permit requires the City to provide ongoing opportunities for public involvement beginning in 2008.

4.2 CURRENT ACTIVITIES

The current compliance activities associated with public involvement and participation include:

- The City has posted the SWMP document and Annual Compliance Report on the City website.
- The City has held various public meetings for the consideration of stormwater budget issues, stormwater grant opportunities, and consulting contracts for the development of a stormwater comprehensive plan.
- Publicized Pubic Works Committee meetings were held to discuss the Stormwater Comprehensive Plan.

4.3 PLANNED ACTIVITIES

The City shall offer the public opportunities to be involved in the decision making process on stormwater issues. Actions recommended for continued compliance include:

- Provide opportunities for public involvement through encouraging participation in the review of the storm water comprehensive plan, the stormwater management plan updates, changes to the stormwater utility charges, or other stormwater codes or similar environmental policies at the early consideration stages at the public works committee level.
- Provide opportunities for the public involvement and comment in the consideration of the Stormwater Management Plan (SWMP) by holding a public hearing prior to adoption.
- Hold at least 2 readings of the Stormwater Management Plan prior to adoption.
- Make the SWMP, the annual report, and all other submittals required by the Phase II Permit, available to the public.

- Post the updated SWMP and the annual report, on the City's website.

SECTION 5 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

5.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.3 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop and implement an ongoing program to detect and remove illicit connections, discharges, and improper disposal, including spills, into the municipal separate storm sewers owner or operated by the City. Specific program components are outlined below.

- Publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges by February 15, 2009. The City shall keep a record of calls received and follow-up actions taken.
- Develop and implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illegal discharges, and/or dumping into the City's municipal separate storm sewer system by August 15th, 2009.
- Ensure municipal field staff responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, improper disposal and illicit connections are trained to conduct these activities by August 15th, 2009.
- Provide follow-up training as needed to address changes in procedures, techniques, or requirements.
- Prioritize receiving waters for visual inspection by February 15th, 2010.
- Ensure all municipal field staff, which, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system shall be trained on the identification of an illicit discharge/connection, and on the proper procedures for reporting and responding to the illicit discharge/connection.

The City's goal is to complete the following by **February 15, 2011**:

- Conduct field assessments of three high priority water bodies.
- Conduct field assessments on at least one high priority water body annually henceforth.

- Develop a municipal storm sewer system map, to be available upon request, that shall be periodically updated and shall include the location of all known municipal separate storm sewer outfalls and receiving waters and structural stormwater BMP's owned, operated, or maintained by the City. Include tributary conveyances, associated drainage areas, and land use for all storm sewer outfalls with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. The map shall include all connections to the municipal separate storm sewer authorized or allowed by the City, as well as geographic areas that do not discharge stormwater to surface waters.

The City's goal is to complete the following by **August 19, 2011**:

- Develop and fully implement an ongoing program to detect and address non-stormwater discharges, spills, illicit connections and illegal dumping into the City's municipal separate storm sewer system. Include procedures for locating priority areas likely to have illicit discharges and field assessment activities including visual inspection of priority outfalls.
- Develop and implement procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the City
- Develop and implement procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures
- Develop and implement procedures for removing the source of the discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for eliminating the discharge; follow-up inspections; and escalating enforcement actions if the discharge is not eliminated.
- Inform and distribute appropriate information to public employees, businesses, and the general public regarding the hazards associated with illegal discharges and improper disposal of waste.
- Develop and implement procedures for program evaluation and assessment, including tracking the number and type of spills or illicit discharges identified; inspections made

5.2 CURRENT ACTIVITIES

The City currently implements activities and programs that meet some of the Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The Black Diamond City Council adopted an illicit Discharge Detection and Elimination Ordinance on August 6th, 2009. The city staff now has the ability to intervene and stop Illicit discharges and get involved to educate those that pollute unknowingly and follow up with additional enforcement actions if compliance is not afforded.
- Four staff including three public works staff and a policeman were trained in July 2009 on Illicit discharge awareness and IDDE Response and Enforcement. Additionally one of the local fire district officers also came to the training.
- Responding to reported illicit discharge reports and documenting the actions taken to eliminate them.

5.3 PLANNED ACTIVITIES

The City plans to:

- Continue with following up on hotline illicit discharge tips,
- Continue refining the stormwater system maps;
- Continue keeping the responsible city staff trained to recognize and detect illicit discharges and to follow up with enforcement actions.
- Develop and implement stormwater outfall illicit discharge screening program.
- Select and implement IDDE issue tracking/resolution system.
- Revise current IDDE response process into a standard, City-wide IDDE response and enforcement process.
- Identify areas of the City that have higher probability of Illicit Discharges or Connections to the Stormwater system.
- Prioritize assessment of receiving waters
- Develop a program for detecting, tracing to the source and removing the source of an illicit discharge. Also provide training for such a program.

SECTION 6 – CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT AND CONSTRUCTION SITES

6.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.4 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop, implement, and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. Specific program components are outlined below.

The City will continue with

- A program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. This program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. The program shall apply to private and public development, including roads.
- The City of Black Diamond has adopted the Department of Ecology 2005 Stormwater Management Manual to address runoff from new development, redevelopment, and construction site projects in conformance with Permit requirements. The City has retained existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds. The DOE 2005 Manual includes:
 1. An enforceable mechanism that includes a site planning process and BMP selection and design criteria in conformance with Permit requirements.
 2. A BMP selection and design criteria and requirements will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy State AKART requirements.
 3. The legal authority, through the approval process for new development, to inspect private stormwater facilities that discharge to the City's stormwater system.
 4. Allows non-structural preventive actions and source reduction approaches such as Low Impact Development Techniques (LID), measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation.

The city has the primary enforcing ordinances in place for the Implementation of a program to manage the proper handling of stormwater for development and redevelopment. Some permit processing needs to be reviewed and appropriate fees set. The city program will include:

- A permitting process with plan review, inspection and enforcement capability for both private and public projects. At a minimum, this program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale.
- Review stormwater site plans for proposed development activities.
- Inspect, prior to clearing and construction, all known development sites that have a high potential for sediment transport.
- Inspect all known permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce as necessary based on the inspection.
- Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater controls such as stormwater facilities and structural BMPs. Also, verify a maintenance plan is completed and responsibility for maintenance is assigned. Enforce as necessary based on the inspection.
- Develop and implement an enforcement strategy to respond to issues of non-compliance.
- Develop and implement a long-term operation and maintenance (O&M) program for post-construction stormwater facilities and BMPs.
- Adopt an ordinance or other enforceable mechanism that clearly identifies the party responsible for maintenance, requires inspection of facilities, and establishes enforcement procedures.
- Establish maintenance standards that are as protective or more protective of facility function than those specified in the 2005 Stormwater Management Manual for Western Washington.
- Perform maintenance within required timeframes when an inspection identifies a maintenance standard has been exceeded. For each violation of the required timeframe, the City shall document the circumstances and how they were beyond their control.

- Inspect all new flow control and water quality treatment facilities, including catch basins, for new residential developments that are a part of a larger common plan of development or sale, every 6 months during the period of heaviest house construction (i.e., 1 to 2 years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards as needed.
- Implement a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, other enforcement records, maintenance inspections and maintenance activities.
- Provide copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment.
- Ensure that all staff responsible for implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities.

6.2 CURRENT ACTIVITIES

The City code currently implements the majority of the activities and programs to meet Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The city review and inspection staff is coming up to speed on the full implementation of the Department of Ecology 2005 Stormwater Management Manual.
- The City conducts construction and stormwater site inspections during the pre-construction and construction phases.
- The City regularly inspects existing private storm water quality and detention ponds.

6.3 PLANNED ACTIVITIES

The City has a program to help reduce stormwater runoff from new development and construction sites but has a goal to increase training and hire staff with expertise in the implementation of the DOE 2005 SWMM in order to maintain compliance as Permit requirements are phased in over the next several years. Actions that are recommended for continued compliance include:

- Review procedures for tracking and documenting Permit-related plan review, inspection, enforcement, and compliance activities and update as needed.
- Update and implementing process codes, fees and standards as necessary and as identified need.
- Distribute copies of the Notice of Intents for Construction Activity and Industrial Activity.
- Determine staff training needs and develop training strategies.
- Summarize annual activities for the “Controlling Runoff from New Development, Redevelopment and Construction Sites” component of the Annual Compliance Report.

SECTION 7 – POLLUTION PREVENTION AND OPERATION AND MAINTENANCE FOR MUNICIPAL OPERATIONS

7.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.5 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop and implement an operations and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Specific program components are outlined below.

The City's goal is to complete the following by **February 15, 2010**:

- Establish maintenance standards that are as protective, or more protective, of facility function than those specified in the 2005 Stormwater Management Manual for Western Washington.
- Perform maintenance within required timeframes when an inspection identifies an exceedance of the maintenance standard. For each exceedance of the required timeframe, the City shall document the circumstances and how they were beyond their control.
- Inspect annually all municipally owned or operated permanent stormwater treatment and flow control facilities, other than catch basins, and take appropriate maintenance actions in accordance with the adopted maintenance standards. The annual inspection requirement may be reduced based on inspection records.
- Conduct spot checks of potentially damaged stormwater facilities (other than catch basins) after major storm events.
- Establish and implement practices to reduce stormwater impacts associated with runoff from streets, parking lots, roads or highways owned or maintained by the City, and road maintenance activities conducted by the City.
- Establish and implement policies and procedures to reduce pollutants in discharges from all lands owned or maintained by the City and subject to this Permit, including but not limited to: parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control facilities.
- Develop and implement an on-going training program for City employees whose construction, operations or maintenance job functions may impact stormwater quality.

- Develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the City in areas subject to this Permit that are not required to have coverage under the Industrial Stormwater General Permit.

The City's goal is to complete the following by **February 15, 2012**:

- Inspect at least once, and clean if necessary, all catch basins and inlets owned or operated by the City.

7.2 CURRENT ACTIVITIES

The City currently has activities and programs that meet some of the Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The City has a program for catch basin inspections.
- At the time of the SWMP development the City has completed a site assessment of City Facilities including the Fire Station, the Police Station, the Public Works Facility and the Water Reservoir and pump station.
- The City inspects City owned stormwater treatment facilities but is formalizing and adding to the inspection criteria as identified in the DOE 2005 SWMM.
- The city has trained employees whose construction, operations or maintenance job functions may impact stormwater quality in the implementation of Best Management Practices that will reduce or eliminate pollution from entering stormwater systems from City facilities or operations.
- The city is in the process of implementing a Stormwater Pollution Prevention Plan (SWPPP) for the city heavy equipment maintenance and storage/material yard and owned by the City.

7.3 PLANNED ACTIVITIES

The City has a program to limit stormwater pollution potential related to its municipal operations and maintenance program, but has a goal to expand current efforts in order to maintain compliance as Permit requirements are phased in over the 2010 year. Actions that are recommended for continued compliance include:

- Update inspection, operation and maintenance processes and procedures for City-owned or operated stormwater catch-basins and flow control and treatment facilities.
- Develop and establish policies and procedures to reduce pollutants in stormwater discharges from lands owned or maintained by the City.
- Develop and implement training programs for staff whose work could impact stormwater quality.
- Update tracking and documentation methods and procedures associated with inspection, maintenance or repair activities.
- Implement Stormwater Pollution Prevention Plans (SWPPPs) for City Facilities.
- Summarize annual activities for the “Pollution Prevention and Operation and Maintenance for Municipal Operations” component of the Annual Compliance Report.