



CITY OF BLACK DIAMOND
December 1, 2011 REVISED 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.) AB11-066 – Proposed 2012 Final Budget | Ms. Miller |
| 2.) AB11-067 – 2011 Comprehensive Plan Amendments | Mr. Pilcher |

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- | | |
|--|------------|
| 3.) AB11-068 – Ordinance Amending 2011 Budget | Ms. Miller |
|--|------------|

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

- 4.) **Claim Checks** – December 1, 2011 Check No.37672 through No. 37698 in the amount of \$51,923.58
- 5.) **Minutes** – Special Council Meetings of August 18, 2010, August 23, 2010, September 14, 2010 and November 22, 2011

EXECUTIVE SESSION: To discuss with Legal Counsel Potential Litigation Pursuant to RCW 42.30.110(1)(i)

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
SUBJECT: Public Hearing on 2012 Budget, including both Revenues and Expenditures	Agenda Date: December 1, 2011		AB11-066
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney – Chris Bacha		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller	X	
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact:	Court – Stephanie Metcalf		
Fund Source:	Comm. Dev. – Steve Pilcher		
Timeline:			
Attachments: Proposed Preliminary 2012 Budget Document			
<p>The attached 2012 Preliminary Budget Document presents the proposed Revenues and Expenditures for all operating and Capital funds for 2012 budget year. The proposed General Fund Budget for 2012 is in balance without using any of the 2012 Ending Cash and Investment Balance.</p> <p>Tonight is the second Public Hearing for the 2012 Preliminary Budget. The budget is scheduled to be adopted at the regular December 15, 2011 Council Meeting.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: Finance Committee reviewed the 2012 Preliminary Budget Document at their November 17, 2011 meeting and had no recommended changes			
RECOMMENDED ACTION: Public Hearing.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
December 1, 2011			

City of Black Diamond

2012 Preliminary Budget



Railroad Avenue project completed 2010

January 1, 2012 through December 31, 2012

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Mayor Olness and Black Diamond City Council 2011



BILL SAAS LEIH MULVIHILL MAYOR REBECCA OLNESS BILL BOSTON KRISTINE HANSON CRAIG GOODWIN

November, 2011

Dear Honorable Black Diamond City Council Members and Citizens:

With the many challenges the City has faced over the past few years due to the economy, I am pleased to present you with a balanced budget for 2012. We have preserved essential core services without using any General Fund balance. We have approximately \$121,000 unspent funds remaining in the 2011 budget which will be added to the General Fund balance for a total of \$457,333. Any additional savings or unspent revenue will be put into the Reserve Fund barring any emergencies.

The final 2012 Budget has expected General Fund revenue of \$4,998,082, which is a decrease of \$43,879. This reduction is primarily due to the completion of some of the developer-funded Master Planned Development Environmental Impact Statement reimbursements but also includes reduced revenue due to decreases in utility taxes, state sales tax assistance to cities and parking fees. This revenue decrease was partially offset by a 1% increase in property tax revenue as well as a \$2,000 increase in sales tax revenue above expected 2011 collections. General Fund expenditures were first projected with all vacant positions filled and with union and non-union COLA and step increases, as well as the elimination of all furlough days. This resulted in an out-of-balance amount of \$361,578. Significant reductions were achieved by continuing to freeze the vacant City Administrator position as well as the two vacant police positions. The part-time court clerk position was cut from .75 to .50. There will be no non-union COLAs; and furlough days have been reduced from five to four days (July 5; August 31; December 24; December 31, 2012) for all employees except police and utility workers. After further review, all departments were able to reduce their budgets by an additional \$66,500 resulting in a General Fund expenditure of \$4,998,082.

Increases to General Fund expenditures include a 3% cost of living adjustment (COLA) for commissioned police officers per the agreement between the Police Guild and the City. Our contract with Fire District #44 calls for a 3.2% increase in 2012. The impact to the 2012 budget is an increase of \$26,235 for police and \$14,195 for fire. The Community Development budget has also increased by \$26,568 for code enforcement, plan check and building inspection professional services according to the ILA we have with the City of Covington. Inspection and Plan Check revenue is budgeted to cover this increase. The City's liability insurance increased by 12% (\$13,411) totaling \$111,766. In 2012, election costs will increase by approximately \$5,100.

Black Diamond operates three utilities: Water, Wastewater (sewer) and Stormwater, each with its own budget. At Council request, the Funding Agreement reimbursement to the three utility departments has been restored to 100%, resulting in an increase to each fund for staff overtime, training and professional services. Only capital expenditures adopted in the Capital Improvement Plan are included for these utilities. In 2011, the water meter replacement program and the first phase of the Department of Ecology Stormwater Grant were completed. There will be no utility rate increases in 2012.

In addition to the three utilities, the Public Works Department also manages City streets. The 2012 budget includes projects from the adopted 2012-2017 Capital Improvement Plan, including engineering for the Rock Creek Bridge; elevation of Abrahms Avenue; Ginder Creek land acquisition; trail projects; and replacing one police and two fire vehicles. The City was fortunate to receive several grants in 2011 which helped fund preliminary work on the Shoreline Master Plan; Roberts Drive sidewalk (phase 1) including the rain garden; 288th Street paving; Boat Launch improvements; Lawson/Newcastle intersection; and police station remodel.

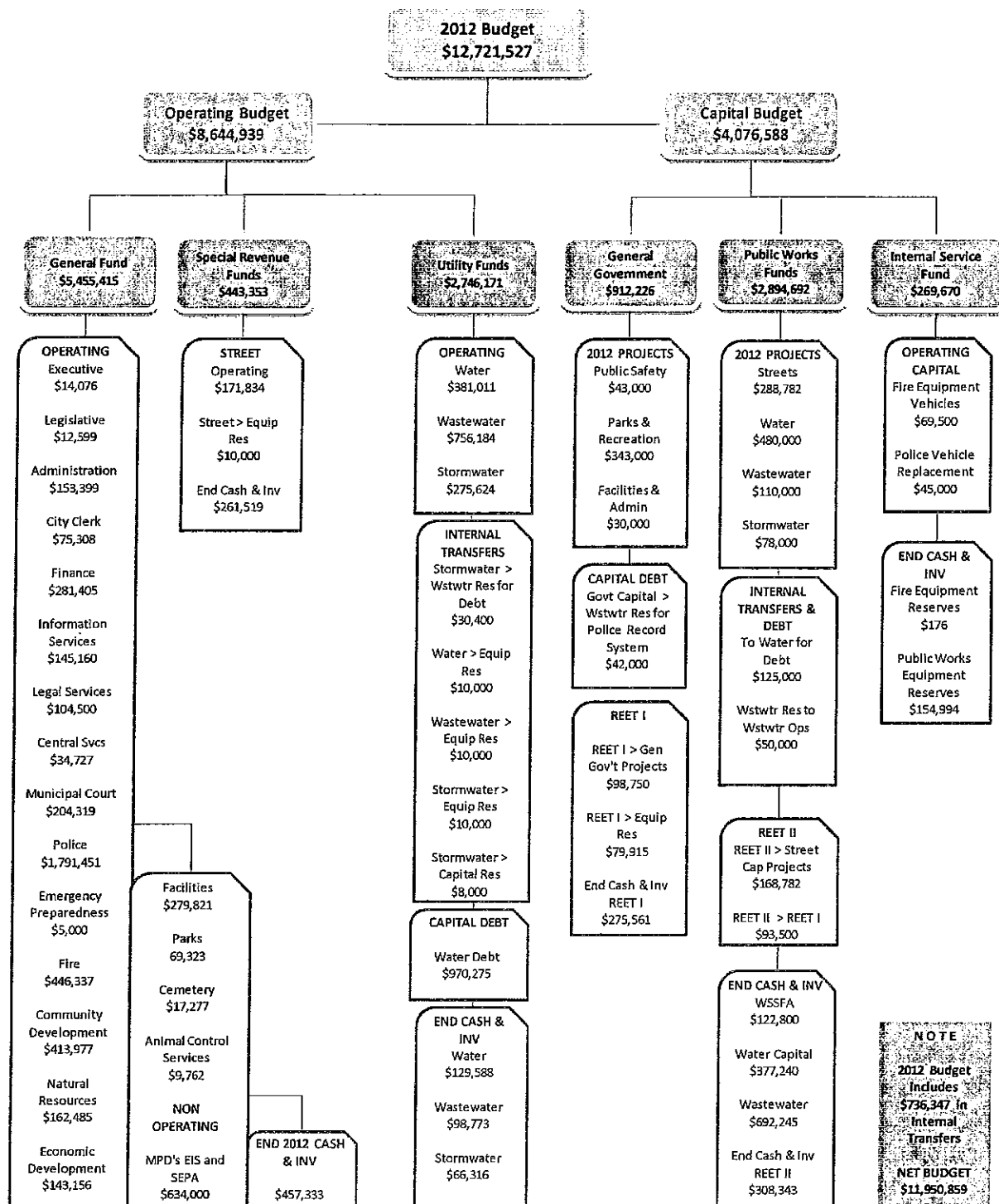
We know that Governor Gregoire recently announced the State is facing a two-billion dollar budget deficit in 2012. As the State meets and resolves this deficit, we will keep you informed of any potential financial impacts to the City of Black Diamond.

I want to take this opportunity to thank staff for their assistance in providing this balanced budget. It was not an easy task. Their continued hard work and the support of Council and citizens is greatly appreciated.



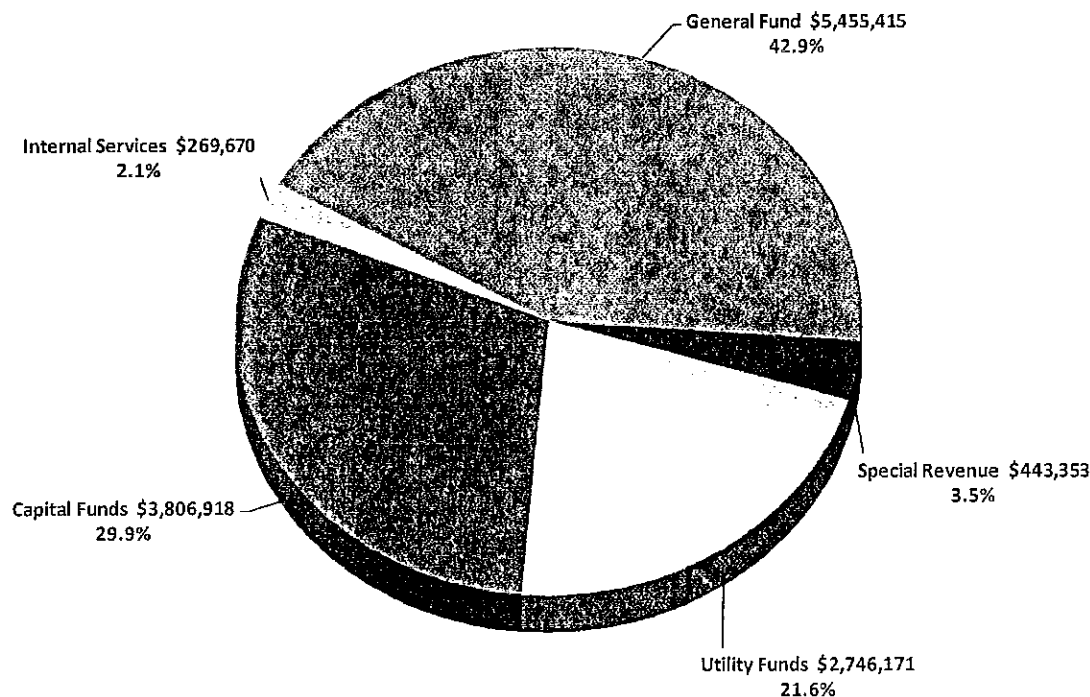
Rebecca Olness, Mayor
City of Black Diamond

2012 Operating and Capital Preliminary Budget

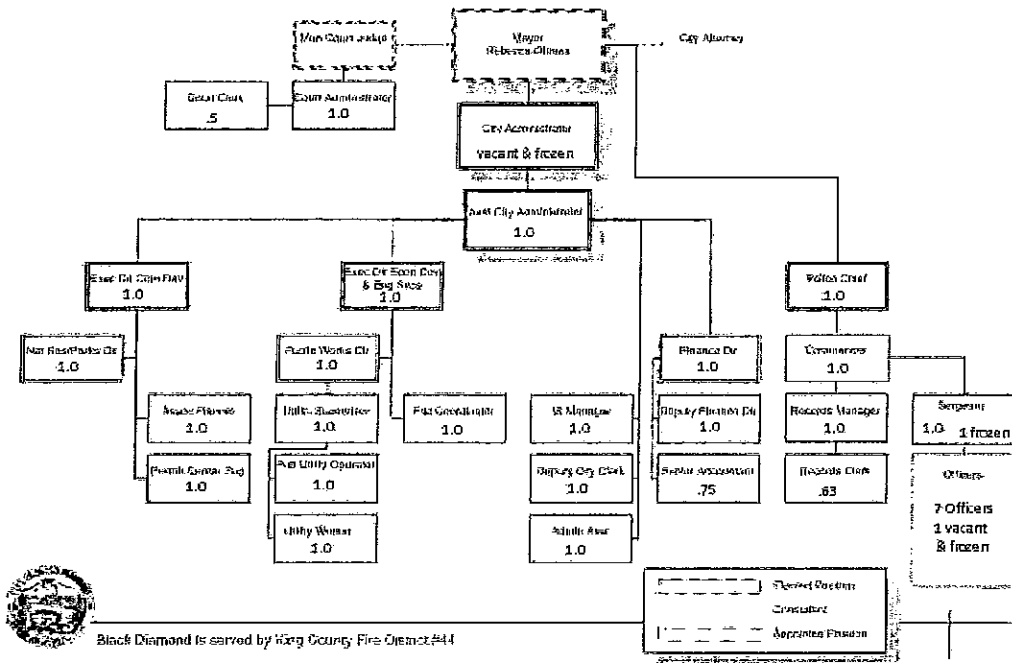


All Funds 2012 Preliminary Budget Summary - Combined Operating Statement

	Beginning Fund Balance	2012 Revenue	Total Sources	2012 Expend- itures	Ending Fund Balance	Total Uses
General Fund 001	457,333	4,998,082	5,455,415	4,998,082	457,333	5,455,415
Special Revenue Fund						
101 Street Fund	310,627	132,726	443,353	181,834	261,519	443,353
Utility Funds						
401 Water Fund	151,202	1,339,672	1,490,874	1,361,286	129,588	1,490,874
407 Wastewater Fund	105,500	759,457	864,957	766,184	98,773	864,957
410 Stormwater Fund	62,934	327,406	390,340	324,024	66,316	390,340
Capital Funds						
310 General Government CIP fund	-	458,000	458,000	458,000	-	458,000
320 Street CIP Fund	-	288,782	288,782	288,782	-	288,782
402 Water Supply and Facility Fund	122,800	300,000	422,800	300,000	122,800	422,800
404 Water Capital Fund	486,240	196,000	682,240	305,000	377,240	682,240
408 Wastewater Capital Fund	723,545	128,700	852,245	160,000	692,245	852,245
410 Stormwater Capital Fund		78,000	78,000	78,000		78,000
104 REET Fund - General Govt	321,026	133,200	454,226	178,665	275,561	454,226
105 REET Fund - Street Projects	530,125	40,500	570,625	262,282	308,343	570,625
Internal Service Fund 510						
1 Fire Equipment Reserve Fund	34,661	35,015	69,676	69,500	176	69,676
2 Street Equipment Reserve Fund	114,694	40,300	154,994		154,994	154,994
3 Police Equipment Reserve Fund		45,000	45,000	45,000		45,000
Grand Total All Funds	3,420,687	9,300,840	12,721,527	9,776,639	2,944,888	12,721,527



City of Black Diamond Departmental Organization (Personnel)



NOTE:

Employee change from 2011 Amended Budget: -.25 FTE Court Clerk (from 75% to 50%)

One Sergeant promoted to Commander in the Police Department

Black Diamond Preliminary Budget | 2012

2012 Employee Allocations by Funding Source								
Positions	Full Time Equivalent (FTE)	Funding Agreement	General Fund	Street Fund	Water Fund	Waste water Fund	Storm water Fund	
Municipal Court								
Court Administrator	1.00		1.00					
Court Clerk	0.50		0.50					
Total Court	1.50		1.50					
Administration								
City Administrator, (Frozen & Unfunded)	1.00							
City Clerk/Asst City Administrator	1.00	1.00						
Admin Assistant I	1.00		0.10		0.3	0.3	0.3	
Total Administration	3.00	1.00	0.1		0.3	0.3	0.3	
City Clerk								
Deputy City Clerk	1.00		0.60	0.04	0.12	0.12	0.12	
Total City Clerk	1.00		0.6	0.0	0.1	0.1	0.1	
Finance Department								
Finance Director	1.00	1.00						
Deputy Finance Director	1.00	1.00						
Senior Accountant	0.75		0.45	0.03	0.09	0.09	0.09	
Total Finance	2.75	2.00	0.45	0.03	0.09	0.09	0.09	
Information Services								
Information Services Manager	1.00	1.00						
Total Information Services	1.00	1.00						
Police Department								
Police Chief	1.00		1.00					
Police Commander	1.00		1.00					
Sergeant (1 Frozen & Unfunded)	2.00		1.00					
Police Officer (1 Frozen & Unfunded)	8.00		7.00					
Police Records Coordinator	1.00		1.00					
Police Clerk	0.63		0.63					
Total Police Department	13.63		11.63					
Community Development								
Community Development Director	1.00	1.00						
Associate Planner	1.00	1.00						
Permit Technician Supervisor	1.00	1.00						
Total Community Development	3.00	3.00						
Economic Development								
Economic Development Director	1.00	1.00						
Total Economic Development	1.00	1.00						
Facilities Department								
Facilities Equipment Coordinator	1.00	1.00						
Total Facilities	1.00	1.00						
Stewardship								
Stewardship Director	1.00	1.00						
Total Stewardship	1.00	1.00						
Public Works								
Public Works Director - Funding	1.00		0.10	0.15	0.25	0.25	0.25	
Admin Assistant III- Funding	1.00			0.25	0.25	0.25	0.25	
Total Funding		2.00	-0.10	-0.4	-0.5	-0.5	-0.5	
Utilities Supervisor	1.00		0.10	0.15	0.25	0.25	0.25	
Utility Worker	1.00		0.10	0.15	0.25	0.25	0.25	
Utilities Operator	1.00		0.10	0.15	0.25	0.25	0.25	
Seasonal Help for Parks	0.42		0.04	0.06	0.10	0.10	0.10	
Total Public Works	5.42	2.00	0.34	0.51	0.85	0.85	0.85	
Grand Total Budget Positions (FTE's)	34.30	12.00	14.62	0.53	1.36	1.36	1.36	
Less Frozen and Unfunded	-3.0							
Actual Funded Positions (FTE's)	31.30							

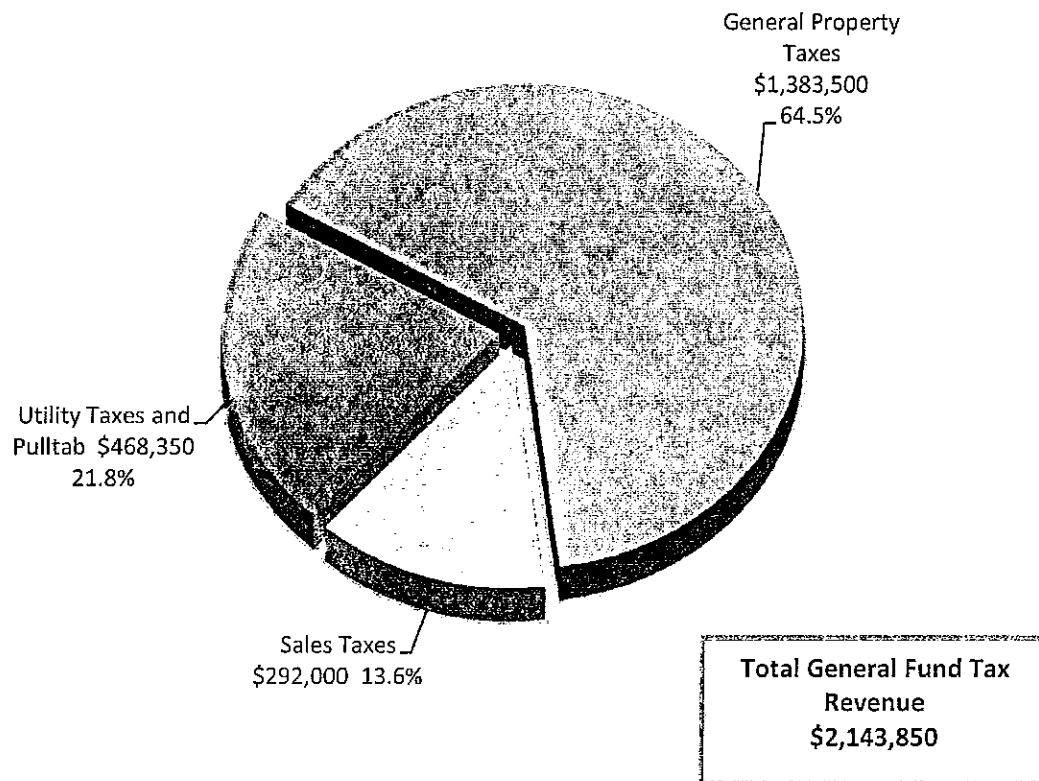
GENERAL FUND

2012 General Fund Preliminary Budget Summary - Revenue				
	2011 Amended Budget	2012 Preliminary Budget	2011 & 2012 Budget Difference	Budget Change %
1 REVENUE				
2 Property Taxes	1,369,803	1,383,500	13,697	1.0%
3 Sales Tax	270,000	292,000	22,000	8.1%
4 Utility Taxes	478,336	464,850	(13,486)	-2.8%
5 Gambling/B&O Taxes	4,500	3,500	(1,000)	-22.2%
6 Subtotal Taxes	2,122,639	2,143,850	21,211	1.0%
7 Business Licenses & Permits	25,600	24,320	(1,280)	-5.0%
8 Cable Franchise Fees	55,500	57,200	1,700	3.1%
9 Subtotal Licenses & Fees	81,100	81,520	420	0.5%
10 Land Use and Permitting Fees	66,000	72,050	6,050	9.2%
11 Liquor Tax & Profits	51,806	51,600	(206)	-0.4%
12 KC Ems Levy	53,511	53,511	0	0.0%
13 State Assistance	51,865	39,000	(12,865)	-24.8%
14 Recycle & Miscellaneous Grants	19,002	19,000	(2)	0.0%
15 Subtotal Intergovernmental Revenue	176,184	163,111	(13,073)	-6.6%
16 Police Traffic School	20,000	20,000	0	0.0%
17 Police Grants & Other Police Revenue	57,673	57,420	(253)	-0.4%
18 Police Criminal Justice Revenue	91,250	90,000	(1,250)	-1.4%
19 Lake Sawyer Parking Fees	16,000	12,000	(4,000)	-25.0%
20 Passports, Cemetery & Miscellaneous Charges	28,046	38,550	10,504	37.5%
21 Internal Service Non-Funding Allocation	107,533	107,533	0	0.0%
22 Subtotal Charges for Service	320,502	325,503	5,001	1.6%
23 Court Fines and Fees	135,000	135,900	900	0.7%
24 Miscellaneous Revenue and Transfers in	6,700	3,030	(3,670)	-54.8%
25 Total Operating Revenue (non-partner)	2,908,125	2,924,964	16,839	0.6%
26 Funding Agreement - Staffing & Operating	1,438,661	1,439,118	457	0.0%
27 Total Operating With YB Operating REV	4,346,786	4,364,082	17,296	0.4%
28 FA Legal, One-time-only, Master Plan Dev, EIS & Ann	695,175	634,000	(61,175)	-8.8%
29 Total Operating and Other GF Revenue	5,041,961	4,998,082	(43,879)	-0.9%
30 Beginning Fund Balance-Deposit	163,790	255,590	91,800	56.0%
31 Beginning Fund Balance	178,560	201,743	23,183	13.0%
32 Total Beginning Fund Balance	342,350	457,333	114,983	33.6%
33 Total General Fund Sources	5,384,311	5,455,415	71,104	1.3%
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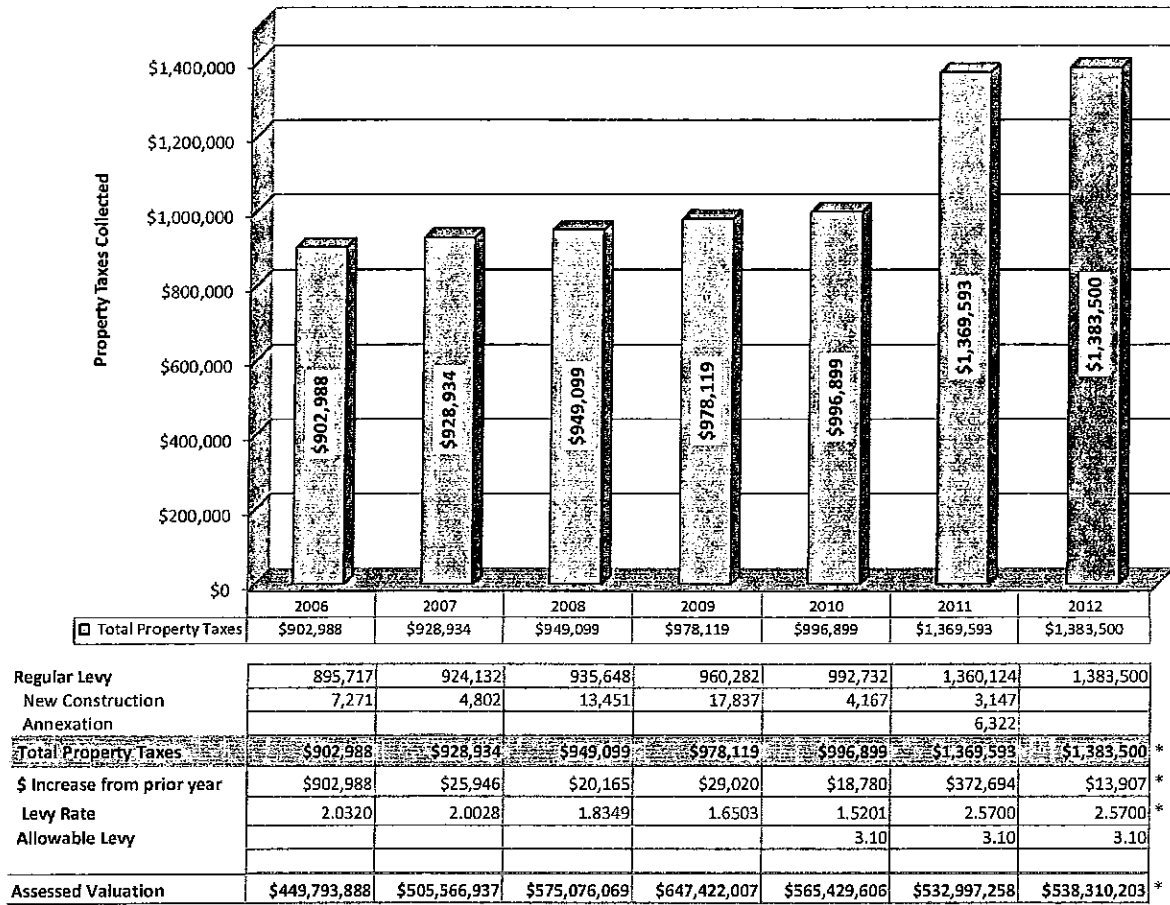
2012 General Fund Preliminary Budget Summary - Expenditures				
	2011 Amended Budget	2012 Preliminary Budget	2011 & 2012 Budget Difference	Budget Change %
1 EXPENDITURES by Department				
2 Executive-Mayor	14,330	14,076	(254)	-1.8%
3 Legislative-Council	12,603	12,599	(4)	0.0%
4 Administration	150,954	153,399	2,445	1.6%
5 City Clerk	68,596	75,308	6,712	9.8%
6 Finance	280,962	281,405	443	0.2%
7 Information Services	142,332	145,160	2,828	2.0%
8 Facilities	98,718	99,821	1,103	1.1%
9 Facilities-Operating Costs (FA Reimb)	180,000	180,000	0	0.0%
10 Legal	104,000	104,500	500	0.5%
11 Municipal Court	229,887	204,319	(25,568)	-11.1%
12 Police Department	1,765,216	1,791,451	26,235	1.5%
13 Emergency Management	5,000	5,000	0	0.0%
14 Fire Department	432,142	446,337	14,195	3.3%
15 Animal Control	16,025	9,762	(6,263)	-39.1%
16 Community Development	387,469	413,977	26,508	6.8%
17 Natural Resources	159,144	162,485	3,341	2.1%
18 Economic Development	142,316	143,156	840	0.6%
19 Parks	72,428	69,323	(3,105)	-4.3%
20 Cemetery	17,445	17,277	(168)	-1.0%
21 Central Services	38,974	34,727	(4,247)	-10.9%
22 Total Operating Expenses	4,318,541	4,364,082	45,541	1.1%
23 Other Exp - MPD & Developer Agreement	730,175	634,000	(96,175)	-13.2%
24 Total Expenditures	5,048,716	4,998,082	(50,634)	-1.0%
25 Ending Fund Balance	171,805	201,743	29,938	17.4%
26 Ending Fund Balance - Partners	163,790	255,590	91,800	56.0%
27 Total Ending Fund Balance	335,595	457,333	121,738	36.3%
28 Total General Fund Uses	5,384,311	5,455,415	71,104	1.3%

General Fund Revenue

Tax Revenue - General Fund		2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
1	General Property Taxes	998,553	1,369,803	716,696	1,383,500	13,697	1.0%
2	Sales Taxes	265,177	270,000	193,997	292,000	22,000	8.1%
3	B & O Tax	2,500					
4	Solid Waste Tax	29,519	30,000	19,081	28,500	(1,500)	-5.0%
5	Cable TV Utility Tax	11,188	11,000	7,650	11,200	200	1.8%
6	Telephone Tax	144,313	138,000	87,860	126,000	(12,000)	-8.7%
7	Gas Utility Tax	1,175	2,100	493	750	(1,350)	-64.3%
8	Electrical Tax	203,693	210,000	167,259	215,000	5,000	2.4%
9	Water Utility Tax	24,333	28,236	17,798	27,000	(1,236)	-4.4%
10	Stormwater Utility Tax	14,239	16,500	10,930	16,500		0%
11	Wastewater Utility Tax	35,941	42,500	24,753	39,900	(2,600)	-6.1%
12	Pull Tabs and Punch Board Tax	4,522	4,500	2,649	3,500	(1,000)	-22.2%
13	Total General Fund Taxes	1,735,153	2,122,639	1,249,166	2,143,850	21,211	1.0%



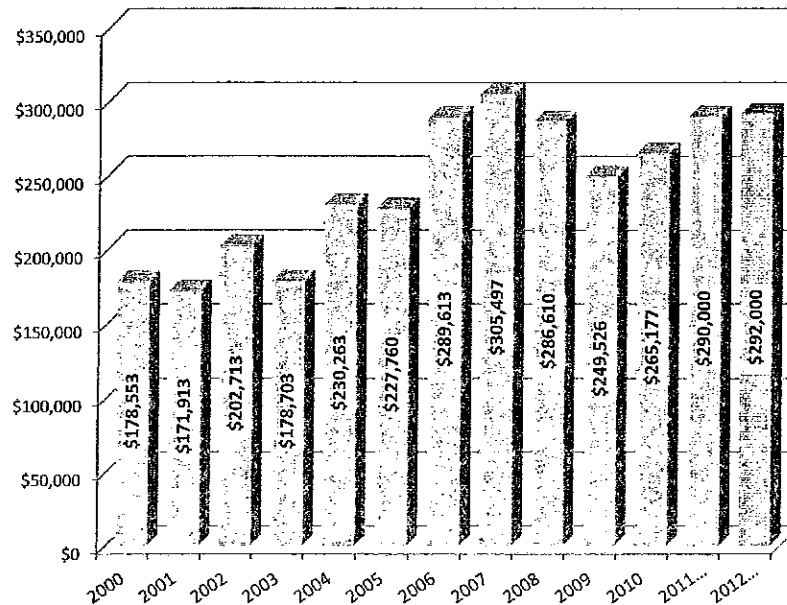
Property Tax Collection History and 2012 Budget



NOTE: 2011 increase in taxes is due to a voted levy for Public Safety in 2010

* Preliminary KC #'s

Sales Tax Collection History and 2012 Budget



Black Diamond Preliminary Budget | 2012

Business License and Cable Franchise Fee Revenue - General Fund							
	2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
14 Business License	25,845	25,600	23,140	24,320	(1,280)	-5.0%	
15 Cable Franchise Fees	54,976	55,500	42,555	57,200	1,700	3.1%	
16 Total Gen Fund Bus. Lic & Cable Fee Rev.	80,821	81,100	65,695	81,520	420	0.5%	
Intergovernmental Revenue (non-police) - General Fund							
	2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
17 Sales Tax Assistance from State	73,172	51,865	18,282	39,000	(12,865)	-24.8%	
18 Recycle Grants, King County and State	19,037	19,002	19,002	19,000	(2)	0.0%	
19 Liquor Excise Tax	20,720	20,866	15,270	19,800	(1,066)	-5.1%	
20 Liquor Board Profits	33,448	30,940	16,254	31,800	860	2.8%	
21 KC EMS VLS Contract	52,838	53,511	53,115	53,512	1	0%	
22 Animal Control (one time refund)			4,656				
23 Total Intergovernmental Revenue (non-police)	199,214	176,184	126,579	163,112	(13,073)	-7.4%	
Charges for Services (non-police) - General Fund							
	2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
24 Misc Charges for Services	773	350	2,063	1,500	1,150	328.6%	
25 Passport Fee	8,025	5,000	3,200	5,000		0%	
26 Other Fees for Service	24,540	18,046	32,498	26,000	7,954	44.1%	
27 Lake Sawyer Parking Fee	14,499	16,000	9,587	12,000	(4,000)	-25.0%	
28 Cemetery Revenue	7,475	4,650	2,650	6,050	1,400	30.1%	
29 Central Service & GF Allocations	94,619	107,533	71,664	107,463	(70)	-0.1%	
30 Total Charges for Service (non-police)	149,931	151,579	121,662	158,013	6,434	4.2%	
Municipal Court Revenue - General Fund							
	2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
31 Court Mand. Insurance Costs	3,787	4,500	3,150	4,850	350	7.8%	
32 Court Traffic Infractions	62,958	65,000	46,862	72,000	7,000	10.8%	
33 Court Other Non Traffic Infr.	759	800	354	800		0%	
34 Court Parking Fines	2,085	2,500	1,132	2,000	(500)	-20.0%	
35 Court DUI Fines	4,421	3,000	1,198	2,200	(800)	-26.7%	
36 Court Criminal Traffic Misd.	11,076	12,000	3,804	7,800	(4,200)	-35.0%	
37 Nontraffic Fees and Infractions	5,302	6,000	1,512	2,800	(3,200)	-53.3%	
38 Administration/Correction Fees	38,228	30,600	23,082	34,000	3,400	11.1%	
39 Court Interest and Miscellaneous Fees	8,638	10,600	6,564	9,450	(1,150)	-10.8%	
40 Total Municipal Court Revenue	137,255	135,000	87,658	135,900	900	0.7%	
Miscellaneous Revenue & Transfers Revenue							
	2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
41 LGIP Investment and Misc. Interest	1,514	1,700	805	1,100	(600)	-35.3%	
42 Surplus GF Equipment	20	1,500	1,398	1,500		0%	
43 Misc Revenue	2,607	3,500	855	500	(3,000)	-85.7%	
44 Total Miscellaneous Revenue	4,141	6,700	3,058	3,100	(3,600)	-53.7%	
45 Transfer in from Criminal Justice Fund	102,000						
46 Total Transfers	102,000						

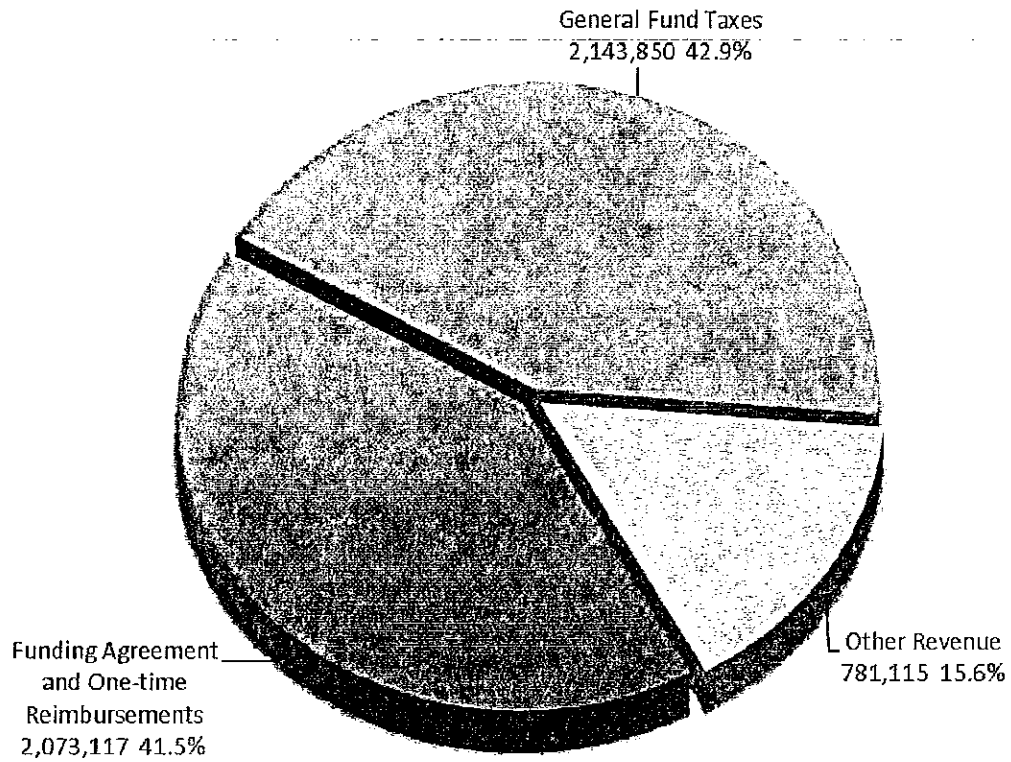
Black Diamond Preliminary Budget | 2012

Police Revenue - General Fund		2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
47	Police Intergovernmental Revenue						
48	Marine Grant-USCG 97-012/Wa Parks	29,597	25,353		15,000	(10,353)	-40.8%
49	WTSC- X52 Speeding	2,222	1,000		1,000		0%
50	WASPC Traffic Safety Equip-Radar	2,197	1,800	1,000	1,000	(800)	-44.4%
51	WTSC- X52DUI/DHGN	1,737	3,300	619	3,500	200	6.1%
52	WTSC- Nighttime Seat Belt Enforce	729		523			
53	Police CETED ST EQ Grant	9,218	3,000		3,000		0%
54	Police DUI Emphasis Grant			298			
55	Vessel Registration Boat Safety	17,051	10,520	10,520	10,520		0%
56	Vessel Reg. Boat Safety Carryover				10,500	10,500	100%
57	Total Police Intergovernmental Revenue	62,751	44,973	12,960	44,520	(453)	-1.0%
58	Police Charges for Service						
59	Police Traffic School Fee	15,830	20,000	9,200	20,000		0%
60	Police Overtime Reimb	650		638	1,300	1,300	100%
61	Police Traffic Reimb	375		525	500	500	100%
62	Police Records and Services	140		170	300	300	100%
63	Police-DUI Cost Recovery	7,167	8,500	3,806	6,500	(2,000)	-23.5%
64	DRE-Drug Recognition Expert Services	552		375	800	800	100%
65	Electronic Home Monitoring	1,460	2,500	100	1,000	(1,500)	-60.0%
66	Work Crew Screening and per Day State Fee		500	190	700	200	40.0%
67	Total Police Charges for Service	26,174	31,500	15,003	31,100	(400)	-1.3%
68	Police Confiscated, Donation, DARE, etc						
69	Donation for Marine	100		500	500	500	100%
70	Gun Permits and Fingerprinting	1,309	1,200	1,020	1,300	100	8.3%
71	DARE Donations from Private Sources		950	500	1,000	50	5.3%
72	K-9 Donation		250	1,815	2,000	1,750	700%
73	Dare Grant-Walmart		150			(150)	-100%
74	Unclaimed/ Found Property			250			
75	Confiscated and Forfeited Property		1,000			(1,000)	-100%
76	Total Police Confiscated, Donated Revenue	1,409	3,550	4,085	4,800	1,250	35.2%
77	Police Criminal Justice Revenue						
78	Local Criminal Justice Funds		83,000	56,007	82,000	(1,000)	-1.2%
79	Criminal Justice - Violent Crimes/Population		1,000	750	1,000		0%
80	Criminal Justice Dcd 1		800	678	800		0%
81	Criminal Justice - Special Programs		3,500	2,622	3,200	(300)	-8.6%
82	DUI and Other Criminal Justice Assistance		600			(600)	-100.0%
83	Total Criminal Justice Revenue		88,900	60,057	87,000	(1,900)	-2.1%
84	Total Police General Fund Revenue	90,334	168,923	92,105	167,420	(1,503)	-0.9%

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Community Development Revenue - General Fund							2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
85	Permitting Revenue												
86	Building Permit Fees		20,031	25,000	22,251	25,000						0%	
87	Grading & Clearing Permits			500	743	1,000	500				100%		
88	Mechanic Permits		1,456	1,500	2,152	2,600	1,100				73.3%		
89	Plumbing Permits		814	1,000	1,198	1,300	300				30.0%		
90	Demolition Permits		120	400	360	500	100				25.0%		
91	Sprinkle/Alarm, Firework Permit		558	300	300	200	(100)				-33.3%		
92	Sign Permits		640	800	301	600	(200)				-25.0%		
93	Total Permitting Revenue		23,618	29,500	27,305	31,200	1,700				5.8%		
94	Land Use Fees												
95	TDR Application/Credit			500		750	250				50.0%		
96	Various Land Use Fees		3,793	2,000	98,050	7,500	5,500				275.0%		
97	Lot Line Adjustments/Plats			2,000		600	(1,400)				-70.0%		
98	Various Shoreline Fees		1,350	2,750	200	500	(2,250)				-81.8%		
99	SEPA Fees and Appeals		1,991		2,000	3,000	3,000				100%		
100	Total Land Use Fees		7,135	7,250	100,250	12,350	5,100				70.3%		
101	Plan Check Fees												
102	Plan Check Review Fees		14,509	20,000	12,640	20,000					0%		
103	Fire Plan Check Fees		767	750	421	500	(250)				-33.3%		
104	Total Plan Check Fees		15,276	20,750	13,061	20,500	(250)				-1.2%		
105	Other Community Dev. Revenue												
106	King County Rec. fees & code fines, etc.		45		252	300	300				100%		
107	Copying Services		534	500	457	700	200				40.0%		
108	Community Development Deposits		1,812	3,000	14,266	2,000	(1,000)				-33.3%		
109	Hearing Examiner Fees			5,000		5,000					0%		
110	Total Other Community Development Revenue		2,391	8,500	14,975	8,000	(500)				-5.9%		
111	Total Community Development Revenue		48,420	66,000	155,591	72,050	6,050				9.2%		
Funding Agreement Revenue - General Fund							2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
112	Partner-Funding Agreement		1,267,451	1,438,661	816,055	1,439,117	456				0.03%		
113	Funding Agreement Staff Reimbursement		82,517		104,207								
114	Total Funding Agreement Revenue		1,349,968	1,438,661	920,262	1,439,117	456				0.0%		
115	Total Operating General Fund Revenue		3,897,237	4,346,786	2,821,775	4,364,082	17,296				0.40%		
Other General Fund Revenue							2010 Actual	2011 Amended Budget	2011 Actual thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
116	MPD-Lawson Reimbursement		188,841	195,251	112,167	300,000	104,749				53.6%		
117	MPD-Villages Reimbursement		202,083	230,251	114,291	300,000	69,749				30.3%		
118	MPD/Dev Agree-Misc Reimbursements			269,673	180,377	34,000	(235,673)				-87.4%		
119	Annexation Reimbursements		665		5,734								
120	Annexations Deposit Refund				(20,000)								
121	MPD-Lawson and Villages Deposit		25,000										
122	Total MPD Revenue		416,589	695,175	392,569	634,000	(61,175)				-8.8%		
123	Reduction of EIS/SEPA Deposit		(80,000)										
124	EIS/SEPA Reimbursement		292,815										
125	EIS/Morgan Kame Reimbursement		4,179										
126	PSE Franchise Agree-Reimbursement		9,311										
127	Total EIS/SEPA and PSE Deposits and Reimb.		226,305										
128	Grand Total General Fund Revenue		4,540,131	5,041,961	3,214,344	4,998,082	(43,879)				-0.9%		

General Fund Revenue Sources

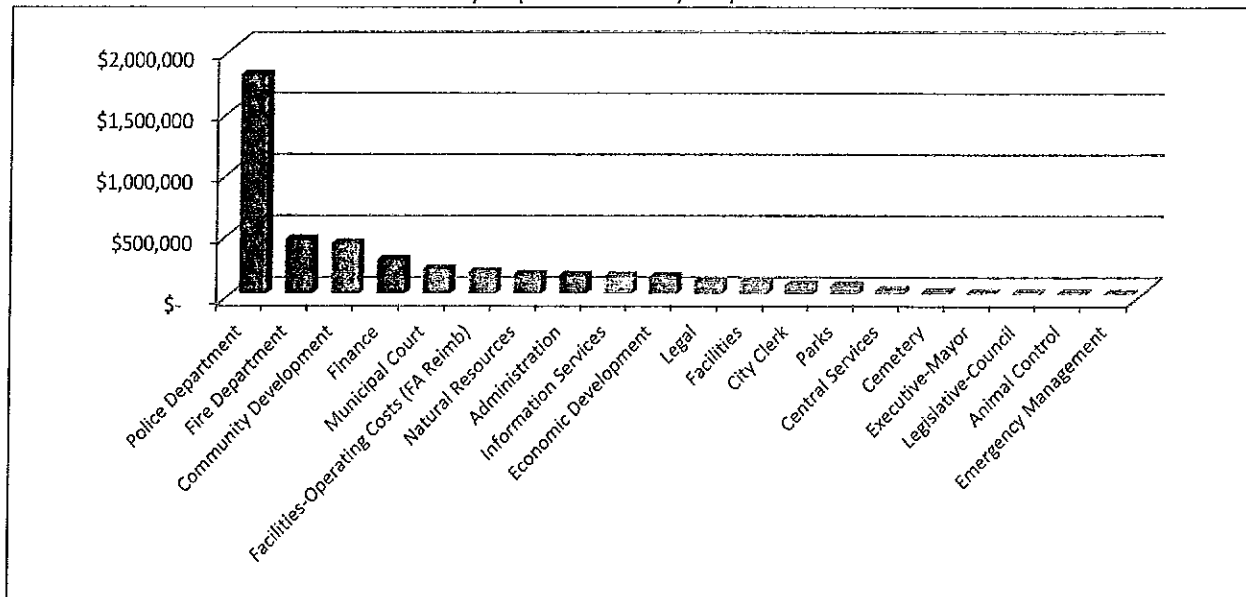


General Fund Expenditures

2012 General Fund Preliminary Budget Summary

	2011 Amended Budget	2012 Budget	2011 & 2012 Budget Difference	Budget Change %
EXPENDITURES by Department				
Executive-Mayor	14,330	14,076	(254)	-1.8%
Legislative-Council	12,603	12,599	(4)	0.0%
Administration	150,954	153,399	2,445	1.6%
City Clerk	68,596	75,308	6,712	9.8%
Finance	280,962	281,405	443	0.2%
Information Services	142,332	145,160	2,828	2.0%
Facilities	98,718	99,821	1,103	1.1%
Facilities-Operating Costs (FA Reimb)	180,000	180,000	0	0.0%
Legal	104,000	104,500	500	0.5%
Municipal Court	229,887	204,319	(25,568)	-11.1%
Police Department	1,765,216	1,791,451	26,235	1.5%
Emergency Management	5,000	5,000	0	0.0%
Fire Department	432,142	446,337	14,195	3.3%
Animal Control	16,025	9,762	(6,263)	-39.1%
Community Development	387,469	413,977	26,508	6.8%
Natural Resources	159,144	162,485	3,341	2.1%
Economic Development	142,316	143,156	840	0.6%
Parks	72,428	69,323	(3,105)	-4.3%
Cemetery	17,445	17,277	(168)	-1.0%
Central Services	38,974	34,727	(4,247)	-10.9%
Total Operating Expenses	4,318,541	4,364,082	45,541	1.1%
Other Exp - MPD & Developer Agreement	730,175	634,000	(96,175)	-13.2%
Total Expenditures	5,048,716	4,998,082	(50,634)	-1.0%
Ending Fund Balance	171,805	201,743	29,938	17.4%
Ending Fund Balance - Partners	163,790	255,590	91,800	56.0%
Total Ending Fund Balance	335,595	457,333	121,738	36.3%
Total General Fund Uses	5,384,311	5,455,415	71,104	1.3%

Yearly Expenditures by Department



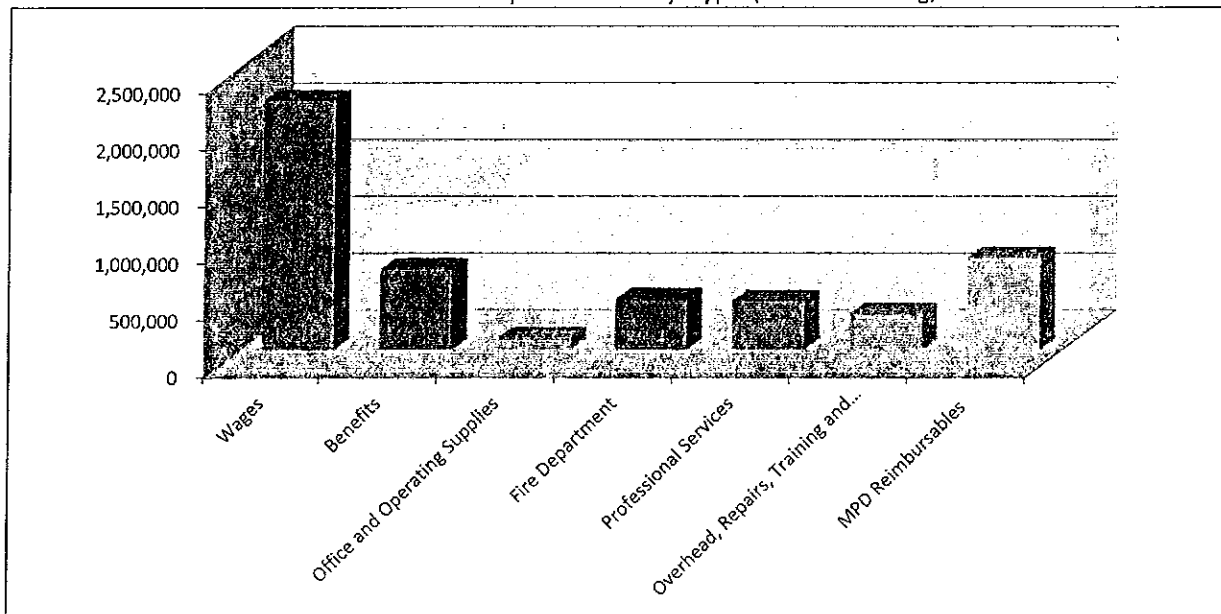
Black Diamond Preliminary Budget | 2012

General Fund Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
1	Public Safety						
2	Prosecuting Attorney	48,000	48,000	28,200	48,000	-	-
3	Municipal Court	209,134	229,887	130,504	204,319	(25,568)	-11.1%
4	Police Department	1,550,288	1,765,216	1,070,693	1,791,451	26,235	1.5%
5	Fire Department	408,774	432,142	217,416	446,337	14,195	3.3%
6	Animal Control	-	16,025	15,663	9,762	(6,263)	-39.1%
7	EMS Management	-	5,000	502	5,000	-	-
8	Total Public Safety	2,216,196	2,496,270	1,462,977	2,504,869	8,599	-45.4%
9	Maintenance of Building and Grounds						
10	Information Services	129,528	142,332	88,496	145,160	2,828	2.0%
11	Capital Facilities , Maint and Operations	248,693	278,718	179,518	279,821	1,103	0.4%
12	Parks	61,597	72,428	40,344	69,323	(3,105)	-4.3%
13	Cemetery	15,834	17,445	10,207	17,277	(168)	-1.0%
14	Central Services	33,491	38,974	24,043	34,727	(4,247)	-10.9%
15	Total Maintenance of Building and Grounds	489,143	549,897	342,608	546,308	(3,589)	-0.7%
16	Development of Community						
17	Community Development	362,751	387,469	239,521	413,977	26,508	6.8%
18	Natural Resources	156,104	159,144	110,570	162,485	3,341	2.1%
19	Economic Development	131,251	142,316	88,998	143,156	840	0.6%
20	Total Development of community	650,107	688,929	439,089	719,618	30,689	4.5%
21	Core Staff						
22	Executive - Mayor	13,404	14,330	9,140	14,076	(254)	-1.8%
23	Legislative- City Council	11,660	12,603	6,379	12,599	(4)	0.0%
24	Administration	144,741	150,954	95,756	153,399	2,445	1.6%
25	City Clerk	73,345	68,596	48,288	75,308	6,712	9.8%
26	Finance	256,561	280,962	173,860	281,405	443	0.2%
27	Legal General	61,546	56,000	38,436	56,500	500	0.9%
28	Total Core Staff	561,258	583,445	371,859	593,287	9,842	1.7%
29	Total Operating General Fund	3,916,704	4,318,541	2,616,534	4,364,082	45,541	1.1%
30	MPD Annexations and EIS	704,708	695,175	367,366	634,000	(61,175)	-8.8%
31	One-time-only expenditures (legal & misc)	3,231	35,000			(35,000)	-100.0%
32	Subtotal Funding and One-time-only	707,939	730,175	367,366	634,000	(96,175)	-13.2%
33	Total General Fund Expenditures	4,624,643	5,048,716	2,983,900	4,998,082	(50,634)	-1.0%
34	Ending Cash and Investments Reserved	163,790	163,790	163,790	255,590	91,800	56.0%
35	Ending Cash and Investments	106,221	171,805	171,805	201,743	29,938	17.4%
36	Total Ending C&I Balance	270,011	335,595	335,595	457,333	121,738	36.3%
37	Total Uses General Fund	4,894,654	5,384,311	3,319,495	5,455,415	71,104	1.3%

Black Diamond Preliminary Budget | 2012

General Fund NET Operating Summary		2012 Preliminary Budget	Less Funding Agreement	NET Expenditures
1	Public Safety			
2	Utilities and Other Building Costs	48,000		48,000
3	Municipal Court	204,319		204,319
4	Police Department	1,791,451		1,791,451
5	Fire Department	446,337		446,337
6	Animal Control	9,762		9,762
7	EMS Management	5,000		5,000
8	Total Public Safety	2,504,869		2,504,869
9	Maintenance of Building and Grounds			
10	Information Services	145,160	(136,001)	9,159
11	Capital Facilities , Maint and Operations	279,821	(271,161)	8,660
12	Parks	69,323	(13,976)	55,347
13	Cemetery	17,277	(285)	16,992
14	Central Services	34,727		34,727
15	Total Maintenance of Building and Grounds	546,308	(421,423)	124,885
16	Development of Community			
17	Community Development	413,977	(351,619)	62,358
18	Natural Resources	162,485	(139,413)	23,072
19	Economic Development	143,156	(135,857)	7,299
20	Total Development of community	719,618	(626,889)	92,729
21	Core Staff			
22	Executive - Mayor	14,076		14,076
23	Legislative- City Council	12,599		12,599
24	Administration	153,399	(147,816)	5,583
25	City Clerk	75,308		75,308
26	Finance	281,405	(242,990)	38,415
27	Legal General	56,500		56,500
28	Total Core Staff	593,287	(390,806)	202,481
29	Total Operating General Fund	4,364,082	(1,439,118)	2,924,964

General Fund Expenditures by Type (includes funding)



Black Diamond Preliminary Budget | 2012

Legislative Department Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
1	Council Wages (4 Council & Mayor Pro Tem)	10,080	10,080	5,040	10,080		0%
2	Benefits (Social Sec, L&I)	818	823	406	819	(4)	-0.5%
3	Lodging, Meals And Mileage	467	600	133	600		0%
4	Training And Workshops	200	1,000	800	1,000		0%
5	Miscellaneous	94	100		100		0%
6	Legislative Total	11,660	12,603	6,379	12,599	(4)	-0.03%

Municipal Court Department Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
7	Municipal Court Wages (Supervisor & .5 Clerk)	91,468	105,924	67,071	96,913	(9,011)	-8.5%
8	Furlough (2011-5day, 2012-4 day)		(2,251)		(1,635)	616	-27.4%
9	Benefits (soc sec, retirement, medical ins, etc)	18,968	23,704	14,654	17,953	(5,751)	-24.3%
10	Operating Supplies	1,870	2,000	644	2,000		0%
11	Court Judge	43,200	36,000	21,000	36,000		0%
12	Protem Judge	1,614	1,800	390	800	(1,000)	-55.6%
13	Court-Public Defender	17,028	23,000	6,750	18,000	(5,000)	-21.7%
14	Court Interpreter	3,279	4,000	1,340	3,000	(1,000)	-25.0%
15	Prof Service/Jury List		500	597	500		0%
16	Telephone/DSL	3,479	3,500	2,142	3,500		0%
17	Postage	2,015	1,500	1,063	1,500		0%
18	Lodging, Meals & Mileage	402	150	411	400	250	166.7%
19	Insurance	1,990	2,060		2,688	628	30.5%
20	Copier Maintenance		250			(250)	-100%
21	Witness/Jury Fees		1,500		750	(750)	-50.0%
22	Training	150	350	200	350		0%
23	Printing and Binding	2,286	3,500	589	2,500	(1,000)	-28.6%
24	Memberships	415	450	337	450		0%
25	Shredding Services	274	450	166	450		0%
26	Police Security O/T	18,269	18,000	11,533	15,000	(3,000)	-16.7%
27	Security	241	1,200	140	700	(500)	-41.7%
28	Merchant Credit Card Fees	1,911	2,000	1,412	2,200	200	10.0%
29	Banking Fees and Miscellaneous Juror Costs	276	300	63	300		0%
30	Municipal Court Total	209,134	229,887	130,504	204,319	(25,568)	-11.1%

Executive Department Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
31	Mayor Wages	12,000	12,000	8,000	12,000		0%
32	Benefits (soc sec, retirement, medical ins, etc)	970	980	648	976	(8)	-0.8%
33	Operating Supplies	56	100		100		0%
34	Lodging, Meals & Mileage	43	500	287	450	(50)	-10.0%
35	Miscellaneous		50		50		0%
36	Training & Workshop & Dues	335	700	205	500	(200)	-28.6%
37	Executive Department Total	13,404	14,330	9,140	14,076	(254)	-1.8%

City Administration Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
38	City Administration Wages (Asst City Admin.)	107,616	113,400	74,152	113,400		0%
39	Furlough (2011-5day, 2012-4 day)		(2,405)		(1,923)	482	-20.0%
40	Benefits (soc sec, retirement, medical ins, etc)	32,847	32,764	21,604	36,340	3,429	10.5%
41	Office And Operating Supplies	24	100			(100)	-100%

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City Administration Expenditures, cont.		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
42	Professional Services	1,500					
43	Telephone and Postage	6	100			(100)	-100%
44	Lodging, Meals & Mileage		600		600		0%
45	Training, Dues and Memberships		3,500		1,750	(1,750)	-50.0%
46	Insurance	2,749	2,845		3,232	387	13.6%
47	Miscellaneous		50			(50)	-100%
48	City Administration Department Total	144,741	150,954	95,756	153,399	2,445	1.6%

City Clerk Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
49	City Clerk Wages (1 Dep Clerk > 60% to GF)*	32,242	36,192	23,664	36,192		0%
50	Furlough (2011-5day, 2012-4 day)		(810)		(648)	162	-20.0%
51	Benefits (soc sec, retirement, medical ins, etc)	15,631	16,123	10,720	18,256	2,133	13.2%
52	Elections Costs	5,060			5,100	5,100	100%
53	Special Election Costs	7,614					
54	Voter Registration Costs	5,389	6,450	6,450	6,500	50	0.8%
55	Office Supplies	237	250	175	200	(50)	-20.0%
56	Code Update	5,000	5,500	4,592	5,500		0%
57	Lodging, Meals & Mileage		1,800	980	1,200	(600)	-33.3%
58	Advertising	1,200	1,000	322	700	(300)	-30.0%
59	Insurance	573	592		708	116	19.6%
60	Workshops/training	125	1,100	1,000	1,200	100	9.1%
61	Memberships	275	400	385	400		0%
62	City Clerk Department Total	73,345	68,596	48,288	75,308	6,712	9.8%

* Other 40% of wages and benefits are allocated to Utilities

Finance Department Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
64	Finance Wages (Dir, Dep Dir & 60% Sr. Acct)*	208,915	224,532	142,980	224,532		0%
65	Furlough (2011-5day, 2012-4 day)		(5,123)		(4,085)	1,038	-20.3%
66	Benefits (soc sec, retirement, medical ins, etc)	40,355	47,051	28,743	51,258	3,917	8.3%
67	Office Supplies	448	600	352	600		0%
68	State Auditor Services	764	6,250		1,100	(5,150)	-82.4%
69	Tax Audit/microflex	1,213	1,800	1,211	1,300	(500)	-27.8%
70	Lodging, Meals & Mileage	819	1,000		1,000		0%
71	Advertising	293		138	300	300	100%
72	Insurance	2,852	2,952		3,500	548	18.6%
73	Workshops and Training	645	1,500	250	1,500		0%
74	Memberships and Miscellaneous	259	400	185	400		0%
75	Finance Department Total	256,561	280,962	173,860	281,405	443	0.2%

* Sr. Accountant is a 75% FTE & allocated 40% to Utilities

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Information Technology Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
77 Information Technology Wages (I.T. Manager)	94,939	100,800	65,912	100,800		0%
78 Furlough (2011-5day, 2012-4 day)		(2,261)		(1,806)	455	-20.1%
79 Benefits (soc sec, retirement, medical ins, etc)	31,934	33,127	21,752	37,006	3,655	11.0%
80 Office supplies, small tools & minor equipment	526	550	218	300	(250)	-45.5%
81 Professional Services	330	5,000	280	4,000	(1,000)	-20.0%
82 Telephone/dsl		400	69	200	(200)	-50.0%
83 Lodging, Meals & Mileage	44	600		300	(300)	-50.0%
84 Insurance	1,441	1,491		1,710	219	14.7%
85 Repairs and Maintenance	288	500		500		0%
86 Training and Workshops		2,000	252	2,000		0%
87 Miscellaneous and Memberships	26	125	13	150	25	20.0%
88 Information Technology Total	129,528	142,332	88,496	145,160	2,828	2.0%

Legal Services Expenditures*						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
89 Legal Services-General	53,235	49,500	31,877	50,000	500	1.0%
90 Legal Services - Employment	1,661	2,000	3,282	2,000		0%
91 Prosecuting Attorney	48,000	48,000	28,200	48,000		0%
92 Legal Svcs Police Contract	2,852	3,500	1,884	3,500		0%
93 Legal-Lawsuits-Other Charges	3,798	1,000	1,394	1,000		0%
94 Legal Services Total	109,546	104,000	66,636	104,500	500	0.5%

*Legal Services are provided by prof. service contracts

Central Services Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
96 Office and Operating Supplies	4,887	6,925	3,733	5,700	(1,225)	-17.7%
97 Telephone and Postage	3,144	6,325	2,559	3,925	(2,400)	-37.9%
98 Memberships	5,767	6,600	5,516	5,875	(725)	-11.0%
99 Employee recognition and celebration	399	1,100		900	(200)	-18.2%
100 Vehicle Repairs and Maintenance	878	500		500		0%
101 Software and Copier Maintenance	3,510	4,350	4,310	4,350		0%
102 Retreat-Travel & Training		1,000		800	(200)	-20.0%
103 Advertising	1,010	1,200			(1,200)	-100.0%
104 Insurance Pooled Vehicles	2,100	2,174		977	(1,197)	-55.1%
105 Insurance Deductible	2,971	300	1,000	1,000	700	233.3%
106 C/S Fuel	157	300	2,133	3,500	3,200	1066.7%
107 CH/CD/PW Bldg Maintenance & Repair	1,920	2,000	110	1,000	(1,000)	-50.0%
108 Banking Fees	2,415	2,200	672	1,300	(900)	-40.9%
109 Merchant Card Service Fees	1,983	1,500	1,646	2,000	500	33.3%
110 Miscellaneous	353		421	600	600	100%
111 Printing Vouchers/Receipts	651	1,200	1,152	1,200		0%
112 Shredding Services	300	300			(300)	-100%
113 KC Mental Health	1,044	1,000	791	1,100	100	10.0%
114 Central Service Expenditures	33,491	38,974	24,043	34,727	(4,247)	-10.9%

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Capital Facilities Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
115	Facilities Wages (Capital Facilities Coordinator)	65,557	69,083	45,174	69,083		0%
116	Furlough (2011-5day, 2012-4 day)		(1,446)		(1,154)	292	-20.2%
117	Benefits (soc sec, retirement, medical ins, etc)	20,816	22,687	14,549	23,231	544	2.4%
118	Office, Operating Supplies and Uniforms	1,424	900	369	600	(300)	-33.3%
119	Fuel	1,791	2,600	1,083	3,500	900	34.6%
120	Small Tools and Equipment	180	400	519	550	150	37.5%
121	Insurance	967	1,444		1,611	167	11.6%
122	Vehicle Maint, Repair and Miscellaneous	1,471	2,450	978	1,800	(650)	-26.5%
123	Training		600		600		0%
124	Facilities Subtotal	92,207	98,718	62,672	99,821	1,103	1.1%
125	Funding - Maintenance						
126	Building and Land Leases	105,221	107,540	76,053	107,540		0%
127	Utilities and Other Building Costs	51,265	72,460	40,793	72,460		0%
128	Funding Maintenance Subtotal	156,486	180,000	116,846	180,000		0%
129	Capital Facilities and Funding Maint. Total	248,693	278,718	179,518	279,821	1,103	0.4%

Animal Control Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
130	Animal Control Professional Services		16,025	15,663	9,762	(6,263)	-39.1%
131	Total Animal Control Expenses		16,025	15,663	9,762	(6,263)	-39.1%

Emergency Management Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
132	Emergency Management Training			270			
133	EMS MGMT Operating Supplies		5,000	233	5,000		0%
134	Total Emergency Management Expenses		5,000	502	5,000		0%

Police Department Expenditures Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
135	Operating Expenditures	1,339,503	1,497,274	955,136	1,542,625	45,351	3.0%
136	Communications	107,985	136,980	59,014	147,425	10,445	7.6%
137	Capital Equipment	12,926	3,000	2,287	3,000		0%
138	Jail Expenditures	42,634	43,000	11,155	28,000	(15,000)	-34.9%
139	Building Costs	19,584	22,500	13,828	19,995	(2,505)	-11.1%
140	Civil Service	1,575	3,660	448	2,660	(1,000)	-27.3%
141	Marine	10,010	22,262	2,596	13,781	(8,481)	-38.1%
142	Criminal Justice	16,070	36,540	26,230	33,965	(2,575)	-7.0%
143	Police Total	1,550,288	1,765,216	1,070,693	1,791,451	26,235	1.5%

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Police Operating Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
144 Police Dept Wages	880,828	949,744	652,520	1,001,249	51,505	5.4%
145 Furlough Support Staff (2011-5day, 2012-4 day)		(1,904)		(1,523)	381	-20.0%
146 Benefits (soc sec, retirement, medical ins, etc.)	327,403	382,315	228,785	362,833	(19,482)	-5.1%
147 Overtime	38,621	45,000	26,766	40,000	(5,000)	-11.1%
148 Outside Overtime Reimb	(915)	(1,000)			1,000	-100.0%
149 Overtime - Court Reimb	(18,269)	(18,000)	(11,533)	(15,000)	3,000	-16.7%
150 Marine & K9 Overtime and Reimbursement		1,000		15,500	14,500	1450.0%
151 Police Salary and Benefit Subtotal	1,227,668	1,357,155	896,538	1,403,059	45,904	3.4%
152 Uniforms	9,609	12,350	9,789	10,200	(2,150)	-17.4%
153 Operating Supplies	5,246	9,000	1,320	5,500	(3,500)	-38.9%
154 Fuel	26,978	35,000	22,760	35,000		0%
155 Firearms Program	5,220	15,000	3,596	7,500	(7,500)	-50.0%
156 Lodging, Meals & Mileage	1,179	2,500	705	1,500	(1,000)	-40.0%
157 Training	3,094	5,000	1,773	8,283	3,283	65.7%
158 Memberships	1,034	2,900	1,185	2,000	(900)	-31.0%
159 Professional Services (KC Sheriff, leads Online)	3,931		3,536	1,428	1,428	100%
160 Towing Services	239	500	939	1,000	500	100%
161 Insurance	34,420	35,629	435	44,760	9,131	25.6%
162 Vehicle Maintenance & Repairs	17,545	18,000	10,116	18,295	295	1.6%
163 Repairs & Maint - Copier	810		286	300	300	100%
164 Lease Payments - US Bank/Copier	711	1,740	1,260	1,900	160	9.2%
165 DUI Rec Costs/Equip Purchased	196	200	150	200		0%
166 Printing	675	700	147	700		0%
167 Merchant Card Service Fees	671	700	492	700		0%
168 Miscellaneous, shredding, advertising	278	900	108	300	(600)	-66.7%
169 Police Other Operating Expenses Subtotal	111,835	140,119	58,598	139,566	(553)	-0.4%
170 Police Salaries and Operating Total	1,339,503	1,497,274	955,136	1,542,625	45,351	3.0%
Police Communication Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
171 Valley Comm - Dispatch Service	67,964	87,660	35,366	95,275	7,615	8.7%
172 V Comm - MDT's & in 2012 Netmotion	1,620	2,120		850	(1,270)	-59.9%
173 K/C 800 Mhz Radio Costs	12,288	14,000	7,157	12,300	(1,700)	-12.1%
174 Valley Comm - Access Charge	596	600	298	600		0%
175 Auburn WSP Access	1,000	1,000	1,000	1,000		0%
176 Valley Comm - Tiberon System Tunnel				12,000	12,000	100%
177 Police Telephone/DSL/Air Cards	16,789	20,000	10,317	15,500	(4,500)	-22.5%
178 Police Comm KC I-Net	4,136	5,000	3,000	4,500	(500)	-10.0%
179 WSP Access	2,640	2,600	1,320	2,600		0%
180 Police Postage	884	1,000	336	1,400	400	40.0%
181 K/C Radio Maint. & Repair	68	3,000	221	1,400	(1,600)	-53.3%
182 Police Communications Total	107,985	136,980	59,014	147,425	10,445	7.6%
Police Capital Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
183 Police CTED Grant EQ	9,548					
184 Traffic Safety Equipment	3,378	3,000	2,287	3,000		0%
185 Police Capital Total	12,926	3,000	2,287	3,000		0%

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Police Jail Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
186 Jail Costs	39,193	40,000	10,192	25,000	(15,000)	-37.5%
187 Electronic Home Monitor Costs	2,582	1,500	768	1,500		0%
188 Prisoner Medical Costs	860	1,000		1,000		0%
189 Work Crew Costs-State Exp		500	195	500		0%
190 Police Jail Total	42,634	43,000	11,155	28,000	(15,000)	-34.9%
Police Building Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
191 Police Bldg Mtc Sup	775	1,000	571	1,000		0%
192 Police Custodial Cost	6,771	6,000	4,435	6,000		0%
193 Utilities	10,519	13,800	7,386	11,095	(2,705)	-19.6%
194 Police Bldg Repairs	876	1,000	846	1,000		0%
195 Brinks Security	643	700	590	900	200	28.6%
196 Police Building Total	19,584	22,500	13,828	19,995	(2,505)	-11.1%
Police Civil Service Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
197 Civil Service Testing	348	660	375	660		0%
198 Civil Service-Hiring Evaluations	634	2,000		1,000	(1,000)	-50.0%
199 Communications, lodging, meals, mileage	223		73			
200 Civil Service Training	370	1,000		1,000		0%
201 Civil Service Total	1,575	3,660	448	2,660	(1,000)	-27.3%
Police Marine Expenditures*						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
202 *Marine Staffing Expenditures are included in salaries and benefits in Police Operating						
203 King County Vessel Registration						
204 Operating Expenditures	3,269	2,750	1,351	1,781	(969)	-35.2%
205 Repairs and Maintenance	4,266	1,500	372	1,200	(300)	-20.0%
206 Lodging, Meals & Mileage VRF	2,093	100	863	300	200	200%
207 Training and Advertising	31	2,170	10		(2,170)	-100%
208 Carryover from prior year	351	10,389		10,500	111	1.1%
209 Subtotal VRF	10,010	16,909	2,596	13,781	(3,128)	-18.5%
210 Coast Guard Grant						
211 Marine Grant Repairs & Maint 07/11-06/12		3,353			(3,353)	-100%
212 Marine Grant Fuel 07/11-06/12		1,000			(1,000)	-100%
213 Marine Grant Training 07/11-06/12		1,000			(1,000)	-100%
214 Subtotal Coast Guard Grant		5,353			(8,481)	-158.4%
215 Police Marine Total	10,010	22,262	2,596	13,781	(11,609)	-52.1%
Police Criminal Justice Expenditures						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
216 Operating Supplies	1,164	1,750	113	1,450	(300)	-17.1%
217 Spillman Records Maintenance		11,100	11,050	12,000	900	8.1%
218 Training and building rental for training	7,900	11,590	9,495	11,590		0%
219 Lodging, Meals & Mileage	406	2,500	1,501	2,500		0%
220 Lexipol	2,450	5,950	2,950	4,000	(1,950)	-32.8%
221 Investigations	2,025					
222 K-9 Program	563	600	653	1,000	400	66.7%
223 DARE Program	1,562	3,050	467	1,425	(1,625)	-53.3%
224 Criminal Justice Total	16,070	36,540	26,230	33,965	(2,575)	-7.0%

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Natural Resources Expenditures		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
225	Stewardship Wages (Natural Res Director)	98,238	103,515	67,887	103,515		0%
226	Furlough (2011-5day, 2012-4 day)		(2,168)		(1,756)	412	-19.0%
227	Benefits (soc sec, retirement, medical ins, etc)	32,313	33,721	21,932	37,654	3,933	11.7%
228	Operating Supplies	281	250	165		(250)	-100%
229	Powerful Choices PSE	500					
230	Professional Services and Advertising	210		350			
231	Lodging, Meals & Mileage	11	250			(250)	-100%
232	Insurance	1,532	1,586		1,820	234	14.8%
233	Training	(45)	250		250		0%
234	Recycling Program Grant	18,065	18,900	18,002	18,002	(898)	-4.8%
235	PS Clean Air Assmt	2,236	2,190	2,219	2,300	110	5.0%
236	WRIA 9 Membership (water quality)	2,507					
237	Printing Binding and other Miscellaneous	256	650	15	700	50	7.7%
238	Natural Resources Total	156,104	159,144	110,570	162,485	3,341	2.1%

Community Development Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
239	Administration		217	20,925		(217)	-100%
240	Planning	144,636	167,769	100,666	170,807	3,038	1.8%
241	Permitting	184,013	171,009	101,910	188,930	17,921	10.5%
242	Code Enforcement	34,102	43,474	13,775	49,240	5,766	13.3%
243	Hearing Examiner		5,000	2,245	5,000		0%
244	Community Development Total	362,751	387,469	239,521	413,977	26,508	6.8%

Community Dev Expenditure Summary - Administration		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
245	Comm Dev Administration Wages (Director)	102,981	108,514	70,952	108,514		0%
246	Furlough (2011-5day, 2012-4 day)		(2,108)		(1,671)	437	-20.7%
247	Benefits (soc sec, retirement, medical ins, etc)	20,588	23,807	15,306	25,972	2,165	9.1%
248	Office And Operating Supplies	2,241			100	100	100%
249	Lodging, Meals & Mileage	192	500		600	100	20.0%
250	Training		500	99	400	(100)	-20.0%
251	Insurance	1,439	1,489		1,737	248	16.7%
252	Memberships	625	550	406	600	50	9.1%
253	Vehicle Maintenance & Repair	18					
254	Miscellaneous	1,161		231	100	100	100%
255	CD Administration Allocation	(129,227)	(133,035)	(66,069)	(136,352)	(3,317)	2.5%
255	CD Administration Total		217	20,925		(217)	-100.0%

Planning Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
256	Planning Wages (Associate Planner)	42,035	66,956	43,780	66,956		0%
257	Furlough (2011-5day, 2012-4 day)		(1,495)		(1,194)	301	-20.1%
258	Benefits (soc sec, retirement, medical ins, etc)	10,086	17,662	11,387	19,463	1,801	10.2%
259	Office and Operating Supplies	967	1,800	324	750	(1,050)	-58.3%
260	Advertising	1,545	400	232	350	(50)	-12.5%
261	Professional Services	1,858					
262	Communications		100	168	150	50	50.0%
263	Lodging, Meals & Mileage		500		600	100	20.0%
264	Training and Memberships	475	900	510	850	(50)	-5.6%
265	Insurance	1,087	1,125		1,071	(54)	-4.8%
266	CD Admin Allocation	86,582	79,821	44,266	81,811	1,990	2.5%
267	Planning Total	144,636	167,769	100,666	170,807	3,038	1.8%

Permitting Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
268	Permitting Wages (Permitting Supervisor)	112,654	81,712	53,721	78,624	(3,088)	-3.8%
269	Furlough (2011-5day, 2012-4 day)		(1,760)		(1,408)	352	-20.0%
270	Benefits (soc sec, retirement, medical ins, etc)	25,209	19,832	12,866	21,366	1,534	7.7%
271	Office and Operating Supplies	1,598	1,300	510	850	(450)	-34.6%
272	Bldg Insp and Plan Check		16,146	8,125	34,500	18,354	113.7%
273	Fire Insp and Plan Check	450	500	203	500		0%
274	Permit Software Maintenance	7,994	8,200	8,139	8,200		0%
275	Telephone and Postage	115	100	196	200	100	100%
276	Lodging, Meals & Mileage	285	250		600	350	140.0%
277	Training and Memberships	655	350	255	550	200	57.1%
278	Advertising and Miscellaneous		1,500	809	1,050	(450)	-30.0%
279	Insurance	1,805	1,868		2,292	424	22.7%
280	Merch Card Service Fees	942	1,100	569	700	(400)	-36.4%
281	CD Admin Allocation	32,307	39,911	16,517	40,906	995	2.5%
282	Permitting Total	184,013	171,009	101,910	188,930	17,921	10.5%

Code Enforcement Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
283	Code Enforcement Wages (prof svcs mid-2011)	19,500	4,068	3,468		(4,068)	-100%
284	Benefits (soc sec, retirement, medical ins, etc)	3,042	543	541		(543)	-100%
285	Operating Supplies	23	200			(200)	-100%
286	Code Enforc Prof Services	585	24,725	4,480	35,000	10,275	41.6%
287	Insurance	614	635		605	(30)	-4.7%
288	CD Admin Allocation	10,338	13,303	5,286	13,635	332	2.5%
289	Code Enforcement Total	34,102	43,474	13,775	49,240	5,766	13.3%

Hearing Examiner Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
290	Prof Serv-Hearing Examiner		5,000		5,000		0%
291	Prof Serv- Planning			2,245			
292	Hearing Examiner Total		5,000	2,245	5,000		0%

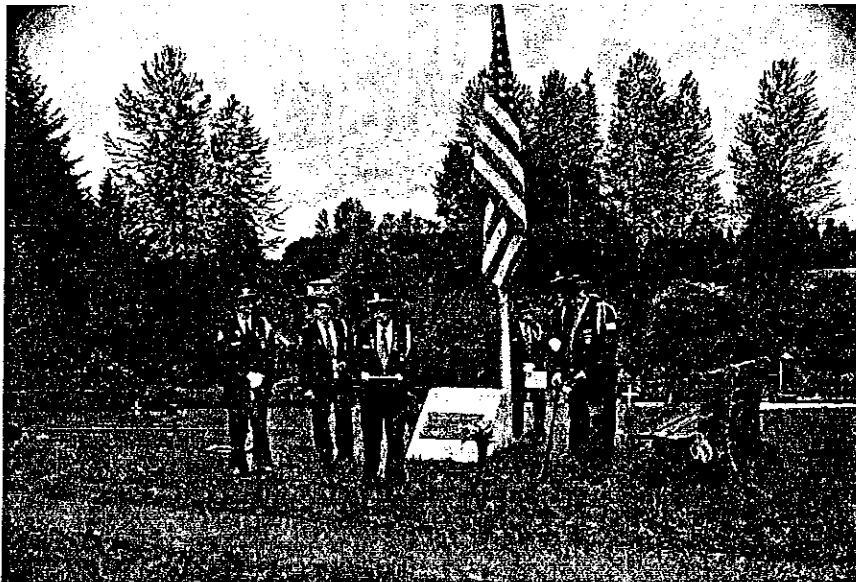
Economic Development Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
293	Economic Development Wages (Director)	97,152	102,372	66,936	102,372		0%
294	Furlough (2011-5day, 2012-4 day)		(2,190)		(1,736)	454	-20.7%
295	Benefits (soc sec, retirement, medical ins, etc)	32,181	33,264	21,743	35,220	1,956	5.9%
296	Office And Operating Supplies	222	1,100		300	(800)	-72.7%
297	Communications	58	1,000			(1,000)	-100%
298	Lodging, Meals & Mileage	122	1,900	220	1,900		0%
299	Lodging, Meals & Mileage Reimb		500		500		0%
300	Insurance	1,516	1,570		1,800	230	14.6%
301	Miscellaneous, Printing & Binding		450		450		0%
302	Training Workshops and Memberships		2,350	99	2,350		0%
303	Economic Development Total	131,251	142,316	88,998	143,156	840	0.6%

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Parks and Recreation Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
304	Parks Wages (8% Util. Sal & 2% of Admin Asst) *	25,699	26,276	17,620	26,276		0%
305	Furlough (2011-5day, 2012-4 day)		(230)		(181)	49	-21.3%
306	Benefits (soc sec, retirement, medical ins, etc)	8,812	9,321	6,046	10,005	684	7.3%
307	Operating Supplies	3,082	2,200	1,319	2,360	160	7.3%
308	Fuel	818	1,100	685	1,100		0%
309	Utilities	2,379	2,820	1,918	3,166	346	12.3%
310	Telephone and Postage	313	600	162	700	100	16.7%
311	Repairs and Maintenance	1,581	1,600	1,013	1,700	100	6.3%
312	Professional Services		1,000	510	1,000		0%
313	Rental of Equipment		550			(550)	-100%
314	Insurance	4,333	4,487		3,291	(1,196)	-26.7%
315	Portable Restroom Facility	3,391	5,000	3,191	5,000		0%
316	Venue Pay Station	1,618	1,800	1,258	1,710	(90)	-5.0%
317	Park Signage	37	600		300	(300)	-50.0%
318	Miscellaneous and Security	143	100	228	308	208	208.0%
319	Merchant Card Service Fees	371	400	173	185	(215)	-53.8%
320	Parks Equipment	125	2,250	2,245		(2,250)	-100%
321	Parks Subtotal	52,701	59,874	36,366	56,920	(2,954)	-4.9%
322	<i>* Other portion of salaries are allocated to utilities & cemetery</i>						
323	Museum and Community Center						
324	Museum Insurance	976	1,010		1,195	185	18.3%
325	Museum Electric/Gas	3,376	5,000	2,800	5,100	100	2.0%
326	Museum Water/Sewer/Storm	1,110	1,300	884	1,300		0%
327	Community Event Supplies	1,768	3,500	90	2,000	(1,500)	-42.9%
328	Community Center Insurance	1,394	1,444		1,249	(195)	-13.5%
329	Community Gym Insurance				1,249	1,249	100%
330	Comm Center Water/Sewer/Storm	273	300	205	310	10	3.3%
331	Museum and Community Center Subtotal	8,896	12,554	3,978	12,403	(151)	-1.2%
332	Parks and Recreation Total	61,597	72,428	40,344	69,323	(3,105)	-4.3%

Cemetery Expenditure Summary		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
333	Cemetery Wages (2% Util. Sal & 8% Admin Ast.)	9,535	10,071	6,694	10,071		0%
334	Furlough (2011-5day, 2012-4 day)		(125)		(99)	26	-20.8%
335	Benefits (soc sec, retirement, medical ins, etc)	3,710	4,030	2,609	4,294	264	6.6%
336	Operating Supplies	180	550	31	495	(55)	-10.0%
337	Vaults/Liners	1,259	500		500		0%
338	Fuel	200	400	171	400		0%
339	Telephone, DSL, Radios and Postage	78	200	40	75	(125)	-62.5%
340	Utilities	339	850	510	717	(133)	-15.6%
341	Insurance	163	169		199	30	17.8%
342	Maintenance and Repairs	237	700	81	200	(500)	-71.4%
343	Misc, Excise Tax, Security	133	100	69	425	325	325.0%
344	Cemetery Total	15,834	17,445	10,207	17,277	(168)	-1.0%
345	<i>* Other portion of salaries are allocated to utilities & parks</i>						

Fire Department Expenditure Summary						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
346 Fire Dist 44 Prof Serv	405,925	428,585	214,293	442,300	13,715	3.2%
347 PR Svcs KC Fire Investigation	1,322	2,032	2,130	2,032		0%
348 Utilities	744	1,260	836	1,660	400	31.7%
349 Miscellaneous	784	265	157	345	80	30.2%
350 Fire Department Total	408,774	432,142	217,416	446,337	14,195	3.3%
351 Subtotal Gen Fund Operating Expenditures	3,916,704	4,318,541	2,616,534	4,364,082	45,541	1.1%
Funding Agreement Expenditures (includes deposits and pass-thru)						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
352 MPDs, EIS and SEPA	704,708	695,175	367,366	634,000	(61,175)	-8.8%
353 One time Legal Services		35,000			(35,000)	-100%
354 Other Projects and Pass-thru	3,231					
355 Funding Agreement Total	707,939	730,175	367,366	634,000	(96,175)	-13.2%
356 Grand Total General Fund Expenditures	4,624,643	5,048,716	2,983,900	4,998,082	(50,634)	-1.0%



Memorial Day 2011

2012 Preliminary Budget Summary Funding Agreement

Core Agreement (254)	FTE	Salaries	Benefits	Total
City Clerk/Asst City Administrator	1.0	111,654	36,162	147,816
Stewardship Director	1.0	101,921	37,492	139,413
Econ Development Director	1.0	100,795	35,062	135,857
Community Development Director	1.0	106,843	25,971	132,814
Information Services Manager	1.0	99,248	36,753	136,001
Finance Director	1.0	105,751	23,783	129,534
Deputy Finance Director	1.0	84,779	28,677	113,456
Permit Technician Supervisor	1.0	77,413	21,169	98,582
Facilities Equipment Coordinator	1.0	68,019	23,142	91,161
Associate Planner	1.0	65,929	19,294	85,223
Public Works Director (Parks & Cemetery)*	0.1	10,482	3,779	14,261
Subtotal Salary and Benefits	10.1	932,834	291,284	1,224,118
Maintenance and Operations				180,000
Total Staff and Building Costs				1,404,118
Code Enforcement				35,000
Subtotal Funding Agreement General Fund		932,834	291,284	1,439,118
Legal For MPD				34,000
Other MPD Reimbursables				600,000
Total MPD Funding		-	-	634,000
General Fund Funding Total Reimbursement				2,073,118
*Utilities - Public Works Director	0.90	94,345	34,007	128,352
Utilities - Admin Assistant III Public Works	1.00	56,450	29,765	86,215
Grand Total Funding Agreement	12.00	1,083,629	355,056	2,287,685

*PW Director assigned 10% to General Fund, 90% to Street and Utilities

SPECIAL REVENUE FUND – Street

101 Street Fund	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
Diverted County Road Prop Tax	5,349	6,200	6,200		(6,200)	-100%
Right of Way Permit	7,220	5,000	2,750	3,000	(2,000)	-40.0%
Street/Sidewalk/Curb Variance	300	400	300	300	(100)	-25.0%
Storm Clean UP Grant-Fed			100			
Street Gas Tax	90,571	91,500	57,330	85,870	(5,630)	-6.2%
LGIP Investment Interest	1,065	900	483	610	(290)	-32.2%
FA Reimbursement for PW Staff	20,075	41,338	28,422	42,946	1,608	3.9%
Street Miscellaneous			1,520			
Subtotal Street Fund Revenue	124,580	145,338	97,105	132,726	(12,612)	-8.7%
Beginning Cash & Investments	386,427	323,854	323,854	310,627	(13,227)	-4.1%
Total Street Fund Sources	511,007	469,192	420,959	443,353	(25,839)	-5.5%
EXPENDITURES						
Street-Wages	57,079	72,817	44,659	70,026	(2,791)	-3.8%
Furlough (2010-13 day, 11-5 day, 12-4 day)		(778)		(601)	177	-22.8%
Benefits (soc sec, retirement, medical ins, etc)	20,440	27,241	16,578	27,840	599	2.2%
Subtotal Salaries and Benefits	77,519	99,280	61,237	97,265	(2,015)	-2.0%
Roadside Maintenance Supplies	838	3,500	73		(3,500)	-100%
Allocated Office Supplies, Copies, Postage	2,251	1,773	1,184	1,719	(54)	-3.0%
Operating supplies and uniforms	454	800	449	800		0%
Street Signs	2,408	2,400			(2,400)	-100%
Sand & Salt-Snow & Ice	716	1,600	151	1,300	(300)	-18.8%
Fuel	1,600	1,900	1,284	2,000	100	5.3%
Small Tools & Equipment	867	1,200	56	1,200		0%
Subtotal Operating Supplies	9,134	13,173	3,196	7,019	(6,154)	-46.7%
Insurance	4,434	4,590		6,423	1,833	39.9%
Telephone, DSL and Postage	583	1,350	303	1,950	600	44.4%
Prof Services Transportation	5,730			1,000	1,000	100%
Traffic Signal Maintenance	3,408	4,000	1,458	3,500	(500)	-12.5%
Street Lighting	27,200	29,000	18,342	28,000	(1,000)	-3.4%
Street Striping	6,045	7,000			(7,000)	-100%
Travel, Memberships and Training	112	1,600	126	1,600		0%
Advertising		100	157	200	100	100%
Vehicle and Shop Maintenance	2,367	3,000	711	2,500	(500)	-16.7%
Utilities (elect,gas,water,waste,stormwtr etc)	1,805	1,860	1,351	1,946	86	4.6%
Other Professional Svcs and Miscellaneous	975		134	290	290	100%
Legal Costs	10,673	11,000	6,433	11,000		0%
State Auditor Services	305	2,500		440	(2,060)	-82.4%
PW Administration Cost Allocation	6,863	8,488	5,656	8,700	212	2.5%
Subtotal Services and Charges	70,500	74,488	34,672	67,549	(6,939)	-9.3%
Total Operating Expenditures	157,153	186,941	99,105	171,833	(15,108)	-8.1%
Transfer out to 510 Equipment Reserve	10,000	10,000		10,000		0%
Transfer to Street Preservation	20,000					
Transfer to 320 Fund Misc Overlay Match		11,239	11,239		(11,239)	-100%
Trans in from RR Project 004		(35,274)	(33,463)		35,274	-100%
Subtotal Transfers	30,000	(14,035)	(22,224)	10,000	24,035	-171.3%
Ending C & I (3 month Reserve)	39,288	46,735		42,960	(3,775)	-8.1%
Ending Cash & Investments Unreserved	284,566	249,551	344,078	218,560	(30,991)	-12.4%
Subtotal Ending Cash and Investments	323,854	296,286	344,078	261,520	(34,766)	-11.7%
Total Street Fund Uses	511,007	469,192	420,959	443,353	(25,838)	-5.5%

Black Diamond Preliminary Budget | 2012

2011 Employee Allocations by Funding Source							
Street Funded Positions	Full Time Equivalent (FTE)	Funding Agreement	General Fund	Street Fund	Water Fund	Waste water Fund	Storm water Fund
51 Municipal Court							
52 Admin Assistant I	1.00		0.10		0.3	0.3	0.3
53 Deputy City Clerk	1.00		0.60	0.04	0.12	0.12	0.12
54 Senior Accountant	0.75		0.45	0.03	0.09	0.09	0.09
55 Support Staff Total	2.75		1.15	0.07	0.51	0.51	0.51
56 Public Works Director - Funding	1.00		0.10	0.15	0.25	0.25	0.25
57 Admin Assistant III- Funding	1.00			0.25	0.25	0.25	0.25
58 Total Funding		2.00	-0.10	-0.4	-0.5	-0.5	-0.5
59 Utilities Supervisor	1.00		0.10	0.15	0.25	0.25	0.25
60 Utility Worker	1.00		0.10	0.15	0.25	0.25	0.25
61 Utilities Operator	1.00		0.10	0.15	0.25	0.25	0.25
62 Seasonal Help for Parks	0.42		0.04	0.06	0.10	0.10	0.10
63 Public Works Total	5.42	2.00	0.34	0.51	0.85	0.85	0.85
64 Total Budget Positions (FTE's)	8.17	2.00	1.49	0.58	1.36	1.36	1.36

UTILITY FUNDS

	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
401 Water Fund						
REVENUE						
Water User Charges	389,262	454,000	281,455	454,000		0%
Water Meter & Setting			3,929	4,000	4,000	100%
Reimbursible Water Repairs	528	600	86	100	(500)	-83.3%
Water Availability Staff Fee			600	600	600	100%
Water Late Fees/Name Change Charge	15,838	16,000	10,568	15,000	(1,000)	-6.3%
Subtotal Water Operating Revenue	405,627	470,600	296,639	473,700	3,100	0.7%
Other Revenue						
LGIP Investment Interest	350	500	194	260	(240)	-48.0%
FA Reimbursement for PW Staff	33,458	49,613	33,245	57,207	7,594	15.3%
Insurance Recoveries		26,585	26,585		(26,585)	-100%
Subtotal Other Water Fund Revenue	33,807	76,698	60,024	57,467	(19,231)	-25.1%
Transfer in Water Reserves for Debt	125,000	125,000	125,000	125,000		0%
Subtotal Water Fund Revenue	564,435	672,298	481,662	656,167	(16,131)	-2.4%
Beginning Cash & Investments	150,641	146,061	146,061	151,202	5,141	3.5%
Total Water Fund Sources	715,075	818,359	627,723	807,369	(10,991)	-1.3%
EXPENDITURES						
Water Wages	105,990	122,161	78,946	123,976	1,815	1.5%
Overtime				2,000	2,000	100%
Furlough (2011-5day, 2012-4 day)		(1,547)		(1,214)	333	-21.5%
Benefits (soc sec, retirement, medical ins, etc)	38,505	43,867	29,176	49,075	5,208	11.9%
Subtotal Salaries and Benefits	144,495	164,481	108,122	173,837	7,356	4.5%
Operating and Office Supplies & Uniforms	2,393	6,950	4,745	6,978	28	0.4%
Allocated office supplies, copies and postage	7,901	6,945	4,632	6,248	(697)	-10.0%
Caustic	9,850	15,000	7,467	15,000		0%
Fuel	3,279	3,200	2,139	3,250	50	1.6%
Small Tools and Safety Equipment	401	1,000	140	1,000		0%
Subtotal Supplies	23,824	33,095	19,124	32,476	(619)	-1.9%
Insurance	18,888	19,551		22,106	2,555	13.1%
Telephone, internet, radios & postage	5,186	5,000	2,768	4,500	(500)	-10.0%
Professional Svcs & Sensus software support	1,434	4,500	1,577	4,600	100	2.2%
Water Testing and Sampling	1,486	1,500	499	1,500		0%
Health department and other permits	2,758	1,700	1,608	2,700	1,000	0%
Repairs, maintenance and locates	3,455	5,500	4,313	6,700	1,200	21.8%
Travel, memberships and training	865	1,900		2,900	1,000	0%
Electricity and Gas	32,140	34,000	19,853	32,000	(2,000)	-5.9%
Other Utilities (water, wstwtr, waste disp, etc.)	956	1,060	675	1,048	(12)	-1.1%
Legal Services	15,970	16,500	9,649	16,500		0%
Printing, locates and miscellaneous	1,014	800	643	700	(100)	-12.5%
Audit - share of costs	764	6,250		1,100	(5,150)	-82.4%
PW Administration Cost Allocation	20,601	25,465	16,976	26,100	635	2.5%
Utility Tax	24,333	28,236	17,798	28,422	186	0.7%
B & O Taxes	19,087	22,832	14,003	23,822	990	4.3%
Subtotal Services and Charges	148,935	174,794	90,362	174,698	(96)	-0.1%
Subtotal Operating Expenditures	317,254	372,370	217,608	381,011	8,641	2.3%
Transfer out to 510 Equipment Reserve	10,000	10,000		10,000		0%
Wind damage electric pole replacement		27,585	27,585		(27,585)	-100%
Debt service for Water meters		48,300		48,200	(100)	-0.2%
PWTF Debt Service	934,420	926,153	925,069	922,075	(4,078)	-0.4%
Developer Payment of Debt Service	(692,660)	(686,446)	(684,433)	(683,505)	2,941	-0.4%
Subtotal Other Expenditures	251,760	325,592	268,220	296,770	(28,822)	-8.9%
Ending C & I (3 month expenditures)	79,286	93,042		92,753	(289)	-0.3%
Ending Cash & Investments Unreserved	66,775	27,355	141,894	36,835	9,480	34.7%
Subtotal Ending Cash & Investments	146,061	120,397	141,894	129,588	9,191	7.6%
Total Water Fund Uses	715,075	818,359	627,723	807,369	(10,990)	-1.3%

Black Diamond Preliminary Budget | 2012

2012 Employee Allocations by Funding Source							
Water Funded Positions:	Full Time Equivalent (FTE)	Funding Agreement	General Fund	Street Fund	Water Fund	Waste water Fund	Storm water Fund
Municipal Court							
Admin Assistant I	1.00		0.10		0.3	0.3	0.3
Deputy City Clerk	1.00		0.60	0.04	0.12	0.12	0.12
Senior Accountant	0.75		0.45	0.03	0.09	0.09	0.09
Support Staff Total	2.75		1.15	0.07	0.51	0.51	0.51
Public Works Director - Funding	1.00		0.10	0.15	0.25	0.25	0.25
Admin Assistant III- Funding	1.00			0.25	0.25	0.25	0.25
Total Funding		2.00	-0.10	-0.4	-0.5	-0.5	-0.5
Utilities Supervisor	1.00		0.10	0.15	0.25	0.25	0.25
Utility Worker	1.00		0.10	0.15	0.25	0.25	0.25
Utilities Operator	1.00		0.10	0.15	0.25	0.25	0.25
Seasonal Help for Parks	0.42		0.04	0.06	0.10	0.10	0.10
Public Works Total	5.42	2.00	0.34	0.51	0.85	0.85	0.85
Total Budget Positions (FTEs)	8.17	2.00	1.49	0.58	1.36	1.36	1.36

City of Black diamond

Water Debt Analysis

									2012				
Issue Date	Issue Amount	Type	Purpose	Maturity Date	12/31/2011 debt owed	2012 Principal	2012 Interest	2012 Debt Sys	Water Operating	Water Capt Res	Total Water	Developer Reimb	Total Debt Service
1995	200,000	PWTF	Wtr Repair	2015	41,600	10,650	2,130	12,780	13,846		13,846	0	13,846
2006	180,000	PWTF	Cor Contrl	2022	123,750	11,250	619	11,869	11,982		11,982	0	11,982
2005	3,407,063 2,040,757	PWTF	Tac 500mg Pump Fac, Res & lines	2024	3,841,341	295,500	19,207	314,707	88,932	125,000	213,932	100,775	314,707
	5,447,820												
2004	11,334,510	Tac Water	Tac Wtr 1	2013	1,125,460	562,730	20,000	582,730	0	0	0	582,730	582,730
Totals	17,162,330				5,132,151	880,130	41,956	922,086	114,760	125,000	239,760	683,505	923,265
Total net Water fund 2010 Debt Service									\$114,760	\$125,000	\$239,760		

*Black diamond hold a letter of credit from Palmer Coking for their balance owing of \$1,230,500 of PWTF Loan. Thirteen payments of Approximately \$101,000.

**Black Diamond holds a letter of credit from BD Partners for the \$1,125,460 balance owing To Tacoma Water. Two Payments of Princpal & Interest.

Black Diamond Preliminary Budget | 2012

407 Wastewater Fund		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
1	REVENUE						
2	Operating Revenue						
3	Wastewater User Charges	597,817	650,402	410,533	650,000	(402)	-0.1%
4	Wastewater Reimbursement Svcs.	1,200	1,000	1,410	1,500	500	50.0%
5	Subtotal Wastewater Operating Revenue	599,017	651,402	411,943	651,500	98	0.02%
6	Other Revenue						
7	LGIP Investment Interest	348	400	118	150	(250)	-62.5%
8	FA Reimbursement for PW Staff	33,458	49,612	33,245	57,207	7,595	15.3%
9	Miscellaneous Rev (recoveries, staff fees, etc)		7,204	922	600	(6,604)	-91.7%
10	Subtotal Wastewater Other Revenue	33,806	57,216	34,285	57,957	741	1.3%
11	Transfer from Wastewater Reserves	50,000			50,000	50,000	100%
12	Subtotal Wastewater Fund Revenue	682,823	708,618	446,228	759,457	50,839	7.2%
13	Beginning Cash & Investments	120,137	109,589	109,589	105,500	(4,089)	-3.7%
14	Total Wastewater Fund Sources	802,960	818,207	555,817	864,957	46,750	5.7%
15	EXPENDITURES						
16	Wastewater Wages	105,991	120,147	78,945	122,552	2,405	2.0%
17	Overtime				2,000	2,000	100%
18	Furlough (2011-5day, 2012-4 day)		(1,525)		(1,214)	311	-20.4%
19	Benefits (soc sec, retirement, medical ins, etc)	38,505	43,758	29,177	49,182	5,424	12.4%
20	Subtotal Salaries and Benefits	144,495	162,380	108,122	172,520	8,140	5.0%
21	Allocated Office Supplies, Copies, Postage	7,901	6,945	4,632	6,248	(697)	-10.0%
22	Office, Operating Supplies & Uniforms	1,445	2,200	775	1,478	(722)	-32.8%
23	Fuel	2,505	3,200	2,139	3,250	50	1.6%
24	Small tools and safety equipment	401	1,500	944	4,000	(500)	-33.3%
25	Subtotal Operating Supplies	12,252	13,845	8,491	14,976	1,131	8.2%
26	Insurance	10,309	10,672		10,626	(46)	-0.4%
27	Repairs and Maintenance	3,136	5,000	4,643	6,500	1,500	30.0%
28	Printing, advertising and security	483		255	500	500	100%
29	Travel and Training	12	1,200		2,375	1,175	97.9%
30	Electricity and Gas	1,871	2,100	1,237	1,854	(246)	-11.7%
31	Other Utilities	1,025	1,530	900	1,371	(159)	-10.4%
32	Telephone, Internet and Postage	5,116	5,300	2,614	4,300	(1,000)	-18.9%
33	Legal and Professional Services	17,183	16,500	9,991	19,000	2,500	15.2%
34	Audit - share of costs	764	6,250		1,100	(5,150)	-82.4%
35	PW Administration Cost Allocation	20,601	25,465	16,976	26,100	635	2.5%
36	Utility Taxes	35,941	38,625	24,753	39,100	475	1.2%
37	State of WA Excise Tax	4,935	6,000	4,369	7,862	1,862	31.0%
38	Subtotal Services and Charges	101,375	118,642	65,738	120,688	2,046	1.7%
39	Subtotal Operating Expenditures	258,122	294,867	182,350	308,184	13,317	4.5%
40	Soos Creek Sewer Payment	27,472					
41	Metro Sewer Charges	387,776	438,396	297,969	448,000	9,604	2.2%
42	Subtotal Sewer Treatment	415,249	438,396	297,969	448,000	9,604	2.2%
43	Subtotal Operating Expenditures	673,371	733,263	480,320	756,184	22,921	3.1%
44	Other Expenditures						
45	Transfer out to 510 Equipment Reserve	10,000	10,000		10,000		0%
46	Transfer to Wastewater Capital	10,000					
47	Subtotal Other Expenditures	20,000	10,000		10,000		0%
48	Ending C & I (3 month expenditures)	62,555	71,981	75,497	73,484	1,504	2.1%
49	Ending Cash & Investments Unreserved	47,034	2,964		25,289	22,326	753.3%
50	Subtotal Ending Cash & Investments	109,589	74,944	75,497	98,773	23,829	31.8%
51	Total Wastewater Fund Uses	802,960	818,207	555,817	864,957	46,750	5.7%

Black Diamond Preliminary Budget | 2012

2012 Employee Allocations by Funding Source							
Wastewater Funded Positions	Full Time Equivalent (FTE)	Funding Agreement	General Fund	Street Fund	Water Fund	Waste water Fund	Storm water Fund
Municipal Court							
Admin Assistant I	1.00		0.10		0.3	0.3	0.3
Deputy City Clerk	1.00		0.60	0.04	0.12	0.12	0.12
Senior Accountant	0.75		0.45	0.03	0.09	0.09	0.09
Support Staff Total	2.75		1.15	0.07	0.51	0.51	0.51
Public Works Director - Funding	1.00		0.10	0.15	0.25	0.25	0.25
Admin Assistant III- Funding	1.00			0.25	0.25	0.25	0.25
Total Funding		2.00	-0.10	-0.4	-0.5	-0.5	-0.5
Utilities Supervisor	1.00		0.10	0.15	0.25	0.25	0.25
Utility Worker	1.00		0.10	0.15	0.25	0.25	0.25
Utilities Operator	1.00		0.10	0.15	0.25	0.25	0.25
Seasonal Help for Parks	0.42		0.04	0.06	0.10	0.10	0.10
Public Works Total	5.42	2.00	0.34	0.51	0.85	0.85	0.85
Total Budget Positions (FTE's)	8.17	2.00	1.49	0.58	1.36	1.36	1.36

Black Diamond Preliminary Budget | 2012

410 Stormwater Fund		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
1	REVENUE							
2	Stormwater Charges	237,318	268,800	182,163	270,000	1,200	0.4%	
3	LGIP Investment Interest	220	350	67	200	(150)	-42.9%	
4	FA Reimbursement for PW Staff	33,458	49,612	33,245	57,207	7,595	15.3%	
5	Subtotal Operating Revenue	270,995	318,762	215,475	327,407	8,645	2.7%	
6	Beginning Cash & Investments	90,872	44,523	44,523	62,934	18,411	41.4%	
7	Total Stormwater Fund Sources	361,867	363,285	259,998	390,340	27,055	7.4%	
8	EXPENDITURES							
9	Stormwater Wages	105,991	118,965	78,945	120,566	1,601	1.3%	
10	Overtime				2,000	2,000	100%	
11	Furlough (2011-5day, 2012-4 day)		(1,536)		(1,214)	322	-21.0%	
12	Benefits (soc sec, retirement, medical ins, etc)	38,505	44,362	29,177	48,533	4,171	9.4%	
13	Subtotal Salaries and Benefits	144,495	161,791	108,122	169,885	8,094	5.0%	
14	Operating Supplies and Uniforms	1,450	1,560	458	1,380	(180)	-11.5%	
15	Allocated Office Supplies, Copies, Postage	7,901	6,945	4,632	6,248	(697)	-10.0%	
16	Fuel	2,505	3,200	2,139	3,200		0%	
17	Small Tools and Safety Equipment	401	600	140	1,000	400	66.7%	
18	Subtotal Office and Operating Supplies	12,257	12,305	7,370	11,828	(477)	-3.9%	
19	Professional Services	1,812	2,000			(2,000)	-100%	
20	KC Water Quality - Testing and Lab	6,305	6,500	7,945	7,000	500	7.7%	
21	Dept of Ecology/Stormwater Permit	1,920	2,000	980	2,000		0%	
22	Travel, memberships and training	12	1,300		2,400	1,100	84.6%	
23	WRIA 9 Membership		3,735	3,787	3,800	65	1.7%	
24	Tele, internet, radio, postage, adver & misc	4,042	3,500	3,135	6,300	2,800	80.0%	
25	Utilities (gas, electric, water, sewer, etc.)	1,480	1,850	1,127	1,758	(92)	-5.0%	
26	Legal Costs	10,673	16,500	9,263	16,500		0%	
27	Audit - share of costs	458	3,750		600	(3,150)	-84.0%	
28	Insurance	4,267	4,417		4,593	176	4.0%	
29	Vehicle and other maintenance & repairs	1,897	1,800	1,204	1,800		0%	
30	PW Administration Cost Allocation	20,601	25,456	16,976	26,100	644	2.5%	
31	Utility Taxes	14,239	16,128	10,930	16,200	72	0.4%	
32	B & O Taxes	7,634	4,300	2,369	4,860	560	13.0%	
33	Subtotal Services and Charges	75,341	93,236	57,716	93,911	675	0.7%	
34	Total Operating Expenditures	232,093	267,332	173,208	275,624	8,292	3.1%	
35	Transfer out to 510 Equipment Reserve	10,000	10,000		10,000		0%	
36	Trans. to 410 Project Fund - Future Improvements				8,000	8,000	100%	
37	Transfer to RR Project	40,000						
38	Loan Payment to Wastewater	30,650	30,600		30,400	(200)	-0.7%	
39	Subtotal Other Expenditures	80,650	40,600		48,400	(14,681)	-36.2%	
40	Subtotal Operating Expenditures	312,743	307,932	173,208	324,024	16,092	5.2%	
41	Ending Cash & Investments	45,888	55,353	86,790	66,316	10,963	19.8%	
42	Total Stormwater Fund Uses (non-capital)	358,631	363,285	259,998	390,340	27,055	7.4%	
2012 Employee Allocations by Funding Source								
Stormwater Funded Positions		Full Time Equivalent (FTE)	Funding Agreement	General Fund	Street Fund	Water Fund	Waste water Fund	Storm water Fund
43	Municipal Court							
44	Admin Assistant I	1.00		0.10		0.3	0.3	0.3
45	Deputy City Clerk	1.00		0.60	0.04	0.12	0.12	0.12
46	Senior Accountant	0.75		0.45	0.03	0.09	0.09	0.09
47	Support Staff Total	2.75		1.15	0.07	0.51	0.51	0.51
48	Public Works Director - Funding	1.00		0.10	0.15	0.25	0.25	0.25
49	Admin Assistant III- Funding	1.00			0.25	0.25	0.25	0.25
50	Total Funding		2.00	-0.10	-0.4	-0.5	-0.5	-0.5
51	Utilities Supervisor	1.00		0.10	0.15	0.25	0.25	0.25
52	Utility Worker	1.00		0.10	0.15	0.25	0.25	0.25
53	Utilities Operator	1.00		0.10	0.15	0.25	0.25	0.25
54	Seasonal Help for Parks	0.42		0.04	0.06	0.10	0.10	0.10
55	Public Works Total	5.42	2.00	0.34	0.51	0.85	0.85	0.85
56	Total Budget Positions (FTE's)	8.17	2.00	1.49	0.58	1.36	1.36	1.36

104 REET I Gen Gov't Fund		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
1	REVENUE						
2	R1 1.4% REET	45,476	30,000	21,072	38,500	8,500	28.3%
3	LGIP Investment Interest	2,202	1,600	1,004	1,200	(400)	-25.0%
4	Transfer in from REET II		70,000		93,500	23,500	33.6%
5	Subtotal Revenue	47,678	101,600	22,076	133,200	31,600	31.1%
6	Beginning Cash & Investments	710,483	401,486	401,486	321,026	(80,460)	-20.0%
7	Total REET I 104 Fund Sources	758,161	503,086	423,562	454,226	(48,860)	-9.7%
8	EXPENDITURES						
9	Transfer to 310 Gen Gov't Capital Fund	356,675	139,000	30,000	98,750	(40,250)	-29.0%
10	Trans 510 Fund - Police & Fire Equipment		43,850		79,915	36,065	82.2%
11	Subtotal Expenditures	356,675	182,850	30,000	178,665	(4,185)	-2.3%
12	Ending Cash & Investments	401,486	320,236	393,562	275,561	(44,675)	-14.0%
13	Total REET I Fund Uses	758,161	503,086	423,562	454,226	(48,860)	-9.7%
310 Government Capital Fund		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
1	REVENUE						
2	Transfer in REET I	356,675	139,000	30,000	98,750	(40,250)	-29.0%
3	King Co Parks Tax Levy	8,323	8,000	4,461	8,000		0%
4	Tree Mitigation	6,000		650	5,000	5,000	100%
5	Boat Launch Grant KC Conservation District	2,556		2,872			
6	King Co Regional Park Grant				20,000	20,000	100%
7	DOE Grant for Shoreline MP	39,521	20,285	4,385	10,000	(10,285)	-50.7%
8	State Grants for Gender purchase				175,000	175,000	100%
9	Dept of Ecology Grant for Gender purchase				125,000	125,000	100%
10	Impact fees, in-kind or developer		7,500		16,250	8,750	116.7%
11	Transfer In REET II - Impact Study Fees		80,000	80,000		(80,000)	-100%
12	Subtotal Revenue	413,075	254,785	122,368	458,000	203,215	79.8%
13	Beginning Cash & Investments	86,178	310,163	310,164		(310,163)	-100%
14	Total 310 Govt Capital Fund Sources	499,253	564,948	432,532	458,000	(106,948)	-18.9%
15	EXPENDITURES						
16	Gender Land acquisition				300,000	300,000	100%
17	Trails Projects	1,665	24,094		28,000	3,906	16.2%
18	Boat Launch Project	8,312	49,244	23,295		(49,244)	-100%
19	Shoreline Master Plan	26,804	20,479	7,445	10,000	(10,479)	-51.2%
20	Park Signage	865	16,635	121		(16,635)	-100%
21	Tree Mitigation	1,058	4,941	894	5,000	59	1.2%
22	Prior year park projects	27,690					
23	Council Chambers, Police & Court Building	11,124	132,590	97,155		(132,590)	-100%
24	Police Technology & other	15,876	13,261	4,177	8,000	(5,261)	-39.7%
25	Police record system loan payment - principal	40,000	40,000		40,000		0%
26	Police record system loan - interest	800	2,000		2,000		0%
27	Police records, phones & firearms	18,668					
28	Fire Impact Fees & CF Henderson/Young		14,620	12,105		(14,620)	-100%
29	Fire Station 99 study & design		5,000		35,000	30,000	600%
30	General Government technology	21,844	34,155	8,828	20,000	(14,155)	-41.4%
31	Grant Matching	14,384	103,549	769	10,000	(93,549)	-90.3%
32	Future Facility Site design & analysis		15,000			(15,000)	-100.0%
33	Impact Study fees		65,380			(65,380)	-100%
34	Way Finding Signs		24,000			(24,000)	-100%
35	Subtotal General Govt Capital Projects	189,088	564,948	154,788	458,000	(106,948)	-18.9%
36	Ending Cash & Investments	310,164		277,744			
37	Total 310 Gen Govt Capital Fund Uses	499,252	564,948	432,532	458,000	(106,948)	-18.9%
38	* Note that fire and police vehicles and equipment are funded out of the 510 Fund						

105 REET II Public Works Capital Projects							
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
REVENUE							
R2 1/4% REET Tax	45,476	30,000	21,072	38,500	8,500	28.3%	
LGIP Investment Interest	2,562	3,500	1,098	2,000	(1,500)	-42.9%	
Subtotal REET II Fund Revenue	48,037	33,500	22,170	40,500	7,000	20.9%	
Beg Cash & Investments	819,237	543,991	543,991	530,125	(13,866)	-2.5%	
Total REET II Fund Sources	867,274	577,491	566,161	570,625	(6,866)	-1.2%	
EXPENDITURES							
Transfer to REET I		70,000		93,500	23,500	33.6%	
Transfer out 320 PW Capital	323,283	120,000		148,782	28,782	24.0%	
Transfer to 320 Fund - Misc Overlays - Match		32,000			(32,000)	-100%	
Trans Back from RR Project		(153,547)	(145,670)		153,547	-100%	
Total REET I Fund Expenditures	323,283	68,453	(145,670)	242,282	173,829	253.9%	
Ending Cash & Investments	543,991	509,038	711,831	328,343	(180,695)	-35.5%	
Total REET II Fund Uses	867,274	577,491	566,161	570,625	(6,866)	-1.2%	

320 REET II Public Works Capital Projects							
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change	
REVENUE							
Transfers Street Fund	20,000	(22,224)	(22,224)		22,224	-100%	
Transfers REET II	323,283	6,330	(145,670)	168,782	162,452	2566.4%	
TIB Grants	908,362	476,132	39,714	100,000	(376,132)	-79.0%	
CDBG Grant	62,839	300,762	212,520		(300,762)	-100%	
Transfers to and from Utilities	40,000	(17,715)	(17,715)		17,715	-100%	
Grant Matching and Reimbursements			79,007	20,000	20,000	100%	
Subtotal PW Capital Fund Revenue	1,354,484	743,285	145,632	288,782	(454,503)	-61.1%	
Beginning Cash & Investments	149,741	124,722	41,340		(124,722)	-100%	
Total PW Capital Fund Sources	1,504,225	868,007	186,972	288,782	(579,225)	-66.7%	
EXPENDITURES							
288th Paving-Watson Asphalt		112,388	1,226	120,000	7,612	6.8%	
Roberts Sidewalk/ Morgan St to KC Library		319,218		38,782	(280,436)	-87.9%	
Railroad Avenue Project	947,265	10,647	10,647		(10,647)	-100%	
Morgan Street Project	395,725	155,509	90,839		(155,509)	-100%	
Rock Crk Bridge prelim engr (grant matching)				20,000	20,000	100%	
Public Works Facilities Design and Engineering				20,000	20,000	100%	
Elevate Abrahms preliminary engineering				20,000	20,000	100%	
General Street Preservation	1,729	45,245	3,901	30,000	(15,245)	-33.7%	
Lawson and Newcastle repair		105,000	360		(105,000)	-100%	
233rd Ave Street Repair	34,783						
Transfer to 310 Fund for Projects		80,000	80,000		(80,000)	-100%	
Grant Matching - Streets		40,000		40,000		0%	
Subtotal PW Capital Fund Projects	1,379,503	868,007	186,972	288,782	(579,225)	-66.7%	
Ending Cash & Investments Unreserved	124,722						
Total PW Capital Fund Uses	1,504,225	868,007	186,972	288,782	(579,225)	-66.7%	

402 WSFFA Fund*						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
*Water Supply Facility Funding Agreement						
REVENUE						
Springs/Task 3				300,000	300,000	100%
Springs/Task 3 - Palmer CC			4,343			
Developer Contributions		140,000			(140,000)	-100%
Transfer to correct prior year error	53,678					
LGIP Investment Interest	43		29			
Subtotal WSFFA Revenue	53,721	140,000	4,371	300,000	160,000	114.3%
Beg Cash & Investments	14,352	28,881	28,881	122,800	93,919	325.2%
Total WSFFA Fund Sources	68,073	168,881	33,253	422,800	253,919	150.4%
EXPENDITURES						
Reservoir Construction-Tacoma Water	39,191					
Springs/Task 3- Engineering		140,000		300,000	160,000	114.3%
Total WSFFA Expenditures	39,191	140,000		300,000	160,000	114.3%
Ending Cash & Investments Unreserved	28,881	28,881	33,253	122,800	93,919	325.2%
Total WSFFA Fund Uses	68,073	168,881	33,253	422,800	253,919	150.4%

404 Water Capital Fund						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
LGIP Investment Interest	1,458	1,000	746	1,000		0%
Water Connection Charges		20,000	23,906	20,000		0%
CDBG Grant 5th Ave Water Main				175,000	175,000	100%
Loan from Wastewater Reserve for meters	230,000					
Subtotal Water Capital Fund Revenue	231,458	21,000	24,652	196,000	175,000	833.3%
Beg Cash & Investment Unreserved	629,009	780,436	580,436	486,240	(294,196)	-37.7%
Total Water Capital Fund Sources	860,467	801,436	605,087	682,240	(119,196)	-14.9%
EXPENDITURES						
5th Ave Water Main Replacement				175,000	175,000	100%
Meter Replacement Project	101,353	100,000	57,634		(100,000)	-100%
Trans back from Railroad Project		(6,225)	(5,905)		6,225	-100%
Transfer out to Water Fund 401-for debt	125,000	125,000	125,000	125,000		0%
Professional Services - Water				5,000	5,000	100%
Previous year WSFFA Transfer	53,678					
Subtotal Water Capital Fund Expenditures	280,031	218,775	176,729	305,000	86,225	39.4%
Ending Cash & Investments	580,436	582,661	428,358	377,240	(205,421)	-35.3%
Total Water Capital Fund Uses	860,467	801,436	605,087	682,240	(119,196)	-14.9%

408 Wastewater Capital Fund						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
Connection/Hook up Fees		5,000	6,400	6,400		0%
Loan Repay - Stormwater	30,650	30,400		30,400		0%
Loan Repay - Technology	40,800	42,000		42,000		0%
Loan Repay - Water Meters		46,200		46,200		0%
Loan repay, Interfund		2,100		2,100		0%
LGIP Investment Interest	2,747	2,750	1,096	1,600	(1,150)	-41.8%
Trans in from Wastewater	10,000					0%
Wastewater Storage Project		12,000			(12,000)	-100%
Subtotal Wastewater Capital Revenue	84,197	140,450	7,496	128,700	(11,750)	-8.4%
Beginning Cash & Investments	985,649	731,007	730,308	723,545	(7,462)	-1.0%
Total Wastewater Capital Sources	1,069,846	871,457	737,804	852,245	(19,212)	-2.2%
EXPENDITURES						
Infil and Inflow Construction				30,000	30,000	100%
Infiltration & Inflow Carryover		180,000	1,838		(180,000)	-100%
Lawson Lift Station Engineering		50,000			(50,000)	-100%
Preserve Wastewater Treatment Plant	5,544	24,456			(24,456)	-100%
Sewer Comprehensive Plan	53,995	11,006	5,766		(11,006)	-100%
Wastewater Storage Project/RH2 Engineering		12,000			(12,000)	-100%
Morganville Wastewater Lift Station				80,000	80,000	100%
Transfer out Sewer Operating	50,000			50,000	50,000	100%
Loan to Water Capital/Water Meter Project	230,000					
Subtotal Wastewater Capital Expenditures	339,539	277,462	7,604	160,000	(117,462)	-42.3%
Ending Cash & Investments	730,308	593,995	730,199	692,245	98,250	16.5%
Total Wastewater Capital Fund Uses	1,069,846	871,457	737,804	852,245	(19,212)	-2.2%

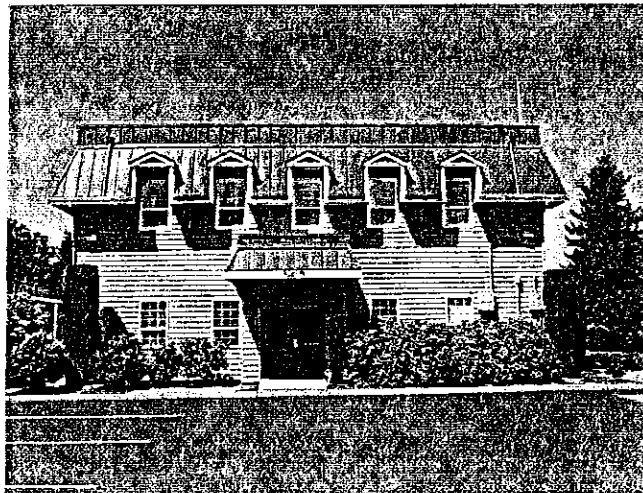
410 Stormwater Capital Fund						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
Department of Ecology Grant #1	22,047	24,717	24,717		(24,717)	-100%
Department of Ecology Grant #2		81,000		70,000	(11,000)	-13.6%
Alternate Site Study Reimburse		24,886			(24,886)	-100%
Transfer in from Stormwater Operating				8,000		
Total Stormwater Capital Revenue	22,047	130,603	24,717	78,000	(52,603)	-40.3%
Beginning Cash & Investments						
Total Stormwater Capital Sources	22,047	130,603	24,717	78,000	(52,603)	-40.3%
EXPENDITURES						
Stormwater Management Program	15,975					
Catch Basin Cleaning	9,310					
Dept of Ecology Grant #1		14,481	18,910		(14,481)	-100%
Dept of Ecology Grant #1 GPS		7,000	5,807		(7,000)	-100%
Dept of Ecology Grant #2		81,000		70,000	(11,000)	-13.6%
Future Use Projects				8,000	8,000	100%
Alternate Site Study		24,886			(24,886)	-100%
Total Stormwater Capital Expenditures	25,285	127,367	24,717	78,000	(49,367)	-38.8%
Ending Cash & Investments		3,236			(3,236)	-100%
Total Stormwater Capital Uses	25,285	130,603	24,717	78,000	(52,603)	-40.3%

EQUIPMENT RESERVES – (Internal Service Fund)

510 -1 Fire Equipment Reserves						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
LGIP Investment Interest Fire Equipment	173	100	64	100		0%
Transfer in REET I				34,915	34,915	100%
Fire Fee - Eagle Creek Plat		8,000	8,000		(8,000)	-100%
Subtotal Revenue	173	8,100	8,064	35,015		0%
Beg Cash & Invest Unreserved - Fire Equip	58,510	56,682	56,682	34,661	(22,021)	-38.9%
Total Fire Equipment Revenue	58,682	64,782	64,746	69,676	4,894	7.6%
EXPENDITURES						
Fire Truck Repairs & Maintenance		21,627	21,625		(21,627)	-100%
Two Fire Support Vehicles				69,500	69,500	100%
Subtotal Fire Expenditures		21,627	21,625	69,500	47,873	221.4%
Ending Cash & Investments - Fire	58,682	43,155	43,121	176	(42,979)	-99.6%
Subtotal 510 Fire Equipment Uses	58,682	64,782	64,746	69,676	4,894	7.6%
510 -2 PW Equipment Reserves						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
LGIP Investment Interest City Equipment	424	525	203	300	(225)	-42.9%
Subtotal Interest & Other Revenue	424	525	203	300	(225)	-42.9%
Transfer in from Water Fund	10,000	10,000		10,000		0%
Transfer in from Wastewater Fund	10,000	10,000		10,000		0%
Transfer in from Stormwater Fund	10,000	10,000		10,000		0%
Transfer in from Street Fund	10,000	10,000		10,000		0%
Subtotal 510 Fund Transfers	40,000	40,000		40,000		
Subtotal 510 Fund Revenue	40,424	40,525	203	40,300	(225)	-0.6%
Beg Cash & Invest Unreserved - City Equip	163,675	179,394		114,694	(64,700)	-36.1%
Total 510 Fire Equip. Fund Sources	204,099	219,919	203	154,994	(64,925)	-29.5%
EXPENDITURES						
Utility Truck Purchase		25,000			(25,000)	-100%
Slope Mower		75,000	74,934		(75,000)	-100%
Radios for Utilities		5,000			(5,000)	-100%
Dump Truck 2010 Purchase	24,705					
GPS System		9,192	10,118		(9,192)	-100%
Subtotal City Equipment Expenditures	24,705	114,192	85,052		(114,192)	-100.0%
Ending Cash & Investments - City	179,394	105,727	94,546	154,994	49,267	46.6%
Total 510 City Equip. Fund Sources	204,099	219,919	179,598	154,994	(64,925)	-29.5%
510 -3 Police Vehicle Reserve						
	2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
REVENUE						
Transfer in REET I		43,850		45,000		100%
Subtotal Police Vehicle Revenue		43,850		45,000		100%
Beginning Cash & Investments						
Total Police Equipment Revenue		43,850		45,000	1,150	100%
EXPENDITURES						
Police Vehicles (Tahoe in 2011)		43,850	43,851	45,000	1,150	2.6%
Total Police Vehicle Expenditures		43,850	43,851	45,000	1,150	2.6%

Black Diamond Preliminary Budget | 2012

510 - TOTAL Equipment Reserves		2010 Actual	2011 Amended Budget	2011 Act thru August	2012 Preliminary Budget	11 to 12 Budget Change	% Budget Change
42	REVENUE						
43	LGIP Investment Interest Equipment	596	625	268	400	(225)	-36%
44	Other Revenue		8,000	8,000		(8,000)	-100%
45	Transfers in	40,000	83,850		119,915	36,065	43.0%
46	Subtotal Revenue	40,596	92,475	8,268	120,315	27,840	30.1%
47	Beginning Cash & Investments	222,185	236,076	179,394	149,355	(86,721)	-36.7%
48	Total 510 Equip. Fund Sources	262,781	328,551	187,662	269,670	(58,881)	-17.9%
49	EXPENDITURES						
50	Total Expenditures	24,705	179,669	150,528	114,500	(65,169)	-36.3%
51	Subtotal Equipment Expenditures	24,705	179,669	150,528	114,500	(65,169)	-36.3%
52	Ending Cash & Investments - City	238,076	148,882	37,134	155,170	6,288	4.2%
53	Total 510 Equip. Fund Sources	262,781	328,551	187,662	269,670	(58,881)	-17.9%



Black Diamond City Hall is located at 24301 Roberts Drive
(360) 886-2560

Website
www.ci.blackdiamond.wa.us

2012 Salary Schedule	Level 1	Level 2	Level 3	Level 4	5 & On
City Administrator	9,161	9,459	9,913	10,271	10,634
Assistant City Administrator	7,875	8,269	8,663	9,056	9,450
Court Administrator	5,775	6,038	6,300	6,563	6,825
Interim Court Administrator	5,200				
Court Clerk (50% hourly)	18.17	19.69	21.20	22.72	24.23
Economic Development Ex Director	7,350	7,744	8,138	8,531	8,925
Stewardship Director	7,350	7,744	8,138	8,531	8,925
City Attorney	8,000	8,400	8,820	9,261	9,724
City Clerk	7,350	7,744	8,138	8,531	8,925
Deputy City Clerk	4,410	4,719	5,027	5,336	5,644
Finance Director	7,350	7,744	8,138	8,531	8,925
Deputy Finance Director	6,500	6,875	7,250	7,625	8,000
Utility Clerk	3,150	3,413	3,675	3,938	4,200
Senior Accountant 75% (hourly)	25.28	26.55	27.87	29.27	30.73
Accountant 1 Journey (hourly)	16.28	17.09	17.94	18.84	19.78
Administrative Assistant 2	3,150	3,413	3,675	3,938	4,200
Administrative Assistant 1	2,310	2,494	2,678	2,861	3,045
Information Services Manager	6,825	7,219	7,613	8,006	8,400
Police Chief	10,034	10,376	10,350	11,065	11,462
Police Commander	8,096	8,365	8,636	8,905	9,217
Police Sergeant	7,816	8,254			
Police Officer	4,748	5,321	5,896	6,469	7,013
Police Records Coordinator	4,410	4,719	5,027	5,336	5,644
Police Clerk 62.5% (hourly)	14.75	16.18	17.61	18.61	20.45
Facilities Equipment Coordinator	4,410	4,719	5,027	5,336	5,644
Human Resources Director	7,350	7,744	8,138	8,531	8,925
Community Development Ex Director	7,350	7,744	8,138	8,531	8,925
Permit Technician Supervisor	5,775	6,038	6,300	6,563	6,825
Permit Technician	4,410	4,719	5,027	5,336	5,644
Compliance Officer	4,410	4,719	5,027	5,336	5,644
Senior Planner	5,249	5,511	5,787	6,076	6,380
Planner	4,410	4,719	5,027	5,336	5,644
Associate Planner	4,394	4,614	4,845	5,087	5,341
Assistant Planner	4,099	4,304	4,519	4,745	4,982
Building Official	6,825	7,219	7,613	8,006	8,400
Parks Department Director	7,350	7,744	8,138	8,531	8,925
Public Works Director	7,350	7,744	8,138	8,531	8,925
Utilities Supervisor	6,825	7,219	7,613	8,006	8,400
Public Utilities Operator	4,620	4,700	4,792	4,884	4,976
Public Works Administrative Asst 3	4,166	4,375	4,594	4,823	5,065
Utility Worker	3,257	3,572	3,887	4,202	4,538
Utility Worker Seasonal (hourly)	12.98				

City of Black Diamond 2012 Budget Calendar

INTERNAL DATE	STATE LAW LIMITATIONS	BUDGET PREPARATION STEPS
July 25	None	Finance formulates message to accompany department budget requests
August 2	September 12	Departmental budget requests distributed
August 2	None	Salary and Benefits projections for 2012
August 19	September 26	Department request estimates to be filed with Finance
August 27	October 3	Revenue projection for all funds; estimate of General Fund ending balance for December 31, 2011
Sept 29	None	Finance provides expenditure budgets for October 2 Council packet
Sept 29	October 3	Finance submits to CAO the proposed preliminary budget setting forth the complete financial program
Sept 29 (Workstudy) October 12	October 3	CAO provides Council with current info on revenue from all sources as adopted in 2011 budget, and provides them with the proposed preliminary budget setting forth the proposed General Fund revenue
October 12 (Workstudy)	None	Mayor, Finance and Department heads review General Fund expenditures budgets with Council
October 27 (Workstudy)	None	Council reviews Public Works budgets for revenues and expenditures for all Public Works budgets, including street, water, wastewater, stormwater and all associated funds. Also reviews overall budget.
November 2	November 2	CAO prepares preliminary budget and budget message and files with the city legislative body and city clerk
November 4 and November 11	November 4 and November 11	City Clerk publishes Notice of Public Hearings on 2011 budget once a week for two consecutive weeks and publishes filing of preliminary budget
November 19	November 20	Copies of the Preliminary Budget made available to the public
November 22 (Special Mtg.)	November 22	City Council holds public hearing on revenue sources and expenditures for the upcoming budget year including possible increases in property tax revenue
November 22 (Special Mtg.)	November 22	Property tax public hearing
November 22 (Special Mtg.)	Before Nov 30	City Council adopts preliminary property tax levy for 2012 budget (possibly hold 2 nd in December due to delays in information from the County)
December 1 (Regular Mtg.)	December 1	City Council holds final public hearing on 2012 budget
December 1 or 15, (Regular Mtgs.)	December 1 or Dec 15	City Council adopts Final 2012 budget and transmits to the State Auditor's Office

Bold = Regular Council Meeting

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
SUBJECT: Public Hearing on 2011 Proposed Comprehensive Plan Amendments	Agenda Date: December 1, 2011		AB11-067
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator – B. Martinez		X
	City Attorney – Chris Bacha		
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
	Parks/Nat. Resources – Aaron Nix		
Community Develop. – Steve Pilcher	X		
Attachments: Summary of Planning Commission recommendations; staff report; written comments submitted to Planning Commission			
SUMMARY STATEMENT:			
<p>The Washington State Growth Management Act provides that cities may amend their Comprehensive Plans generally no more frequently than once per calendar year. Procedures for the City's plan amendment process are included within Title 16 of the Municipal Code.</p> <p>There were no privately-initiated amendments this year. Four proposals were placed on the "docket" and subsequently formally initiated by the Planning Commission, together with other suggested amendments from staff (and one from a Councilmember). The Commission declined to initiate two of the suggested items from staff.</p> <p>The Commission evaluated these proposals (with significant public input) during July, August and September and then conducted a public hearing on October 18th and November 1st. Several of the amendments centered around the concept of establishing a "Parks" land use category in the Plan and a new Parks zone district in the Zoning Code. The Commission concluded that further study and evaluation was desirable and recommends that no action be taken this year on any proposal associated with the parks issue.</p> <p>The other significant issue is the proposal to change how the residential densities are measured: by allowable dwelling units per net acre (which would exclude sensitive areas and their associated buffers) or per gross acre (which includes all land within a project site boundary). The Planning Commission recommends approval of the change to "net acres" instead of "gross acres."</p>			
COMMITTEE REVIEW AND RECOMMENDATION: The Planning Commission's recommendations are included in the staff report and summary.			
RECOMMENDED ACTION: Conduct the public hearing.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
December 1, 2011			

2011 POTENTIAL COMPREHENSIVE PLAN AMENDMENTS

WITH PLANNING COMMISSION RECOMMENDATIONS

Future Land Use Plan Map amendments

CPM-11-01 *In-City Forest: change from Low Density Residential/MPD overlay to Park; concurrent change in zoning from R4 to new Park zone*

Planning Commission recommendation: Do not approve at this time.

CPM-11-02 *Correct MPD overlay boundary to conform to the approved Lawson Hills MPD property boundaries*

Planning Commission recommendation: Approve.

CPM-11-03 *Change the water tower site within the Lawson Hills MPD from Public to Low Density Residential/MPD Overlay*

Planning Commission recommendation: Approve.

CPM-11-04 *Black Diamond Historical Museum site: change from Town Center to Public; concurrent change in zoning from Town Center to Public*

Planning Commission recommendation: Approve.

CPM-11-05 *Eagle Creek Park: change from Low Density Residential to Park; concurrent change in zoning from R6 to new Park zone*

Planning Commission recommendation: Do not approve at this time.

Other map amendments

CPM-11-06 *Update all maps throughout the Plan to reflect the current city limits*

Planning Commission recommendation: Approve.

CPM-11-07 *Amend Figures 4-3 & 5.2. to ensure consistency with SAO maps and update as needed*

Planning Commission recommendation: Approve.

Text amendments

CPT-11-01 *Draft a land use category description for “Park” and an implementing “Park” zone district.*

Planning Commission recommendation: Do not approve at this time.

CPT-11-02 *Amend language throughout the Plan to indicate that residential densities are to be calculated based upon “net” instead of “gross” acreage.*

Planning Commission recommendation: Approve.

CPT-11-03 *Amend the text concerning Master Planned Developments to eliminate the need for a residential component.*

Planning Commission recommendation: Approve.

CPT-11-04 *Revise discussion of Primary & Secondary Open Space*

This amendment was combined with CPT-11-01.

CPT-11-05 *Add language to Capital Facilities Plan (Chapter 8) relating to fire impact fees*

Planning Commission recommendation: Approve as amended.

CPT-11-06 *Revised language relating to private utilities*

Planning Commission recommendation: Approve.

CPT-11-07 *Adoption of a Trails element to the Comprehensive Parks Plan*

Planning Commission recommendation: Approve.

SUGGESTED AMENDMENTS FROM THE DOCKET

CPT-11-08 *Transportation concurrency standard for SR-169.*

Planning Commission recommendation: Approve.

CPT-11-09 1.5.1. King County Countywide Planning Policies, Page: 1-9

Planning Commission recommendation: Do not approve.

CPT-11-10 2.3. UGA Policies, Page: 2-17

Planning Commission recommendation: Approve as amended.

CPT-11-11 4.3.2. Water Quality Concepts, Objectives, and Policies, Page: 4-24

Planning Commission recommendation: Do not approve.

STAFF REPORT

2011 POTENTIAL COMPREHENSIVE PLAN AMENDMENTS

INITIATED BY PLANNING COMMISSION RESOLUTION

(INCLUDING PLANNING COMMISSION RECOMMENDATIONS)

Future Land Use Plan Map amendments

CPM-11-01 *In-City Forest: change from Low Density Residential/MPD overlay to Park; concurrent change in zoning from R4 to new Park zone*

This 50 acre parcel, located south of the approved Lawson Hills MPD, is in the process of being transferred to City ownership to be protected as open space. The origins of the In-City Forest date back to the Black Diamond Urban Growth Area Agreement (BDUGAA) and the Black Diamond Area Open Space Agreement (BDAOSPA). The provision of the In-City Forest land is coupled with the East Annexation, a 50 acre area that is now part of the Lawson Hills MPD. In the past few years, the parcel has been precisely delineated through a Lot Line Adjustment and has subsequently been assigned a separate parcel number by the King County Assessor (1321069012).

Impact: From a theoretical standpoint, this amendment transfers 50 acres of land that could be developed at a minimum density of 4 units per gross acre (i.e., 200 units) and places it into a designation that will not allow any residential development. The proposed concurrent change in zoning from R4 to the new "Park" zone (see CPT-11-01) will accomplish the same. However, given the prior agreements (BDUGAA and BDAOSPA), regardless of the current land use designation and zoning of the property, this parcel is not available for residential development. Therefore, the proposed change should be viewed as a "technical" or "housekeeping" amendment, rather than one that impacts the amount of land within the city limits that is available for development. The proposed Park designation more accurately reflects the permitted use of the property.

Staff recommendation: Staff initially suggested the land use designation of this property be changed to "Public." During its review of the suggested Comp Plan amendments, the Planning Commission directed staff to write a description for the "Parks" land use designation that could be applied to properties that are intended to be retained as open space, such as the In-City Forest.

Staff recommended approval of this map amendment and concurrent rezone, provided that the In-City Forest is transferred into City ownership by the date of City Council action on the various 2011 Comprehensive Plan amendments. Should the property transaction not occur, staff recommends only the Future Land Use Map amendment be approved and that the existing R4 zoning be retained until such time the site comes under City ownership.

Planning Commission recommendation: The Commission is not recommending approval of this request or any other amendment that involves the proposed new "Park" designation and "Park" zone district. The Commission suggests that additional work and public involvement needs to occur on this issue before any action is taken.

CPM-11-02 *Correct MPD overlay boundary to conform to the approved Lawson Hills MPD property boundaries*

This proposal constitutes a minor change to the Future Land Use Map to adjust the MPD overlay boundary to conform to the actual boundary of the approved Lawson Hills MPD. The residual land outside of the approved Lawson Hills MPD that currently retains the overlay is less than the 80 acre minimum size required for an MPD. Nor is it shown as a potential “expansion area” in the approved MPD permit. Therefore, it is not appropriate to have the MPD overlay apply to these properties.

Impact: This change is essentially a “technical adjustment” to the Future Land Use Map and does not impact the underlying land use designation of Medium Density Residential. Therefore, this amendment will not result in the potential of fewer housing units being constructed within the city nor will it increase the development potential within the city. Similar to CM-11-01, a Lot Line Adjustment has been completed in the last few years which precisely delineates the boundary of the approved MPD.

Staff recommendation: Staff recommended approval of this map amendment.

Planning Commission recommendation: The Commission also recommends approval of this proposal.

CPM-11-03 *Change the water tower site within the Lawson Hills MPD from Public to Low Density Residential/MPD Overlay*

This small parcel (approx. 0.5 acres) is currently shown as “Public” on the Future Land Use Map, but is not under any form of public ownership. It appears to have been erroneously placed in the “Public” category due to the presence of the water tower. The property is owned by BD Lawson Partners and is part of the approved Lawson Hills MPD.

Impact: This property is currently occupied by a City-owned water tower, but is not under City ownership. A change in designation to Low Density Residential/MPD Overlay will make this site consistent with the remainder of the approved Lawson Hills MPD. It is also likely that this water tower will be relocated as a result of development of the Lawson Hills MPD.

Staff recommendation: Similar to CPM-11-02, staff considered this to be a “technical adjustment” that corrects what might be perceived as an error in the Future Land Use Map. There will be no impacts in terms of development potential within the city.

Planning Commission recommendation: The Commission recommends approval of this proposal.

CPM-11-04 *Black Diamond Historical Museum site: change from Town Center to Public; concurrent change in zoning from Town Center to Public*

The City of Black Diamond owns the property on which the Black Diamond Historical Museum is located. Although the current designation of Town Center does not present any impediments to the museum, standard practice is to have all publicly-owned lands designated as Public on the Future Land Use Map.

Impact: This small parcel (a little more than 0.1 acre) is owned by the City of Black Diamond and leased to the Black Diamond Historical Society to operate the museum. The City budgets funds each year to pay the utilities required to operate the facility. Generally, all publicly-owned properties should either be designated “Public” or “Park,” signifying their public ownership and, therefore, unavailability for other forms of development.

Both the Town Center zone and Public zone allow a museum as an outright permitted use, so a change in land use designation and zoning will have no impact to the continued use of the property.

Staff recommendation: Staff recommended approval of this request. The museum is an important part of the historic town center and is likely to continue in its present location well into the future. A Public land use designation and zoning would be consistent with the treatment of other publicly owned properties.

Planning Commission recommendation: The Commission recommends approval of this proposal.

CPM-11-05 *Eagle Creek Park: change from Low Density Residential to Park; concurrent change in zoning from R6 to new Park zone*

At the time the Future Land Use Plan Map was developed, the Eagle Creek (aka Bruckner’s Way) subdivision did not appear on the King County Assessor’s base map. This may be why this public park was overlooked at the time of plan adoption, leaving the site designated as Low Density Residential.

In the past few years, the City has expended funds within the park, installing an irrigation system, play equipment, additional landscaping and signage. The proposed Future Land Use Map amendment and zone change would further emphasize this is a public facility.

Impacts: Eagle Creek Park is the only neighborhood-scale park within the city. Built in conjunction with the Eagle Creek subdivision, it was then dedicated to the City of Black Diamond as a public park. As noted above, the park site is not currently recognized on the Future Land Use Map, probably due to the fact that when the map was developed, the Eagle Creek subdivision did not appear on the King County Assessor’s map. The site is 18,866 sq. ft. in size and is located adjacent to a 23,000 sq. ft. storm drainage tract (also owned by the City). Since the site is already developed as a park and is owned by the City, the redesignation of this site from a residential land use designation and zone will not result in a loss of developable residential property within the city limits.

Staff recommendation: Staff recommended approval of the amendment.

Planning Commission recommendation: The Commission is not recommending approval of this request or any other amendment that involves the proposed new “Park” designation and “Park” zone district. The Commission suggests that additional work and public involvement needs to occur on this issue before any action is taken.

Other map amendments

CPM-11-06 *Update all maps throughout the Plan to reflect the current city limits*

The 2009 Comprehensive Plan was adopted prior to completion of the “South” and “East” annexations in December 2009. Those two annexations brought an additional approx. 225 acres into the City limits. Maps throughout the Plan need to be updated to reflect the new city boundaries.

Impacts: This is a “technical amendment” to the Plan, which simply modifies the city limit boundaries to their current configuration. Lands that were annexed through these two annexations are now part of The Villages and Lawson Hills MPDs, respectively. The impact of developing those properties has already been evaluated through the environmental impact statements prepared for the projects.

Staff recommendation: Staff recommended authorizing that all maps be updated to the current city limits.

Planning Commission recommendation: The Commission also recommends approval of this proposal.

CPM-11-07 *Amend Figures 4-3 & 5.2. to ensure consistency with SAO maps and update as needed*

Both these figures are slightly out of date, as they were developed before the City adopted its new Sensitive Areas Ordinance in February 2009. The research and analysis that occurred as part of the SAO effort resulted in more accurate sensitive areas information.

Impacts: These maps were prepared prior to the City updating its critical areas regulations (now known as the Sensitive Areas Ordinance). As part of that process, an inventory of environmentally sensitive areas was completed, based upon updated information. The result is moderate variations of the boundaries of some sensitive areas. However, since the newer maps are referred to in administering the current SAO, the proposed change will not impact the manner in which City staff is administering the regulations.

Staff recommendation: It is potentially confusing to have two sets of maps which differ in some areas. Staff recommended this change in order to avoid any potential confusion. As noted, the SAO maps represent more current information.

Planning Commission recommendation: The Commission also recommends approval of this proposal.

Text amendments

CPT-11-01 *Draft a land use category description for “Park” and an implementing “Park” zone district.*

Currently, the text of the Comprehensive Plan does not provide a description for the “Park” land use designation that appears on the Future Land Use Map. Also, all park lands within the city are currently zoned “Public;” that zone district allows a variety of land uses in addition to parks, such as schools, fire stations, utility structures, etc.

Impacts: This amendment will provide a land use category description for lands designated as “Park” on the Future Land Use Map. In conjunction with CPT-11-04 (below), it also replaces existing Plan language concerning Parks and Open Space with a more accurate description of the City’s intent regarding park lands in the context of land use planning. As such, it will not result in a diminution of either park lands or their potential use for a variety of parks and open space purposes. A concurrent change in zoning of any parks lands currently zoned “Public” to a new “Park” zone will also help ensure that parks lands are preserved only for parks and open space uses.

It should be noted that the Comprehensive Plan does include the 2008 Parks and Recreation Plan as a “stand alone” element. The Parks Plan provides policy guidance for the use of park lands.

Staff recommendation: Staff drafted the text revisions and new Park zone district (attached) per the direction of the Planning Commission. Most communities do not have a “park” zone district, but instead allow parks within other zone districts, whether those be residential, public or other zones. Since the City exercises control of all park lands via the Capital Improvement Program, approval of specific expenditures and through the Council’s Parks Committee, it may be redundant to create a Parks zone district.

Planning Commission recommendation: The Commission is not recommending approval of this request or any other amendment that involves the proposed new “Park” designation and “Park” zone district. The Commission recommends that additional work and public involvement need to occur on this issue before any action is taken.

CPT-11-02 *Amend language throughout the Plan to indicate that residential densities are to be calculated based upon “net” instead of “gross” acreage.*

Currently, the Comprehensive Plan text that discusses intended residential densities in Master Planned Developments and Low and Medium Density Residential areas indicates that densities are related to the number of dwelling units allowed per gross acre. The term “gross acres” takes into account the entire area of a property, including all sensitive areas (wetlands, streams, steep slopes, etc.) and their required buffers. The term “net acres” typically excludes unbuildable lands such as sensitive areas and their required buffers. However, neither term is defined in the Comprehensive Plan.

(The Zoning Code (BDMC 18.100) does define both terms, but it is clear the intent is in reference to the subdivision of land and the concurrent creation streets and alleyways).

Impacts: This amendment has the potential of significantly reducing residential development potential within the city and also impacting the established Transfer of Development Rights program (BDMC 19.24). For example, under the current practice of using “gross” instead of “net” acres, a 5 acre parcel designated Low Density Residential and zoned R4 has a development potential of 20 dwelling units (4 du/ac x 5 ac = 20 du). If this same parcel was encumbered by a wetland and/or required buffer that impacts 2 acres of the site, the development potential under a “net” system

would amount to 12 dwelling units ($4 \text{ du/ac} \times 3 \text{ ac}$ of developable land = 12 du). A proportional loss of development potential would also occur for properties designated/zoned LDR/R6 and Medium Density Residential/MDR 8.

Staff does not have a current, up-to-date inventory of vacant lands. The latest official document is the 2007 King County Buildable Lands Report, which identified 1,888 gross acres of LDR lands, of which 913 acres were impacted by critical areas and buffers. (The evaluation of critical areas and buffers was done pursuant to the City's former critical areas regulations; required buffer widths were increased when the new Sensitive Areas Ordinance was adopted in February 2009). Therefore, under a "gross acre" calculation, in 2007 there was (theoretically) $4 \text{ du/ac} \times 1,888 \text{ ac} = 7,552$ additional dwelling unit capacity in the city limits as they existed in 2007. Under a "net acre" calculation (excluding the 913 acres of critical areas and buffers), there was $4 \text{ du/ac} \times 975 \text{ ac} = 3,900$ dwelling unit capacity. There were also approx. 99 gross acres of MDR lands, of which 25 acres were impacted by critical areas and buffers. This would equate to 792 units gross and 592 units net.

In total, using a "net acre" standard, in 2007, there was capacity for an additional 4,492 dwelling units within the city limits, a 46% decrease in development potential.

In addition to adopting new sensitive (critical) area regulations since 2007, the City has also annexed additional lands (South and East annexations), which has increased the total amount of developable land within the city limits by approx. 275 acres. Both of those annexation areas are part of the two approved Master Planned Developments (MPDs).

It should be noted that since the two MPDs have been approved, any change to how the Plan defines density will not impact those projects, both which have densities based upon gross, not net acres. Therefore, this amendment would only apply to other undeveloped residential properties, establishing a different (and more restrictive) standard for the treatment of those non-MPD lands.

Chapter 18.86 of the Zoning Code authorizes Residential Cluster Development. The premise of this designation is based upon a gross acreage definition (see BDMC 18.86.040.A). Were the Plan be amended to use "net" instead of "gross" acres, this chapter of the Code should be repealed, as there would no longer be a justification for considering that sensitive areas and buffers have any development rights associated with them.

In addition, the City has a Transfer of Development Rights program (BDMC 19.24), which provides property owners within designated "sending areas" the ability to sell development rights to either the City (which serves as a TDR "bank") or to other individuals owning land in designated "receiving areas." For the most part, "sending areas" are wetlands and their required buffers, located within the older portions of the city. In that light, the TDR program recognizes there are development rights associated with these otherwise "non-developable" lands. In other words, the TDR program is based upon a "gross," not "net" acre definition.

The majority of "receiving areas" are found in the western portion of the city, predominantly within the area now incorporated into the approved Villages MPD. The approved unit count for The Villages MPD of 4800 units can only be achieved through the acquisition of TDRs (2876 TDRs required). Currently, based upon the initial assessment and subsequent granting of "Treasured Places" status to a few properties, staff estimates there are 2920 potential TDRs, with another 1000 TDRs in the bank that were established per BDMC 19.24.055.C. These "City" TDRs can only be used after property owners have had the opportunity to make a private sales agreement with a potential purchaser.

This proposed text amendment does not make a specific reference to the TDR program. However, it would essentially eliminate the policy basis for the program, which is problematic for a number of reasons. For one, although the two MPDs have received approval, each is dependent upon the receipt of some transferred development rights (Development Rights Certificates (DRC) per BDMC 19.24). Since these projects are approved, there are potential legal issues concerned with the possible elimination of the TDR program. (Only property owners that have been issued a DRC are “vested” to the program. At this time, DRCs have been issued for only 142 development rights. All other property owners have only been notified of their potential eligibility to receive DRCs and will not “vest” until a DRC is issued).

Another concern with the potential loss of the TDR program is that the City agreed to establish such a program when it entered into the Black Diamond Urban Growth Area Agreement (BDUGAA) in 1996. The BDUGAA was partially based upon the concept that the City would be able to expand its boundaries and grow at urban densities, while other lands in unincorporated King County were preserved from development at rural densities (in essence, a much larger transfer of development rights from rural to urban lands). In turn, Black Diamond would establish an internal TDR program to further protect sensitive areas and provide open space within its city limits. Language in the Comprehensive Plan further emphasizes the intent of having a TDR program (see pages 5-36, 5-37).

Finally, there are many property owners who currently are eligible to “send” development rights that would no longer be able to do so. Per BDMC 19.24, these property owners were previously contacted to advise them of their eligibility to participate in the TDR program.

Staff recommendation: Staff did not support this change, due to the potential impacts noted above. Written testimony provided to the Commission indicated that author felt that without the change from “gross” to “net,” the City would potentially be able to grow beyond earlier projections. Staff is not aware of the methodology used for these prior projections; however, language in the 1996 edition of the Comprehensive Plan also describes all allowable residential densities in terms of units per gross (not net) acres. So, it is not clear how the prior projections resulted in a smaller city-wide build-out potential than is currently expected after approval of the two MPDs.

Planning Commission recommendation: The Commission recommends approval of the proposed text amendment.

CPT-11-03 *Amend the text concerning Master Planned Developments to eliminate the need for a residential component.*

Currently, the Comprehensive Plan requires that a MPD include a residential, in addition to a commercial component. According to the MPD Code (BDMC 18.98), any parcel greater than 80 acres in size is subject to the MPD process. Therefore, any large project of 80 acres or greater proposed in a commercial or industrial area must include residential uses, regardless of whether there is a demand for that land use.

Impacts: Currently all lands designated with an MPD overlay on the Future Land Use Map have been approved as either The Villages or Lawson Hills MPDs (except for the small discrepancy noted in CPM-11-02). However, the MPD Code (Chapter 18.98 BDMC) still requires any property ownership of greater than 80 acres to be developed as a MPD. There are other landholdings within the city

limits that meet standard, that include a mix of Low Density Residential, Business Park/Light Industrial and Industrial lands.

The potential change would not have an impact upon any lands designated Low Density Residential. However, it would eliminate the need for Business Park/Light Industrial and Industrial lands to include residential uses if they are developed as MPDs. This would lead to a lessening of housing capacity within the city, but would also preserve more land for non-residential development. The actual amount of lost residential capacity is difficult to determine, as the MPD code does not specify a minimum amount of residential development as part of a MPD.

A longer-term option would be to reconsider the need for mandating larger-scale development occur through the MPD mechanism. The MPD concept was developed primarily to guide development of the larger properties now included within The Villages. It was only at a later date that the 80-acre threshold requirement was added to the code.

Staff recommendation: Staff supported this change as an interim measure. A more permanent solution may be to amend both the Plan and the MPD chapter of the Zoning Code.

Planning Commission recommendation: The Commission recommends approval of the proposed text amendment.

CPT-11-04 *Revise discussion of Primary & Secondary Open Space*

This portion of the text refers to two forms of open space, which relate to both sensitive areas and the City's Transfer of Development Rights Program. It appears to be leftover language from the 1996 Comprehensive Plan.

This amendment was been combined with CPT-11-01 and therefore, required no action by the Planning Commission.

CPT-11-05 *Add language to Capital Facilities Plan (Chapter 8) relating to fire impact fees*

Earlier this year, the City Council conducted a work study session regarding the potential of establishing a city-wide fire impact fee to generate revenues to fund new fire stations and apparatus. They directed staff to proceed with developing such a program. One required component is to address this issue in the Capital Facilities Element of the Comprehensive Plan, in order to provide a policy basis for establishing an impact fee.

Draft language has been prepared by a consultant working on behalf of the City (Randy Young of Henderson & Young) and is attached to this report.

Impacts: This text change will provide the basis for the future adoption of a city-wide fire impact fee. Currently, fire services within the city are provided by Fire District 44, which acts as the City Fire Department under contract. The level of service provided is restricted by the amount of fire facilities situated within the city limits. The adoption of a fire impact fee will provide a revenue source to help

pay for future fire stations and major equipment, thereby allowing for an improvement in level of service.

The adoption of any impact fee will by necessity have an impact on the price of housing and non-residential development. However, improved fire services may also result in a higher fire rating, which could have a beneficial impact on individual homeowners' and other insurance policies.

Staff recommendation: Staff recommended adoption of the proposed text amendment.

Planning Commission recommendation: The Commission recommends approval, with two modifications to the text:

Change Policy CF-20 to read as follows: The City ~~will shall negotiate with King County Fire Protection District 44 to~~ develop a staffing and equipment plan that targets NFPA standards and provides ~~providing the best possible~~ fire, rescue, and emergency medical services for citizens as the City as it grows.

Add to the first paragraph on the top of page 8-25: As noted above, Black Diamond currently has the equivalent of 0.5 staffed fire stations, therefore existing and new development in Black Diamond creates the need for two additional fire stations (with apparatus)³.

CPT-11-06 *Revised language relating to private utilities*

Puget Sound Energy has updated their planning for future growth in the city and surrounding area, which has resulted in new language different than that approved by the Commission in 2010. See attached.

Impacts: The new language provides background information regarding the future provision of electrical and natural gas services within the city limits. This represents the planning direction of the utility provider (Puget Sound Energy) as known at this time. No policies are being proposed with this language, nor are any specific projects being proposed at this time. SEPA review will be required for any specific facility proposed for construction.

Staff recommendation: Staff recommended adoption of the proposed additions addressing private utilities.

Planning Commission recommendation: The Commission recommends approval of the proposed text amendment.

CPT-11-07 *Adoption of a Trails element to the Comprehensive Parks Plan*

The Trails Plan would be added to the Parks Comprehensive Plan (an element of the City's overall Comprehensive Plan, but a stand-alone document). A copy of the draft is attached.

Impacts: The Trails Plan is a planning document that would provide a framework for guiding potential on-street and off-road trails within the city. Developed with the assistance of a consultant several years ago, staff has reduced the ambitious scope of the original document to address the

basic framework of a trails system within the city limits. Some trail sections would actually utilize existing or planned sidewalks within street rights-of-way, while others would be located as totally separate facilities. Off-street facilities will be provided in publicly-owned properties such as parks and open spaces, or in conjunction with the two approved Master Planned Developments. In these areas, the trails might be privately-owned and maintained, but would be open for use by the general public.

Staff recommendation: Staff recommends adoption of the Trails Plan as an element of the Comprehensive Parks, Recreation and Open Space Plan.

Planning Commission recommendation: The Commission recommends approval of the proposed addition to the Parks, Recreation and Open Space Plan.

SUGGESTED AMENDMENTS FROM THE DOCKET

CPT-11-08 *Transportation concurrency standard for SR-169.*

Peter Rimbo and a group known as the Citizens' Technical Team submitted this request. Their reasoning is outlined below.

PURPOSE OF PROPOSED TEXT AMENDMENT

Although the State designates SR-169 as a Highway of Statewide Significance (HSS) and, thus, exempt from Transportation Concurrency testing, King County interprets that exemption to only pertain to "limited access" HSSs, of which SR-169 is not. Currently the Black Diamond Comprehensive Plan simply parrots State provisions. Consequently, we believe a change in the Comprehensive Plan is in order to mirror the King County interpretation shown above. Our proposed text amendment would give the City more control and allow Transportation Concurrency testing of the most critical piece and backbone of its Transportation infrastructure--SR-169.

PROPOSED TEXT AMENDMENT

7.2. Level of Service

A level of service (LOS) standard measures the performance of an existing transportation system and the adequacy of the planned future improvements. Additionally, LOS standards establish the basis for the concurrency requirements in the GMA. Agencies are required to "adopt and enforce ordinances which prohibit development approval if the development causes the LOS on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development." (RCW 36.70A.070(6)(b)). Therefore, setting the LOS standard is an essential component of regulating development.

7.2.2. LOS and Concurrency

The concurrency provisions of the GMA require that local governments permit development only if adequate public facilities are—or can be guaranteed to be—available within 6 years to support the new development. The GMA requires each local jurisdiction to identify future facility and service needs based on its LOS standards. To ensure that future development will not cause the City's

transportation system performance to fall below the adopted LOS, the jurisdiction must do one or a combination of the following: modifying the land use element, limiting or “phasing” development, requiring appropriate mitigation, or changing the adopted standard.

The requirements of Black Diamond’s Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as ‘highways of statewide significance.’ The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.

7.2.4. Level of Service Methodology

The City has established specific methods to calculate the LOS for evaluating the performance of the roadway intersections and transit service and facilities. This section describes those methods.

Intersection Level of Service

For signalized and unsignalized intersections, the LOS is calculated using the procedures described in the latest edition of the Highway Capacity Manual (2000 edition). At signalized and all-way stop-controlled intersections, the LOS is based on the weighted average delays for all movements, whereas the LOS for two-way stop-controlled intersections is defined by the weighted average delay for the worst movement.

State Highway Level of Service

1998 amendments to the GMA require local jurisdictions to address state-owned transportation facilities, as well as local transportation system needs in their comprehensive plans. House Bill (HB) 1487 requires that the transportation element of local comprehensive plans include the LOS standards for Highways of Statewide Significance (HSS). HB 1487 clarified that the concurrency requirement of the GMA does not apply to HSS or other transportation facilities and services of statewide significance. HB 1487 also requires local jurisdictions to estimate traffic impacts to state-owned facilities resulting from land use assumptions in the Comprehensive Plan.

However, since SR-169, a ‘highway of statewide significance,’ does not have limited access and, thus, functions like a city arterial, it may be included in the Black Diamond concurrency test. Such a ‘highway of statewide significance that does not have limited access and, thus, functions like a city arterial’ means those ‘highways of statewide significance’ that:

1. Allow driveways and side streets to connect directly to the highway;
2. Provide primary connections between major centers of activity; and
3. Function as high traffic corridors for intra-area travel between business districts and communities.

The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be based on local mobility requirements, and shall be consistent with other traffic standards within the City.

The Washington State Department of Transportation (WSDOT) adopted LOS standards for HSS facilities is LOS D for urban areas (RCW 47.06.140). The LOS target is established for Comprehensive Plans and for reviewing developer impacts along urban HSS facilities.

The WSDOT also analyzes “screen lines” for deficiencies along state routes using a standard of 70% of the posted speed. This screen line analysis allows WSDOT to identify the “most congested”

locations along its HSS facilities. A speed of approximately 70% of the posted speed equates to conditions where a highway achieves the maximum throughput of vehicles.

In 2007, the WSDOT added SR 169 to the list of HSS facilities. The State's 2007-2026 Highway System Plan indicates that SR 169 is expected to operate below the 70% speed threshold (termed 'operating less than efficiently') during peak hours in 2030. *(end of submittal from Mr. Rimbo/Citizens' Technical Team)*

Impacts: This proposed amendment would provide the basis for the City potentially imposing its arterial LOS standard (LOS "C") to SR 169 (3rd Ave.). Currently, the Plan concurs with the established WSDOT standard for the highway of LOS "D".

When the City Council was considering adoption of the Transportation element of the Plan two years ago, they realized that a higher LOS standard for 3rd Ave. could potentially adversely impact adjacent properties, as it would necessitate greater road widening (additional lanes) and possibly, in some locations, the acquisition of additional right-of-way. Since so many properties within the historic town center feature structures built close to the existing roadway, the impacts of a wider roadway could be significant to those properties. For that reason, the Council opted for a LOS "D" standard for SR 169, which avoids the need for road widening.

Staff recommendation: Staff did not support this request, for the reasons noted above.

Planning Commission recommendation: The Commission recommends approval of the proposed text amendment.

Various revisions suggested by Save Black Diamond

The following suggested revisions to various portions of the text were suggested by a group known as Save Black Diamond. Proposed revisions and justification are as submitted; staff comments are confined to the sections "impacts" and "staff recommendation."

CPT-11-09 1.5.1. King County Countywide Planning Policies, Page: 1-9

For King County, the CPPs established a UGA. Most future growth and development is to occur within the UGA to limit urban sprawl, enhance open space, protect rural areas and more efficiently use human services, transportation and utilities. The intent of these policies is to reduce future infrastructure costs and maintain a high quality of life by encouraging concentrated development in those areas where services already are or are planned to be provided. Cities are expected to absorb the largest share of future growth. Each city has the authority to make decisions regarding its local character and density. The City finds that this comprehensive plan is consistent with ~~the purpose and intent of~~ the King County CPPs. The City includes the UGA agreed upon in the BDUGAA, and is consistent with the King County CPPs updated in July 2006. The City is also updating its population and employment targets to reflect growth that is anticipated over the next 20 years.

Proposed Change:

Remove the phrase “the purpose and intent of”, as shown in strikethrough above.

Additional Information:

Eliminate any possible time spent trying to define the “purpose and intent of” the King County CPPs. It is more appropriate to be consistent with the actual CPPs.

Impacts: This is a minor clarification which does not substantially alter the Plan.

Staff recommendation: Approve the change as suggested by Save Black Diamond.

Planning Commission recommendation: The Commission does not recommend approval of the proposed text amendment.

CPT-11-10 2.3. UGA Policies, Page: 2-17

UGA Utilities and Public Services Objectives and Policies

UGA Objective U 1: Integrate all public facility and service plans for the UGA into appropriate City plans and programs.

UGA Policy U 2: The mix of residential and employment land uses in the UGA, should achieve the "economies of scale" needed to support quality public services and schools in a cost-efficient manner.

UGA Policy U 3: City revenues should not be used to fund private facility extension in the UGA.

UGA Policy U 4: The City Capital Improvement Program should integrate public facility and service

Proposed Change UGA Policy U 3 as follows:

UGA Policy U 3: City revenues, imminent domain, or tax authority shall ~~should~~ not be used to fund private facilities ~~facility extension~~ in the UGA.

Additional Information on UGA Policy U3:

This adjustment will further define the intent of the plan and benefit city residents by protecting their tax dollars. It eliminates the meaningless legal term “should.” It is consistent with the intent of the plan to add tax authority to the statement regarding city revenues. It is also consistent to recognize that acquiring land through imminent domain is effectively the same or worse than using city residents’ financial resources to fund private facilities.

Impacts: Eminent domain cannot be exercised by a local jurisdiction for anything but a public use. [State law (RCW 8.08) provides the statutory authorization for use of the power of condemnation by local government]. In addition, under long standing case law, in order to use the power of eminent domain to acquire property, a city must prove that: (1) the use is really

public; (2) the public interest requires it; and (3) the property appropriated is necessary for that purpose. In summary, it is questionable whether the exercise of eminent domain could be used by the City to support private utilities.

It is unclear what the intent is of inserting the phrase prohibiting use of "tax authority," since other than users' fees for certain services, all City revenues are derived from taxes. In that regard, the existing language is sufficient.

Staff recommendation: Although staff understands the concerns expressed in the proposed revision, it does not support making this change.

Planning Commission recommendation: The Commission recommends approval of the proposal as amended:

UGA Policy U 3: City revenues, ~~imminent eminent domain, or tax authority shall~~ should not be used to fund private facilities ~~facility extension~~ in the UGA.

CPT-11-11

4.3.2. Water Quality Concepts, Objectives, and Policies, Page: 4-24

Water Quality Policies

Policy NE-1: The City recognizes the need for aquifer protection and will continue to coordinate planning efforts with King County in maintaining the South King County Ground Water Management Plan through the South King County Groundwater Management Committee.

Change Policy NE-1 as follows:

Policy NE-1: The City shall designate a sole source aquifer for all groundwater resources that qualify for that designation. ~~The City recognizes the need for aquifer protection and~~ The City will continue to coordinate planning efforts with King County in maintaining the South King County Ground Water Management Plan through the South King County Groundwater Management Committee.

Additional Information on Policy NE-1:

A sole source aquifer (SSA) is an underground water supply designated as the "sole or principal" source of drinking water for an area. Underground water resources are currently relied upon by a substantial number of residents in and near the city. In addition, most future residents will rely on groundwater resources. It is critical that those underground resources be protected. Those resources are part of an aquifer that needs protection. Without this protection, residents risk groundwater contamination leading to illness, and the city faces the risk of large financial liability for those groundwater problems.

Impacts: The City does not have the authority to establish a sole source aquifer designation; only the U.S. Environmental Protection Agency does. In addition, it is doubtful any local aquifer could qualify as a "sole source aquifer," since there are other water supply options available in the area which could provide service. Finally, the vast majority of city residents are connected to

public water supplies (either the City's water system or Covington Water District). Both water purveyors have ample water supply to meet the needs of future growth.

The existing policy language supports aquifer protection and is adequate.

Staff recommendation: Staff does not support this change.

Planning Commission recommendation: The Commission does not recommend approval of this proposal.

2011 POTENTIAL COMPREHENSIVE PLAN AMENDMENTS
INITIATED BY PLANNING COMMISSION RESOLUTION 11-01

DRAFT

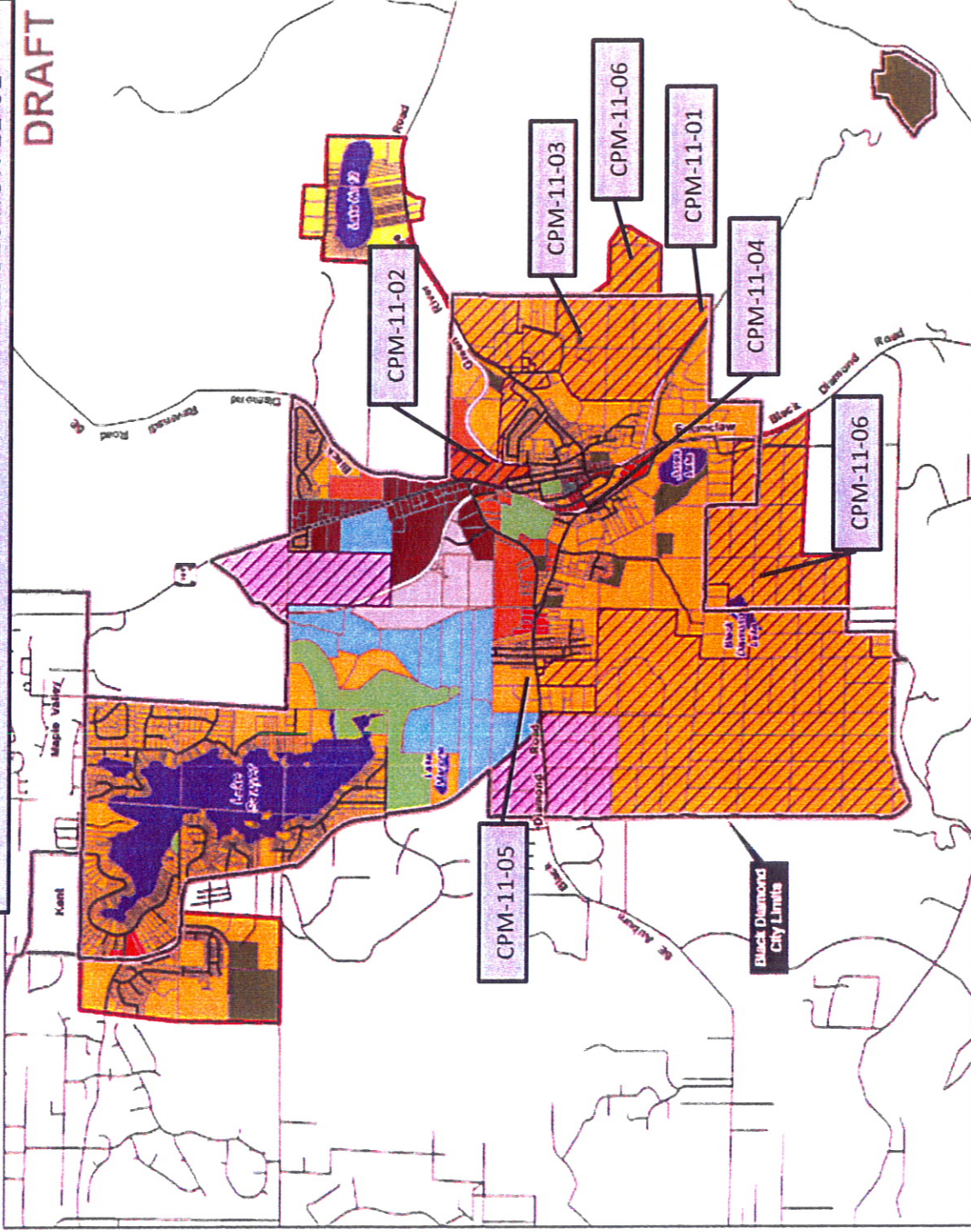


Figure 5-1

City of Black Diamond
Future Land Use Map

- City Limits
- Potential Annexation Area
- Road
- Master Planned Development Overlay
- Future Land Use
- Urban Reserve
- Low Density Residential
- Medium Density Residential
- Major Use
- Business Park & Light Industrial
- Neighborhood Commercial
- Town Center
- Community Commercial
- Industrial
- School
- Park
- Public
- Water

NOTES

Any parcel of all areas of issue that develop as required by the Master Plan Development (MPD) process shall be in accordance with the MPD process.

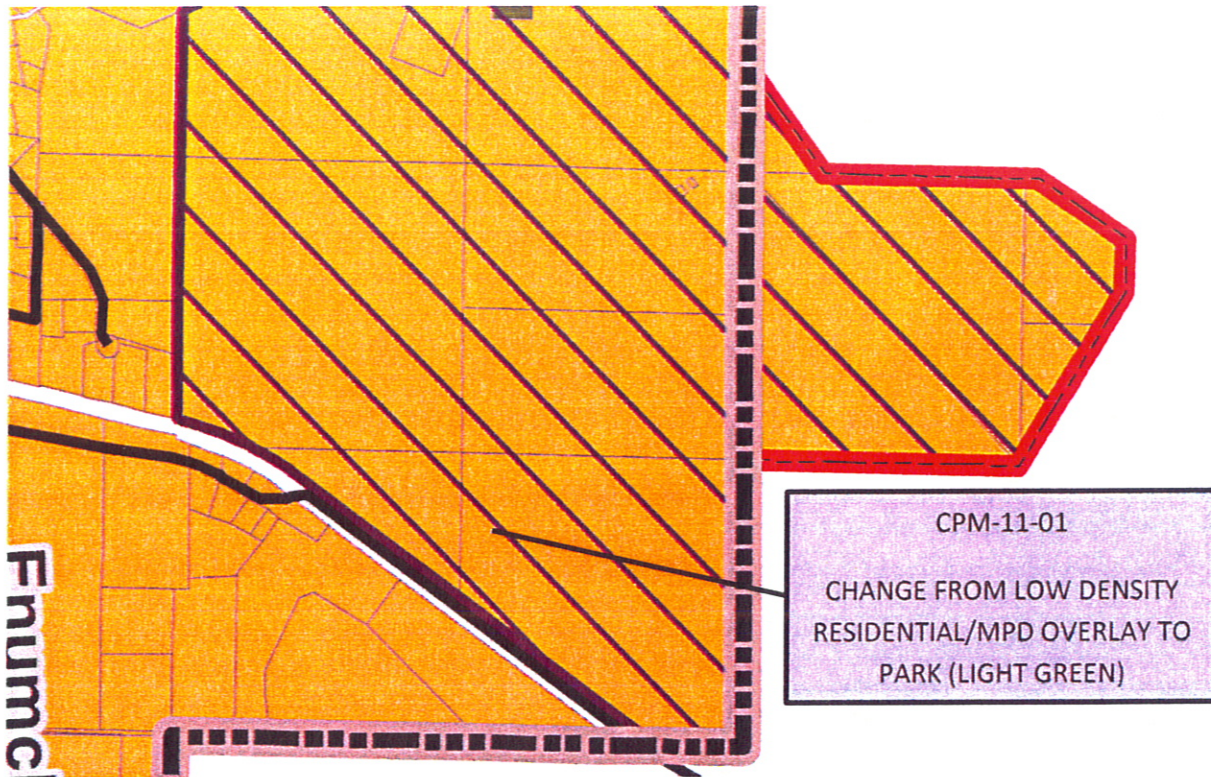
Some masterplanned development projects with an MPD covering more than one parcel, appropriate to either the Black Diamond Urban Growth Area or the Black Diamond Urban Growth Area, are subject to a separate development agreement. A separate development agreement shall be entered into with the City of Black Diamond and the developer of the project.

Source: King County (2011) City of Black Diamond (2011)

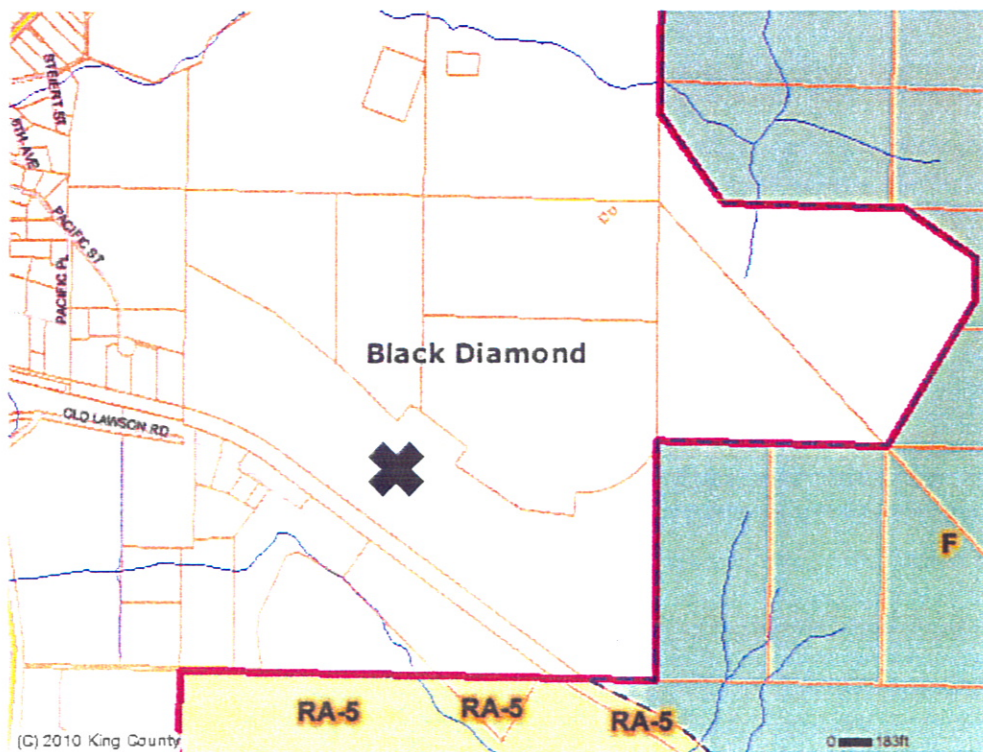
Map Prepared: June 2010

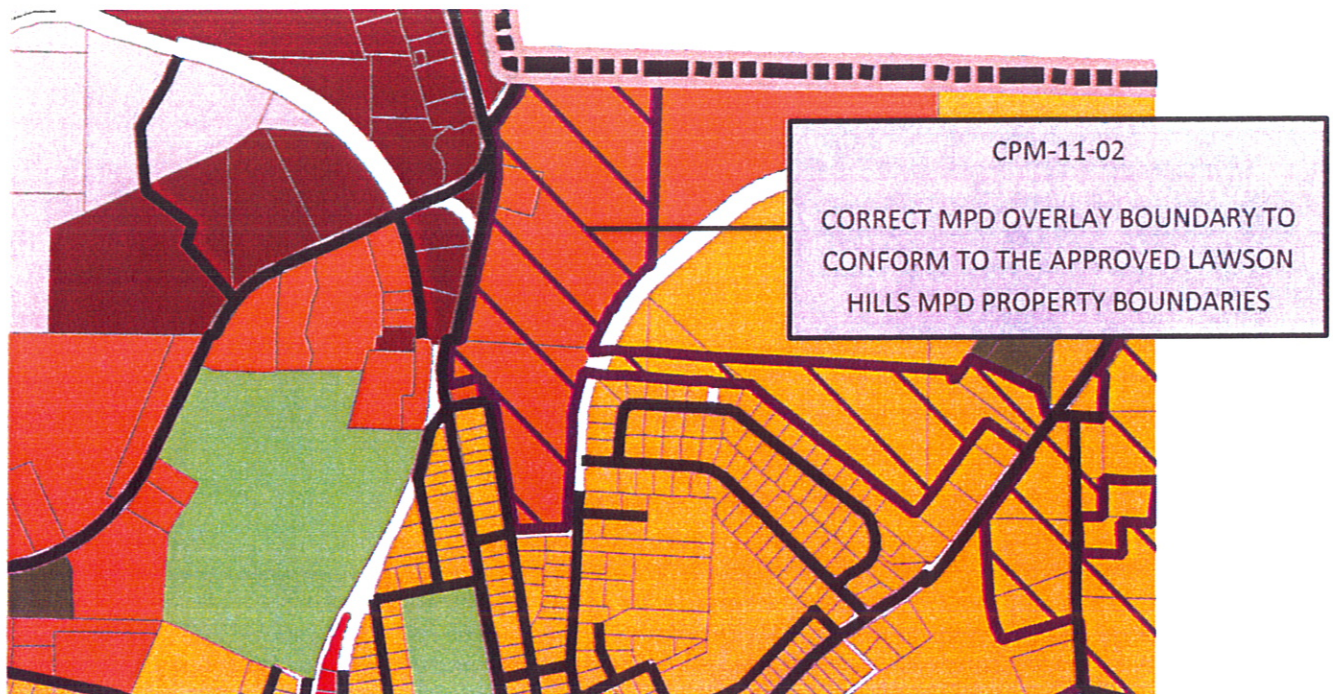


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James R. Stokes

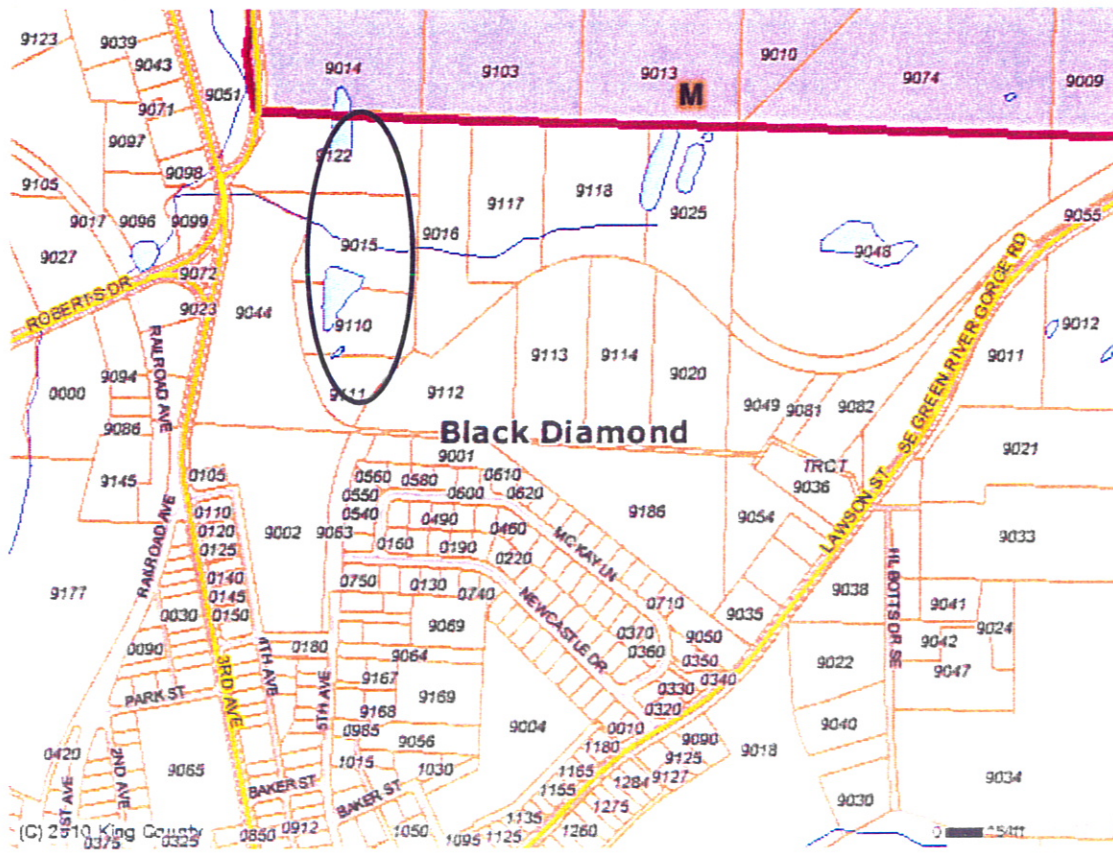


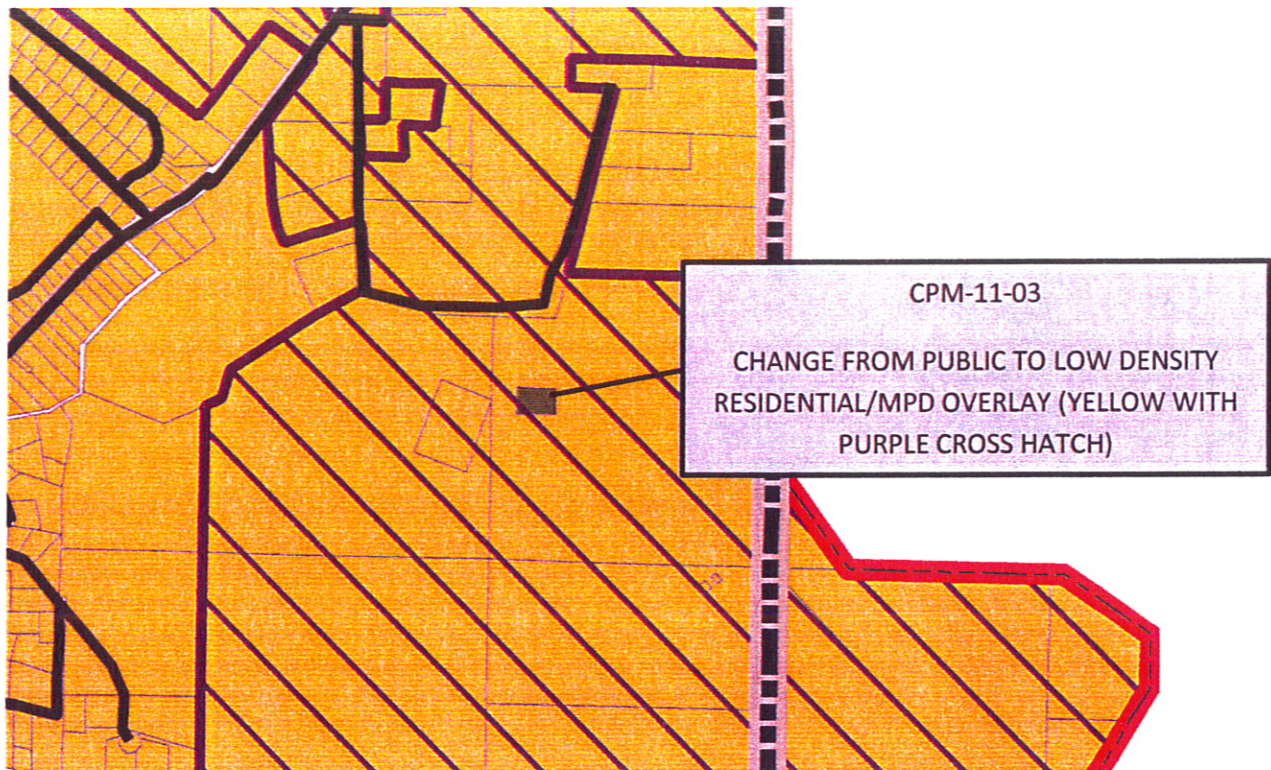
CPM-11-01 AREA SHOWN ON COMPREHENSIVE PLAN MAP ABOVE, THE MAP BELOW SHOWS THE CURRENT PARCEL CONFIGURATION.



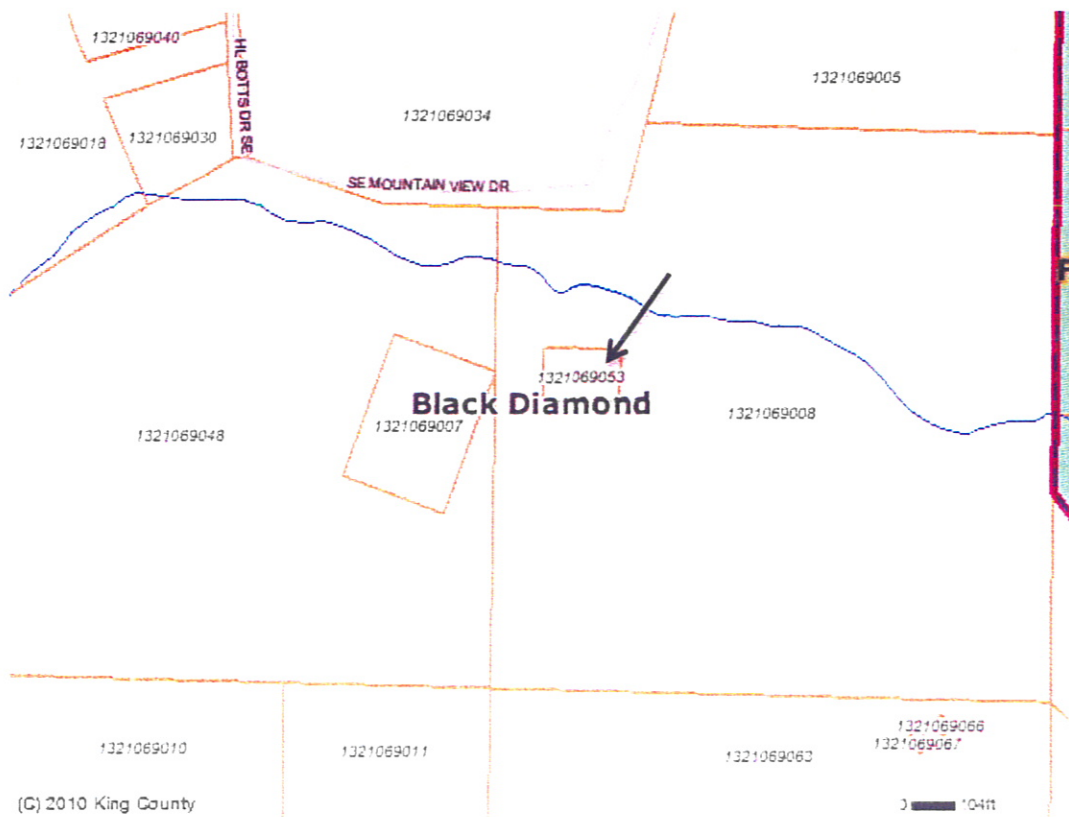


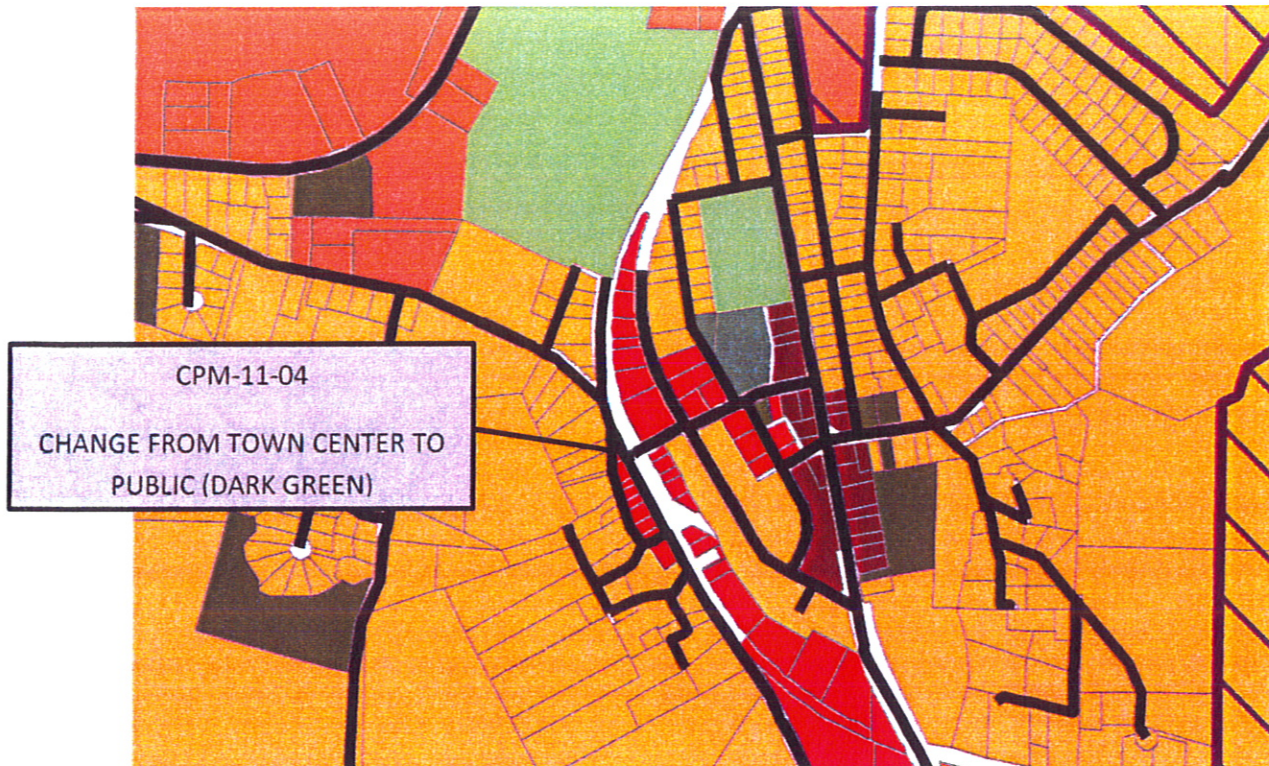
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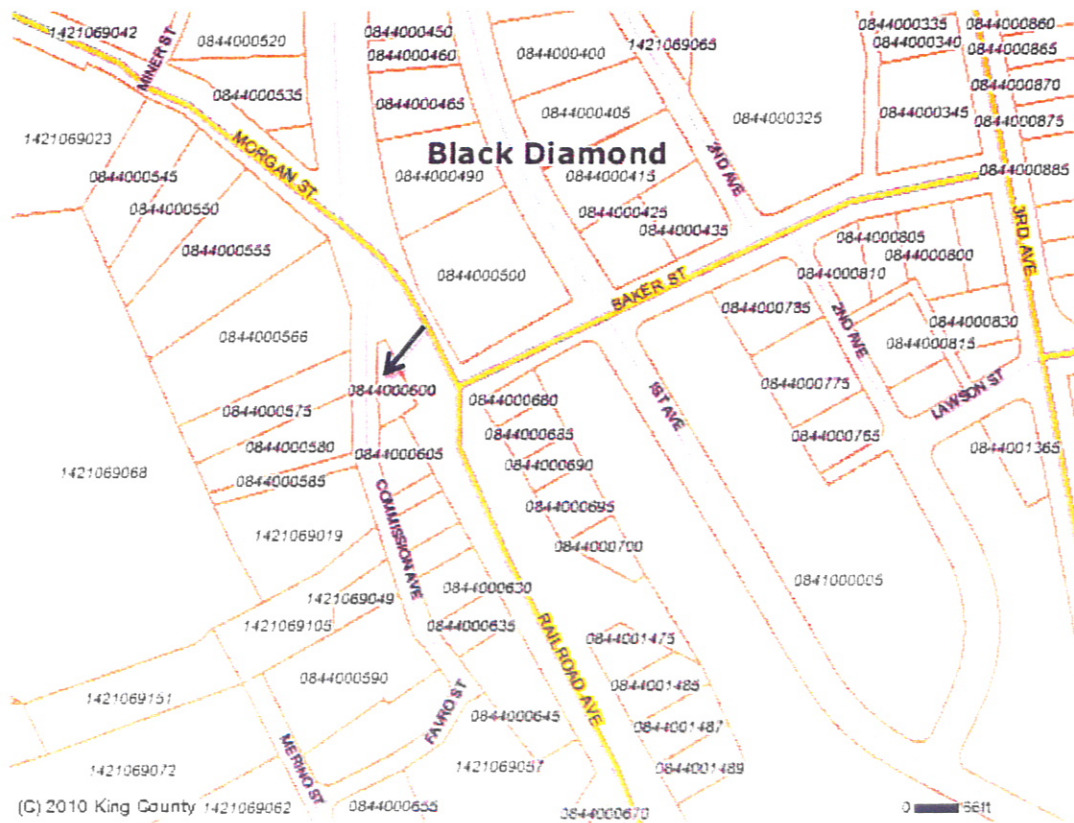


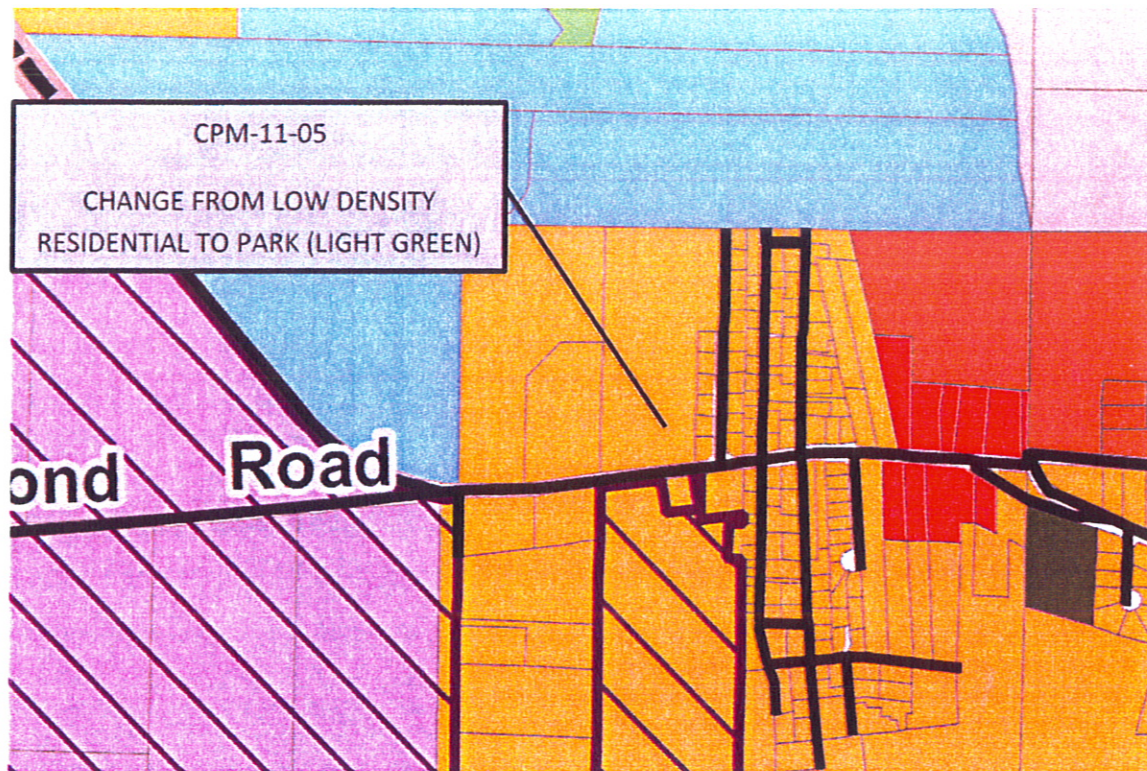
CPM-11-03 AREA SHOWN ON COMPREHENSIVE PLAN MAP ABOVE, THE MAP BELOW SHOWS THE CURRENT PARCEL CONFIGURATION.



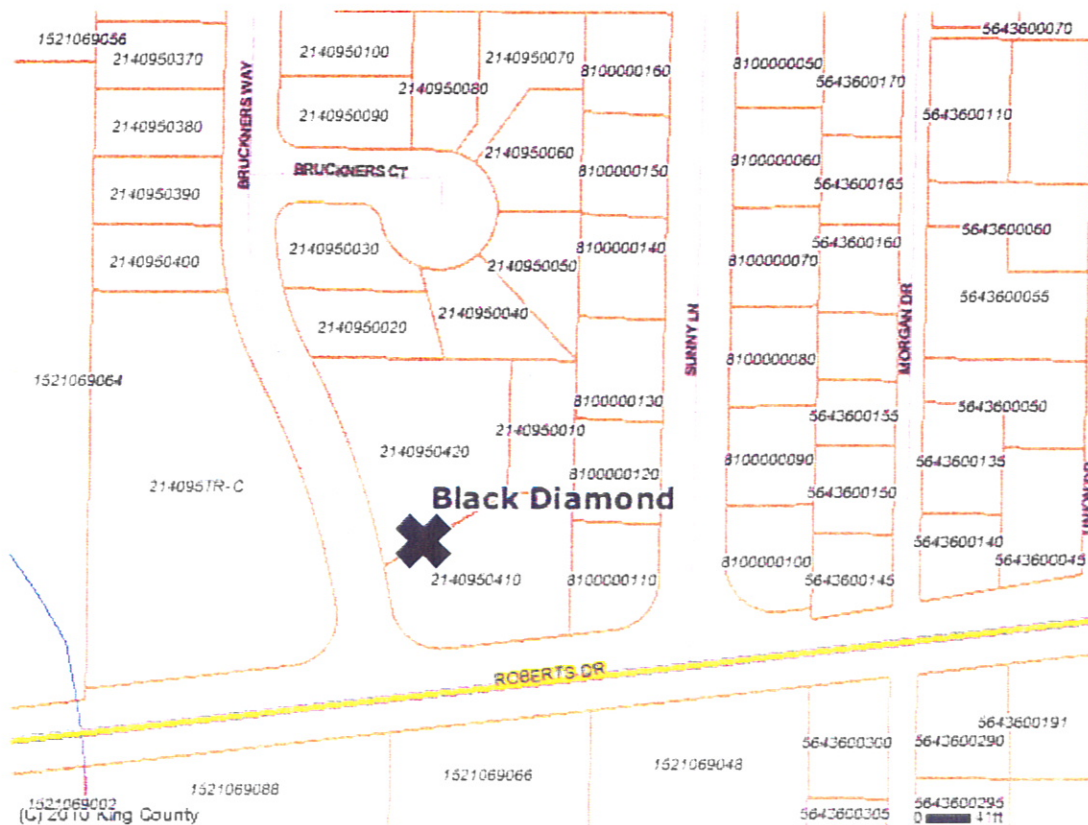


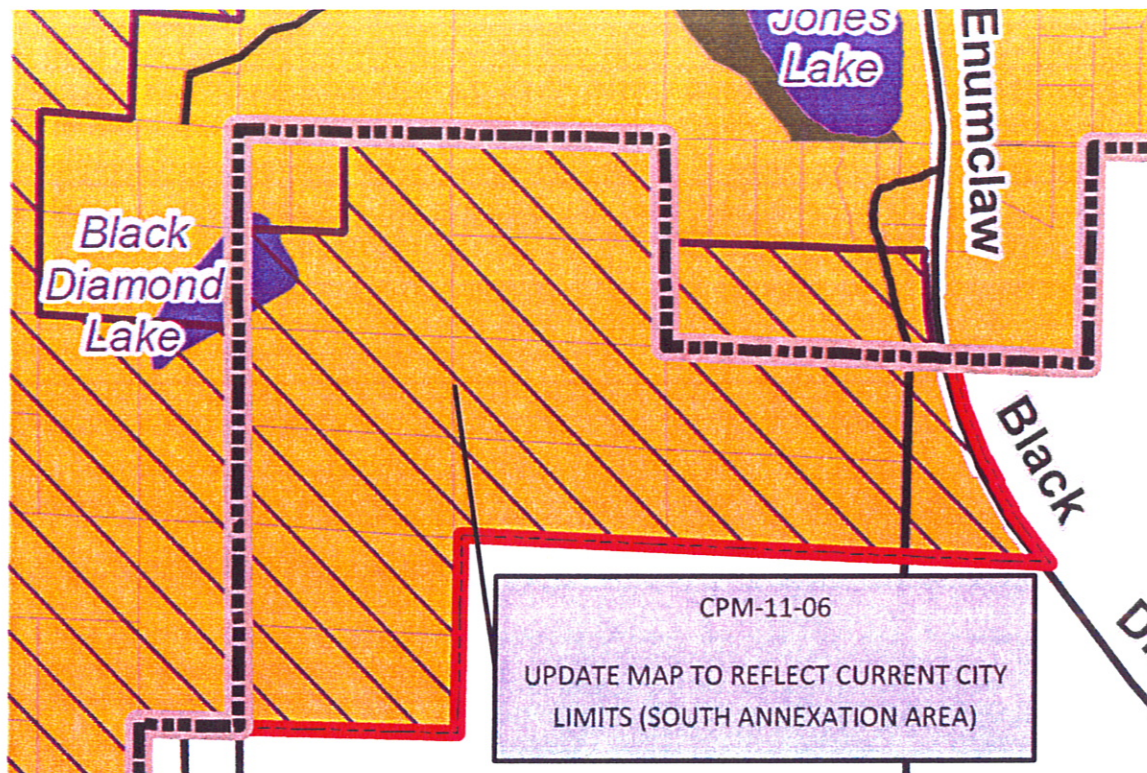
CPM-11-04 AREA SHOWN ON COMPREHENSIVE PLAN MAP ABOVE, THE MAP BELOW SHOWS THE CURRENT PARCEL CONFIGURATION.





CPM-11-05 AREA SHOWN ON COMPREHENSIVE PLAN MAP ABOVE, THE MAP BELOW SHOWS THE CURRENT PARCEL CONFIGURATION.

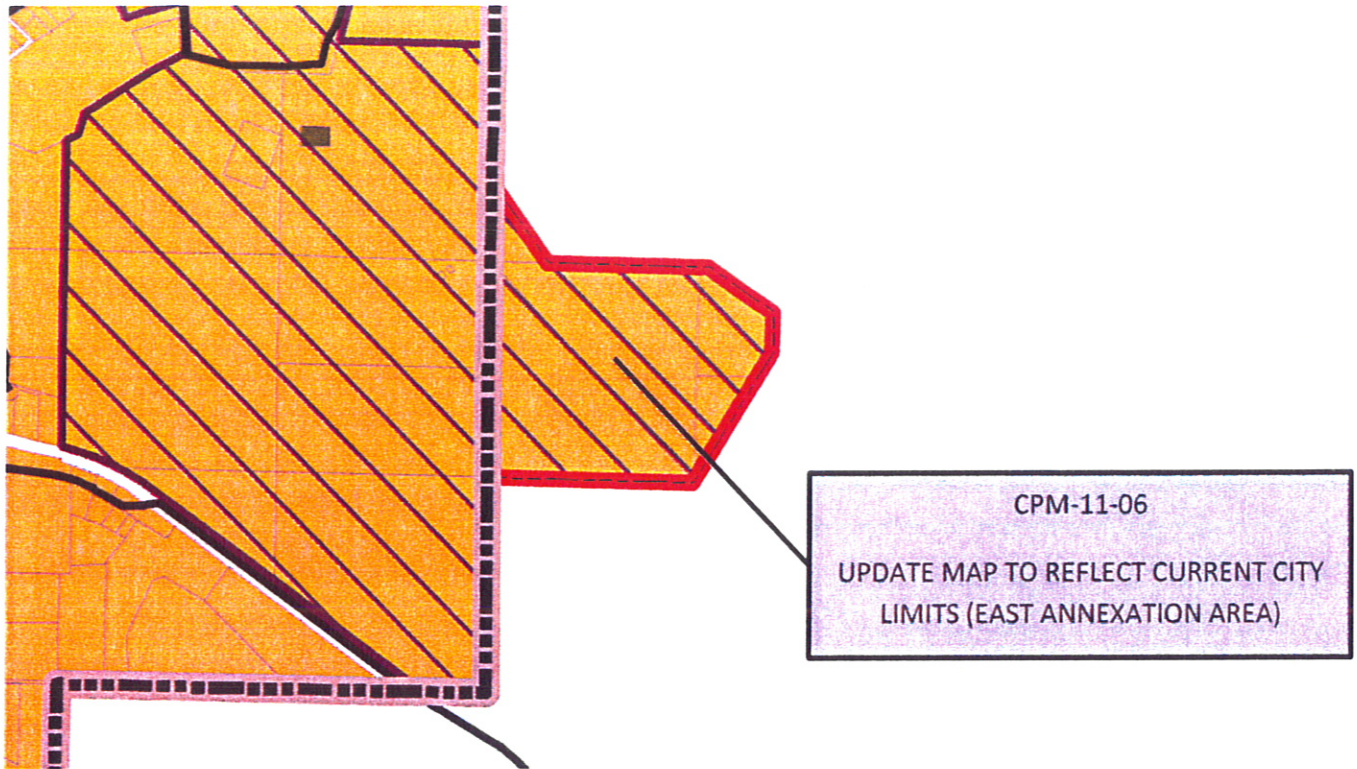




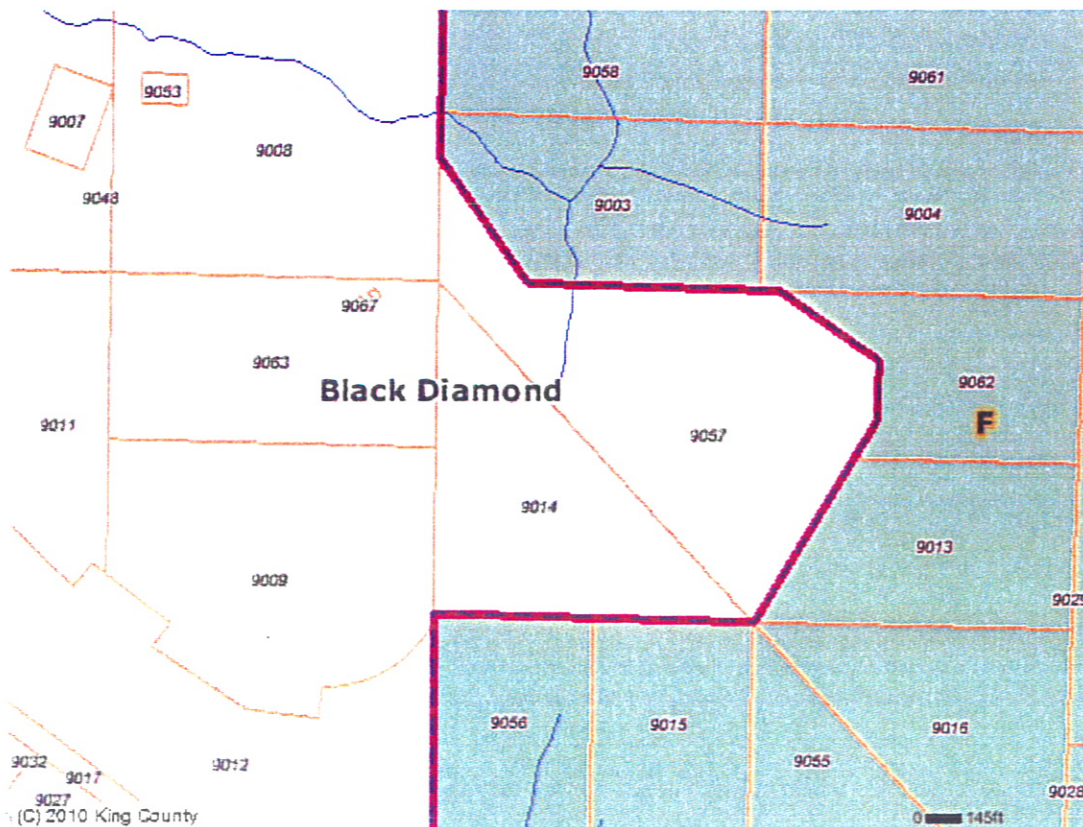
CPM-11-06 AREA SHOWN ON COMPREHENSIVE PLAN MAP ABOVE, THE MAP BELOW SHOWS THE CURRENT PARCEL CONFIGURATION.



September 2011



CPM-11-06 AREA SHOWN ON COMPREHENSIVE PLAN MAP ABOVE, THE MAP BELOW SHOWS THE CURRENT PARCEL CONFIGURATION.



September 2011

4. The area is separated by topography, buffers, or other appropriate boundary from incompatible uses and/or existing or planned residential areas.
5. The area is capable of being served by transit.
6. The area has large undeveloped parcels suitable for industrial uses.

Primary and Secondary Open Space Overlay Parks and Open Space

~~Purpose: The City of Black Diamond Comprehensive Plan Primary and Secondary Open Space overlay, shown on the Parks and Open Space Map, coincides with the known (approximate) location of environmentally sensitive (critical) areas (Primary Open Space) and lands within close proximity to such areas (buffers), or other desired open space areas (Secondary Open Space). These areas should be preserved and/or used as open spaces and parks, including the City's Treasured Place;s; Some lands may also be targeted to be acquired or otherwise protected through the City's Open Space Plan. Primary and Secondary Open Space will be retained or protected through a variety of public and private development and preservation mechanisms, including conservation easements, environmentally sensitive area tracts, on-site density transfer, TDR, dedication, fee-simple purchase, or development as a private park or recreation area. The plan's Open Space overlay designation does not override the underlying land use and zoning designations, and may also signify a potential Sending Area under the City's TDR Ordinance.~~

The Future Land Use Map depicts a variety of lands that are designated as "Parks and Open Space." These consist of City-owned properties that are intended to provide recreational and open space uses to the community. These lands consist of active neighborhood or regional parks; open space areas maintained primarily for protection of natural features and processes or to maintain wildlife habitat and corridors; or lands of historic or cultural significance.

Only lands under City ownership are intended to be placed within this category; sensitive area buffers that may be subject to a conservation easement or other protective measures should be classified consistent with adjacent lands. Also, publicly-owned lands under the control of agencies other than the City of Black Diamond are intended to be designated as "Public."

Allowed Uses and Description: Primary Parks and Open Space contains both developed and undeveloped lands designated for park uses; environmentally lands that are intended to be primarily maintained in a natural condition; lands intended to be preserved as wildlife habitat/corridors; and lands of historic significance to the community. Parks could contain a wide variety of uses and activities, depending upon the size of the park and the population it is expected to serve. Open space lands could contain walking trails with limited amenities such as benches, interpretative signage, etc. sensitive (critical) areas, which will be managed through the City's

sensitive (critical) area regulations and should remain largely undisturbed, except as allowed by those regulations. ~~Other areas of The Secondary Open Space designation (i.e. buffers or other areas protected as open space) allows for limited natural undisturbed areas, trails, public and private parks with facilities, public and private open space, public or private recreation uses (e.g., soccer field, golf course, community facilities), as well as the land uses indicated in the underlying land use designation. However, regulations should include incentives such as TDR and clustering to encourage Secondary Open Space to be retained for open space use as noted.~~

Designation Criteria: Lands designated as parks and open space ~~areas~~ shall generally reflect ~~one or more of~~ the following ~~criteria~~:

1. All ~~known environmentally sensitive areas, as regulated by the City existing and proposed parks owned by the City.~~
2. ~~Lands adjoining the Rock Creek, Ginder Creek, Lawson Creek, Ravensdale Creek, and other riparian corridors~~ Lands under City ownership being retained as primarily undeveloped open space, such as the In-City Forest and the Ginder Creek wetlands.
3. ~~The following lakes: Jones Lake, Black Diamond Lake, Frog Lake, Lake Marjorie (Oak Lake), Lake Sawyer, and the land perimeters of those lakes when not subdivided~~ Historic sites such as Union Stump.
4. ~~All existing and proposed public parks and open spaces.~~
5. ~~4. Identified Treasured Places.~~
6. ~~King County and City identified wildlife habitat corridors~~

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Public

Purpose: The Public designation identifies properties under public ownership, whether by the City or other governmental entities, that are either currently used or intended for unique uses, including such as parks water towers, libraries, museums, or ~~elementary~~ schools. ~~This includes the City's watershed, which is located approx. 1.5 miles southeast of the City limits and is otherwise surrounded by unincorporated King County.~~ Lands falling within this category should be those that are intended to remain within public ownership and management for long periods of time.

Allowed Uses and Description: The Public designation ~~could~~ allows a variety of governmental uses, ~~both passive and active.~~ However, government uses and activities that are similar in character to private enterprises (such as offices) are not intended to be included within this designation. ~~Sensitive environmental areas that~~

~~are not intended to be incorporated into the City's parks and open space system are also included within this designation.~~

Designation Criteria: Lands designated as Public shall reflect one or more of the following criteria:

1. Must be owned by a public government or agency.
2. Are intended to be retained in long-term public ownership.
3. The use of these lands does not logically fit within another land use designation.

5.4.2. The Land Use Map

The Comprehensive Plan Future Land Use Map (Figure 5-1) identifies the approximate location of future land uses and serves as the road map for accomplishing the vision identified in Chapter 1 of the plan. The Future Land Use Map embodies the goals, objectives, policies, and the concepts of the plan. Existing parks and schools are also shown on the map. Since the majority of future parks are anticipated to occur within MPDs, future sites have yet to be identified. The precise location of active and passive open space, parks, and school sites will ultimately be identified prior to development.

The land use designations described in the previous section are shown on the Future Land Use Map to graphically display the City's planned land use pattern. The approximate acreage for each land use designation within the City and its recognized PAAs is identified in Table 5-1.

Table 5-1. Comprehensive Plan Future Land Use Designations

Land Use	City Acres	PAA Acres	Total Acres
Urban Reserve	0	111	111
Master Planned Development ¹	1,505	287	1,792
Low Density Residential	2,476	466	2,942
Medium Density Residential	141	0	141
Commercial designations	185	0	185
Mixed Use	294	0	294
Light Industrial/Business Park	295	0	295
Industrial	101	0	101
Public	266	51	317
Undesignated (ROW, Water bodies)	545	231	776

Chapter 18.48

PARKS

Sections

- 18.48.010 Intent.**
- 18.48.020 Permitted uses.**
- 18.48.030 Conditional Uses**
- 18.48.040 Development Standards**
- 18.48.050 Additional Requirements**

18.48.010 Intent.

It is the intent of this section to:

- A. Recognize and preserve City-owned lands that have been acquired and designated for parks, recreation or open space purposes.
- B. Limit use of these properties to protect the public interest in their long-term use for active or passive recreation or open space needs.
- C. Allow activities on these lands consistent with the Comprehensive Parks Plan and/or intended use as defined at the time of acquisition by the City.
- D. Allow for a more accurate assessment of other land use designations as they relate to the overall growth and development of the city.

18.48.020 Permitted uses.

- A. Parks;
- B. Athletic fields (not lighted);
- C. Golf courses and driving ranges;
- D. Boat launches;
- E. Trails: pedestrian, bicycling and equestrian, including associated trail heads;
- F. Community gardens;
- G. Utilities, below-ground;
- H. Other or Related Uses:
 - 1. Accessory concession stands.
 - 2. Associated parking areas, restrooms/changing rooms, picnic facilities, swimming areas, etc.;
 - 3. Caretakers' quarters;
 - 4. Temporary uses as provided in Chapter 18.52.

18.48.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.48.020 may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Lighted athletic fields;
- B. Amphitheaters if including lighting and/or audio amplification;
- C. Utilities, above-ground.

18.48.040 Development standards.

- A. Dimensional Standards. None.
- B. Fences and walls. Fences and walls may be of any type and height; the restrictions of BDMC 18.50.060 shall not apply.
- C. Signs. Signs may be of any type and height; the restrictions of Chapter 18.82 shall not apply.
- D. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

18.48.050 Additional requirements.

All development within the Parks zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.74.

Designation Criteria: Properties designated Urban Reserve should be only be those areas currently lacking public water and sanitary sewer service within the City's Potential Annexation Area.

Transfer of Development Rights(TDR) Receiving Areas Overlay

Purpose: The TDR Receiving Areas Overlay is applied to lands that, pursuant to City policies, annexation agreements, or other legal instruments of records, are intended to remain in an undeveloped state until such time that development rights are received pursuant to the City's TDR program as outlined in BDMC 19.24. A Master Planned Development (MPD) overlay may also apply in these areas. In order to maintain a "baseline" value to these lands and avoid the necessity of acquiring significant amounts of development rights, a base density of either one or two dwelling units per acre should be allowed, provided that development at higher urban densities consistent with the other plan designations can be achieved through the receipt of transferred development rights from designated "sending areas."

Allowed Uses and Description: Low density, single-family residential uses (not exceeding 1 or 2 dwelling units per acre) should be allowed in these areas as a basic development right, recognizing that higher density development is expected to occur with the acquisition of development rights from designated "sending areas."

Designation criteria: Properties to which the TDR Receiving Area Overlay is applied should be those identified through the City's TDR program that are intended to develop as urban densities only after the transfer of development rights. For the majority of these areas, approval of an MPD is a prerequisite to development.

Master Planned Development (MPD) Overlay

Purpose: The MPD overlay is applied to areas to take advantage of opportunities to create a clustered mix of residential, commercial ~~and or~~ civic uses along with open space and public facilities, on large sites in appropriate locations. These sites typically consist of large parcels in common ownership where a master plan will be developed to guide unified development over a period of many years. The MPD designation is applied to meet the special needs and opportunities presented by such sites while managing impacts on nearby uses.

Allowed Uses and Descriptions: The MPD overlay is applied to areas that are intended to allow a mix of those land uses and/or residential densities as depicted on the Future Land Use Map. Areas with an MPD overlay designation are intended to develop only subsequent to approval of an MPD permit pursuant to Black Diamond Municipal Code. An MPD may include ~~both~~ residential and commercial uses clustered around private and community open space, supported by adequate services and facilities. As part of the process of approving an MPD, a specific development

plan or site plan will be prepared and will specify the residential and non-residential uses, densities and intensities, phasing of development, and specific development standards that will apply to the site. Densities are intended to be urban in nature (minimum of 4 dwelling units per gross-net acre) and will be established as part of the MPD approval process; some MPD sites may also be designated as TDR receiving areas. An approved development plan should contain a provision for periodic updates. Significant opportunities for public involvement should be provided in the consideration of any MPD. An MPD is implemented through the provisions of BDMC 18.98 and provisions of any pre-annexation agreement that is in place for properties in this designation.

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Areas developing as MPDs are expected to incorporate innovative site design and utilization of progressive techniques to provide for environmentally sustainable development. This may include the use of “low impact” engineering techniques, employment of “green building” technologies, extensive incorporation of trails and pathways, etc.

Designation Criteria: Properties to which the MPD overlay is applied should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support the planned development density.
2. The area is not predominated by environmentally sensitive areas, and/or the development plan contains standards that will allow development while providing appropriate protection to the environmentally sensitive areas. The level of protection must be equal or better than that provided by the City’s environmentally sensitive area policies and regulations.
3. There is either a need for or benefits will clearly derive from providing flexibility in zoning that cannot be provided by other mechanisms.
4. The parcel is at least 80 acres in area and in single or unified ownership, or is subject to a pre-annexation agreement that requires an MPD for the parcel.
5. The development plan requires flexibility to meet the requirements of a MPD.
6. The MPD will provide public benefits, in the form of preservation or enhancement of physical characteristics, conservation of resources, provision of employment, improvement of the City’s fiscal performance, provision of adequate facilities, and other public benefits identified by the City.
7. At least 50% of the MPD site is devoted to open space uses, which may include recreational amenities.

8. Adequate mitigation for adverse impacts on the community, neighborhood, and environment is provided.

Low Density Residential Designation

Purpose: The Low Density Residential designation provides primarily for single-family residential neighborhoods on lands suitable for residential development. This designation provides for stable and attractive residential neighborhoods. It should be applied to both existing developed neighborhoods and areas intended for future development. Some of these areas have a MPD overlay designation and are also designated as TDR receiving areas. Urban density development in these areas will only be possible upon the receipt of transferred development rights from other areas.

Allowed Uses and Description: The Low Density Residential designation permits single-family residential uses, their accessory uses and public and semi-public uses. Residential densities may range from a base density of 4 units per net acre to approximately 6 units per gross-net acre. Detached single-family residences should predominate, but these areas may also include duplexes, subject to dispersal standards, a determination of consistency with design standards and following public review. ~~These areas should also be potentially eligible for additional density through the use of on-site transfer of density (to preserve open space) or through the acquisition of TDRs.~~

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Designation Criteria: Properties designated Low Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. The area is free of significant amounts of environmentally sensitive areas, excluding aquifer recharge areas.
3. If the area is undeveloped, it is proximate to a neighborhood of single-family dwellings or is well suited to that use and is not suited to more intense residential development.
- 3.4. The area is identified for Low Density Residential development as part of an MPD.

Medium Density Residential Development

Purpose: The Medium Density Residential Development designation provides for stable and attractive residential neighborhoods of small lot, single-family homes, or attached single- and multifamily residences on lands suitable for these residential intensities. Medium Density Residential areas should be located near commercial

services, employment, and arterial roads, and may also be located in mixed-use developments. All MDR areas are also subject to a TDR Overlay.

Allowed uses and description: The base residential density in these areas should be eight units per net gross acre. Increased density could be approved up to 12 units per gross acre with the acquisition of transferred development rights.

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Designation Criteria: Properties designated Medium Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. If the area is undeveloped and not near the identified employment and commercial service areas, the area should be free of significant amounts of environmentally sensitive areas.
3. The area is separated by topography or another appropriate boundary from incompatible uses. Buffering or a density transition may be used to separate this designation from lower density residential designations.
4. The area meets at least one of the following descriptions:
 - a. The area is located outside of an existing single family neighborhood and fronts an arterial
 - b. The area is developed and consists of a mix of attached and detached housing types. A residential neighborhood that is primarily single family with a strip of multifamily housing along an arterial does not meet this criterion.
 - c. Medium density housing can be developed to be compatible with existing development.
 - d. Identified as a receiving site for density under the TDR program.
 - e. The area is identified for Medium Density Residential development as part of an MPD.

Commercial Designations

Purpose: The Commercial Designations are intended to lead to the development of several types of commercial areas, and are intended to be implemented through the application of multiple zoning classifications that help distinguish between types of areas based on their desired size and function. There are three types of commercial areas envisioned in this plan, each intended to have distinctive development standards and/or allowed uses:

Designation Criteria: Properties designated Urban Reserve should be only be those areas currently lacking public water and sanitary sewer service within the City's Potential Annexation Area.

Transfer of Development Rights(TDR) Receiving Areas Overlay

Purpose: The TDR Receiving Areas Overlay is applied to lands that, pursuant to City policies, annexation agreements, or other legal instruments of records, are intended to remain in an undeveloped state until such time that development rights are received pursuant to the City's TDR program as outlined in BDMC 19.24. A Master Planned Development (MPD) overlay may also apply in these areas. In order to maintain a "baseline" value to these lands and avoid the necessity of acquiring significant amounts of development rights, a base density of either one or two dwelling units per acre should be allowed, provided that development at higher urban densities consistent with the other plan designations can be achieved through the receipt of transferred development rights from designated "sending areas."

Allowed Uses and Description: Low density, single-family residential uses (not exceeding 1 or 2 dwelling units per acre) should be allowed in these areas as a basic development right, recognizing that higher density development is expected to occur with the acquisition of development rights from designated "sending areas."

Designation criteria: Properties to which the TDR Receiving Area Overlay is applied should be those identified through the City's TDR program that are intended to develop as urban densities only after the transfer of development rights. For the majority of these areas, approval of an MPD is a prerequisite to development.

Master Planned Development (MPD) Overlay

Purpose: The MPD overlay is applied to areas to take advantage of opportunities to create a clustered mix of residential, commercial ~~and or~~ civic uses along with open space and public facilities, on large sites in appropriate locations. These sites typically consist of large parcels in common ownership where a master plan will be developed to guide unified development over a period of many years. The MPD designation is applied to meet the special needs and opportunities presented by such sites while managing impacts on nearby uses.

Allowed Uses and Descriptions: The MPD overlay is applied to areas that are intended to allow a mix of those land uses and/or residential densities as depicted on the Future Land Use Map. Areas with an MPD overlay designation are intended to develop only subsequent to approval of an MPD permit pursuant to Black Diamond Municipal Code. An MPD may include ~~both~~ residential and commercial uses clustered around private and community open space, supported by adequate services and facilities. As part of the process of approving an MPD, a specific development

- 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	Multifamily
Elementary	.401	.137
Middle School	.135	.045
High School	.166	.056
Total	.702	.238

Source: Enumclaw School District (5/08)

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 the City 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 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 on 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.

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

As the City grows over the next 20 years, additional fire stations, equipment and personnel will be required to maintain adequate fire and emergency medical services. Additional water system improvements will also be needed to maintain adequate fire flow (i.e., water for fire protection).

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-17: The City's level of service for determining the need for fire and emergency medical capital facilities and equipment will consider relevant factors such as response time, call loads, growth of population and non-residential structures, geographical area, topographic and manmade barriers, and standards of the National Fire Protection Association.

The City shall contract with the district to maintain a ratio of 1.4 on-duty career firefighters 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 firefighter per 1,000 population. The district will continue to foster and support the volunteer system utilizing volunteers to augment the LOS 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-18: The City will shall take reasonable action to ensure development that there is a fire station within 1.5 miles radius or 6 minutes travel time on paved roads from developed properties in the City. distance of a fire station upon built roads. The City's current station 99 will not be considered when determining compliance with this Policy.

Policy CF-19: ~~It is determined that 8,000 square feet is an adequate size for satellite fire stations.~~

Policy CF-1920: The City will implement ~~Implement~~ impact fees for fire and emergency medical ~~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-21: ~~Replace Station 99 and Engine 99.~~

Policy CF-202: The City will shall negotiate with King County Fire Protection District 44 to develop a staffing and equipment plan that provides providing the best possible fire, rescue, and emergency medical services for citizens as the City as it grows.

Policy CF-23: ~~The City shall pursue a Concurrency Management Plan for fire and BLS services.~~

8.7.2. Inventory

The City owns two fire stations, three fire engines, one brush truck, one aid car, and two staff vehicles. Station 98 is located on SE 296th Street, near Lake Sawyer. It is staffed half-time. Station 99 is located in the City Center, and it is not staffed. Several of the fire apparatus are older models that do not meet current standards.

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

Mountain View Fire and Rescue is a combination department, consisting of both career and volunteer personnel, and has 26 28 career staff firefighters and approximately 100 volunteers, 23 32 of which are assigned to the City. If The District services a combined area of approximately 70 square miles encompassing an estimated population of 27,000. Of the total population served, Approximately 4,200 of those people live in the City.

The district operates out of eight stations, including the two of which are located in the City: 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.

Pursuant to the April 2006 ILA 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 firefighters/EMTs. Station 99 is staffed only by volunteers responding from home. The staff assigned in the City is supported by a cadre of volunteers and career staff assigned throughout the District. Nighttime coverage, between 1800 hours and 0600 hours, is augmented by volunteer staff at Station 92, Station 93 on SE Covington Sawyer Road, Station 97 on Green Valley Road, and Station 94 near Krain Corner. Additionally, Station 92 has a staff of two career firefighters on duty 24 hours each day.

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

As described in Policy CF-17, the City's level of service for determining the need for fire and emergency medical capital facilities and equipment is based on a variety of relevant factors such as response time, call loads, growth of population and non-residential structures, geographical area, topographic and manmade barriers, and standards of the National Fire Protection Association. This approach to level of service uses analyses of all these variables rather than a single formula to determine the number and location of fire stations and apparatus.

The City has an LOS standard of 1.4 on duty career firefighters per 1,000 population. Pursuant to the April 2006 ILA 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 firefighters/EMTs. Station 99 is staffed only by volunteers responding from home. The staff the City is supported by a cadre of volunteers assigned to Station 98 and Station 99, as well as career staff assigned to nearby stations. Nighttime coverage, between 1800 hours and 0600 hours, is augmented by volunteer staff at Station 92, Station 93 on SE Covington Sawyer Road, Station 97 on Green Valley Road, 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% 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% of the time, and Station 99 has a response time of 8.28 minutes or less 80% 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

Black Diamond is expected to grow from its current population of 4,200 to approximately 19,200, so a survey was conducted of Washington cities with

populations between 15,000 and 25,000. Eleven cities responded¹ and they average 2.3 fire stations and 7.4 on-duty firefighters.

Emergency calls per dwelling and per square foot of non-residential space can be used to forecast future call loads. The average emergency calls per year in two comparable fire protection providers² is 0.116 calls per dwelling unit and 0.1489 calls per 1,000 square feet of non-residential space. Applying these call rates to the 6,050 new dwellings and 1,165,000 square feet of non-residential space in the proposed MPDs would predict 875 emergency calls per year. Adding these calls to the current 170 calls per year produces a total of 1,045 calls per year. If future fire stations handle double the current call load of Station 98, Black Diamond would need a total of 3.1 stations when the MPDs are built out.

The standards of the NFPA indicate the number of firefighters to respond to a structure fire. Specific response standards vary according to the type of emergency, the type of fire protection agency, and the density of development. It is assumed that approximately 12 firefighters are needed to respond to a fire emergency in Black Diamond. Typical fire station staffing in communities like Black Diamond is 4 crew members per station. This NFPA standard indicates a need for 3 fire stations for Black Diamond when fully developed.

As noted above, Black Diamond is expected to grow from its current population of 4,200 to approximately 19,200. The growth of 15,000 people is 3.58 times the current population. If the City's current half-time staffed station is considered the equivalent of 0.5 stations, then 3.58 times 0.5 indicates that the future need for population (excluding commercial development) is at least 1.8 stations.

The preceding analysis of the need for fire stations (with apparatus) in Black Diamond can be summarized as follows.

<u>Basis of Need</u>	<u>Stations Needed</u>
Comparable cities	<u>2.3</u>
Emergency call load	<u>3.1</u>
NFPA response standards	<u>3.0</u>
Population growth	<u>1.8</u>
Average	<u>2.5</u>

¹ Aberdeen, Anacortes, Arlington, Bainbridge Island, Camas, Mercer Island, Moses Lake, Mukilteo, Port Angeles

² North Whatcom Fire & Rescue, Eastside Fire & Rescue

As noted above, Black Diamond currently has the equivalent of 0.5 staffed fire stations, therefore new development in Black Diamond creates the need for two additional fire stations (with apparatus)³.

Specific capital improvement projects for fire stations and apparatus are listed in the tables at the end of this Capital Facilities Element.

~~As the City and district increase in population, the district may need to increase the number of volunteer and career firefighters 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 Element has been developed in accordance with Section 36.70A.070 of the GMA. 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 City of Black Diamond Comprehensive 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.

³ 2.5 total – 0.5 current = 2.0 additional

8.8. Utilities

This Utilities ~~Element section~~ has been developed in accordance with Section 36.70A.070 of the GMA. It describes how the existing and planned City-owned utility capacity will be financed, and supports the City's Land Use Element. It also describes investor-owned private utilities that provide service within the city limits. Private utilities are regulated by the Washington State Utilities and Transportation Commission (WUTC); state law regulates the rates, charges, services, facilities and practices of investor-owned utilities.

Suggested items to be included ~~in the~~ when addressing uUtilities ~~Element~~ and recommendations for ~~preparing the element~~ discussing utilities 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 ~~City of Black Diamond~~ Comprehensive 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 systemwide 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-GMA~~ requirements relating to the Capital Facilities Element and Utilities Element of the comprehensive plan.

The Utilities ~~Element section~~ has also been developed in accordance with the Countywide Planning Policies (CPPs) and has been integrated with all other planning elements to ensure consistency through the comprehensive plan. ~~The Utilities Element~~ This section specifically considers the location and LOS of all existing and proposed utilities, including electrical, telecommunication, natural gas, and non-city water transmission lines; ~~public schools; and fire~~

~~protection~~. This ~~element section~~ also provides a process and policies for the siting of “Essential Public Facilities” as defined by the GMA.

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/[Century Link](#) and Comcast)
- [Natural Gas](#) (Puget Sound Energy)
- [Solid Waste \(Allied Waste\)](#)
- 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 backup if hydroelectric power is insufficient.

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

Washington State Department of Ecology (Ecology) –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.

8.12. 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 element section should provide the framework for efficient and predictable provision and siting of utility facilities and services within the City consistent with serving the utility's public service obligations.

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 the City 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 the Critical Sensitive Areas Ordinances (CAOsSAO), 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, the City 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-1: Design and construction standards will be environmentally sensitive, safe, cost effective, and consistent with utilities' public service obligations.

Policy U-1: 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-2: 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-3: Process permits and approvals for utility facilities in a fair and timely manner and in accordance with development regulations which encourage predictability.

Policy U-4: Encourage conservation of all non-renewable non-municipal resources.

8.12.2. Utilities Overview

Electricity and Natural Gas

~~Electricity is provided by~~ Puget Sound Energy (PSE) provides electrical and natural gas service to the City of Black Diamond and its potential annexation area. PSE is an investor owned private utility that provides service to approximately 1.4 million electric and natural gas customers in a service area that covers 6,000 square miles.

Existing Electric Facilities

Various electric transmission and distribution facilities are located throughout the City and King County. ~~At present one 115 kV transmission line passes~~ line passes through the City, generally south to north along SR 169. This transmission line serves the Black Diamond Substation located at approximately SE 316th Street and SR 169.

The Bonneville Power Administration has a 500 kV transmission corridor which lies approximately about one mile north of the City limits. The transmission line is the BPA Raver – BPA Covington and it connects the power from Ravensdale to Covington.

Future Electric Facilities

Electrical facility planning is ongoing for south King County, and Black Diamond is included in the larger general study area. The potential addition of 6,000 homes in two Master Planned Developments would require PSE to expand the existing electrical facilities to meet the needed energy requirements. To serve the electrical load of the planned 2015 population, the following projects have been identified for possible future construction:

- Expansion of Black Diamond Substation to include a second transformer.
- Possible construction of a new substation within the Black Diamond area. No exact site has been determined and would depend on more detailed information regarding the Master Planned - Developments.

- Construction of the Four Corners substation in Maple Valley was completed in 2009. This would release capacity at the existing Black Diamond substation, but would require new 12 kV distribution circuits to be constructed from Black Diamond substation along SR 169 and Roberts Dr./Auburn-Black Diamond Road.
- Reconductoring and rebuilding of the existing 115 kV transmission line that passes through the City. Sufficient clearances were added to the existing line in 2009 to allow operation at a higher conductor temperature for the near term.
- Construction of new 115 kV transmission line from Berrydale Substation in Covington to Krain Corner Substation north of Enumclaw. One possible route would be along Kent-Black Diamond Road and Auburn-Black Diamond Road to the existing Black Diamond Substation. A future substation called Lake Holm is planned for this line east of Black Diamond. Then the line would continue from Black Diamond east along Lawson St./Green River Gorge Road to Cumberland. A crossing of the Green River would be needed. The other possible route would be identical, but at Auburn-Black Diamond Road and SE 218, it would turn south to cross the Green River at the Whitney Bridge, then continue up 212th SE on the south side of the river, finding a route via King County roads and/or purchased easements to end up at PSE's Krain Corner station.

Existing Gas Distribution Facilities

Puget Sound Energy (PSE) builds, operates, and maintains a natural gas distribution system serving the city. PSE serves more than 748,000 natural gas customers in a six-county service area. As of the end of 2010, PSE served more than 1,097 natural gas customers within the City of Black Diamond.

The Pacific Northwest receives natural gas from various regions of the United States and Canada. Natural gas is transported through the states of Washington, Oregon and Idaho via a network of interstate transmission pipelines owned and operated by Northwest Pipeline Corporation. PSE takes delivery of natural gas from Northwest Pipeline west of the city and distributes the gas to customers via PSE's distribution system. The distribution system serving the city consists of intermediate pressure mains. Currently, PSE's natural gas distribution system has sufficient capacity to serve existing demand for gas service in the city. However, system capacity enhancements may be required in the future to provide service to new customers in the area.

Future Gas Distribution Facilities

The two Master Planned Developments will require PSE to expand the existing gas facilities to meet needed energy requirements. To serve the gas load of the two developments, at least the following projects may be required:

- Parallel 8 inch PE IP main on Auburn-Black Diamond Road from 196th Ave SE east to the city limits;
- Parallel 8 inch PE IP main on 216th Ave. SE from Kent Kanglev Road (SE 272nd St) south to Auburn-Black Diamond Road (Roberts Drive).
- 8 inch PE IP main along SR 169 from SE 288th St. to the city limits.

Telecommunications

Telecommunications include but are not limited to telephone, personal wireless services, microwave and cable television. The City is served by Qwest/Century Link Communications. There are various facilities located throughout King 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 City is currently available through a variety of providers, including Verizon Wireless, AT&T Wireless, T-Mobile, and Sprint. There are at least three cellular towers located in or near the City. Additional cellular sites are located around the City in the vicinity of the cities of Maple Valley, Covington, and Enumclaw. Generally, locating new cellular tower sites would depend on the density and location of new cell phone users, not overall population trends.

The City should promote new technological advances while still considering the implications of continued availability of basic communication services to all people. Effective communication services are critical to all citizens in several ways. They promote and enhance individual information exchange, a strong regional economy and public information, such as delivering emergency services, education and citizen involvement.

Telecommunication services are regulated by the Federal Communications Commission and the Washington Utilities and Transportation Commission. Black Diamond has some regulatory authority of telecommunications services through franchise agreements and the development approval process.

In most cases telecommunication services will use existing utility corridors, public right-of-way, and/or City-owned properties. Providers of new wireless communication facilities within the City and its Potential Annexation Area should demonstrate through area-wide service planning the lowest impacts consistent with telecommunications customer needs.

Cable television service throughout the City 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. 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 MGD) of water from the Green River to the Tacoma Regional Water Supply Area.

The pipeline begins at the headworks near Kanaskat located approximately 0.5 mile downstream of the diversion dam and river intake, and travels in a westerly direction through the City and other communities, terminating near the Portland Avenue Reservoir in Tacoma.

The section of the pipeline through the City 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.

Solid Waste

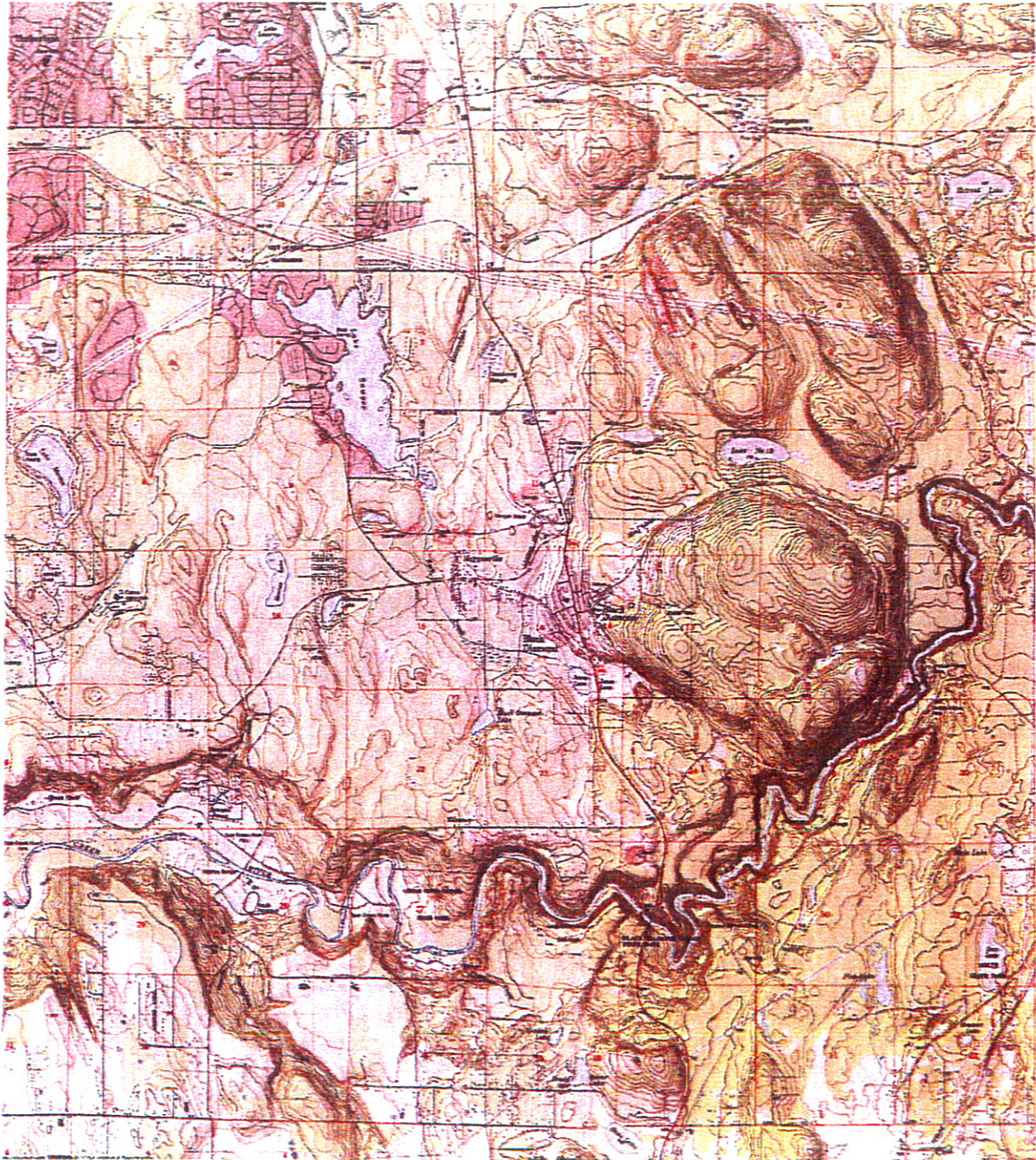
Allied Waste provides garbage, recycling and yard debris collection services for residential, multi-family and commercial customers in Black Diamond (WUTC regulated).

Allied Waste, along with affiliated Allied Waste Companies, operates solid waste collection systems, landfills, recycling centers and portable sanitation services throughout the Northwest. Collection companies are located in Seattle, Bellevue, Lynnwood, Kent and Goldendale, Washington. Landfill operations are located in Roosevelt, Washington.

Other solid waste services are available to residents at the King County Transfer Station located in Enumclaw at 1650 Battersby Ave East.

DRAFT

*City of Black Diamond, Washington
Trails Plan*



2011

City Council

Mayor - Howard L. Botts'

Councilmember Position 1 - Kristine Hanson

Councilmember Position 2 - Geoff Bowie

Councilmember Position 3 - Bill Boston

Councilmember Position 4 - Rebecca Olness

Councilmember Position 5 - Leih Mulvihill

City Staff

Natural Resources Director - Aaron Nix

Community Development Director - Steve Pilcher

*Economic Development Director - Andy
Williamson*

Consultants

*Team Leader/Planner - Tom Beckwith FAICP,
Beckwith Consulting Group*

*Public Facilitation - Steve Price, Front Street
Partnership*

*Public Facilitation - Nancy Jordan, Nancy B
Jordan Associates*

Executive summary

This Trails Plan outlines the choices that are available and the means for implementing preferred actions of most benefit to Black Diamond residents.

1 Approach

Black Diamond should focus its resources where open space and park trails needs are most critical, and Black Diamond resources will be most effective and meet its level of service (LOS) of 75% of the population within 0.5 miles of a trail as indicated within the Parks, Recreation and Open Space Plan adopted December 23, 2008.

2 Inventory implications

- Black Diamond and other public and private agencies have amassed an impressive amount of acreage - that includes a wide variety of open space within the urban growth area (UGA).

3 Opportunities

- Strategically important sites - are owned or controlled by utilities, private landowners, and private commercial operators with every kind of physical and socially valuable park, open space, and trail characteristic.

- A valuable park, open space, and trail system includes lands that may not be suitable for built uses - and developed recreational facilities, but which can provide unique preserves, habitats, cultural, and historical associations. These combined social and physical attributes provide a balanced dimension to the park, open space, and trail experience. These attributes are specific to Black Diamond and add to its uniqueness.

- A quality park, open space, and trail system does not have to be implemented strictly by public monies or purchase - but by the creative interplay of public and private market resources using a variety of techniques including leases, easements, tax incentives, design and development innovations, and enlightened private property interests. Future park, open space, and trail acquisition strategies may use traditional purchase options as well as cost effective alternatives.

4 Cost

Black Diamond's trail's plan has a total cost with land purchase and construction of specific elements to each trail segment of \$3,811,248. The trail sections, in some cases, build off of existing trail components already on the ground. Specific cost allocations are shown in appendix A as well as design standards and cost breakdowns.

5 Implications

These levels of facility investment may not be solely financed with the resources available to Black Diamond if the City pursues an independent delivery approach or uses traditional methods of funding.

These needs require an area-wide financing approach by Black Diamond and where appropriate in partnership with King County, Washington State Parks & Recreation Commission, the Middle Green River Coalition, as well as other possible non-profit or for-profit partners.

An area-wide approach may use a combination of shared user fees, excise taxes, joint grant applications and impact fees to maintain and improve facilities.

6 Role recommendations - Chapter 2

Black Diamond should take the lead role in providing information and coordinating services for park trails facilities on a citywide basis.

Black Diamond's role will include updating future population growth estimates, inventorying existing and proposed park trails facility developments, identifying probable citywide and local facility needs, and proposals of citywide facility solutions.

Planning and development assistance

Black Diamond will provide detailed planning and development assistance when:

- there are no other designated agencies or organizations who can, or
- the activity involves site controversies or environmental consequences that may not be equitably resolved otherwise.

Development, operation and maintenance

Black Diamond will develop, operate or maintain trails facilities provided:

- the facility will have broad benefits for a large proportion of the citywide population and will be financed using resident approved methods, or
- facility development and operating costs will be compensated in some manner through inter-local agreements with the using agency, area or benefiting user group, or
- the site or facility has intrinsic value apart from traditional operation and maintenance needs, such as a passive natural area or wetland preservation.

7 Development plans – Chapter 3

The proposals outlined in this document concerning elements of the trails plan are based on the results of environmental inventories, field analysis, demand analysis and workshop planning sessions. The proposals outline the vision developed for open space and park trails within Black Diamond for the next several years.

The proposals are CONCEPTUAL, in some instances, subject to further study and coordination with public and private participants that may modify the eventual project particulars.

The proposals are described referring to a site or property that may provide a major type of park, open space, or trail activity. Any particular site or property may include one or all of the described element plan features. The proposals in each section describe the improvements that will be accomplished under each major type of plan element - see each plan element for a composite description for any particular site.

8 Recommendations

The City might finance trail system improvements utilizing specific resources including:

- General Funds property tax - assuming that the city would receive some monies from King County's Regional Parks, RCO grants, SEPA mitigation, user group improvements,
- General Fund supplement - combination of property, sales, utility, and road taxes,

- Growth Impact Fees- charged to development based on a predetermined impacts to City park resources,

- Real Estate Excise Tax (REET) 1 & 2 - allocations be devoted to park capital development.

Chapter 1: Introduction

The choices that confront Black Diamond at the present time could alter the character and quality of trails plans and projects if not adequately planned. This document outlines the choices that are available and the means for implementing preferred actions found to be of most benefit to Black Diamond residents.

1.1 Objectives

The specific objectives of this planning effort were to:

- Define the setting - in Black Diamond including environment, history, culture, population changes, and current development conditions.
- Develop the elements of a city-wide plan - for trails including multipurpose, off-road hike, bike, horse, and supporting trailhead and other services.
- Determine costs and standards - that will provide the types of trails systems that are fiscally responsible, durable and provide for low maintenance finished product.

1.2 Approach

This study analyzed the need for public and private trail facilities within Black Diamond's urban growth area.

The proposed implementation strategies are the result of this analysis. Generally, the proposed strategies recommend Black Diamond focus its resources where trail facilities and needs are most critical, and Black Diamond resources will be most effective. At this point, limited financial resources are the driving force in implementation of the plan.

1.3 Public involvement

The Black Diamond Natural Resources Department oversaw this planning process.



During the course of the planning program, Black Diamond conducted a series of:

- Public workshops - with public, nonprofit, and private organizations and agencies to review existing and proposed plans and projects for park trails facilities.
- Public charrettes and forums - with city residents to brainstorm their ideas for trail facilities; and to review and critique the resulting brainstorm proposals prior to the development of final plan alternatives.

The proposals contained within this document represent the opinions developed from these public participation events.

1.4 Documentation

This report is organized into 3 chapters outlining goals and objectives and detailed plan elements. Included in appendix A are estimated costs for each project. These costs are estimates and may not reflect final costs.

Chapter 2: Goals and objectives

This plan recommends Black Diamond undertake a strategic approach to trail facilities where Black Diamond assumes responsibility for functions of citywide interest where there are no other viable sponsors, and helps coordinate or support functions and activities that have other viable sponsors.

2.1 Strategic role

2.1.1 Coordinating activities

Black Diamond will take the lead role in providing information and coordinating services for trail facilities on a citywide basis.

2.1.2 Planning and development assistance

Black Diamond will provide detailed planning and development assistance when:

- there are no other designated agencies or organizations who can, or
- the activity involves site controversies or environmental consequences that may not be equitably resolved otherwise.

2.1.3 Development, operation and maintenance

Black Diamond will develop, operate or maintain trail facilities provided:

- the facility will have broad benefits for a large proportion of the citywide population and will be financed using City funds, or
- facility development and operating costs will be recaptured from direct charges of the populations who use the facility, or
- facility development and operating costs will be compensated in some manner through inter-local agreements with the using agency, area or benefiting user group.

2.2 Resource conservancies

Assume a major responsibility for the planning, coordination, and preservation of unique environmental areas, wetlands, wildlife habitat, open spaces, forestlands, and scenic areas.

Work with other public and mission related non-profit and private agencies, such as King County, Washington Parks & Recreation Commission, Washington State Departments of Fish & Wildlife, Natural Resources, Middle Green River Coalition, and major land owners, to create an effective approach to the following conservation issues.

2.2.1 Wildlife habitat

a: Identify and conserve critical wildlife habitat including nesting sites, foraging areas, and migration corridors within or adjacent to natural areas, open spaces, and developing urban areas - especially around Lake Sawyer, Lake Marjorie, Jones Lake, and Black Diamond Lake.

b: Preserve sensitive habitat sites that support threatened species and urban wildlife habitat including migration and open space corridors that link the sites above.

2.2.2 Natural areas

a: Preserve and protect significant environmental features including unique wetlands, open spaces, woodlands, shorelines, waterfronts and other characteristics that support wildlife - especially the ponds and wetlands within the drainage corridors identified above.

b: Provide public access including off-road trails to environmentally sensitive areas and sites that are especially unique to the city and surrounding area.

2.2.3 Forestlands

a: Identify and conserve forest cover and the scenic attributes woodlands provide - especially the remaining wooded hillsides defining the bluffs and knolls along the eastern edge of the



city.

b: Identify and preserve prime examples of heritage forestlands in and adjacent to the city including the In-City Forest.

2.2.4 Open spaces

a: Define and conserve a system of open space corridors or separators to provide definition between natural areas and urban land uses in

and adjacent to the city - especially the open spaces within the Lake Sawyer drainage.

b: Increase natural area and open space linkages within the developing urban area including access by off-road trails.

2.2.5 Urban growth preserves and set-asides

a: Cooperate with other public and private agencies including King County, Washington State Park & Recreation Commission, Washington State Departments of Fish & Wildlife and Natural Resources and Middle Green River Coalition, along with other private landowners to set-aside land and resources necessary to provide high quality, convenient open space, trail, and park facilities before the most suitable sites are lost to development.

b: Preserve unique environmental features or areas in future land developments and increase public use and access. Cooperate with other public and private agencies, and with private landowners to set aside unique features or areas as publicly accessible resources.

2.3 Historical resources

Assist where appropriate in the planning, coordination, and preservation of unique archaeological, historical, cultural, scenic, and man-made places, sites, landmarks, and vistas.

Work when appropriate with other public and private agencies, such as the Black Diamond Historical Society, King County Landmarks Commission, Washington State Department of History & Archaeology, and others, to create an effective approach to the following resource conservation issues and proposals.

2.3.1 Historical features and interests

a: Identify, preserve, and enhance the city's heritage, traditions, and cultural features including historical sites, buildings, artworks, views, and monuments within park sites and historical districts - especially the Black Diamond Townsite.

b: Identify and incorporate significant historical and cultural lands, sites, artifacts, and facilities into the open space, trail, and park system to preserve these interests and provide a balanced social experience - especially including

important railroad, mining, logging, homestead sites,

commercial buildings, and other places of interest in the city and adjacent areas.

c: Work with the Black Diamond Historical Society, King County Landmarks Commission, Washington State Department of History & Archaeology, and other archaeological and cultural groups to incorporate historical and cultural activities into park developments with on and off-road trail access.

2.3.2 Manmade environments and features



a: Incorporate interesting manmade environments, structures, activities, and areas into the open space, trail, and park system to preserve these features and provide a balanced trail and recreational experience.

b: Work with property owners to increase public access and utilization of these special sites and features by on and off-road trail systems.

2.4 Trail and corridor access systems

Assume a major responsibility for the planning, development, and operation of a variety of trails including off-road hike, bike, horse and on-road walkways that are directly related to environmental resources that are of most interest to city residents.

Work with other public, nonprofit, and private agencies, including King County, Washington State Department of Transportation and Parks & Recreation Commission, Middle Green River Coalition, Evergreen Mountain Bike Alliance, and major property owners to develop and maintain an integrated system of trails.



2.4.1 On and off-road trail systems

a: Create a comprehensive system of hike, bike, and horse trails that access scenic, environmental, historical, and open space attributes in and around the city - expanding and linking existing trail systems to create city and area-wide networks especially including the



multipurpose Cedar-to-Green and Cedar River Trails extending north-south and northeast from Black Diamond to the Green River Gorge and north through Kent and Renton.

b: Integrate continuous trail corridors and local spur or loop routes with parks, Black Diamond Elementary School, Black Diamond Library, Black Diamond City Hall, other public facilities, historical sites, and Black Diamond's historical downtown district.

c: Furnish trails with appropriate supporting trailhead improvements that include interpretive and directory signage systems, rest stops, restrooms, parking and loading areas, water, and other services.

d: Where appropriate, locate trailheads at or in conjunction with park sites, schools, and other community facilities to increase local area access and reduce duplication of supporting improvements.



e: Develop trail improvements of a design and development standard that is easy to maintain and access by maintenance, security, and other appropriate personnel, equipment, and vehicles.

f: Integrate (as feasible) artworks into trail facilities and historical sites - especially within the historic downtown district and along the Cedar-to-Green River Trail (historic mining railroad corridor).

2.5 Design and access standards

Design and develop Black Diamond facilities that are accessible, safe, and easy to maintain, with life cycle features that account for long-term costs and benefits.

2.5.1 Accessibility

a: Design trails, trailheads, parking lots, restrooms, and other supporting facilities to be accessible to individuals and organized groups of all physical capabilities, skill levels, age groups, income, and activity interests.

2.5.2 Maintenance

a: Design, retrofit, and develop facilities that are sustainable, of low maintenance, and high capacity design to reduce overall facility maintenance and operation requirements and costs.

b: Where appropriate, incorporate low maintenance materials, settings or other value engineering considerations that reduce care and security requirements, and retain natural conditions and experiences.

c: Where practical and appropriate, implement an Adopt-a-Trail program where volunteer users and citizens can perform maintenance, collect litter, and other support activities.

2.6 Financial resources

Create effective and efficient methods of acquiring, developing, operating and maintaining Black Diamond trail facilities that accurately distribute costs and benefits to public and private interests.

2.6.1 Finance

a: Investigate innovative available methods, such as growth impact fees, land set-aside or fee-in-lieu-of-donation ordinances, and inter-local agreements, for the financing of trail facility development, maintenance, and operating needs in order to reduce costs, retain

financial flexibility, match user benefits and interests, and increase services.

b: Consider joint ventures with other public and private agencies including King County, Black Diamond School District, Washington State Park & Recreation Commission, Washington State Departments of Fish & Wildlife and Natural Resources, Middle Green River Coalition, Evergreen Mountain Bike Alliance, and other regional, state, federal, public, and private agencies including for-profit concessionaires, where feasible and desirable.

2.6.2 Public and private resource coordination

a: Create a comprehensive, balanced open space and trail system that integrates Black Diamond facilities with resources and funding available from the county, school district, and other regional, state, federal, and private and nonprofit park lands and trail facilities in a manner that will best serve and provide for Black Diamond resident interests.

b: Cooperate with King County, Black Diamond School District, Washington State Park & Recreation Commission, Washington State Departments of Fish & Wildlife and Natural Resources, and other regional, state, and federal, public, and private organizations to avoid duplication, improve facility quality and availability, reduce costs, and represent resident area interests through joint planning and development efforts.

Chapter 3: Plan elements

The following proposals concerning elements of the trails plan are based on the results of environmental inventories, field analysis and workshop planning sessions. The proposals outline the vision developed for trails within Black Diamond for the next several years.

The proposals are **CONCEPTUAL**, in some instances, subject to further study and coordination with public and private participants that may modify the eventual project particulars.

The proposals are described referring to a site or property or corridor that may provide a major type trail. Any particular site or property may include one or all of the described element plan features. The proposals in each section describe the improvements that will be accomplished under each major type of plan element - see each plan element for a composite description for any particular site.

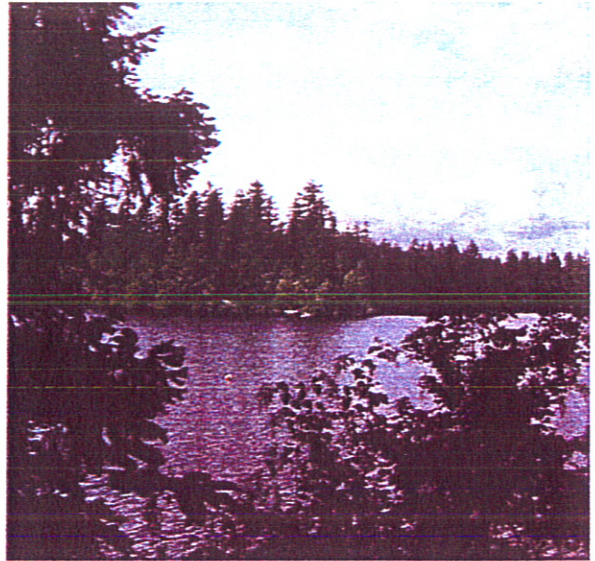
3.1 Conservancies – natural resources

Generally, conservancy lands may protect, preserve, and conserve lands that have environmental features of critical area significance (floodplains and landslide hazard), ecological importance (shorelines, wetlands and watersheds), wildlife habitat (threatened and endangered species), and open space to Black Diamond.

To the extent possible and practical, resource conservancy lands may link preserved open spaces (even though these lands may not be publicly accessible) to greenways and open space networks. These linked areas will visually define and separate developing urban areas from each other in accordance with the objectives of the Washington State Growth Management Act (GMA).

To the extent practical, some resource conservancy lands may provide nature and interpretive trails, exhibits, and interpretive facilities to increase public awareness and appreciation for significant and visually interesting environmental, wildlife and forest. Some supporting services may also be developed including limited trailheads, parking lots, and restrooms.

Resource conservancy activities may be located on independent properties or include portions of other sites provided for resource activities, trail corridors, or other public facilities.

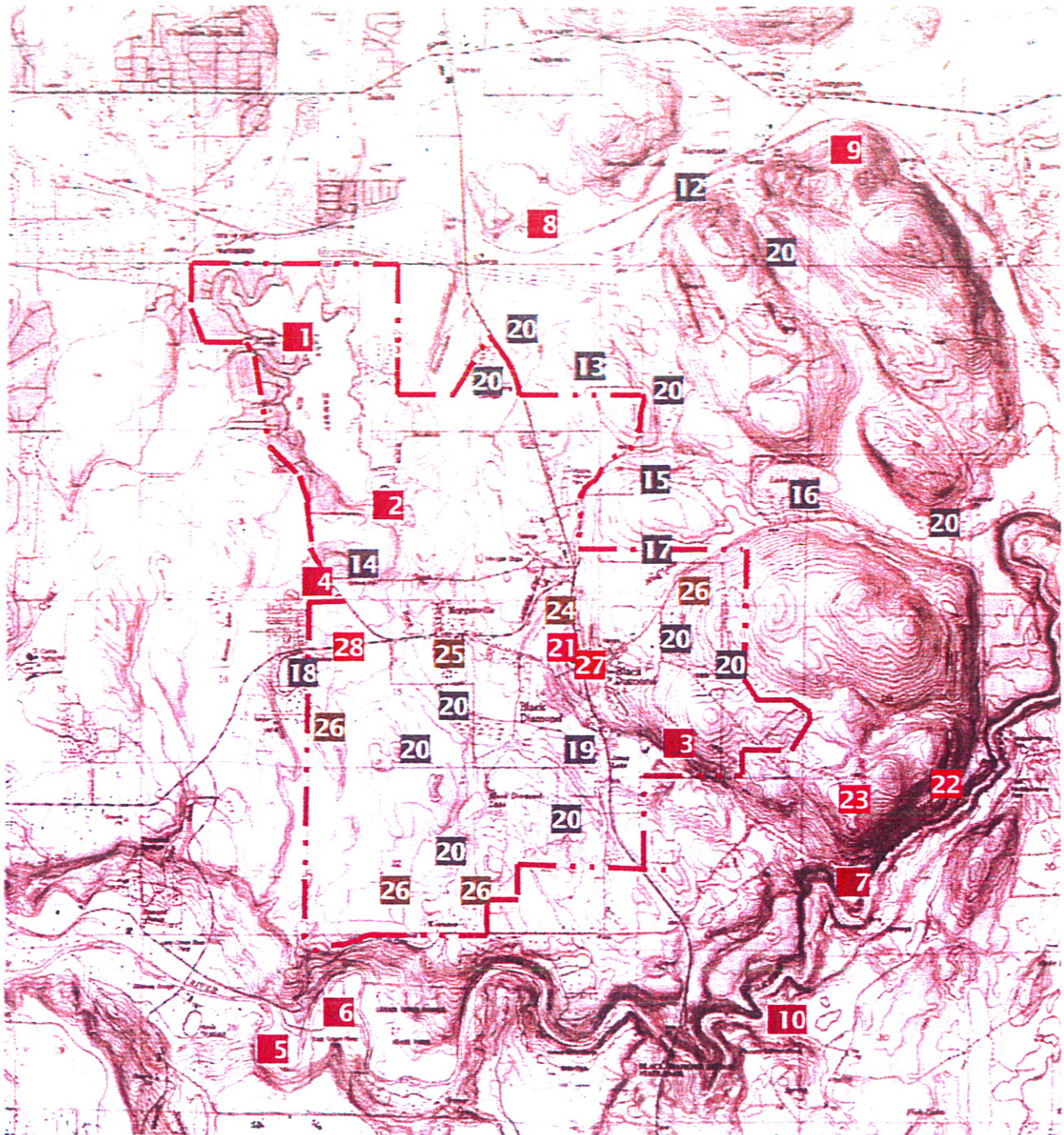


Conservancies may also be developed on other publicly owned lands subject to public use agreements or easements; or on lands acquired for other public purposes including storm water management, groundwater recharge, and wastewater treatment.

Vision

Resource conservancies may be realized through:

- acquisition of development rights and/or title of resource lands - that would otherwise be developed for other urban land uses.



Trail destinations

Parks and open spaces

- 1 Lake Sawyer Boat Launch
- 2 Lake Sawyer Regional Park
- 3 Black Diamond In-City Forest
- 4 King County Equestrian Trailhead
- 5 King County Gorge Park Site
- 6 Flaming Geyser State Park
- 7 Hanging Gardens Site
- 8 Ravensdale Creek Open Space
- 9 Ravensdale Ridge Forestlands
- 10 Icy Creek Fish Hatchery

Proposed park sites

Natural features

- 11 Proposed park sites
- 12 Ravensdale Lake
- 13 Lake Sonia
- 14 Lake Majorie
- 15 Ginder Lake
- 16 Lake Number 12
- 17 Mud Lake
- 18 Horseshoe Lake
- 19 Jones Lake
- 20 Numerous wetlands

Historical features

- 21 Black Diamond Townsite
- 22 Franklin Heritage Area
- 23 Franklin Cemetery

Public facilities

- 24 Black Diamond Elementary
- 25 Black Diamond Library
- 26 Proposed school sites

Commercial districts

- 27 Downtown Black Diamond
- 28 Proposed

Existing resource conservancy sites

Wildlife habitat, including lands and sites used by threatened and endangered species for foraging, nesting, and migration activities, are protected from degradation and most urban development activities by the Washington State Growth Management Act (GMA) and federal Endangered Species Act (ESA). Significant wildlife habitat and habitat buffers are retained, and may even be restored to a natural state, to provide wildlife support.

As such, wildlife habitat ensures the survivability of important species, and also provides wetlands, riparian corridors, forest cover, and open space opportunities.

The following sites have significant multipurpose resource conservancy potentials including mixtures of shoreline, forestland, wildlife habitat, and open space of citywide significance.

*Resource conservancy acres**

Black Diamond

1	Lake Sawyer Regional Park	150.0
Multipurpose park located at the south end of Lake Sawyer transferred from King County to Black Diamond for future development as a regional park. The site includes extensive wetlands, streams, and riparian habitat including Frog Lake. As part of the transfer, King County required a trail route be designated through the property to function as a regional trail link between the Green and Cedar River open space systems. The County also specified a 38.6 acre parcel in the southwest corner of the property be developed for active recreation including athletic fields to meet Washington State grant requirements. Portions of the property have already been developed by user groups with a system of off-road single-track mountain bike and hiking trails.		
2	Jones Lake Open Space	14.0
Conservancy park located around the east and northern boundaries of Jones Lake adjacent to Black Diamond-Enumclaw Road south of the historic downtown. The site contains the lake and adjacent wetlands and riparian habitat.		
3	Ginder Creek Open Space	27.3
Conservancy park including Ginder Creek and adjacent wetlands and riparian habitat located north of the historic downtown district.		
4	Black Diamond In-City Forest	50.0
Conservancy park located on the hillside above the mining railroad spur and below Yarrow Bay's Lawson Hills Master Planned Development. The site includes a dense hillside woodland habitat.		
5	Black Diamond Watershed	13.3

Conservancy landholding located on the south bank of the Green River Gorge adjacent to Washington State Park & Recreation Commission landholdings. The site includes dense wooded hillsides and some riparian habitat.

King County

6	Black Diamond Natural Area	611.0
Extensive conservancy lands extending north from Lake Sawyer Regional Park along Ravensdale Creek and across Black Diamond-Enumclaw Road and Ravensdale Road. The property contains extensive wetlands, riparian habitat, and Ravensdale Lake. Under King County's provisions, the lands are to remain in conservancy state though the property may be improved with trails, interpretive facilities, and supporting trailheads. Considerable portions of the property have already been improved by user groups for off-road single-track mountain bike and hiking trails.		
7	Black Diamond Open Space Area Protection Agreement	2,500.0
Conservation easement between King County and Plum Creek to preserve 1,600 acres of forestland on Ravensdale Ridge to protect wildlife, views, and existing trails. Under the agreement, Plum Creek will also give King County 645 acres of rural land to remain as open space to protect the Ravensdale Creek corridor and the water quality of Lake Sawyer. King County Conservation Futures Tax funding will help Black Diamond purchase 77 acres of open space within the city and Plum Creek will give the city an additional 91 acres for future green space. Plum Creek has also agreed to retain 55 acres on Section 2 directly north of the city as open space to provide a visual buffer along SR-169 and a UGA separator with Maple Valley.		
8	Equestrian Trailhead	
Trailhead site located on the west side of Lake Sawyer Road across from Lake Sawyer Regional Park. King County retained this portion of the original Lake Sawyer park property for development of an equestrian trailhead to access an existing horse trail corridor extending south to the Green River Gorge and Flaming Geyser State Park. The property has not been developed.		
9	Green River Gorge Parcels	
Four conservancy park parcels located along the Green River Gorge to compliment Washington State Park & Recreation Commission's gorge conservancy landholdings. One of the parcels, a triangular shaped property is located north of the gorge and east of Black Diamond-Enumclaw Road within the urban growth area.		
10	Flaming Geyser Parcel	

Multipurpose park located along the Green River Gorge directly adjacent to Flaming Geyser State Park. The property has been improved with a bridge over the Green River to provide access to Flaming Geyser State Park and with large grassy multipurpose areas, picnic grounds, and athletic fields.

Washington State P&RC

11 Flaming Geyser State Park 480.0

Multipurpose park located on both sides of the Green River south of Black Diamond's urban growth area and directly below the gorge canyon walls. The site has "geysers" (methane seeps) over top of coal seams and over 3.0 miles of freshwater shoreline, wetlands, and riparian habitat along the river. The park has been improved with 6 kitchen shelters, 56 sheltered and 172 unsheltered picnic tables, whitewater rafting, tubing, swimming beach, volleyball courts, a 25.0 acre open field for equestrian use, and other day-use activities. The site includes 4.3 miles of hiking and biking trails, and 1.0 mile of horse trails.

12 Kanaskat-Palmer State Park 320.0

Multipurpose park located on the south side of the Green River Gorge on a small, low plateau in a natural forest setting. The park has 2.0 miles of freshwater shoreline, wetlands, and riparian habitat along the river. The park has been improved with hand-carry boat and raft launch sites on class II-IV river runs, fishing access, picnic grounds, group camp, and 50 tent and RV campsites.

13 Green River Gorge

Conservancy lands located on both sides of the Green River Gorge from Flaming Geyser State Park east and upriver to Kanaskat-Palmer State Park including Hanging Gardens and the Jeilum Site. The properties include extensive wooded hillsides and riparian habitat along the river shorelines. Off-road hiking trails have been developed along portions of the southern bank of the Gorge through these lands and DNR landholdings.

Washington State DNR

14 Ravensdale Ridge

Two extensive forest landholdings owned and managed by Washington State Department of Natural Resources (DNR) and located between Black Diamond-Ravensdale Road and south of Rock Creek. Portions of the northern most property have been planned and are being developed by user groups for off-road single-track mountain bike and hiking trails.

15 Green River Gorge

Scattered forest landholdings owned and managed by Washington State Department of

Natural Resources (DNR) and located adjacent to Washington State Park & Recreation Commission (WAP&RC) green river gorge property holdings.

Total existing conservancy acres

* *Total site acreage may also provide for other resource or recreational activities.*

Proposed resource conservancy sites

The following sites may be provided conservancy protection through easements, land use agreements, or acquisitions subject to appropriate feasibility studies with public and private participants.

*Resource conservancy acres**

Black Diamond with others

16 TDR Program

Black Diamond established this open space and habitat conservation corridors based on creek drainage and riparian habitat corridors, freshwater ponds and lakes, steep and wooded hillsides defined by critical areas and buffers. The Transfer Development Rights (TDR) program will preserve these lands when contained within proposed master plan and other land use developments, and allow purchase and transfer of development rights for lands located outside of the boundaries.

17 The Villages of Black Diamond

The Villages Master Planned Development (MPD) is located along the west and southern boundaries of the urban growth area from Auburn-Black Diamond Road to Black Diamond-Enumclaw Road. The MPD proposes to conserve the wetlands extending from Lake Sawyer to Jones Lake, Black Diamond Lake, and numerous other wetlands, steep hillsides, and other natural areas as open space. The MPD also proposes to link these natural areas with an extensive system of on and off-road trails that connect with other proposed city trails.

18 Lawson Hills

Lawson Hills Master Planned Development (MPD) is located on the hillside along the east boundary of the urban growth area south of Green River Gorge Road. The MPD proposes to conserve the wetlands, steep hillsides, and other natural areas as open space. The MPD also proposes to link these natural areas with an extensive system of on and off-road trails that connect with other proposed city trails.

19 Green River Gorge Conservancy

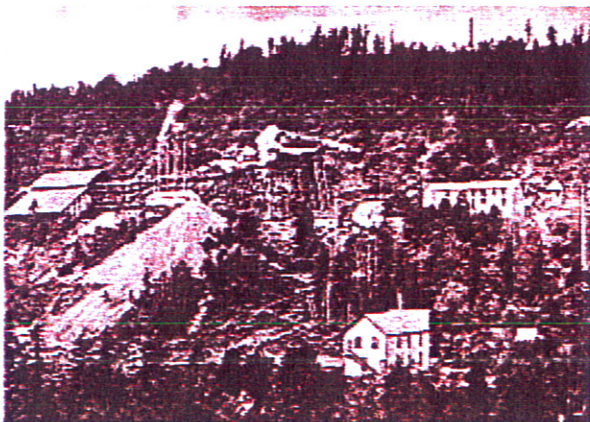
Washington State Park & Recreation Commission (WP&RC) along with the Department of Natural Resources (DNR), King County, and others proposes to continue to acquire property and/or development rights of the landholdings that directly adjoin the Green River Gorge and WPR&C's existing state parks and conservancy landholdings.

Total proposed conservancy acres

3.2 Conservancies - historical

Resource properties may be protected that retain and preserve significant historical, and cultural sites and facilities throughout Black Diamond. Generally, historical conservancy properties may be acquired that conserve and provide interpretive access to significant sites including original homesteads or prominent building sites, commercial or public buildings of unique architectural characteristics, locations of important industrial or resource oriented activities, and other culturally important areas. Lands may also be protected or acquired that conserve significant man-made constructions on the land including bridges, dikes, dams, and other features.

To the extent possible and practical, historical sites and buildings will be linked with other parklands to create activity centers or facilities that reflect the original cultural use. In some instances, the buildings or sites may be adapted to provide supporting services such as trailheads, parking lots, restrooms, and utilities.



Vision

As described herein, historical conservancies may be realized through:

- provisions for signing and interpretation - subject to appropriate security measures and underlying property owner agreements,
- provision for public access and interpretive use - through agreements with underlying property owners or through purchase when it which would not be possible if the properties remained in private ownership;
- acquisition of title and/or development rights of properties - that would otherwise be destroyed or developed for other land uses.

Existing places of significance

The following places provide significant cultural, or architectural conservancy potentials within or adjacent the Black Diamond urban growth area.

Places of significance

Black Diamond

1 Black Diamond Townsite

Railroad Avenue is the abandoned right-of-way of the Old Great Northern Pacific Railroad (NP) or Pacific Coast Coal Train which extended to the Black Diamond and Franklin mines along the Green River Gorge. The Black Diamond townsite was established by the Black Diamond Coal Company of California as a company mining town in 1864. The townsite evolved along the railroad tracks and included the NP Depot (1886) and Jail (1910) and numerous other company-owned commercial and residential buildings. In the late 1930's, the company disposed of Black Diamond commercial and residential properties selling the holdings to the residents and any interested parties. The city was incorporated in 1959. The Depot and Jail are now owned and being restored by the Black Diamond Historical Society.

2 Black Diamond Heritage Area

The Black Diamond Heritage Area is located on the north bank of the Green River Gorge directly adjacent to the Green River Bridge on Black Diamond-Enumclaw Road. The site contains remnants of some of the early mining activity.

3 Franklin Heritage Area

Franklin was located at the end of the Northern Pacific (NP) railroad line overlooking the Green River Gorge in the late 1800s. The first carload of coal was hauled from the site in 1885. The mines and adjoining company town and store were owned and operated by Pacific Coast Company. A cave-in, explosion, and fire in 1894 killed 47 miners, which was virtually the town's entire working population, and the town was abandoned shortly thereafter. Mine shafts and building foundations are all that remains though the site has been incorporated into the Hanging Gardens State Park and is accessible to the public.

4 Franklin Cemetery

The cemetery is located on the hillside overlooking the Green River Gorge and Franklin and contains graves and headstones of the miners killed in the 1894 tragedy as well as many others from the mines and local settlements over the years.

5 Old Great Northern Pacific Railroad Spur

The abandoned right-of-way of the Old Great Northern Pacific Railroad (NP) extends from

Renton to the Black Diamond and Franklin mines along the Green River Gorge. King County acquired and converted the northern portions of the right-of-way for the Cedar River Trail. The right-of-way portions through the Black Diamond urban growth area are partially owned by King County, Black Diamond, and Palmer Coal Company.

Total existing significant places

3.3 Multipurpose trails

Multipurpose trails may be developed to link major environmental assets, park and recreational facilities, community centers, and historical features in Black Diamond. Generally, multipurpose trails may be developed to provide for several modes of recreational and commuters use where appropriate.

To the extent possible, multipurpose trails may be developed within corridors separate from vehicular or other motorized forms of transportation. For example, multipurpose trails may be located on utility easements or in separate property alignments. In some instances, the trail may be developed as improvements within the right-of-way of established vehicular or other transportation corridors.



Typically, multipurpose trails may be developed to Washington State Department of Transportation (WSDOT) and American Association of State Highway & Transportation Officials (AASHTO) trail standards. The trails may be concrete, asphalt or very fine crushed rock base, handicap accessible and usable by all age and skill groups.

Trail corridors may be improved with trailhead services including rest stops, parking lots, restrooms, water, and air utilities. Where the trail is located in association with another park and recreational improvement or public facility, the trailhead may be improved with active picnic, playgrounds, and play areas.

Multipurpose trail corridors may be independent properties or include portions of other sites provided for resource conservancies, resource activities, athletic facilities, and other park and recreational or public facility properties. Linked with resource conservancies and resource activities, the multipurpose trails

element plans may create a system of interconnected greenways to integrate and define the developed portions of the urban area in accordance with the Growth Management Act's (GMA) provisions for urban separators.

Multipurpose trail corridors may be developed on other publicly-owned lands using public use agreements or special easements; or on lands owned as portions of road and highway right-of-way, stream corridor conservation or buffer zones.

Vision

As described, the multipurpose trails vision may be realized by providing recreational trail opportunities that:

- conserve natural features,
- define urban identities,
- link community facilities,
- serve persons with varied physical abilities and skills, and
- promote commuter and other more functional transportation methods.

Existing multipurpose trails

The following multipurpose trail systems have been developed to provide combined hike and bike trail opportunities in the area.

	Multipurpose trail miles
King County	21.0
1 Cedar-to-Green River Trail	3.7
Multipurpose hike, bike, and horse trail extension from the Cedar River Trail located on 131.8 acres of abandoned railroad track corridor extending from north of Maple Valley to SE Kent-Kangley Road.	
2 Cedar River Trail	17.3
Multipurpose hike, bike, and horse trail located on abandoned railroad track corridor extending from Lake Washington in downtown Renton parallel to the Cedar River through Kent and around Maple Valley to Landsburg Park on Summit Landsburg Road. The trail is a paved, off-road trail for the first 12.3 miles and then a soft surface for the last 5.0 miles which is popular with equestrians.	
Total existing multipurpose miles	21.0

Proposed multipurpose trails

The following multipurpose trail system may be developed to provide combined hike and bike trail opportunities across the city subject to feasibility studies with appropriate public and private participants. **The trails generally follow railroad, utility right-of-way, sensitive area buffers, and public road corridors, but may be**

relocated onto public and/or private property where owners approve.

Multipurpose trail miles

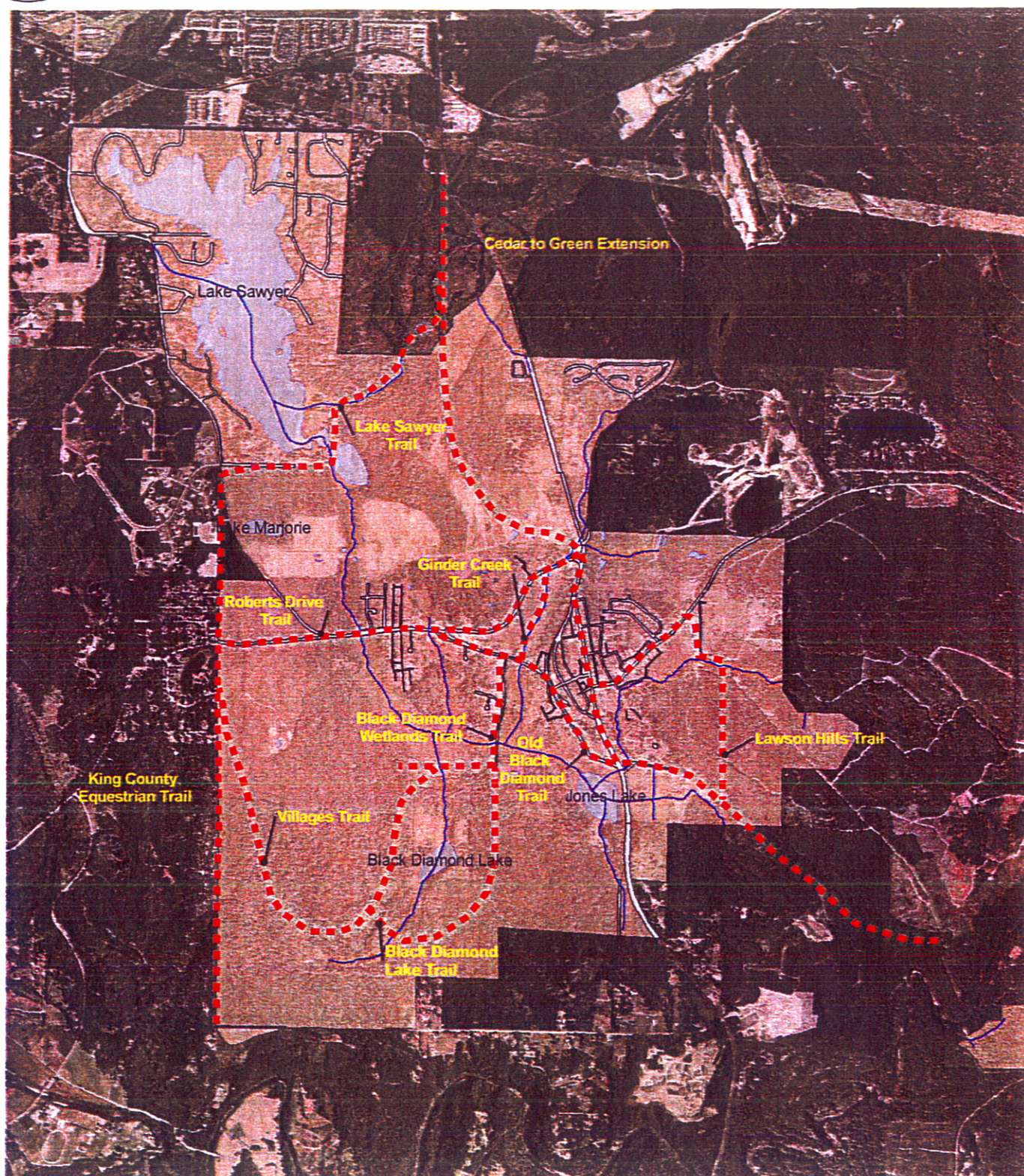
Black Diamond

1	Cedar-to-Green River Trail extension	7.0
Multipurpose hike, bike, and horse trail extension on the abandoned railroad track corridor from Maple Valley south past Lake Sawyer then on Railroad Avenue and across SR-169/Black Diamond-Enumclaw Road onto Old Lawson Road (railroad corridor) to the Green River Gorge. Trailheads may be developed in the Ravensdale Creek Open Space, in the downtown on Railroad Avenue, on SR-169/Black Diamond-Enumclaw Road at Jones Lake, and at Green River Gorge Road.		
2	Villages Trail	2.3
Multipurpose hike and bike trail from the King County Equestrian Trail through the Villages MPD and tying into the Black Diamond Lake Trail.		
3	Lake Sawyer Trail	1.8
Multipurpose hike, bike, and horse trail from the Cedar-to-Green River Trail south within the Ravensdale Creek Open Space conservancy and through Lake Sawyer Regional Park to Lake Sawyer Road. Trailheads may be developed on SR-169 in the Ravensdale Creek Open Space and Lake Sawyer Regional Park.		
4	King County Equestrian Trail	3.0
Multipurpose hike, bike, and horse trail from Lake Sawyer Regional Park south on the dedicated 100-foot wide equestrian trail corridor along the west boundary of the urban growth area. A trailhead will be developed in the property reserved by King County for an equestrian trailhead on Lake Sawyer Road adjacent to Lake Sawyer Regional Park.		
5	Lawson Hills Trail	2.0
Multipurpose hike and bike trail from the Cedar-to-Green River Trail south within or adjacent to the Lawson Connector through Yarrow Bay Development LLC's Lawson Hills Master Planned Development then down the hillside within the Black Diamond In-City Forest to reconnect to the Cedar-to-Green River Trail.		

Total proposed multipurpose miles** **16.1



DRAFT TRAILS PLAN



Legend

- Trails
- City Limits

Sources: King County, City of Black Diamond
Map prepared by: City of Black Diamond
Map Created: July 27, 2011

0 1,900 3,800 7,600 Feet



3.4 Off-road hiking trails

Off-road walking and hiking trails may be developed to link major environmental assets, park and recreational facilities, community centers, and historical features throughout the city.

Generally, off-road walking and hiking trails may be developed as dirt or gravel or bark surfaced routes on interior alignments through environmental features. Portions of the system within the more densely developed areas, however, may be developed as sidewalks or boardwalks with urban streetscape furnishings and amenities.

Off-road walking and hiking trails may be developed, where possible, in alignments separate from vehicular or other motorized forms of transportation.

For example, walking and hiking trails may be located within natural drainage corridors, wooded ravines, and utility easements. In some instances and for short duration, walking and hiking trail systems may be developed as improvements within the right-of-way of established vehicular or other transportation corridors.

Generally, walking and hiking trails may be developed to Washington State Department of Transportation (WSDOT), US Forest Service



(USFS), or Washington State Recreation Conservation Office (RCO) walking trail standards with a crushed rock, or compacted dirt base.

Most trail segments may be handicap accessible and usable by all age and skill groups. In the most urban or park sites, off-road walking and

hiking trails may be developed with an asphalt or concrete surface, handicap accessible and usable by all age and skill groups. Some trails are part of multipurpose trail systems; other trails are exclusive walking/hiking trails.

Off-road walking and hiking trail corridors may be located to coincide with other park and recreational improvements or public facilities to access rest stops, parking lots, restrooms, and other services.

Off-road walking and hiking trail corridors may be independent properties or include portions of other sites provided for resource activities, athletic facilities, and other park and recreational or public facility properties. Linked with conservation areas and resource activities, the off-road walking and hiking trails may create a system of interconnected greenways to integrate and define the urban and natural portions of the Island in accordance with the Growth Management Act's (GMA) provisions for urban separators.

Vision

As described, the off-road walking and hiking trails vision may be realized by providing recreational trail opportunities in the city that:

- access natural features that may not be available otherwise,
- link open spaces and other conservation areas into a greenway system,
- serve persons with varied physical abilities and skills,
- establish high visibility and volume pedestrian routes through the most developed urban areas and park sites,
- where practical, expand the park system to connect with public properties,
- where practical, expand roadway corridors to provide recreational and commuter trail opportunities.

Proposed off-road hiking trails

The following off-road walking and hiking trails may be developed to major destinations across the city.

Proposed off-road walking/hiking trail miles Black Diamond

1	Cedar-to-Green River Trail extension	7.0
Off-road hiking portion of multipurpose trail extension on the abandoned railroad track corridor from Maple Valley south past Lake Sawyer then on Railroad Avenue and across SR-169/Black Diamond-Enumclaw Road onto Old Lawson Road (railroad corridor) to the Green River Gorge. Trailheads may be developed in the		

Ravensdale Creek Open Space, in the downtown on Railroad Avenue, on SR-169/Black Diamond-Enumclaw Road at Jones Lake, and at Green River Gorge Road.	
2 Lake Sawyer Trail	1.8
Off-road hiking portion of multipurpose trail from the Cedar-to-Green River Trail south within the Ravensdale Creek Open Space conservancy and through Lake Sawyer Regional Park to Lake Sawyer Road. Trailheads may be developed on SR-169 in the Ravensdale Creek Open Space and Lake Sawyer Regional Park.	
3 Roberts Drive Trail	2.5
Off-road hiking portion of trail in or adjacent to Roberts Drive right-of-way from the Cedar River Trail east to the King County dedicated equestrian trail on the west urban growth area boundary line.	
4 King County Equestrian Trail	3.0
Off-road hiking portion of multipurpose trail from Lake Sawyer Regional Park south on the dedicated 100-foot wide equestrian trail corridor along the west boundary of the urban growth area. A trailhead will be developed in the property reserved by King County for an equestrian trailhead on Lake Sawyer Road adjacent to Lake Sawyer Regional Park.	
5 Black Diamond Lake Trail	1.5
Off-road hiking portion of multipurpose trail from King County Equestrian Trail east through Yarrow Bay Development LLC's The Villages Master Planned Development in and around wetland and critical area buffers to Chub Lake Road.	
6 Lawson Hills Trail	2.0
Off-road hiking portion of multipurpose trail from the Cedar-to-Green River Trail south within or adjacent to the Lawson Connector through Yarrow Bay Development LLC's Lawson Hills Master Planned Development then down the hillside within the Black Diamond In-City Forest to reconnect to the Cedar-to-Green River Trail.	
7 Old Black Diamond Trail	1.2
Off-road hiking portion extending south from Roberts Drive on Railroad Avenue through the historic downtown district to connect with the Cedar River Trail at Jones Lake. A trailhead may be developed adjacent the Depot in downtown.	
8 Black Diamond Wetlands Trail*	1.8
Off-road hiking portion from Old Black Diamond Trail at Railroad Avenue south on Abrams and Chub Lake Road to Black Diamond Lake Trail in Yarrow Bay Development LLC's The Villages Master Planned Development.	
9 Ginder Creek Trail	0.5
Off-road hiking trail connecting Roberts Drive with Morgan Street through the Ginder Creek	
Properties. This is a short trail section that includes Ginder Creek and riparian habitat along its path.	
10 Villages Trail	2.3
Off-road hiking trail through Yarrow Bay Development LLC's The Villages Master Planned Development to connect to Black Diamond Lake Trail.	
<i>Total proposed off-road walking and hiking trail miles</i>	<i>23.6</i>

3.5 Off-road mountain biking trails

A system of off-road mountain bike trails for family or all skill levels and for single-track or experienced riders may be developed to link major environmental assets, park, and recreational facilities throughout Black Diamond.

To the extent practical, off-road mountain bike trails may be linked or extended into local urban neighborhoods to provide convenient, safe access for younger age riders. Off-road mountain bike trail facilities may also be developed to provide contained trails within major parks and/or on public or utility rights-of-way that are safe and practical for younger, less experienced riders.

In addition, single-track mountain bike trails may be developed to provide 1 or 2-way trail systems over hill terrain, obstacles, and other features in open space areas, major parks, and forestlands of interest to experienced enthusiasts.

To the extent practical, off-road mountain bike trails may be developed as single mode trails in accordance with US Forest Service guidelines. Some trail corridors, however, may be designated for joint equestrian, hiking, and off-road mountain bike trail use.

Within developed areas, off-road mountain bike trails may parallel or coincide with other multipurpose trail corridors or within separate routes using power line, pipeline, and other alignments of interest to the off-road mountain bike riding population.

In some instances, off-road mountain bike trails may be developed as improvements within the right-of-way of established vehicular or other transportation corridors - particularly where these segments may provide trail access to parks or riding areas that would not be accessible otherwise.

Off-road mountain bike trails may be constructed of crushed rock, sand or a compact dirt rock base of varying widths with additional area of under-story clearance on either side of the trail. When provided within a multipurpose trail corridor, the off-road mountain bike trail may be an integral part of other hiking and biking activities.

Off-road mountain bike trails may generally share trailhead services with other trail users when the off-road mountain bike trail is located within a multipurpose trail corridor. When off-

road mountain bike trails are provided in separate locations, trailheads may be provided with parking lots, bike racks and storage facilities, restrooms, and other services.

Off-road mountain biking enthusiasts working in conjunction with cycling interest groups proposed some of the off-road mountain bike trails in this plan. Future public off-road mountain biking trail projects may use the same cooperative, joint venture approach to formally designate and improve existing trails and trailheads and/or develop new off-road trails, rest stops, and other trail services.

Vision

As described, the off-road mountain bike trails vision may:

- increase off-road mountain bike trail access for experienced riders to scenic areas and features for extended ride duration,
- increase trail access for local residents to parks, open space corridors, and other areas of interest within the urban areas,
- serve persons with varied physical abilities and skills, and
- expand trail corridors to provide for a mixture of recreational uses.



- Off road mountain bike trails - family

Proposed off-road mountain bike trails

The following off-road mountain biking trails may be developed to major destinations across the city.

Proposed off-road mountain bike trail miles Black Diamond

1	Cedar-to-Green River Trail extension	7.0
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Off-road mountain biking portion of multipurpose trail extension on the abandoned railroad track corridor from Maple Valley south past Lake Sawyer then on Railroad Avenue and

across SR-169/Black Diamond-Enumclaw Road onto Old Lawson Road (railroad corridor) to the Green River Gorge. Trailheads may be developed in the Ravensdale Creek Open Space, in the downtown on Railroad Avenue, on SR-169/Black Diamond-Enumclaw Road at Jones Lake, and at Green River Gorge Road.

2 Lake Sawyer Trail 1.8

Off-road mountain biking portion of multipurpose trail from the Cedar-to-Green River Trail south within the Ravensdale Creek Open Space conservancy and through Lake Sawyer Regional Park to Lake Sawyer Road. Trailheads may be developed on SR-169 in the Ravensdale Creek Open Space and Lake Sawyer Regional Park.

3 King County Equestrian Trail 3.0

Off-road mountain biking portion of multipurpose trail from Lake Sawyer Regional Park south on the dedicated 100-foot wide equestrian trail corridor along the west boundary of the urban growth area. A trailhead will be developed in the property reserved by King County for an equestrian trailhead on Lake Sawyer Road adjacent to Lake Sawyer Regional Park.

4 Black Diamond Lake Trail 1.5

Off-road mountain biking trail from King County Equestrian Trail east through Yarrow Bay Development LLC's The Villages Master Planned Development in and around wetland and critical area buffers to Chub Lake Road.

5 Lawson Hills Trail 2.0

Off-road mountain biking portion of multipurpose trail from the Cedar-to-Green River Trail south within or adjacent to the Lawson Connector through Yarrow Bay Development LLC's Lawson Hills Master Planned Development then down the hillside within the Black Diamond In-City Forest to reconnect to the Cedar River Trail.

6 Villages Trail 2.3

Off-road mountain biking of multipurpose trail through Yarrow Bay Development LLC's The Villages Master Planned Development to connect to Black Diamond Lake Trail.

7 Black Diamond Wetlands Trail* 1.8

Off-road mountain biking from Old Black Diamond Trail at Railroad Avenue south on Abrams and Chub Lake Road to Black Diamond Lake Trail in Yarrow Bay Development LLC's The Villages Master Planned Development.

8 Ginder Creek Trail 0.5

Off-road mountain biking connecting Roberts Drive with Morgan Street through the Ginder Creek Properties. This is a short trail section that includes Ginder Creek and riparian habitat

along its path.

<i>Total proposed off-road mountain bike trail miles</i>	<i>19.9</i>
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3.6 Horse trails

A system of horse trails will be developed to link major environmental assets, park, and recreational facilities across the city. To the extent practical and possible, horse trails will be linked or extended into local communities that have significant horse populations to provide convenient and safe access for riders of all age and skill levels.

Within the developed areas, horse trails will parallel or coincide with other multipurpose trail corridors or be within separate routes using power line, pipeline, and other alignments of interest to the horse riding population.

Horse trails will be constructed to Forest Service standards of a sand or compacted dirt base with an additional under-story clearance on either



side of the trail. When provided within a multipurpose trail corridor, the horse trail will be separated as much as possible from other hiking and biking activities. Riders will be required to dismount at all bridges and other elevated crossings where the horse trail coincides with other trail activities.

Horse trails will generally share trailhead services with other trail users when the horse trail is located within a multipurpose trail corridor. When horse trails are provided in separate locations, trailheads will be provided with parking lots, hitching racks, restrooms, and other services.

Some of the horse trails in this plan have already been developed on an informal basis by horse riding organizations working in conjunction with public and private landowners. Future public horse trail development projects

will use the same cooperative, joint venture approach to formally designate and improve existing trails and trailheads.

Vision

As described, the horse trails vision will:

- provide or formally designate equestrian access to scenic areas and other features of interest,
- for riders of all capability levels,
- for extended ride duration, and
- within close proximity to the extent possible, to horse riding populations.

Proposed horse trails

The following horse trails may be developed to major destinations across the city.

Proposed horse trail miles *Black Diamond with others*

1	Lake Sawyer Trail	1.8
Horse trail portion of multipurpose trail from the Cedar-to-Green River Trail south within the Ravensdale Creek Open Space conservancy and through Lake Sawyer Regional Park to Lake Sawyer Road. Trailheads may be developed on SR-169 in the Ravensdale Creek Open Space and Lake Sawyer Regional Park.		
2	King County Equestrian Trail	3.0
Horse trail portion of multipurpose trail from Lake Sawyer Regional Park south on the dedicated 100-foot wide equestrian trail corridor along the west boundary of the urban growth area. A trailhead will be developed in the property reserved by King County for an equestrian trailhead on Lake Sawyer Road adjacent to Lake Sawyer Regional Park.		

Total proposed horse trail miles	4.8
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Costs

Included within this appendix are the relative costs of building components to an integrated, city-wide trails system. The project list is not exhaustive as resources are limited and propose building certain aspects of the trail system, but can be added to as resources allow. Assumptions have been made as per the cost per acre (\$20,000) in acquiring right-of-way or easements. In some cases, such as the Lake Sawyer Trail, easements have already been obtained by King County, but are included for reference. In any case, no charge is assessed to the City of Black Diamond as indicated on the table.

The initial focus of the program will be acquiring the needed right-of-way, easements, etc. in order secure these properties for future trail development. Adjustments may be needed as acquiring properties and circumstances can differ. Trail alignments may differ from what is planned due to these circumstances. For most of the trail sections, we tried to follow existing right-of-ways in order to reduce costs.

In addition to these costs are projects that may be accomplished given available resources and grant opportunities. Components to some of these projects have already been constructed and these relative costs have been integrated to reflect this fact. As an example, a small portion of sidewalk has been installed in front of the King County Library along Roberts Drive. Costs for this project include completing sidewalk along Roberts Drive for the remaining section of roadway.

Proposed Proposed Projects and Level of Funding

Length	units	facility addtn	Facility cost /unit	BIDD funding required	BIDD funding required	Comments
Land						
linear trails - 40 ft wide	acres	33.9	\$20,000	\$678,788	100%	Cedar to Green Trail Extension
30 feet	acres	6.5	\$20,000	\$130,909	0%	Lake Sawyer Trail
20 feet	acres	6.1	\$20,000	\$121,212	100%	Roberts Drive Trail
100 feet	acres	36.4	\$20,000	\$727,273	0%	King County Equestrian Trail
20 feet	acres	3.6	\$20,000	\$72,727	0%	Black Diamond Lake Trail*
20 feet	acres	4.8	\$20,000	\$96,970	0%	Lawson Hills Trail*
20 feet	acres	5.6	\$20,000	\$111,515	0%	Villages Trail*
20 feet	acres	2.9	\$20,000	\$58,182	100%	Old Black Diamond Trail
20 feet	acres	4.4	\$20,000	\$87,273	100%	Black Diamond Wetlands Trail
20 feet	acres	0.5	\$20,000	\$9,697	100%	Ginder Creek Trail
104.2				\$2,094,545		\$945,455

Facilities

Trail Sections						
asphalt 8 foot mile	7.0	\$253,456	\$1,774,192	\$1,774,192	100%	Cedar to Green Trail Extension
asphalt 8 foot mile	1.8	\$253,456	\$456,221	\$114,055	25%	Lake Sawyer Trail
Sidewalk 4 foot mile	2.5	\$136,996	\$342,490	\$342,490	100%	Roberts Drive Trail
dirt 6 + 2 foot horse mile	3.0	\$163,056	\$489,168	\$122,292	25%	King County Equestrian Trail
dirt 6 foot mile	1.5	\$151,465	\$227,198	\$0	0%	Black Diamond Lake Trail*
asphalt 8 foot mile	2.0	\$253,456	\$506,912	\$0	0%	Lawson Hills Trail*
asphalt 8 foot mile	2.3	\$253,456	\$582,949	\$0	0%	Villages Trail*
Sidewalk 4 foot mile	1.2	\$136,996	\$164,395	\$164,395	100%	Old Black Diamond Trail
dirt 6 foot mile	1.8	\$151,465	\$272,637	\$272,637	100%	Black Diamond Wetlands Trail
dirt 6 foot mile	0.5	\$151,465	\$75,733	\$75,733	100%	Ginder Creek Trail
23.6				\$4,891,894		\$2,865,794
Subtotal for facility impact						
Total impact for land and facilities				\$3,811,248		

* Subject to review and approval of Master Planned Developments (MPD) by City Council.

October 24, 2011

Planning Commission
City of Black Diamond
24301 Roberts Drive
Black Diamond, WA 98010

COMMUNITY DEVELOP.

OCT 25 2011

RECEIVED

Subject: Proposed Comprehensive Plan Changes CPT-11-02, CPT-11-03

Dear Members of the Planning Commission:

Thank you for the opportunity to comment on proposed changes to the City of Black Diamond Comprehensive Plan. Both changes noted above (CPT-11-02 and CPT-11-03) address the question: what levels of residential density are appropriate for our community? A review of the history starting at the BDUGAA serves as an excellent starting point.

The first documents that I have been able to find that outline specific population/density goals for the city are the Preliminary Environmental Impact Statement (PEIS) prepared in 1999 and the Final Environmental Impact Statement (FEIS) prepared in the year 2000 related to the proposed Preliminary Annexation Agreement (PAA) that was required as part of BDUGAA implementation. In the preferred FEIS alternative, total Black Diamond households "at build out" were projected to be 7,105. This number included existing households, further infill development/growth within the city plus full Master Planned Development build-out. This was a long term 30 year view of the city. At the time, these projections also included the annexation of Lake 12. Given that current planning assumptions no longer include Lake 12, a downward adjustment of perhaps 200 to 250 households would be required to be comparable to current planning.

So, to the point made by several people testifying before the Planning Commission last week – significant development and population growth was indeed planned dating back to the early days.

Fast forward now to the Comprehensive Plan approved by the Black Diamond City Council in June 2009. This Comprehensive Plan established a total household target after MPD build-out of 6,302 units, consisting of 1,578 existing households plus 4,724 new households to be built over 15 years, including further city infill and full MPD development. In total, this is quite consistent with the 2000 PAA FEIS density targets.

Then, approximately two months after approval of the 2009 Comp Plan, Yarrow Bay submitted MPD proposals for both the Villages and Lawson Hills. These proposals totaled 6,050 new households to be developed over 15 years excluding any other development within the city. By itself, this is substantially above growth targets provided for in the freshly adopted Comp Plan. One would have thought that both those recommending and those approving the 2009 Comp Plan would have understood such a big variance was imminent, but apparently not.

In addition, Yarrow Bay has identified over 400 acres of additional expansion areas, that if developed in accordance with existing density requirements of 4 dwelling units (DU's) per gross acre, would add over 1,700 more households to the city, still excluding any other residential development that can occur consistent with existing city zoning. Yes, such expansion development would require a major amendment to the existing MPD approvals. But, our current city code would clearly allow such additional high density development and based on recent history, it would have to be approved by Council.

A summary of all of these numbers follows:

City Residential Densities

	2000 PAA FEIS	2009 Comp Plan	2009 MPD Submittals	MPD + Expansion Total Build-Out
Existing Households		1,578	1,578	1,578
New Households		4,724	6,050	6,050
Total Households at Build-Out	7,105	6,302	7,628	7,628
Adjustments				
Exclude Lake 12	-250			
MPD Expansion Areas				
Villages 384 acres @ 4 DU/gross acre				1,536
Lawson 60.5 acres @ 4 DU/gross acre				242
Other City Growth				
Assume 50 acres @ 4 DU/acre				200
City Of Black Diamond Total Households At Build-Out	6,855	6,302	7,628	9,606
City Population At Build-Out At 2.68 Residences/Household	18,371	16,889	20,443	25,744
City Population At Build-Out As Percent Of 2009 Comp Plan		100%	121%	152%

As shown above, our community is now faced with the potential for residential development densities (unit count) over 50% higher than targets established anywhere in our history – from the BDUGAA forward. Why are these densities so much higher than targets previously provided in the 2000 PAA FEIS and the 2009 Comp Plan? I believe that the biggest contributor to this gross expansion is the current Comp Plan and BDMC requirement that minimum residential densities be 4 DU's per gross acre.

In the history of Growth Management in our state, 4 DU's per acre is generally considered to constitute "urban density". However, 4 DU's per acre refers not to gross acres, but instead refers to "net residential acres." If you read the 2000 FEIS, you will find that all references to residential densities refer to the areas of residential development and not the entire area that would include wetlands, schools, commercial/office development etc. In addition, the guidelines established in 2004 by CTED,

Washington State's Commerce, Trade and Economic Development agency at the time, explicitly references 4 DU's per net acre as the appropriate urban density standard, though even this level of density in UGA's is no longer considered to be a minimum. Urban density below the former "bright line" of 4 DU per net acre is now widely accepted, particularly outside of the Seattle and Bellevue urban centers.

Attached for your reference is a copy of CTED's 2007 publication that provides a clear example of how these densities are to be calculated – based on net acres, not gross. Why net acres and not gross acres? Following is a spread sheet that illustrates the dysfunction caused by the use of gross acres.

To simplify the calculations, I have used 100 acres as the size of a development.

Gross Versus Net Densities

	Example 1	Example 2	Example 3	Example 4
Commercial & Office	60	0	25	85
Sensitive Areas & Buffers	10	30	40	10
Schools	0	50	25	0
Residential	30	20	10	5
Total MPD Acres	100	100	100	100
Minimum Required DU's				
Based on Gross Acres	400	400	400	400
Based on Net Acres	120	80	40	20
Residential Density (DU/Acre)				
Based on Gross Acres	13.3	20.0	40.0	80.0
Based on Net Acres	4.0	4.0	4.0	4.0

Although it's pretty absurd, our current code would require residential density of 80 dwelling units per residential acre for a proposed office or commercial development within an MPD as illustrated in Example 4. This equates to a requirement for placing 400 homes on just 5 acres. In Example 3, a density of 40 DU's per acre, or 400 DU's built on just 10 acres, would be required due to the sizeable sensitive areas and buffer component in this example. In TDR receiving areas, developers are given a very big incentive to acquire cheap, but undevelopable wetlands, because it would allow much higher density within the developable areas. It is worth noting, that average residential density with the Villages MPD is nearly 9 DU's per net residential acre – as a direct result of this gross versus net acre phenomenon.

It's also worth noting that current code requires any development exceeding 80 acres to be developed as an MPD, including this residential component. Assuming that Intel or Microsoft or some other very attractive employer wished to develop an office and research complex within a properly zoned part of the city, they would be unable to do so because of the requirement that all MPD's have 4 residential DU's per gross acre.

For Yarrow Bay's current Council approved MPD's and 6,050 DU's, the horse is already out of the barn concerning this gross versus net issue. Turning back the clock and making retroactive changes would likely not be legally sustainable. However, looking ahead, we can and should make changes in the Comp Plan and BDMC that would limit future residential densities to more appropriate levels and remove the requirement that all MPD's have a residential component.

Mr. Kombol of Palmer Coking Coal, city staff and others raised concern during public hearings before the Commission about the potential adverse impact of these changes on the TDR (Transfer Development Rights) program. To better understand these concerns let's first look at current TDR data:

Total TDR's issued to Black Diamond TDR Sending Area property owners:

Per Palmer Coking Coal Records	2,878
Per City Records	2,984

Total TDR's required for purchase by Yarrow Bay to develop currently approved 6,050 DU's:

At 50%	3,025
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Clearly, the difference between city records and historical records needs to be reconciled. However, in any event, it would appear that the balance between TDR's issued to sending area property owners and TDR's required to be purchased by Yarrow Bay for their currently approved MPD's are reasonably in balance. And this is good and appropriate. As noted in the testimony of Mr. Kombol and others, the TDR program has a long history grounded in the respect of long time property owners within the City of Black Diamond that they be compensated for the loss of their development rights even though these properties would not be developable today given current Sensitive Areas Ordinances etc. They have paid property taxes on these lands for all these many years and deserve to be compensated for their property. This is how TDR sending areas were defined. Living to these historical understandings and agreements must be respected and clearly would not adversely impact TDR sending area property owners. So, what's the problem?

The problem is that a previous City Council decided several years ago to issue the city 1,000 additional artificial TDR's – as if the City owned a TDR printing press. If we count the 1,000 additional artificial TDR's, now the program does become significantly out of balance. Yarrow Bay needs just 3,025 to implement their currently approved 6,050 DU's, but the TDR's available for sale now total, according to city records, 3,984. Mr. Kombol, in his testimony, calls this a 30% tax on current TDR sending area property owners. I call this a gross corruption of the TDR program. These 1,000 artificial or "fake" TDR's as some have called them, do nothing but serve to penalize current sending area property owners and totally distorts the purpose of the TDR program as originally envisioned. If the City can arbitrarily decide to run the printing press for 1,000 artificial TDR's, why not 2,000 or 3,000? It makes no sense.

I believe that the answer is obvious. The TDR program was initially established for a purpose. That historical purpose must be respected and not be corrupted. And clearly, the printing of artificial TDR's cannot/should not be used as a basis to push residential densities in our City far in excess of anything previously envisioned, nor suitable for our community today.

Therefore, I urge the Planning Commission to fully respect this history. Making the changes to the Comp Plan as I have recommended (CPT-11-02 and CPT-11-03) will go a long way toward insuring that our community is able to rein in and maintain at least some control over the future growth of our community. To protect historical TDR sending area property owners from the compromised position they now find themselves in as a result of past Council action, I fully support either of the two following additional conditions:

1. As recommended by Mr. Kombol, have the current City Council, as part of current changes to the Comp Plan and BDMC, eliminate/vacate the current 1,000 artificial TDR's granted by past Council action; or
2. Require that 98+% of all sending area property owner TDR's be purchased by Yarrow Bay to fulfill their TDR purchase requirements prior to the City's sale of any of the 1,000 artificial TDR's created by past Council action.

I thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Craig Goodwin', with a stylized, cursive script.

Craig Goodwin
29044 222nd Pl. SE
Black Diamond, WA 98010



Growth Management Services

Urban Densities – Central Puget Sound Edition

King, Kitsap, Pierce, and Snohomish Counties

Guidance Paper

September 2004

The Growth Management Act (GMA) was enacted in response to a growing realization that some of the qualities making Washington a great place to live were at risk because of development patterns resulting from uncoordinated and unplanned growth. In response to this risk, the Washington State Legislature established common goals in the GMA to direct planning. Within these goals and throughout the GMA is an imperative to coordinate plans that focus new development, redevelopment, and the public facilities necessary to serve development in urban areas. A fundamental principle of the GMA is that lands within urban growth areas (UGAs) should be developed as compact, urban communities served with adequate public facilities. This preference is expressed in the following GMA goals:

- (1) Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. [RCW 36.70A.020(1)]
- (2) Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. [RCW 36.70A.020(2)]
- (4) Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

This Washington State Department of Community, Trade and Economic Development (CTED) document provides guidance to help communities determine an appropriate range of urban residential densities for their community and reviews a range of regulatory tools and housing types that can help facilitate the development of communities that are compact, functional, and livable. Communities within the Central Puget Sound (King, Kitsap, Pierce, and Snohomish counties) can also benefit from an understanding of how the Central Puget Sound Growth Management Hearings Board (CPSGMHB) has applied the GMA goals in several cases. This paper reviews these cases as well.

Defining Sprawl and Its Consequences

Defining characteristics of sprawl were described in CTED's second guidebook on establishing urban growth boundaries. These characteristics include:

Scattered poorly planned urban development that occurs particularly in urban fringe and rural areas and frequently invades land important for environmental and natural resource protection. Urban sprawl typically manifests itself in one or more of the following

patterns: (1) leapfrog development (when new development is sited away from an existing urban area, bypassing vacant parcels located in or closer to the urban area that are suitable for development); (2) strip development (when large amounts of commercial, retail, and often multifamily residential development are located in a linear pattern along both sides of a major arterial and, typically, accessing directly onto the arterial); and (3) large expanses of low-density, single-family dwelling development.¹

Planning research for the past 30 years has documented the public and private costs of sprawling development patterns versus more compact and well-coordinated development patterns. Sprawl constitutes one of the most expensive forms of development to serve with public services and facilities.² The per capita costs to provide public services tend to be lower at compact urban densities.³ This research documented the problems that were at the heart of the concerns the GMA was adopted to address. CTED's second guidebook on establishing UGAs contains an extensive discussion of both the negative consequences of sprawl and the benefits of more compact forms of development.⁴

The issue of sprawl and compact development was first addressed by the CPSGMHB in 1995 in *Bremerton, et al. v. Kitsap County*. The CPSGMHB decision included an extensive discussion of sprawl, compact development, and the centrality of these issues in the GMA. The board further noted eight major consequences of sprawl:

- (1) It needlessly destroys the economic, environmental, and aesthetic value of resource lands.
- (2) It creates an inefficient land use pattern that is very expensive to serve with public funds.
- (3) It blurs local government roles, fueling competition, redundancy, and conflict among those governments.
- (4) It threatens economic viability by diffusing rather than focusing needed public infrastructure investments.
- (5) It abandons established urban areas where substantial past investments, both public and private, have been made.
- (6) It encourages insular and parochial local policies that thwart the siting of needed regional facilities and the equitable accommodation of locally unpopular land uses.
- (7) It destroys the intrinsic visual character of the landscape.
- (8) It erodes a sense of community, which, in turn, has dire social consequences.⁵

The board also specifically recognized the pattern of development called for in the GMA is a departure from the pattern of how land had generally developed in the preceding 20 years.

¹ *The Art and Science of Designating Urban Growth Areas – Part II*, CTED, March 1992, p. 35.

² *The Costs of Sprawl: Executive Summary and Detailed Cost Analysis*, Real Estate Research Corporation, U.S. Government Printing Office, Washington, D.C. (1974), p. 7.

³ Muro, Mark and Puentes, Robert. *Investing in a Better Future: A Review of the Fiscal and Competitive Advantages of Smarter Growth Development Patterns*. The Brookings Institution Center on Urban and Metropolitan Policy. 2004. www.brookings.edu/urban.

⁴ *The Art and Science of Designating Urban Growth Areas – Part II*, CTED, March 1992, p. 12.

⁵ *Bremerton, et al. v. Kitsap County*, CPSGMHB No. 95-3-0039c (Final Decision and Order, October 6, 1995), p. 20.

Recent public health research has identified a link between sprawl and a number of public health problems related to low levels of physical activity. Although the amount of physical activity is a personal choice, patterns of development that present barriers to walking, especially for children, are a significant contributing factor. People living in automobile dependent neighborhoods that suppress walking do walk less, weigh more, and are more likely to suffer from high blood pressure. They weigh an average of six pounds more than their counterparts in communities with better pedestrian amenities.⁶ People in low-density communities that are not planned to facilitate walking are more likely to spend more time driving which impacts air quality and increases rates of asthma.⁷

Benefits of More Compact Development

Compact development is the antithesis of sprawl. Characteristics of compact communities include development that is contiguous to the existing urban areas and characterized by the coordinated provision of urban services and that includes a range of uses at urban densities, a variety of housing types, and a greater variety of transportation options. There are several benefits of a more compact pattern of urban development directly related to the goals of the GMA. There is evidence that residents in more compact communities tend to drive fewer miles than those in more sprawling areas.⁸

Higher urban densities also tend to reduce housing costs. More dense urban development implicitly results in smaller lot sizes for single-family homes and multifamily housing forms. Both of these typically provide less expensive housing options. These are some of the important reasons why the GMA emphasizes compact urban form as a strategy to accommodate growth. It is also why Goal 4, Housing, emphasizes provision of a variety of housing types at a range of densities. The greater the variety of housing types, the more segments of the population are likely to find housing that suits their needs.

What Is an Urban Density

Besides curbing sprawl, the GMA was intended to ensure efficient provision of urban services and encourage the provision of affordable housing. Although the term “urban density” is not defined in the act itself, urban growth is defined as:

Intensive use of land for structures to such a degree that it is incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development and of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW

⁶ Ewing, R., Schmid, T., Killingsworth, R., Zlot, A., and Raudenbush, S. “Relationship Between Urban Sprawl and Physical Activity, Obesity, and Morbidity.” *American Journal of Health Promotion*, Vol. 18, No. 1, 2003, pp. 47-57

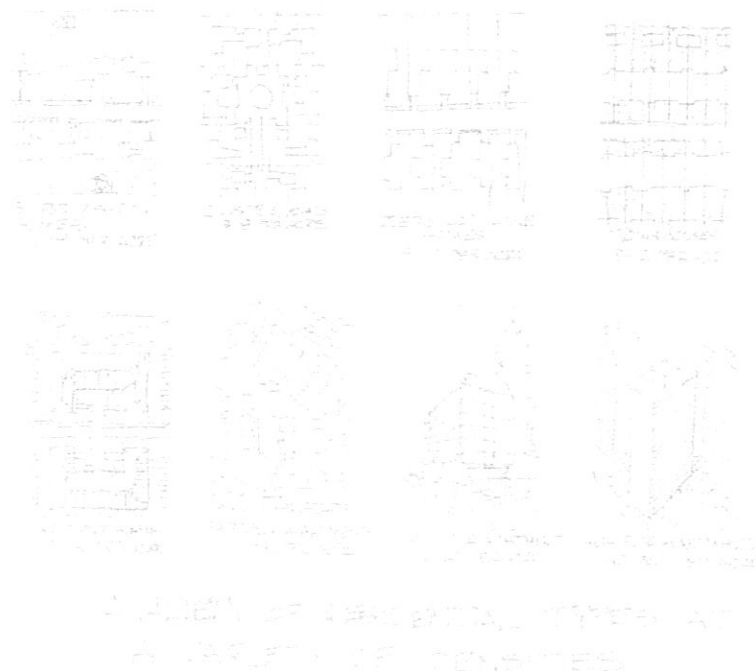
⁷ Friedman, M.S., Powell, K.E., Hutwagner, L., Graham, L.M., and Teague, W.G. “Impact of Changes in Transportation and Commuting Behaviors During the 1996 Summer Olympic Games in Atlanta on Air Quality and Childhood Asthma.” *Journal of the American Medical Association*, Vol. 285, No. 7, 2001, pp. 897-905.

⁸ *Creating Great Neighborhoods: Density in Your Community*. Local Government Commission, p. 6.

36.70a.170. . . When allowed to spread over wide areas, urban growth typically requires urban governmental services.⁹

The GMA also establishes a clear preference for urban growth to be contiguous with existing urban areas and provided with urban governmental services.¹⁰ Urban densities are those that are not consistent with the use of land for resource use, not consistent with rural character, and that can be cost-effectively provided with urban governmental services. Urban services, such as stormwater and wastewater systems, are more cost-effective to provide as density increases because the costs of capital facilities is spread over more households and the distance between connections is lower.¹¹ Some urban services, such as public transit, are only viable above a certain density.

CTED's second guidebook on UGAs includes suggested considerations for setting urban densities.¹² Within the Central Puget Sound, the CPSGMHB has indicated that densities at 4 du/per acre or higher are compact urban development. Densities below that may be considered urban only if the record contains a clear rationale:



⁹ RCW 36.70A.030.

¹⁰ RCW 36.70A.110.

¹¹ *Cost of Providing Government Services to Alternative Residential Patterns, Executive Summary*. Chesapeake Bay Program, U.S. Environmental Protection Agency Contract #68-WO0043. P ES-11.

The board instead adopts as a general rule a “bright line” at four net dwelling units per acre. Any residential pattern at that density, or higher, is clearly compact urban development and satisfies the low end of the range required by the act. Any larger urban lots will be subject to increased scrutiny by the board to determine if the number, locations, configurations, and rationale for such lot sizes complies with the goals and requirements of the act, and the jurisdiction’s ability to meet its obligations to accept any allocated share of county-wide population. Any new residential land use pattern within a UGA that is less dense is not a compact urban development pattern, constitutes urban sprawl, and is prohibited. There are exceptions to this general rule. For example, 1- or 2.5-acre lots may be appropriate in an urban setting in order to avoid excessive development pressures on or near environmentally sensitive areas. However, this circumstance can be expected to be infrequent within the UGA and must not constitute a pattern over large areas.¹³

Calculating Density

Residential density is defined primarily as the number of dwelling units over a specified land area. When discussing density, it is critical to clarify whether one is referring to net or gross density. Gross density refers to total dwelling units divided by total land area. Net density refers to total dwelling units divided by total land area less unbuildable area.

When the CPSGMHB articulated 4 du/acre as a minimum urban residential density, the board was referring to net average density, in dwelling units per acre, across the development parcel. Factors such as the scale of the development and whether unbuildable land should be included in the calculation will affect the ultimate density a set of development regulations allows. When calculating densities for the purposes of determining whether a compact urban development of 4 du/acre or greater is permitted, the following factors are among those that should be considered:

- The CPSGMHB rejected an approach to governing density that focuses exclusively on the size of developed lots. Instead, the board has focused on the maximum density in du/acre permitted when parcels are subdivided. If a project includes lots of varying sizes, it could yield an average of at least 4 du/acre even if some relatively large lots are created. Thus, density is best calculated as the average net density across the development parcel.¹⁴
- All land within the urban area must be designated at appropriate urban densities.¹⁵ Calculating average density across an entire subarea or city is not appropriate for this purpose. For example, an area zoned for multifamily housing designated for future densities of 20 du/acre would not serve to justify a pattern of 1-acre lots throughout the rest of city, even if the city or sub-area as a whole achieved an average net density of more than 4 du/acre. The appropriate measure is the density permitted as a net average across a development parcel.

¹² *The Art and Science of Designating Urban Growth Areas – Part II*, CTED, March 1992, p. 19.

¹³ *Bremerton, et al. v. Kitsap County*, CPSGMHB No. 95-3-0039c (Final Decision and Order, October 6, 1995), p. 35.

¹⁴ *Benaroya, et al. v. City of Redmond*, CPSGMGB No. 95-03-0072 (Final Decision and Order, March 25, 1996), p. 33.

¹⁵ *LMI v. Town of Woodway*, CPSGMHB No. 98-3-0012 (Final Decision and Order, January 8, 1999), p. 13.

Net density is the total number of dwelling units divided by the total buildable area. Land that is not buildable is generally subtracted from the gross area of the development parcel for the purposes of calculating net average density.¹⁶ Jurisdictions should indicate in their development regulations which lands should be subtracted in the calculation.

Managing Growth's Impacts

Providing for compact, urban development throughout urban areas is an important aspect of managing growth. In limited circumstances, densities less than 4 dwelling units per acre may be necessary for other reasons. Some jurisdictions have zoned areas for less than urban densities to protect large areas of high value critical areas. The CPSGMHB ruled that densities below 4 du/acre may be permissible if supported by a "persuasive and well-documented justification of a unique area-wide circumstance."¹⁷ "Area-wide" in this case means limited to a small area, and not citywide. In 1996, the CPSGMHB established the three-part "Litowitz test" defining circumstances under which low-density land use designations, adopted as a means of protecting critical areas, would be consistent with a city's duty to ensure compact urban development and prevent sprawl. Low-density zoning of 1 du/ac or lower, for example, may be used to protect critical area functions when the critical area in question is:

1. Large in scope.
2. Structure and functions are complex.
3. The rank order value is high.¹⁸

Since 1996, the three-part test has been used to review the record for a determination of whether the lower density designation was appropriately applied. In *LMI v. Woodway*, the board reviewed the record to determine if there was an adequate scientific basis for the determination that a particular property contained significant critical areas unsuitable for urban development. Finding no such justification, it concluded that the area was not properly designated. The consequence of this determination was that, when the board calculated the net average density for the parcel, it included the improperly designated critical area as buildable land and determined the land use designation for the parcel did not permit urban densities.¹⁹

To evaluate whether a low-density designation is appropriate, it is useful to consider how the low-density designation relates to the three criteria listed above. For example, an areawide collection of critical areas, such as a collection of associated wetlands, is larger in scope than isolated wetlands. Their functions and values as a collection may be greater than what could be protected by application of the critical areas ordinance itself. An area that contains overlapping and interrelated types of critical areas, such as geologically hazardous areas, wetlands, and riparian areas, will have a complex structure and function. Applying the critical areas ordinance

¹⁶ Benaroya, p. 33.

¹⁷ *Bremerton, et al. v. Kitsap County*, CPSGMHB No. 95-3-0039c (Final Decision and Order, October 6, 1995), p. 33.

¹⁸ *Litowitz v. City of Federal Way*, CPSGMHB No. 96-3-0005, (Final Decision and Order, July 22, 1997), p. 12.

¹⁹ *LMI v. Town of Woodway*, CPSGMHB No. 98-3-0012 (Final Decision and Order, January 8, 1999), p. 13.

with its overlapping buffers and mitigation requirements would be difficult, and lower densities may be justified.

Any jurisdiction using low densities to protect critical areas should provide a discussion of how these three factors apply. The analysis should show why a project-level regulatory approach using the critical areas ordinance, acting on its own, would not protect these functions and values. The record should document the scientific basis for these conclusions and should also show that the low-density designations are limited to those areas necessary to protect function and value.

Protecting Neighborhood Character

The GMA calls for a range of urban densities and housing types, but the range of urban densities must be urban. Lower densities should not be used as a tool to perpetuate pre-GMA patterns of low-density residential development. Although proposals to allow for infill development are controversial, design tools can be used to lower the perception of density and improve the livability of urban neighborhoods.

Many neighborhoods and small towns built before World War II were developed at 6-8 du/acre. It was also common to intersperse single-family detached housing with small-scale, multifamily or retail buildings on corner lots. Maintaining and perpetuating this pattern of development allows the community to achieve the benefits of compact development without changing the visual character of the community.

Low-density zoning as a means of perpetuating pre-GMA large lot development in urban areas is not generally consistent with Goals 1 and 2 of the GMA and a local government's obligation to accommodate projected population growth. The CPSGMHB has been presented with, and found out of compliance, a number of plans containing policies that would prohibit development at urban densities in an effort to protect and preserve the suburban or semirural character of existing neighborhoods. There is not a requirement to force infill construction within existing neighborhoods, but land use and zoning tools cannot be used to prohibit infill at urban densities.²⁰

In *MBA v. Pierce County*, the CPSGMHB discussed the GMA's goal to encourage the preservation of existing housing stock, and its requirement to ensure the vitality and character of established residential neighborhoods.²¹ However, as the board stated, "any opportunity to perpetuate an 'historic low-density residential' development pattern, [in the subarea], ended in 1994 when the county included the area within the UGA."²²

Preserving existing neighborhoods can also be accomplished by developing design standards to encourage compact development that is attractive, safe, and consistent with neighborhood character, historic preservation, or other desired features. As development densities increase,

²⁰ *ibid*, p. 25.

²¹ RCW 36.70A.020(4) and 36.70A.070(4).

²² *Master Builders Association & Terry Brink v. Pierce County*, CPSGMHB No. 02-3-0010, (Final Decision and Order, February 4, 2002), pp. 14-15.

ensuring good urban design will become increasingly important. Design standards can help reduce negative perceptions of density by ensuring buildings will be architecturally interesting and well integrated with their neighborhoods. For example, standards can regulate features such as setbacks, placement of parking and garages, façade treatment, building bulk, and scale to ensure that they are well received by the community. Many design codes strive to produce multifamily structures that resemble single-family homes, and/or to produce higher density single-family dwellings that appear less dense.

The U.S. Department of Housing and Urban Development has developed a Web site that includes a checklist of design features for good housing design and a series of lectures regarding density. *Demystifying Density, Part 2 of Strategies for Creating Higher Density Housing* at www.designadvisor.org is particularly interesting. CTED hosts its own Web site at www.cted.wa.gov/affordablebydesign, which highlights 13 developments that received the Director's Award for excellence in planning and design of higher density affordable housing. Case studies on each development, with photos and interviews, can be browsed for information on location, planning policies, zoning, design, unit size, density, affordability, and financing.

Managing a Lack of Adequate Public Facilities

Achieving urban densities requires the provision of adequate public facilities. The GMA does not define what constitutes adequate facilities and does not require that they be provided immediately throughout the urban area. The GMA requires a Capital Facilities Element that supports the Land Use Element by planning for the infrastructure necessary to support development and showing that this plan is fiscally realistic. In the Capital Facilities Element, local governments set level of service standard, which define what constitutes adequate public facilities.²³ Urban development generally requires, at a minimum, transportation infrastructure, public water, and sanitary and storm sewer.

The CPSGMHB has held that the GMA creates an affirmative duty for cities to accommodate the growth that is allocated to them through the county population allocation process. This duty means that a city's comprehensive plan must include: (1) a future land use map that designates sufficient land use densities and intensities to accommodate any population and/or employment that is allocated; and (2) a Capital Facilities Element that ensures that, over the 20-year life of the plan, needed public facilities and services will be available and provided throughout the jurisdiction's UGA. Lower densities are not justified simply because an area does not currently have sufficient services to support compact urban development.²⁴ Instead, jurisdictions are expected to plan for development to align with the provision of the needed urban services. If a developer wants to proceed in advance of the availability of planned services, they may be required to pay for the extension of services at the time of subdivision.

Development regulations must also ensure that achieving compact development in the long term is not precluded by short-term development patterns. For example, if urban services are not

²³ WAC 365-195-315(2)(b) is advisory, but includes strategies for better implementation of GMA goals.

²⁴ *Hensley v. City of Woodinville*, CPSGMHB No. 96-3-0031, (Final Decision and Order, February 25, 1997), p. 6.

available to an area in the short term, the development regulations may not allow a development pattern that precludes achieving urban densities when urban services become available.²⁵

An example of a strategy to allow some development without precluding future urban development is contained in the City of Lacey's zoning code. Title 16.13.050(C) requires that areas without sewer be developed in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available.

Areas developing without sewer must meet the following requirements:

1. The Health Department must review and approve plans for alternative sewage disposal.
2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development.
3. Clustered lots must be between 5,000 and 10,890 square feet: (Lacey's low-density zone).
4. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area clustered lots shall hook up to sewer at each lot owner's expense. Such requirements shall also be provided for in protective covenants.

Some jurisdictions have used urban reserve zones or development phasing to prevent premature development for those portions of the UGA that are not yet served with adequate facilities, especially sewer and stormwater. This will help to phase future urban development in an orderly and cost-effective manner. If this zone is for planned residential use, shadow platting (planning subdivision and lot layout without formally subdividing) and clustering techniques may be used so that reasonable use may still be made of the property (by constructing a residence, for example) while configuring the lot(s) so that future rights-of-way and sites for future lots are preserved. The remaining lot(s) or sites may be further developed to urban densities when urban services are available.

Flexible Development Regulations to Achieve Urban Densities

A flexible approach to regulating development can also facilitate development of more compact communities. The following are a number of tools communities have used to encourage more compact urban development. When reviewing development regulations, there are a number of ways to remove barriers to the development of more compact communities. These tools can help facilitate infill development and can help establish greater certainty and flexibility in the development process. These generally provide alternatives to a reliance on establishment of minimum lot sizes as the sole means of governing residential density in single-family residential zoning districts.

Increased Base Densities

Where appropriate, allowing more housing units per acre facilitates a greater variety of housing options and makes more efficient use of scarce land resources. Higher densities also reduce sprawl development and make the provision of services more cost effective. Jurisdictions may

²⁵ *Master Builders Association & Terry Brink v. Pierce County*, CPSGMHB No. 02-3-0010, (Final Decision and Order, February 4, 2003), p. 8.

change the comprehensive plan and development regulations, as necessary, to encourage higher densities where they can be accommodated within UGAs. For example, 6 to 8 dwelling units per acre is a common historical density in many cities. Higher densities of 8 to 12 dwelling units or more are encouraged adjacent to shopping areas and transportation hubs such as transit stations.

Density Bonuses

Some communities allow bonus densities in certain areas in exchange for a higher level of design or amenities. Bonus densities may also be allowed in exchange for other public benefits, such as affordable housing or open space preservation. Developments that achieve a higher level of urban design and construct public spaces to a higher standard can provide many benefits while achieving neighborhoods that are more compact. This can also be done within the context of a planned residential development. The City of Tacoma and the City of Sumner, among others, have successfully permitted developments that take advantage of bonus densities in exchange for using the city design standards.



Figure 1: New Housing at urban densities in Poulsbo.

Clustering

Clustering allows more efficient use of land, in addition to providing open space. Clustering places the same number of units that would normally be allowed in the zone clustered in a smaller area, leaving the remaining land as open space, recreational area, critical area protection, or forest cover integrated into a low impact development design or other useful public purpose. Allowing cluster development is particularly useful in situations where parcels contain critical areas. In some communities, a significant portion of the remaining vacant parcels may contain critical areas, steep slopes, or other features making development more difficult. Clustering provides some additional flexibility that can facilitate infill without creating pressure to reduce critical area protections or reduce necessary buffer width. Clustering can be combined with density bonuses as an incentive to achieve public purposes, however, bonus densities should not be relied on to achieve the 4 du/acre minimum.

Lot Size Averaging

This technique is similar to clustering. If the zoning ordinance establishes a minimum lot size, the land use designation is calculated based on the average size of all lots proposed for development, instead of each lot being required to be above the minimum lot size. Development proposals may create a range of lot sizes both larger and smaller provided the average lot size is within the range consistent with the zoning designation. Lot size averaging systems may specify a much lower minimum lot size as part of the dimensional standards to prevent extremely small lots.

Some critical areas ordinances also include provisions to allow platting with smaller lots than the underlying zoning would normally allow so that some of the development potential lost to critical areas and buffers can be transferred elsewhere on the development parcel. This is a form of lot size averaging. A good example of this technique is used by the City of Kalama and includes a sliding scale that allows some of the development potential contained by critical areas and for development parcels containing a large portion of critical area to be used elsewhere on site using their planned residential development (PRD) ordinance.

Minimum Densities

Zoning ordinances generally establish a maximum rather than a minimum density. It was conventionally assumed that market forces would cause development at the maximum yield in order to maximize profits. In a number of areas, this has not been the case. Some jurisdictions are establishing within their codes both a maximum and a minimum lot size to ensure that development allows the city to accommodate its needed population, promote appropriate urban densities, and efficiently use limited land resources. Zoning ordinances can establish minimum and maximum densities in each zone to ensure that development occurs as envisioned for the community. The City of Redmond establishes both minimum and maximum allowable densities for residential districts.

Planned Residential Developments

PRDs offer an alternative to standard subdivision procedures. PRDs allow for more flexibility in some standards, such as minimum lot size, in exchange for adherence to other standards, such as design standards. This additional flexibility can allow developments to work with difficult-to-develop sites. Many cities have PRD ordinances, but due to increased review requirements, it is not recommended that they be exclusively depended on to facilitate increased densities.

Narrow Street Widths

In addition to lot size, other design standards such as street standards have an effect on achievable density and increase the gross amount of land needed per dwelling unit. Narrowing street widths can significantly expand the achievable density of development parcels. They also slow neighborhood traffic, encourage pedestrian activity, enhance the sense of neighborhood, lower capital and maintenance costs, and create less urban run-off. CTED's *Model Code Provisions: Urban Streets and Subdivisions* (1998) provides some models for narrower streets. The development of low impact development standards for managing stormwater shows that there are also environmental benefits to reduced street width. More information about low impact development is available at the Puget Sound Action Team's Web site at

Examples of Flexible Development Regulations

Regulatory Tools	Examples
Minimum and maximum densities	City of Redmond – Title 20c.30.25-040 City of Renton – Title 14-2-110
Lot size averaging	Snohomish County – SCC 30.23.210
Combined urban amenities	King County – Title 21A.14.180
Zero lot line development	City of Kent – Title 15.08.320
Regulate density directly, small minimum lot size	City of Lacey – Chapter 16.12
Bonus densities for urban design	City of Sumner – Chapter 18.24
Density transfers for critical areas	City of Kalama – Title 15.02.080D
Lot size averaging	Snohomish County – SCC 30.23.210
Establishing maximum lot sizes	City of Redmond – Chapter 20c.30.25-04 City of Renton – Title 14-2-110
Planned residential development options	City of Edmonds – Chapter 20.23

A Wider Range of Housing Choices

Although 4 du/acre represents the minimum density considered to be compact urban development, communities should strive for a variety of housing choices at a range of urban densities. Goal 4 (Housing) of the GMA calls for plans to promote a variety of residential density and housing types. Providing a range of differing types of housing can help to promote affordable housing and to ensure a housing stock that provides housing types suitable to an increasingly diverse range of housing needs in the market. There are also examples of historic structures such as schools, office buildings, and even warehouses being converted into multifamily housing. Demographic trends are increasing the demand for a greater variety of housing types. In the King County metropolitan area, there is a proven demand for midlevel densities in the 10-20 units per acre range, especially. This range is well suited to infill and redevelopment within existing areas and at scales smaller than a regional urban center.²⁶

²⁶ *Housing Stock*, Quarterly Newsletter of the Housing Partnership, December 2003, p. 2. www.warealtor.com/government/policies/fillingspaces.pdf.

Accessory Dwelling Units

Accessory dwelling units provide another housing option. Under the GMA, they are required for communities with populations over 20,000 people [RCW 36.70A.400 and 43.63A.215(3)]. They preserve neighborhoods as local residents age and give them a smaller place to live while allowing them to stay in their neighborhood. Densities are increased within existing developed areas with minimal visual disruption. Virtually every large community in Washington has provisions allowing accessory dwelling units. Washington's Municipal Research & Services Center provides a good resource discussing accessory dwelling units at www.research.aarp.org/consume/d17158_dwelling.pdf and hosts links to municipal codes that permit accessory dwelling units.



Figure 2: Accessory dwelling unit over a garage in an existing residential neighborhood.

Duplexes, Townhomes, and Condominiums

A wider range of housing types provides additional affordable housing options and generally allows more residential units than would be achieved by detached homes alone. Permitting duplexes, townhomes, and condominiums in both mixed-use and primarily single-family residential districts of UGAs helps to provide additional housing choices. For example, the City of Portland, Oregon, permits duplexes on corner lots within single-family residential districts.²⁷

Cottage Housing and Small Lot Single Family

These types of development have become an increasingly popular way to provide reasonably priced housing while retaining the single-family style. Densities are typically up to 10 or 12 units per acre. The cities of Redmond and Shoreline were among the first Washington cities to develop cottage housing ordinances, which include specific design requirements. The cost efficiencies of small lots can provide expanded housing ownership opportunities to broader income ranges and provide additional variety to available housing types. The City of Seattle zoning code (SMC 23.43.008) allows small lot development on lots with a minimum size of 2,500 square feet.

Housing Mixed with Other Uses

A growing number of communities are returning to the tradition of allowing residential uses on the upper floors of buildings in existing downtowns or in newly developing mixed-use commercial developments. This trend is occurring at a variety of scales from regional urban centers to small-scale, mixed-use neighborhood centers. The combination of mixed uses, higher densities, interconnected neighborhoods, and a variety of housing types can serve different income levels. Housing can be mixed vertically, with housing located in the upper stories. It can

²⁷ City of Portland Zoning Code, Title 33.110.

be mixed horizontally, with multifamily units intermingled with commercial uses in an interconnected fashion. It can even be mixed within the unit itself in “live-work” units. The defining characteristic is that compatible uses are interconnected within a defined district. These types of development provide locally focused shopping opportunities and urban amenities (parks, schools, civic buildings, etc.) together with increased densities that increase livability and reduce the dependence on personal automobiles. They are a more efficient use of land, facilitate a wider range of transportation options (due to connected streets), and provide for urban services more cost-effectively.

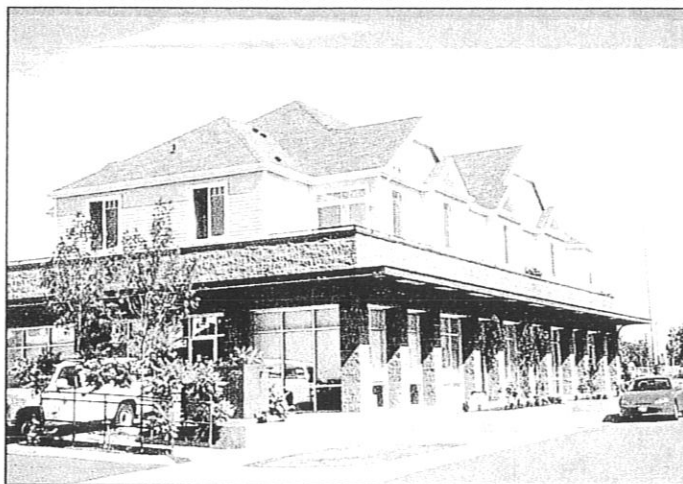


Figure 3: Studios over retail in Sumner.

Mixed-use areas can provide a broader variety of housing options, allowing people to live, work, and shop in nearby areas. Mixed uses in the same area encourage more pedestrian and transit-friendly access, make goods and services accessible to non-drivers, reduce peoples’ dependence on personal vehicles for mobility, and reduce the land required for parking space. Development regulations should allow compatible residential and commercial activities to occur in many of the same buildings and areas. In some cases, this can be used to allow shared parking, which requires a significant amount of urban land.

Examples of Housing Options

Housing Options	Examples
Cottage housing	City of Redmond – Title 20C.30.52 City of Shoreline – Title 20.40.300
Small lot or cottage housing	City of Seattle – Title 23.43.008
Corner duplexes	City of Portland – Title 33.110
Co-housing	City of Bellingham – Ordinance #1998-08-062
Mixed-use district	City of Tacoma – Destination Downtown City of Spokane – Downtown Area Zoning SMC 11.19.194

How to Know When Adequate Densities Have Been Planned For

The GMA requires communities to plan for their share of the anticipated population growth as provided by the state and county population allocation process. Jurisdictions are required to include areas and densities sufficient to permit the urban growth that is projected to occur in the succeeding 20-year period. CTED recommends that a community demonstrate in the Land Use Element how it intends to accommodate its anticipated population forecasts within its land use designations. It is helpful to show a table of land use designations, the total acreage so designated, the range of densities allowed, and an estimation of the population capacity they represent. If employment forecasts are available, tracking land needed for commercial or industrial land can be accomplished the same way. The Land Use Element should also show which zoning districts implement which future land use designations.

<i>Housing Type/Density Categories:</i>	Low SF 4-6 du/ac	Moderate MF 12-18 du/ac	High MF 18-30 du/ac	Total
A. Total net buildable acres of vacant, partially-used, and underutilized land, available for development of housing	397.4	16.4	12.8	426.6
B. Assumed density of development at start of planning period	5.38 du/ac	14.5 du/ac	21.8du/ac	
C. Estimated capacity in dwelling units (A*B)	2,136	238	278	2,652
D. 20-year projected increase in housing units at start of planning period allocated through county/city process				2,419
E. Actual net increase in housing units since start of 20-year planning period	142	30	35	207
F. Actual net density of new housing per acre observed during density review period	4.3 du/ac	16.2	25.5 du/ac	
G. Future capacity in units at observed densities (A*F)	1,708.8	265.7	326.4	2,300.9

CTED's Buildable Lands Program is required for Clark, King, Kitsap, Pierce, Thurston, and Snohomish counties. One of the tools developed for this program was a useful methodology for connecting densities in the Land Use Element to the projected population. The table above may be used to make this calculation and monitor growth. This methodology is also helpful in conducting a land capacity analysis to determine the area needed within a UGA to accommodate the growth projected over the next 20 years.

Ensuring the availability of a range of housing choices, at a range of urban densities, is critical to ensuring the continued economic development of the state without compromising the environmental values that make Washington a great place to live. Protecting open space, preserving rural character, and conserving farmland all will require that urban areas develop as compact, well designed communities that contain a full range of urban services. A wide variety of tools exist and have been successfully applied throughout the state and in many cases the market has responded. For more information about these topics, a list of resources and good examples to choose from follows.

Conclusion

Permitting a range of urban densities in your community is an important step in achieving the goals of growth management. A more compact urban form allows greater conservation of the rural landscape, facilitates the cost-effective provision of urban services, and helps to meet the diverse housing needs of the entire community. However, permitting higher densities is best accompanied by strategies to ensure that new development uses high quality design techniques and is provided with adequate public facilities.

Relevant CTED Guidebooks

Issues in Designating Urban Growth Areas, Part I – Providing Adequate Urban Area Land Supply, 1992.

The Art and Science of Designating Urban Growth Areas, Part II – Some Suggestions for Criteria and Densities, 1992.

Buildable Lands Program Guidelines, 2000.

Measures for Providing Attractive, Compact Urban Areas, 2001.

Model Code Provisions: Urban Streets and Subdivisions, 1998.

Preparing the Heart of Your Comprehensive Plan: A Land Use Element Guide, 1993.

Assessing Your Communities Housing Needs: A Guide to Doing a Housing Needs Assessment, 1992

Other Resources

Cost of Sprawl 2000, Report No. 74. Transportation Research Board. National Research Council. TCRP, 2000. www.tcrponline.org/bin/publications.

Creating Great Neighborhoods: Density in Your Community. Local Government Commission. www.lgc.org.

Demystifying Density, Part 2 of Strategies for Creating Higher Density Housing, a Web site that includes a checklist of design features for good housing design and a series of lectures regarding density. U.S. Department of Housing and Urban Development. www.designadvisor.org.

Getting to Smart Growth I and II, two free booklets of 100 policies and strategies for implementing Smart Growth. Smart Growth Network, 2003. www.smartgrowth.org.

Infill Development Strategies for Shaping Livable Neighborhoods, Municipal Research & Services Center of Washington, Report No. 38. 1997. www.mrsc.org/Publications/textfill.aspx.

Filling Spaces, Ten Essentials for Successful Urban Infill Housing. King County Housing Partnership. November 2003.

Puget Sound Action Team's Web site on Low Impact Development at www.psat.wa.gov/Programs/LID.htm.

Smart Growth Zoning Codes: A Resource Guide. Local Government Commission. 2003. www.lgc.org.

Strategies and Tools to Implement Transportation-Efficient Development: A Reference Manual, Phase 2 of Integrating Land Use and Transportation Investment Decision-Making. Washington State Department of Transportation. 2003. www.wsdot.wa.gov/mobility/TDM/TDMpubl.html.

Muro, Mark and Puentes, Robert. *Investing in a Better Future: A Review of the Fiscal and Competitive Advantages of Smarter Growth Development Patterns*. The Brookings Institution Center on Urban and Metropolitan Policy. 2004. www.brookings.edu/urban.

Commercial and Mixed Use Development Code Handbook. Oregon Transportation and Growth Management Program. www.lcd.state.or.us/igm.

Model Development Code and Users Guide for Small Cities. Oregon Transportation and Growth Management Program. www.lcd.state.or.us/igm/pub/model_code.htm.

Relevant Hearings Board Cases for the Central Puget Sound

- *Bremerton, et al. v. Kitsap County*, CPSGMHB No. 95-3-0039c (Final Decision and Order, October 6, 1995).
- *Benaroya, et al. v. City of Redmond*, CPSGMHB No. 95-03-0072 (Final Decision and Order, March 25, 1996).
- *Litowitz v. City of Federal Way*, CPSGMHB No. 96-3-0005 (Final Decision and Order, July 22, 1996).
- *Hensley vs. City of Woodinville*, CPSGMHB No. 96-3-0031, (Final Decision and Order, February 25, 1997).
- *LMI v. Town of Woodway*, CPSGMHB No. 98-3-0012 (Final Decision and Order, January 8, 1999).
- *Master Builders Association & Terry Brink v. Pierce County*, CPSGMHB No. 02-3-0010, (Final Decision and Order, February 4, 2003).

Photo Credits

Drawing, *The Art and Science of Designating Urban Growth Areas – Part II*, p. 4.

Rita R. Robison, p. 10.

Courtesy of ARCH, p. 13.

Courtesy of City of Sumner, p. 14.

Sheila Hoefig 23204 SE 312th Street Black Diamond WA 98010
Comprehensive Plan Amendment Comments

Chapter 18.48

Sections

- 18.48.010 Intent
- 18.48.020 Permitted uses.
- 18.48.030 Conditional Uses
- 18.48.040 Development Standards
- 18.48.050 Additional Requirements

18.48.10 Intent

It is the intent of this section to:

- A. Recognize and preserve City-owned lands that have been acquired and designated for parks, recreation or open space purposes.
- B. Limit use of these properties to protect the public interest in their long-term use for active or passive recreation or open space needs.

I agree with the concept of intent to preserving the City-owned lands by limited uses of the property but I believe the rest of this document does not reflect the intent.

- C. Allow activities on these lands consistent with the Comprehensive Parks Plan and/or intended use as defined at the time of acquisition by the City.

This is essentially vesting a Comprehensive Parks Plan or as defined at the time of acquisition. Vesting is not recommended because:

- 1) Usage defined at the time of acquisition should also reflect other standards that need to be considered such as Environmental Impacts
 - 2) If you vest a Park Plan then you will potentially be vesting errors as in the case of the Lake Sawyer Regional Park. Intent has not currently been defined but it has been mapped with city staff's vision. This may not be accurate. Also active uses and buildings are shown on the map in passive defined areas. This is not the citizen's vision and must be cleaned up first.
- D. Allow for a more accurate assessment of other land use designations as they relate to the overall growth and development of the city.

So we are vesting and reevaluating land use designations. Who would approve the reevaluations? This should be done with public notification, public hearing, and council vote as an amendment to the Comprehensive Park Plan.

If we have vested something then what is 18.48.20, 18.48.30, 18.48.40 and 18.48.50 for? Are these additional uses and allowances? Or are they for parks not defined by a Comprehensive Park Plan?

18.48.20 Permitted uses.

The permitted uses are determined solely by the Mr. Pilcher and/or the Mayor's Designated Official. Furthermore, the SEPA determinations are in the same hands. Many of the listed below permitted uses are not appropriate for one person to make the sole decision. It is the same for the SEPA determination especially for our Lake Sawyer Regional Park. The permitted uses do not protect the public's interest.

Parks;

A. Athletic fields (not lighted);

Athletic fields may not be appropriate in all parks.

B. Golf courses and driving ranges;

This should be taken out all together. The only advantage to a golf course and driving range is to a developer which can then demand more money for a premium lot and then will receive credit for open space or park. A golf courses and driving ranges used on open space and park lands will limit use by citizens. One could not send their children out to play on the golf course. Also, our citizenship has never agreed to go in the business of owning and maintaining golf courses. Is this a good business venture for our city? We may want to look at how lucrative it has been for Maple Valley. Has Black Diamond staff put together a business plan on this? Location may be an issue.

C. Boat launches;

D. Trails: pedestrian, bicycling and equestrian, including associated trail heads;

E. Community gardens;

F. Utilities, below-ground;

G. Other or Related Uses:

1. Accessory concession stands.

2. Associated parking areas, restrooms/changing rooms, picnic facilities, swimming areas, etc.;

3. Caretakers' quarters;

Are we going into the rental business and hiring employee's to monitor facilities? Is my tax money being used on this?

Temporary uses as provided in Chapter 18.52.

18.48.30 Conditional uses.

The following uses not allowed as permitted uses in Section 18.48.020 may be allowed by Conditional Use Permit in accordance with Chapter 18.08 and 18.12:

I believe that the Conditional Use Permit requires a public hearing and a Council vote. Is this correct? I would want to make sure this happens.

A. Lighted athletic fields;

One cannot just decide to but in lighted athletic fields at any park.

Environmental Impacts and citizen concerns need to be addressed.

B. Amphitheaters if including lighting and /or audio amplification;

This should be completely taken out. BDMC has a noise ordinance. Audio amplification is not allowed to exceed the property line. There would be great opposition to this at any park.

C. Utilities, above-ground

This should be completely taken out. Since when would we put above ground utilities on a piece of land that we are trying to preserve. As written, this allows any kind of above ground utilities.

18.48.40 Development standards

All standards and restrictions have been stripped. What are we protecting again?

- A. Dimensional Standards. None.
- B. Fences and walls. Fences and walls may be of any type and height, the restrictions of BDMC 18.50.060 shall not apply.
- C. Signs. Signs may be of any type and height: the restrictions of Chapter 18.82 shall not apply.
- D. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

18.48.50 Additional requirements.

All development within the Parks zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.74.

In order to create a Park zone which will work for our city, I suggest a park zone that has multiple parts. Not all parks are the same. A residential park is not the same as a regional park. Passive uses are not the same as active uses and environmental considerations are not all on the same level.

I request that this is tabled until a proper Park zone is written using consideration of our city needs and properly protect the land of public interest. Lake Sawyer Regional Park is a primary concern of the citizens and I request special consideration for the need of protection of it.

BD Planning Commission
BD Comprehensive Plan Proposed Amendment CPT 11-08
Transportation Concurrency Testing for SR-169
1.0 SUMMARY

The State designates SR-169 as a HSS and, thus, **exempt** from Transportation Concurrency Testing. That means you **don't have to** do it. KC interprets that exemption to **only** pertain to "*limited access*" HSSs, of which SR-169 is not. Thus, it conducts Transportation Concurrency Testing on its portions of SR-169.

We believe the **BDCP should be changed to mirror the KC interpretation**. Our proposed text amendment would give the City more control and **allow** Transportation Concurrency testing of the most critical piece and backbone of its Transportation infrastructure--SR-169.

City Staff (see Sec. 4.0 below) does not support this change, because it feels the LOS standard for SR-169 **automatically** will be raised from "D" to "C." **That is not true**. All this Amendment does is **allow** the City, **if it so chooses**, to conduct Concurrency testing on SR-169.

Our proposed Amendment would add the following statements, in part (for full proposed text see Sec. 3.0 below):

*"The requirements of Black Diamond's Transportation Concurrency Management program **may** apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials **may** be included in the Black Diamond concurrency test."*

*"The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be **based on local mobility requirements**, and shall be **consistent with other traffic standards within the City**."*

The Comprehensive Plan, as written, does not provide for such analyses, effectively declaring SR-169 as "*not affected by ANY development*," which is not true and renders the premise behind GMA Transportation Concurrency moot!

2.0 PURPOSE OF PROPOSED AMENDMENT

Although the State designates SR-169 as a Highway of Statewide Significance (HSS) and, thus, exempt from Transportation Concurrency testing, King County interprets that exemption to **only** pertain to "*limited access*" HSSs, of which SR-169 is not. Currently the Black Diamond Comprehensive Plan simply parrots State provisions. Consequently, we believe **a change in the Comprehensive Plan is in order to mirror the King County interpretation shown above**. Our proposed text amendment would give the City more control and allow Transportation Concurrency testing of the most critical piece and backbone of its Transportation infrastructure--SR-169.

3.0 PROPOSED AMENDMENT TEXT

7.2. Level of Service

A level of service (LOS) standard measures the performance of an existing transportation system and the adequacy of the planned future improvements. Additionally, LOS standards establish the basis for the concurrency requirements in the GMA. Agencies are required to "adopt and enforce ordinances which prohibit development approval if the development causes the LOS on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development." (RCW 36.70A.070(6)(b)). Therefore, setting the LOS standard is an essential component of regulating development.

7.2.2. LOS and Concurrency

The concurrency provisions of the GMA require that local governments permit development only if adequate public facilities are—or can be guaranteed to be—available within 6 years to support the new development. The GMA requires each local jurisdiction to identify future facility and service needs based on its LOS standards. To ensure that future development will not cause the City's transportation system performance to fall below the adopted LOS, the jurisdiction must do one or a combination of the following: modifying the land use element, limiting or "phasing" development, requiring appropriate mitigation, or changing the adopted standard.

The requirements of Black Diamond's Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.

7.2.4. Level of Service Methodology

BD Planning Commission
BD Comprehensive Plan Proposed Amendment CPT 11-08
Transportation Concurrency Testing for SR-169

The City has established specific methods to calculate the LOS for evaluating the performance of the roadway intersections and transit service and facilities. This section describes those methods.

Intersection Level of Service

For signalized and unsignalized intersections, the LOS is calculated using the procedures described in the latest edition of the *Highway Capacity Manual* (2000 edition). At signalized and all-way stop-controlled intersections, the LOS is based on the weighted average delays for all movements, whereas the LOS for two-way stop-controlled intersections is defined by the weighted average delay for the worst movement.

State Highway Level of Service

1998 amendments to the GMA require local jurisdictions to address state-owned transportation facilities, as well as local transportation system needs in their comprehensive plans. House Bill (HB) 1487 requires that the transportation element of local comprehensive plans include the LOS standards for Highways of Statewide Significance (HSS). HB 1487 clarified that the concurrency requirement of the GMA does not apply to HSS or other transportation facilities and services of statewide significance. HB 1487 also requires local jurisdictions to estimate traffic impacts to state-owned facilities resulting from land use assumptions in the Comprehensive Plan.

However, since SR-169, a 'highway of statewide significance,' does not have limited access and, thus, functions like a city arterial, it may be included in the Black Diamond concurrency test. Such a 'highway of statewide significance that does not have limited access and, thus, functions like a city arterial' means those 'highways of statewide significance' that:

1. Allow driveways and side streets to connect directly to the highway;
2. Provide primary connections between major centers of activity; and
3. Function as high traffic corridors for intra-area travel between business districts and communities.

The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be based on local mobility requirements, and shall be consistent with other traffic standards within the City.

The Washington State Department of Transportation (WSDOT) adopted LOS standards for HSS facilities is LOS D for urban areas (RCW 47.06.140). The LOS target is established for Comprehensive Plans and for reviewing developer impacts along urban HSS facilities.

The WSDOT also analyzes "screen lines" for deficiencies along state routes using a standard of 70% of the posted speed. This screen line analysis allows WSDOT to identify the "most congested" locations along its HSS facilities. A speed of approximately 70% of the posted speed equates to conditions where a highway achieves the maximum throughput of vehicles.

In 2007, the WSDOT added SR 169 to the list of HSS facilities. The State's *2007-2026 Highway System Plan* indicates that SR 169 is expected to operate below the 70% speed threshold (termed 'operating less than efficiently') during peak hours in 2030.

Peter Rimbos
Citizens' Technical Team Leader
19711 241st Ave SE
Maple Valley, WA 98038
425-432-1332
primbos@comcast.net

4.0 CITY STAFF COMMENTS

BD Planning Commission
BD Comprehensive Plan Proposed Amendment CPT 11-08
Transportation Concurrency Testing for SR-169

Impacts: This proposed amendment would provide the basis for the City potentially imposing its arterial LOS standard (LOS "C") to SR 169 (3rd Ave.). Currently, the Plan concurs with the established WSDOT standard for the highway of LOS "D".

When the City Council was considering adoption of the Transportation element of the Plan two years ago, they realized that a higher LOS standard for 3rd Ave. could potentially adversely impact adjacent properties, as it would necessitate greater road widening (additional lanes) and possibly, in some locations, the acquisition of additional right-of-way. Since so many properties within the historic town center feature structures built close to the existing roadway, the impacts of a wider roadway could be significant to those properties. For that reason, the Council opted for a LOS "D" standard for SR 169, which avoids the need for road widening.

Staff recommendation: Staff does not support this request, for the reasons noted above.



CASCADE LAND CONSERVANCY

CONSERVING GREAT LANDS
CREATING GREAT COMMUNITIES

October 25, 2011

City of Black Diamond Planning Commission
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010

Dear Chairman Kaye and members of the Planning Commission:

Thank you for the opportunity to comment on proposed amendments to the comprehensive plan and zoning code. Cascade Land Conservancy (CLC) played a role in developing both the 1996 Black Diamond Urban Growth Area Agreement (BDUGAA) and the 2005 Black Diamond Open Space Agreement, which combined create an innovative linkage between development within Black Diamond and conservation both within and surrounding the city. These plans are the result of lengthy, detailed and balanced negotiation that led to a shared vision of a sustainable and vibrant community. Proposed amendment CPT-11-02 represents a departure from these agreements, and CLC consequently urges to planning commission to recommend the city council oppose the proposed changes.

By amending comprehensive plan language to require residential densities to be calculated on a "net" versus "gross" acreage basis, proposed amendment CPT-11-02 will significantly reduce development potential within the city. The result is it will be more difficult for Black Diamond to grow within its existing footprint in the longer-term. Further, the city's transfer of development rights program is an integral element for realizing the spirit and terms of the BDUGAA, and I feel proposed amendment CPT-11-02 undermines the ability of the city to do so. Reducing development potential effectively reduces, perhaps completely, a need for transfers of development rights from the city's sensitive areas—in both the Villages MPD and in non-MPD areas of the city.

As established in the *Cascade Agenda*, the 100-year shared vision and action plan for our region, we must create vibrant livable cities and conserve our landscapes. A sustainable and prosperous future demands nothing less of us. Black Diamond's past agreements shared this understanding. CLC believes the proposed amendment CPT-11-02 will violate the spirit of the BDUGAA and will effectively eliminate demand for the transfer of development rights program. I urge you not to support this amendment.

Sincerely,


Gene Duvernoy
President

MAIN OFFICE ~ 615 Second Avenue, Suite 600 ~ Seattle, WA 98104 ~ P: 206.292.5907 ~ F: 206.292.4755

KING COUNTY ~ KITTITAS COUNTY ~ MASON COUNTY ~ PERCE COUNTY ~ SNOHOMISH COUNTY

INFO@CASCADELAND.ORG

CASCADELAND.ORG

Written Comp Plan Comments 10.25.2011

Text amendments

CPT-11-01 *Draft a land use category description for "Park" and an implementing "Park" zone district.*

City Staff states this is not a specific Lake Sawyer Park Plan issue therefore the Planning Commission is just addressing the entire park designation. Nothing can be further from the truth; once you approve CPT-11-01 you inherently approve allowed changes to the Lake Sawyer Park. The environmental impact is far greater now than at any time in the history of BD. After research with King County CFT and Washington State RCO it is clear that the intensive active use is not required, furthermore it is questionable whether moderate active use can be contemplated in the middle third of the park as currently proposed due to the multiple co-mingled sources:

Conservation Fund Taxes: \$3,000,000 (natural/passive uses)
Open Space Bond ('89): \$24,000
REET #1: \$3,433,606
Critical Resources Initiative Bond (REET) \$2,635,452
Total: \$9,593,058

CPT-11-01 should not be recommended for approval and should be tabled for additional public/Staff Task force to ensure compliance and be re-introduced in a different format at the next Comp Plan Cycle. The Task force should look at all compliance and covenant requirements; possible amendment to the Lake Sawyer Park Plan.

Additionally, any Park Zoning Classification Codes should look at identifying the multiple types of parks in our community and these designations should/would have different uses allowed within them, for example:

Neighborhood Parks: Pocket Parks provide easily accessible, low-intensity recreational areas for unscheduled use, visual relief from urban congestion and scenic value, and buffering between adjacent land uses. Primary users are within walking distance (½ plus/minus mile radius). Ease of non-motorized access is a primary consideration.

Community Parks: Community parks provide a variety of individual and organized recreation activities conveniently located for short-term visits. Community parks may be located in residential neighborhoods and suburban areas. Community parks may also be located adjacent to elementary or intermediate schools to maximize cooperative use of recreation facilities. In mixed-use developments, proximity to retail/office areas is desirable for cooperative use of

Written Comp Plan Comments 10.25.2011

parking and minimal impact on residences. Access should be via secondary roads where possible. Parking is provided on site or on a shared location with an appropriate adjoining development. The service area for community parks generally extends up to 3 miles.

Special Purpose Parks: Such as Lake Sawyer Park are natural resource parks, preserve, that protect and perpetuate areas of sensitive or unique environmental ecological and scenic values. Development that does not adversely affect ecological functions and enhances awareness of the resource values is appropriate. Small interpretive (educational) facilities and structures include, orientation kiosks, hiking, biking, and equestrian trails (as designated), signs, and benches. Visitor centers and parking are appropriate only near the periphery of these parks.

October 17, 2011

Black Diamond Planning Commission
c/o Community Development Department
24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

Re: Black Diamond Proposed Amendments CPT-11-02, CPT-11-03, CPT-11-08, and CPT-11-10

To Black Diamond Planning Commission:

Thank you for the opportunity to comment on the proposed amendments to the City of Black Diamond's Comprehensive Plan, Future Land Use Map, and City Code. As Black Diamond property owners, BD Village Partners, LP and BD Lawson Partners, LP (hereinafter, collectively "Yarrow Bay") offer the following comments on proposed amendments CPT-11-02, CPT-11-03, CPT-11-08, and CPT-11-10.

CPT-11-02

This proposed amendment changes the City's adopted residential density measure from taking into account gross acreage to net acreage. This change is not appropriate for several reasons.

It is premature for the City to consider this amendment. The City Code, at BDMC 16.30.100(C)(6), limits consideration of Comprehensive Plan amendments that have been voted on by the City Council within the last three years. The provisions specifying the use of gross density measurements were adopted in 2009 with the City's adoption of its new Comprehensive Plan and implementing development regulations.¹ As such, this specific provision may not be considered for amendment until 2012. There are two exceptions to this limitation and neither applies. One exception is for amendments that "address[] an obvious technical error in the existing plan." BDMC 16.30.100(C)(6)(a). There is no technical error in the City's adoption of a density measure that includes gross acreage. As explained in more detail below, gross acreage as a measure of density is a valid approach to density. The other exception is "a change in circumstances that justifies the need for the proposed amendment." BDMC 16.30.100(C)(6)(b). There are

¹ The use of gross acreage also was part of the 1996 Comprehensive Plan. Therefore, the City has a long tradition of using this measure. However, since the 2009 amendments replaced the Comprehensive Plan in its entirety, and expressly adopted a gross acreage density measurement for MPD development, BDMC 16.30.100(C)(6) precludes amendment during this cycle.

no changed circumstances. Consequently, consideration of this amendment is not allowed at this time.

The Growth Management Act (“GMA”) does not specify any method for measuring density. The GMA does not require the use of net density; the GMA does not prohibit the use of gross density. A review of the Planning Goals of RCW 36.70A.020, the Comprehensive Plan provisions of RCW 36.70A.070, and the Urban Growth Area requirements of RCW 36.70A.110 do not refer to “net” or “gross” or any other method of measuring density.

The Department of Commerce’s Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (“WAC Guidelines”) also do not specify any method for measuring density. The WAC Guidelines include detailed discussions of “urban density” at WAC 365-196-300, and comprehensive plan elements at WAC 365-196-400 through -485. Nowhere in the WAC Guidelines is a method for measuring density addressed. In fact, Commerce senior staff confirms that the WAC Guidelines, which recently received a comprehensive update with significant public input, intentionally do not specify the use of net or gross density because the GMA allows local jurisdictions to measure densities both ways. Commerce states:

The Procedural Criteria, our administrative rules implementing the GMA, do not specify whether one should consider density in terms of gross or net acres. We considered carefully whether we should include a recommendation on this issue when we developed the scope of work for the last WAC update. We concluded this issue did not meet our criteria for what should go in an administrative rule:

1. The GMA does not specify a particular way of measuring density.
2. There are many different ways to measure density that comply with the GMA.
3. The range of existing practice among local governments is very broad.

There is not one correct way. There are many correct ways, each with its own set of trade-offs. If your community is considering a change, I’d be happy to share some examples with you and help you think through your options. Let me know if we can be of further assistance.

A copy of the email correspondence with Department of Commerce staff is attached (Attachment A – 10/5/2011 Email correspondence from Dave Andersen, Plan Review and Technical Assistance Manager).

With respect to the MPD Overlay, the City's use of the gross acreage density measurement is appropriate in light of the history of the agreements and annexations that led to the inclusion of these lands within the City and being subject to the MPD Overlay, while at the same time substantial amounts of open space lands were preserved both inside and outside the City.

Specifically, when the City executed the Black Diamond Urban Growth Area Agreement ("BDUGAA") in 1996, it anticipated that future development would occur on identified Potential Annexation Areas ("PAAs") and other lands within the City. The tradeoff for this development was an immense amount of open space set aside in perpetuity. The open space was a mix of rural lands outside the City, land within the PAAs, and land within the City that were identified as valuable open space, and for every acre of urban land within the PAAs, four acres were set aside (both inside and outside of the City). (See Attachment B – BDUGAA, p. 5 and Appendix B.) The use of the gross density measurement appropriately credits landowners who are obligated to provide substantial open space, such as properties within the MPD Overlay. The use of net density unjustifiably disregards those development rights. When combined with the substantial open space set-asides, the gross acreage density measurement is absolutely appropriate for use by the City.

The proposed amendment also threatens the viability of the City's Transfer of Development Rights ("TDR") program. The base residential density agreed to in the BDUGAA was 2 du/acre dwelling units per acre ("du/acre"), but the BDUGAA required a minimum average residential density of 4 du/acre. These densities were also required by the Pre-Annexation and Development Agreements ("PADAs"). (See, e.g., Attachment C - PADA Relating to the Development of the South Annexation Area, p. 4.) The additional density was to be achieved through the TDR program. (See Attachment B – BDUGAA, p. 10.) The TDR program allows owners of constrained or valuable open space property to sell the development rights to appropriate receiving areas. At this time over 150 property owners hold TDRs and will be adversely affected by this amendment.

In addition to the effect on MPD Overlay lands, the proposed amendment affects low density and medium density residential lands. The amendment substantially impacts the ability of landowners to redevelop unless they have completely flat, unconstrained sites. Low and medium density residential lands currently may use the City's residential clustering provisions "to accommodate the overall density of the underlying zoning district while allowing residential development to utilize less land area." BDMC 18.86.010. The clustering provision necessarily assumes a gross density measurement rather than net density, and the proposed amendment denies landowners important development rights.

Proposed amendment CPT-11-02 is premature and not appropriate.

CPT-11-03

This proposed amendment eliminates the requirement that MPD proposals include residential uses. As with CPT-11-02, the substance of this proposal was also adopted in 2009 as part of the City's new Comprehensive Plan. Consequently, as set out in BDMC 16.30.100(C)(6), it is not subject to consideration for amendment until 2012. There is no "obvious technical error in the [2009] plan" and there is no "change in circumstances that justifies the need for the proposed amendment." Consideration of this amendment is not allowed at this time.

The amendment is also inconsistent with the existing City Code. For example, BDMC 18.98.080(A)(6) sets a condition for MPD Approval that a variety of housing be provided to meet the City's affordable housing goals. A commercial-only MPD could not make that showing. Because no implementing development regulation amendments were proposed, the Comprehensive Plan amendment should be tabled because adopting the Comprehensive Plan revisions will create an inconsistency with Code.

CPT-11-08

The requested amendment would require the City to include certain State highways in its concurrency standards, an approach explicitly rejected by the Legislature when it established the GMA transportation concurrency requirements. The GMA provides:

The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

RCW 36.70A.070(6)(a)(ii)(C) (emphasis added). Also, RCW 36.70A.070(6)(b) only requires concurrency for "locally owned facilities." Requiring concurrency for State facilities has the potential of placing a landowner in a position where concurrency is impossible to reach, because the State is unwilling to allow even entirely landowner-funded improvements to be made on State facilities. King County's consideration of State highways recognizes this limitation. King County explicitly states that it "shall not require fees or mitigation for transportation facilities of other agencies unless an agreement has been executed between the county and the affected agency." KCC 14.70.290.

This proposed amendment is not appropriate.

CPT-11-10

This proposed amendment adds unnecessary language to the policy related to funding of private facilities. Eminent domain already protects city and private landowners. Eminent

domain is only available for a public use, where the public interest requires it, and the property appropriated is necessary for that purpose. *See In re City of Seattle*, 104 Wn.2d 621, 707 P.2d 1348 (1985).

Also, the use of the phrase “tax authority” is overly broad. The phrase could apply to a wide range of City-backed activities. It is not clear to what extent this amendment would limit the City’s flexibility to take a number of actions. For example, the City could be prohibited from using its tax authority to fund affordable housing for seniors even though such authority is expressly authorized by statute. *See RCW 82.46.075*. The City could also be prohibited from renting a private building for use as City offices. It is not difficult to think of many more examples where the proposed amendment makes no sense.

The existing policy language adequately protects the City. The proposed amendment is not necessary or appropriate.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin Lund', with a stylized, flowing script.

Colin Lund
Yarrow Bay

ATTACHMENT A

Megan Nelson

From: Andersen, Dave (COM) <dave.andersen@commerce.wa.gov>
Sent: Wednesday, October 05, 2011 2:48 PM
To: Andy Lane
Subject: RE: WAC Guidelines - gross vs. net density

The Procedural Criteria, our administrative rules implementing the GMA, do not specify whether one should consider density in terms of gross or net acres. We considered carefully whether we should include a recommendation on this issue when we developed the scope of work for the last WAC update. We concluded this issue did not meet our criteria for what should go in an administrative rule:

1. The GMA does not specify a particular way of measuring density.
2. There are many different ways to measure density that comply with the GMA.
3. The range of existing practice among local governments is very broad.

There is not one correct way. There are many correct ways, each with its own set of trade-offs. If your community is considering a change, I'd be happy to share some examples with you and help you think through your options. Let me know if we can be of further assistance.

Best regards,

Dave Andersen, AICP
Plan Review and Technical Assistance Manager
Growth Management Service Unit

Washington Department of Commerce
(509) 434-4491

From: Andy Lane [mailto:alane@cairncross.com]
Sent: Wednesday, October 05, 2011 2:32 PM
To: Andersen, Dave (COM)
Subject: WAC Guidelines - gross vs. net density

Hi Dave,

I understand you were the Dept. of Commerce's project lead in revising the WAC Guidelines for implementing the GMA (adopted at Ch. 365-196 WAC).

Can you tell me whether the WAC Guidelines address the use of net or gross acreage in density calculations? And does Commerce have a position on this issue?

Thank you,
Andy Lane

CH&

Andrew S. Lane

Attorney

Cairncross & Hempelmann

524 Second Ave., Ste. 500

Seattle, WA 98104-2323

alanec@cairncross.com

Direct phone 206-254-4409

Office fax 206-587-2308

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PALMER COKING COAL CO. LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010
360-886-2841 • 425-432-4700 • Fax 425-432-3883 • www.palmercc.com

October 18, 2011

Planning Commission
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan Changes
CPT-11-02; CPT-11-03

Dear Members of the Planning Commission:

Thank you for this opportunity to comment upon proposed changes to the Comprehensive Plan specifically CPT-11-02 and CPT-11-03. Our company has a deep and abiding interest in the Transfer of Developments Rights (TDR) program dating to its conceptual birth during the 1996 Comprehensive Plan and the 1996 Black Diamond Urban Growth Area Agreement (BDUGAA).

Both planning documents anticipated a robust TDR program. In 1998 work began to provide a legislative framework for a successful plan. I served on the Citizen's Advisory Committee which helped guide the adoption of the 1996 Comprehensive Plan. I participated in the BDUGGA process. I personally attended multiple workshops and planning sessions from 1998 until 2003 when the TDR Ordinance No. 752 was unanimously adopted by the City Council and signed into law. I also worked closely with the City during 2004 when the preliminary letters of notification and the final letters of notification were sent out to inform property owners of their ownership of TDRs.

This long and involved process had a purpose. That purpose was to provide owners of property in the historic city with an opportunity to sell density on portions of their property which the City sought to permanently protect. The market for TDRs was created under the 1996 Comprehensive Plan and BDUGAA when lands newly annexed into the City were zoned at a density of 2 dwelling units (DU) per acre, but required to develop at the Growth Management Act minimum of 4 dwelling units (DU) per acre. The essential bargain contained in the plan was this – the properties that came into the City by way of BDUGAA approved annexations were forced to purchase TDRs from properties in the historic city. Thus, the proposed new developments in the annexation areas were required to protect and provide open space in the historic city for the right to develop the new properties that had not historically been part of the city. The goal and purpose was to place a check on the new developments in the annexation areas through the requirement to deal with over one hundred properties owners representing several

thousand TDRs covering hundreds of valued acres in an open market system of density sales. Under this system, the City of Black Diamond sent a loud and clear message that it valued sensitive areas and their associated buffers.

Of the two amendments tangentially connected to the TDR program, we support CPT-11-03 which would eliminate a need for a residential component in a Master Planned Development (MPD). This was a rather goofy requirement and should have never been included in the MPD ordinance. However, the former City Administrator and City Attorney supported it and despite its misguided "one size fits all" approach, it was adopted. It was never a good idea and should now be eliminated. But, as I said it is only tangentially related to the TDR program.

More troublesome is CPT-11-02. We are not sure exactly how this amendment came to be interpreted as an attack on the TDR program, but we do not support it. If residential densities were calculated based upon a "net" rather than "gross" acreage basis, the underpinnings of the TDR program would be destroyed. The entire purpose of calculating TDRs on suitable sending properties was to protect the City's "remarkable network of stream corridors, wetlands, park lands, and other land for the future" as the City's own letter to TDR owners put it in June 2004. The only properties which were deemed eligible for TDRs were those that the City sought to protect through deed restrictions so as to permanently retain those lands in their natural states. Quite naturally, these properties would have no TDR value if a "net" system were utilized. This would exclude the exact areas the City originally sought to protect and their associated buffers. In an instance, the TDR program would collapse. If a "net" system were used no TDRs would be available since density was only awarded to a property for that portion of the property which the City TDR system valued: that being the aforementioned "remarkable network of stream corridors, wetlands, park lands, and other land for the future".

Unfortunately, the staff recommendation muddies the analysis by dealing with theoretical dwelling units calculated from the 2007 King County Buildable Lands Report. That is the wrong analysis. The City's TDR program is not built on an incomplete 2007 KC Buildable Lands Report. It is built upon detailed analyses completed by the City in 2004 when Preliminary and Final Notices of TDRs were sent to each property owner in June and September. There were only 2,878 potential TDRs issued by City through their Final Notice process. The theoretical number of TDRs referenced in the staff recommendation is not based upon the adopted TDR Program (Ordinance No. 752, December 18, 2003), but is instead based upon some questionable "back of envelope" calculations that do not comport with the detailed work done by the City in 2004. I am attaching actual letters from the City to property owners in 2004 which detail the nature of the Preliminary Notice and Final Notice of TDRs. Specific landowner, properties, and TDRs calculations have been removed so a reviewer can concentrate on the substance of the letters. The point of these attachments is to help Planning Committee members understand the true nature of the TDR program and the commitments the City of Black Diamond has made in issuing Final Notices of available TDR to property owners. There are over one hundred property owners in the historic city who have received these letters with an expectation of having a TDR to sell. If residential densities in the TDR sending areas are based on a

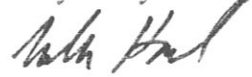
"net" rather than "gross" calculation, almost all of these Final Notice TDR letters would likely have to be rescinded and the City's TDR program would effectively collapse as the number of available TDRs would move downward towards zero.

Some have argued that only developable property should be available for TDRs. That concept is the exact opposite of the program developed by the City when adopting Ordinance No. 752. There's a reason that idea wasn't incorporated into the Ordinance. It wouldn't work. The whole concept of the TDR program was to transfer density off of properties the City wanted to see forever protected through deed restrictions. The City has an interest in seeing developable properties protected including a few specific park lands and treasured places. There would be no purpose served in having perfectly developable land put into a TDR program. First, the land would have a much higher economic value developed, than one could ever achieve through sale of a transfer of development right. Property can only be developed if it's capable of being developed. And, if a property is capable of being developed, there is no compelling incentive for an owner to transfer the density away. Plus, developable land will always have higher and better uses so few if any property owners would accept a low payment for a permanent deed restriction prohibiting most uses of the land. It just doesn't make sense (or cents!).

We hope the Planning Commission will defeat this misguided proposal. However, if there is a desire to reduce density contained within the TDR program, we have a much better idea. Ordinance No. 752 (see BDMC 19.25.055.C) contained a provision by which the City of Black Diamond awarded itself 1,000 TDRs. However, no valued properties were protected by this award. The Ordinance simply ordered the printing of 1,000 TDRs to the City's account. This provision is in reality a 30% tax on privately owned TDRs, as the creation of these new TDRs out of thin air diluted the value of real world TDRs which were based upon the provision of permanently protected open space. For those seeking a middle ground, eliminating these "magically" created 1,000 TDRs will reduce density and increase prices for true TDRs which protect open space. This would be a far better idea than trying to destroy the TDR program.

Thank you for your consideration of our ideas.

Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company

Enclosures: COBD letter dated June 8, 2004 – Preliminary Notice of TDRs
COBD letter dated September 15, 2004 – Final Notice of TDRs



City of Black Diamond

P.O. Box 599
25510 Lawson Street
BLACK DIAMOND, WA 98010
(360) 886-2560 FAX (360) 886-2592

June 8, 2004

Subject: Preliminary Notice of Transferable Development Rights for
Tax Parcel(s):

Dear Property Owner:

On December 18, 2003, the City of Black Diamond took an historic step toward ensuring protection of our remarkable network of stream corridors, wetlands, park lands and other land for the future by adopting a Transfer of Development Rights (TDR) Program. I am pleased to inform you that as the owner of record of the above-referenced parcel(s), according to the King County Assessor records, you may be eligible to participate in this Program.

The above referenced tax parcel(s) have tentatively been identified as a TDR Sending Site. As a Sending Site, the TDR Program may allow you to sell or transfer some of the development rights from your property for use in development in other areas of the City that are designated as TDR Receiving Areas. In exchange for selling your development rights, you must agree to a deed restriction that permanently retains this land in a natural state, consistent with the TDR Program as described in Chapter 19.24 of the Black Diamond Municipal Code. This agreement may require you to provide public access if it is required for a park or trail. In these cases, the Program offers bonus development rights to landowners in exchange for conveying fee simple ownership to the City.

If your property is located in a residential zone, each development right requires at least $\frac{1}{4}$ (.25) acres of qualified land. If a parcel is not evenly divisible into $\frac{1}{4}$ -acre increments, the remaining fraction is rounded to the nearest whole number. In addition, if the City is interested in a fee ownership of some or all of your land for public access or other public purpose, two bonus development rights are available for each $\frac{1}{4}$ acre. For example, a 2.8-acre parcel in a residential zone would have 11 development rights available (2.8 acres at .25 acres per development right = 11.2 development rights). The 11.2 development rights are rounded down to the closest whole number, or 11. If 1 acre is eligible for the bonus, it would yield 8 additional development rights (1 acre at .25 acres per development right X 2 bonus rights = 8). Thus, the total number of available development rights, including the bonus, would be 19 (11+8). Similarly, for parcels zoned Community Commercial prior to January 1, 2004, a development right is based on a $\frac{1}{4}$ acre of eligible land. The only difference in this zone is that 3 development rights are given for each $\frac{1}{4}$ acre of eligible land.

The TDR Program requires the City to send out a notice to all property owners who own property that has tentatively been identified as a TDR Sending Area, whether or not the City's calculations indicate that you have enough development rights to participate in the TDR Program. Based on this method for calculating development rights, the City estimates that you

have development rights available from the parcel(s) identified above. This number was determined by computing the development rights for each parcel, including any bonus rights, rounding to the nearest whole number, then summing the results to determine the total estimate of development rights. Please note that since this is a preliminary estimate, you are not vested in this number for real estate transactions or any other purpose. The official determination of development rights will be calculated only when you file an application to receive a Development Rights Certificate (DRC). You can then use this Certificate to sell or transfer some or all of your development rights.

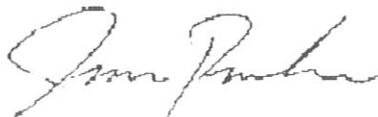
The City wants to ensure that you fully understand how your development rights were estimated, the steps involved in obtaining a DRC, and the process for selling development rights. To provide you with this information, we encourage you to attend a public information meeting on June 30, 2004 at Black Diamond City Hall, 25510 Lawson Street, Black Diamond, Washington, at 6:30 P.M. Staff will be available at that time to explain how the calculation was made, guide you through the process for your property, and answer any questions you may have.

The City will hold a second public meeting on July 7, 2004 at Black Diamond City Hall at 6:30 P.M. for the purpose of answering any further questions you have, to take your comments regarding the program and whether or not you agree with the estimated number of development rights that have been preliminarily assigned to your property(s).

Following the July 7, 2004 meeting, the City will consider all of the information it has received and send you a Final Letter of Notification that will set forth the estimated number of Transferable Development Rights assigned to your property(s) and will then enter that number in the City's TDR Program Data Base. If you do not agree with the finding in this Final Letter, you will have the right to appeal to the City Council at that time. The appeal process will be set forth in the Final Letter of Notification.

We look forward to speaking with you at the June 30 and/or July 7 meeting. If you are unable to attend either meeting, please send me your written questions or comments so that we can take them into consideration in this process. In addition, if you have recently sold or transferred any parcels involved in this program, we ask you to call City Hall immediately so we can contact the new owner.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Paulsen", with a stylized, flowing script.

Jason Paulsen
City Administrator



City of Black Diamond

P.O. Box 599
25510 Lawson Street
BLACK DIAMOND, WA 98010
(360) 886-2560 FAX (360) 886-2592

September 15, 2004

Subject: Final Letter of Notification Regarding Transferable Development Rights
Tax Parcel(s):

Dear Property Owner:

This letter is what is called the Final Letter of Notification (FLN) in the City's Transferable Development Rights (TDR) Program. This letter is being provided to you as required by Black Diamond Municipal Code Section 19.24.020.

I previously sent you a letter known as the Preliminary Letter of Notification (PLN), as required by the City's TDR Program. In that letter you were advised that the City believed the above Parcel contained a TDR Sending Area and thus was eligible to participate in the TDR Program. The PLN also provided you with a preliminary estimate of the available transferable development rights associated with the above referenced parcel. Since that time the City has held public meetings and has considered all of the comments it received at those meetings.

Based upon the information available to the City, the most current estimate indicates that there are development rights available from this parcel. This number may differ from the prior estimate due to adjustments made since the preliminary estimate was prepared. ***Please note that this is an estimate. You are not vested to this number for real estate transactions or any other purpose. In order to be vested you must obtain a Development Right Certificate from the City.***

If you agree with this number and wish to sell or transfer some or all of your development rights, please contact City Hall at the number above for an application for a Development Rights Certificate for these rights. This certificate authenticates the final number of development rights and authorizes their use in real estate transactions. Also, if you agree, your name and number of development rights will be placed on a city register available to developers who are seeking to obtain development rights for their projects. They may be in contact with you to purchase these rights.

If you do not agree with this number of development rights, you can appeal to the Black Diamond City Council in accordance with Section 19.24.070 of the Municipal Code. This letter is considered a final action for purposes of appeal. To appeal, you must complete an application (available at City Hall). The appeal application must be completed and filed with the City Clerk within 21 days from the date of this letter. If you are disputing the size of your TDR Sending Area, then your appeal must also include a survey of the property in question that shows alleged dimension error(s) in relation to actual field conditions. The survey must be

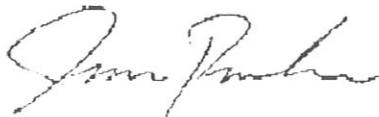
stamped by a licensed surveyor or professional engineer authorized to practice in the state of Washington.

The number of transferable development rights associated with the TDR Sending Area located on your property may be increased by the City. The TDR Program allows for bonus development rights under certain conditions. If you would be willing to convey all or a portion of your property, or you would allow public access for a trail on your property, then please notify the City, in writing, of your willingness to receive bonus development rights. The City will then determine if your property is suitable for trail, park or other purposes that would entitle you to bonus development rights. If it is determined that you would be eligible for bonus development rights, then the City will issue a new FLN with the bonus included.

The City of Black Diamond welcomes your participation in the TDR Program and is committed to assist you throughout the process, if you choose to participate. If you wish to sell your development rights, please let the City know and we will enter that information in the TDR data base. If you have a desired selling price, we will enter that in the data base. Please be aware, however, that the City does not set the price for you. The sales price is determined by what you wish to receive, and what a buyer is willing to pay. Since this is a new program, there is no history for sales transactions in the City's TDR Program. The development rights are a valuable asset and you should make sure you understand your rights, or seek advice from a trusted advisor, before you enter into any sales transaction.

If you have questions about the TDR Program, please call City Hall at (360) 886-2560 or (253) 631-0351.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Paulsen", written in a cursive style.

Jason Paulsen
City Administrator



PALMER COKING COAL CO. LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010
360-886-2841 • 425-432-4700 • Fax 425-432-3883 • www.palmercc.com

October 19, 2011

Planning Commission
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Steve Pilcher / Aaron Nix
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010



Re: Lake Sawyer Park Property Deed Restrictions

Dear Mr. Pilcher, Mr. Nix and Members of the Planning Commission:

At Tuesday's (October 18, 2011) Planning Commission meeting there were a number of speakers who commented upon the deed restrictions attached to the 160+/- acres park property located in Section 10-21-6, which the City of Black Diamond received from King County. Most of those comments concerned certain restrictions which may or may not affect usage of the future park (ball fields, lighting, open space, etc.). When our company sold this same property to King County in 1999, we negotiated with the County a set of deed restrictions, agreements and clauses which were to run with the land and be binding on the successor and assigns of both the buyer and seller. Amongst these clauses are a mineral reservation, a utility connection reservation, a fence construction agreement, and a good neighbor clause. We enclose copies of the two Statutory Warranty Deeds and two Real Estate Purchase and Sale Agreements which contain these provisions. This information may be useful for park planning purposes.

Very Truly Yours,

William Kombol, Manager
Palmer Coking Coal Company

Enclosures: SWD #19990625001627; SWD # 19991014001161; Real Estate Purchase and Sale Agreement (Parcel #1); Real Estate Purchase and Sale Agreement (Parcel #2)

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KING COUNTY, WA
TAX \$91,483.00
SALE \$5,135,000.0

PAGE 001 OF 004

King County
Neil DeGoojer
810 3rd Avenue, Ste. 350
Seattle, WA 98104

COMMONWEALTH
LAND TITLE INSURANCE COMPANY
OF PHILADELPHIA

STATUTORY WARRANTY DEED

RE: Escrow No.: C8460, Title Order No.: H779783 - 2

Legal Description: Ptn STR 10/21/6

Assessor's Tax Parcel I.D. No. 102106-9008-00/9009-09/9010-06/9011-05/
9098-01/9099-00/9101-06/9109-08/9113-02/9114-01

THE GRANTOR Palmer Coking Coal Company, a Washington general partnership

for and in consideration of Ten Dollars (\$10.00) and other valuable
consideration and as part of an I.R.C. Section 1031 Tax-Deferred Exchange
Conveys and warrants to

King County, a political subdivision of the State of Washington

the following described real estate, situated in the County of KING, State
of Washington:

See "EXHIBIT A" attached hereto and by this reference made a part hereof.

Legal Description Attached hereto as Exhibit "A".

Special Exceptions attached hereto as Exhibit "B".

Restrictions and Good Neighbor Clause attached hereto as Exhibit "C".

Dated: June 21, 1999

APPROVED & ACCEPTED

Palmer Coking Coal Company
a Washington general partnership
SEE ATTACHED SIGNATURE PAGE

State of Washington
County of _____

I certify that I know or have satisfactory evidence that David J. Morris
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it
as the Managing Partner
of Palmer Coking Coal Company to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

SIGNATURE

(SEAL OR STAMP)

TITLE

MY APPOINTMENT EXPIRES _____



19990625001827
PAGE 001 OF 012
06/25/1999 13:37
KING COUNTY, WA

King County
Neil DeGoojer
810 3rd Avenue, Ste. 350
Seattle, WA 98104

COMMONWEALTH
LAND TITLE INSURANCE COMPANY
OF PHILADELPHIA

STATUTORY WARRANTY DEED

RE: Escrow No.: C8460, Title Order No.: H779783

Legal Description: Ptn STR 10/21/6

Assessor's Tax Parcel I.D. No. 102106-9008-00/9009-09/9010-06/9011-05/
9098-01/9099-00/9101-06/9109-08/9113-02/9114-01

THE GRANTOR Palmer Coking Coal Company, a Washington general partnership

for and in consideration of Ten Dollars (\$10.00) and other valuable
consideration and as part of an I.R.C. Section 1031 Tax-Deferred Exchange
Conveys and warrants to

King County, a political subdivision of the State of Washington

the following described real estate, situated in the County of KING, State
of Washington:

See "EXHIBIT A" attached hereto and by this reference made a part hereof.

Legal Description Attached hereto As Exhibit "A".

Special Exceptions attached hereto as Exhibit "B".

Restrictions and Good Neighbor Clause attached hereto as Exhibit "C".

Dated: June 21, 1999

Palmer Coking Coal Company
a Washington general partnership
SEE ATTACHED SIGNATURE PAGE

State of Washington
County of King

I certify that I know or have satisfactory evidence that David J. Morris

is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it
as the Managing Partner

of Palmer Coking Coal Company to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6-24-99

(SEAL OR STAMP)



[Signature]
SIGNATURE

TITLE

MY APPOINTMENT EXPIRES 7-6-2001

Notary and Signature page Attachment to Statutory Warranty Deed

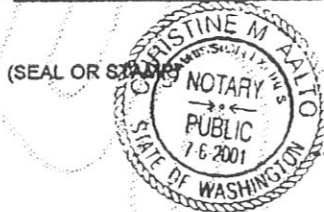
Palmer Coking Coal Company, a
Washington General Partnership

By: David J. Morris
David J. Morris, Managing Partner
By: Roberta E. Falk
Roberta E. Falk, Managing Partner
By: Pauline L. Kombol
Pauline L. Kombol, Managing Partner
By: John H. Morris
John H. Morris, Managing Partner
By: Terry L. Morris
Terry L. Morris, Managing Partner

State of Washington
County of King

I certify that I know or have satisfactory evidence that Roberta E. Falk
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it
as the Managing Partner
of Palmer Coking Coal Company to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6-24-99

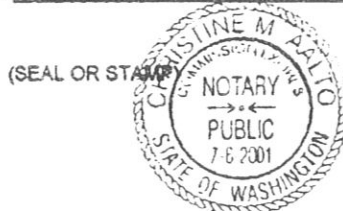


[Signature]
SIGNATURE
TITLE
MY APPOINTMENT EXPIRES 7-6-2001

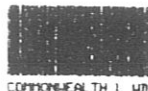
State of Washington
County of King

I certify that I know or have satisfactory evidence that Pauline L. Kombol
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it
as the Managing Partner
of Palmer Coking Coal Company to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6-24-99



[Signature]
SIGNATURE
TITLE
MY APPOINTMENT EXPIRES 7-6-2001



COMMONWEALTH L WD

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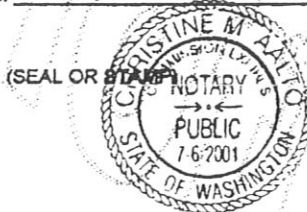
19990625081627
PAGE 003 OF 812
06/25/1999 13:37
KING COUNTY, WA

State of Washington
County of King

I certify that I know or have satisfactory evidence that Terry L. Morris
(Print or Printout)
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it
as the Managing Partner
(Print or Printout, e.g., Officer, Notary, etc.)

of Palmer Coking Coal Company
(Print or Printout, e.g., Officer, Notary, etc.) to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6.24.99



[Signature]
SIGNATURE

TITLE

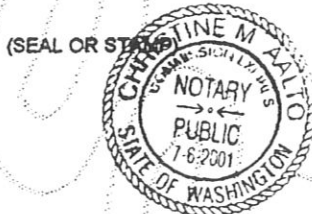
MY APPOINTMENT EXPIRES 7-6-2001

State of Washington
County of King

I certify that I know or have satisfactory evidence that John H. Morris
(Print or Printout)
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it
as the Managing Partner
(Print or Printout, e.g., Officer, Notary, etc.)

of Palmer Coking Coal Company
(Print or Printout, e.g., Officer, Notary, etc.) to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6.24.99



[Signature]
SIGNATURE

TITLE

MY APPOINTMENT EXPIRES 7-6-2001

ACKNOWLEDGMENT - REPRESENTATIVE
Form 5999 (Rev. 12-05)



COMMONWEALTH LHB

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KING COUNTY, WA

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1: (WEDGE)

That portion of the Southwest quarter of Section 10, Township 21 North, Range 6 East, W.M., in King County, Washington, lying Southwesterly of the centerline of Lake Sawyer Road Southeast (also known as 228th Avenue Southeast):

Being a portion of Lots "A", "B" and "C" of King County Boundary Line Adjustment Number L98L0178 as recorded in Book 129 of Surveys, pages 92 and 92A, records of King County, Washington;

Subject to an easement for ingress, egress and utilities as described on the attached Triad Job No. 96-030, June 4, 1999 to benefit property located in the East one half of the Southeast quarter of the Southeast quarter of Section 9, Township 21 North, Range 6 East, W.M., in King County, Washington, being a portion of Lots "A", "B" and "C" of King County Boundary Line Adjustment Number L98L0178 as recorded in Book 129 of Surveys, pages 92 and 92A, records of King County, Washington.

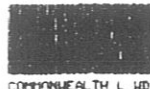
PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 10 AND THE TRUE POINT OF BEGINNING;
THENCE SOUTH 88°49'03" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 1335.74 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 10;
THENCE CONTINUING ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 88°47'34" EAST 267.42 FEET TO THE EAST LINE OF THE WEST 1603.00 FEET OF SAID SOUTHWEST QUARTER;
THENCE SOUTH 00°23'48" WEST ALONG THE EAST LINE THEREOF 11 52.51 FEET;
THENCE NORTH 88°55'00" WEST 1443.87 FEET TO THE CENTERLINE OF LAKE SAWYER ROAD SOUTHEAST AND A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 78°40'02" EAST;
THENCE NORTHERLY ON SAID CURVE AND CENTERLINE TO THE RIGHT HAVING A RADIUS OF 1926.41 FEET, A CENTRAL ANGLE 04°03'23" AND AN ARC LENGTH OF 136.38 FEET; THENCE NORTH 07°16'35" WEST ALONG SAID CENTERLINE 1020.53 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;
THENCE NORTH 00°23'48" EAST ALONG SAID WEST LINE 11.52 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 10 AND THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR TEMPORARY INGRESS AND EGRESS OVER A STRIP OF LAND 30 FEET IN WIDTH, THE NORTHERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10, 1603.00 FEET EAST OF THE WEST QUARTER CORNER OF SAID SECTION;



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KING COUNTY, WA

THENCE SOUTH 00°23'48" WEST ALONG SAID EAST LINE 334.62 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE DESCRIPTION;

THENCE SOUTH 73°50'05" EAST 204.79 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 17°03'20" EAST;

THENCE EASTERLY ON SAID CURVE TO THE LEFT HAVING A RADIUS OF 278.98 FEET, A CENTRAL ANGLE OF 23°47'34" AND AN ARC LENGTH OF 115.85 FEET TO A POINT OF REVERSE CURVE, THE CENTER OF WHICH BEARS SOUTH 10°34'09" EAST;

THENCE EASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 413.28 FEET, A CENTRAL ANGLE OF 13°32'09" AND AN ARC LENGTH OF 97.63 FEET;

THENCE SOUTH 86°36'00" EAST 68.09 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH 02°27'17" WEST;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 283.77 FEET, A CENTRAL ANGLE OF 18°11'34" AND AN ARC LENGTH OF 90.11 FEET; THENCE SOUTH 72°19'08" EAST 236.83 FEET;

THENCE SOUTH 71°41'12" EAST 186.97 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH 17°21'07" WEST;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 259.36 FEET, A CENTRAL ANGLE OF 26°41'51" AND AN ARC LENGTH OF 120.85 FEET TO THE TERMINUS OF SAID LINE.



COMMONWEALTH L 40

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KING COUNTY, WA

PALMER COKING COAL
LEGAL DESCRIPTION: ROAD AND UTILITY EASEMENT

TRIAD JOB NO. 96-030
JUNE 4, 1999

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., KING COUNTY, WASHINGTON, LYING WITHIN A STRIP OF LAND 45.00 FEET IN WIDTH, THE NORTH LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT "A" OF KING COUNTY BOUNDARY LINE ADJUSTMENT NUMBER L98L0178 AS RECORDED IN BOOK 129 OF SURVEYS, AT PAGES 92 AND 92A, RECORDS OF KING COUNTY, WASHINGTON;
THENCE SOUTH $89^{\circ}27'30''$ EAST ALONG THE NORTH LINE OF SAID LOT "A" 662.30 FEET TO THE WEST LINE OF SAID SECTION 10 AND THE TRUE POINT OF BEGINNING OF THIS LINE;
THENCE NORTH $74^{\circ}59'59''$ EAST 165.15 FEET TO THE WESTERLY MARGIN OF LAKE SAWYER ROAD S.E. AND THE TERMINUS OF THIS LINE.

THE SIDE LINES OF SAID 45 FOOT WIDE STRIP OF LAND TO BE EXTENDED OR SHORTENED TO MEET AT THE WEST LINE OF SAID SECTION 10 AND TO TERMINATE AT THE WESTERLY MARGIN OF LAKE SAWYER ROAD S.E.

WRITTEN BY: FAB
CHECKED BY: BTF



6/7/99



TRIAD ASSOCIATES
11814 115th Avenue N.E.
Kirkland, WA 98034
(425)821-8448 / Fax (425)821-3481



COMMONWEALTH LAND

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PAGE 007 OF 012
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KING COUNTY, WA



TRAD ASSOCIATES
11014 118th Ave. NE
Burien, WA 98004-0003

Tel: 425.821.3442
Toll Free: 800.480.0768
Fax: 425.821.3481
www.tradassociates.com

WASHINGTON

PALMER COKING COAL

ROAD & UTILITY EASEMENT EXHIBIT

KING COUNTY,

MANAGER: GUS OSTERBACK

PROCESSED: FAB

CURB: 6/7/99

DATE: 6/7/99

SCALE: 1"=100'

WEST:

JOB NUMBER

96-030

SHEET NUMBER

1 OF 1

6/7/99 SEC 9-10 EX 1.DWG

LAKE SAWYER RD SE

30' 30"

N74°59'59"E
165.15'

45' PROPOSED
ROAD AND UTILITY EASEMENT

W. LINE SEC. 10-21-6

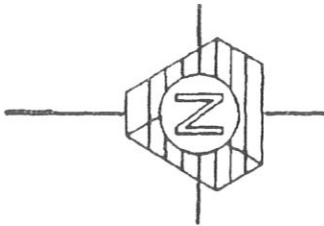
662.30'

N89°27'30"W

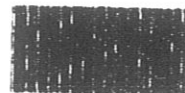
N.W. CORNER

LOT A

KING COUNTY B.L.A. NO. L98L0178
BOOK 129, PGS. 92 & 92A



SCALE 1" = 100'



COMMONWEALTH L WD

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PAGE 008 OF 012

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KING COUNTY, WA

EXHIBIT B:

COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER MATTERS imposed
by instrument.

Recorded: November 21, 1938
Recording No.: 3020865

AFFECTS: Parcel B

* * * * *

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS,
EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No.
69/171, recorded under King County Recording No. 8911279001.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE
RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY.

* * * * *

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS,
EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No.
86-180, recorded under King County Recording No. 9204179003.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE
RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY.

* * * * *

EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light
Company, a Washington
corporation
Purpose: Electric distribution system
Area Affected: A portion of Parcel B
Recorded: August 24, 1995
Recording No.: 9508241496

* * * * *

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS,
EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No.
106-238, recorded under King County Recording No. 9512119006.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE
RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY.

* * * * *

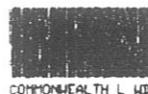
ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS,
EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No.
103-96, recorded under King County Recording No. 9504209009.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE
RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY.

* * * * *

LPB - 10

(Form 571)



COMMONWEALTH L 40

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KING COUNTY, WA

Statutory Warranty Deed
Escrow No.: C8460, Title No.: H779783

Page 5

NOTICE OF TAP OR CONNECTION CHARGES WHICH HAVE BEEN OR WILL BE
DUE IN CONNECTION WITH DEVELOPMENT OR RE-DEVELOPMENT OF THE
LAND AS DISCLOSED BY RECORDED INSTRUMENT. INQUIRIES REGARDING
THE SPECIFIC AMOUNT OF THE CHARGES SHOULD BE MADE TO THE
CITY/COUNTY/AGENCY.

City/County/Agency: Soos Creek Water and Sewer
District
Recorded: July 11, 1997
Recording No.: 9707110496

COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, DEDICATIONS,
NOTES AND RECITALS, and the terms and conditions thereof.

Contained on Survey

Recorded: February 25, 1998
Recording No.: 9802259007

COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, DEDICATIONS,
NOTES AND RECITALS, and the terms and conditions thereof.

Contained on Lot Line

Adjustment recorded: April 26, 1999
Recording No.: 9904269011

AFFECTS: Parcel A and other lands

EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: City of Tacoma
Purpose: Water transmission pipeline or
pipelines
Area Affected: A portion of Parcel B and other
lands
Recorded: March 6, 1975 and February 28,
1977
Recording No.: 7503060275 and 7702280520

ATTACHMENT TO STATUTORY WARRANTY DEED EXHIBIT "C"

RESERVATION:

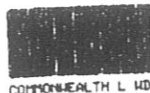
Grantor reserves to itself, its successors and/or assigns all coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever in said land and rights and easements necessary to or for the exploration, obtaining and removal of said coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever; provided that the Grantor shall not be liable for any loss or damage due to subsidence of the soil or arising in any manner out of mining operations that may have been carried on in said lands prior to the date hereof. Grantor, its successors and assigns, shall compensate Grantees, their successors and assigns, from actual damages to the land and improvements resulting from the removal of or exploration for any retained minerals subsequent to the date hereof. Grantor agrees that it will not use the surface of this land for the obtaining and removal of the reserved mineral estate, but shall instead use adjacent or nearby parcels for the installation of surface facilities necessary for the obtaining and removal of the reserved subsurface interests in coal, coal bed methane, oil, petroleum, gasses, metallic minerals, and other ores and minerals described above.

"Grantor further reserves the right to connect to utilities, if any, on the conveyed property after closing. Such connection shall be solely at the expense of Seller and shall be at a mutually agreeable location. Seller shall return the Property to the condition it was in prior to commencement of Seller's utility connection project.

"Seller further reserves an easement for ingress and egress over a strip of land 45 feet in width, the North line of which is described as follows: Beginning at the Northwest corner of Lot "A" of King County Boundary Line Adjustment Number L98L0178, as recorded in Book 129 of Surveys, at pages 92 and 92A, records of King County, Washington; thence South 89°27'30" East along the North line of said Lot "A" 662.30 feet to the West line of said Section 10 and the TRUE POINT OF BEGINNING OF THIS LINE; THENCE North 74°59'59" East 165.15 feet to the Westerly margin of Lake Sawyer Road Southeast and the terminus of this line, the side lines of said 45 foot wide strip to be extended or shortened to meet at the West line of said Section 10 and to terminate at the Westerly margin of Lake Sawyer Road Southeast.

GOOD NEIGHBOR CLAUSE:

The purpose of this conveyance is to allow the Buyer and its successors and assigns to control land development on the property described in Exhibit A (the "Conveyed Lands"), while allowing the Seller and its successors and assigns to make any allowed use (including specifically, use for gravel mining and mineral extraction) of its adjoining lands located in Section 10, Township 24 North, Range 6 East, W.M., in King County, Washington (the Northeast 1/4, the Southeast 1/4, and the Southwest 1/4 thereof) unencumbered by the separate ownership status of the conveyed Lands or Buyer's or the public's use thereof. No severance damages or similar compensation is being paid for any restriction on future use of the Seller's Lands. Neither party intends that this conveyance, or any subsequent development or management policies for, or use of the Conveyed Lands, shall directly or indirectly restrict any otherwise allowable uses of Seller's Lands, (including specifically, use for gravel mining and mineral extraction). Therefore, the Buyer and Seller, for themselves and their successors, agree and covenant with each other and their successors and assigns, that they will not assert in any administrative or judicial proceeding that otherwise allowable uses of their respective lands should be prohibited, delayed, restricted, conditioned or subject to special studies by reason of: (1) the ownership of the Conveyed Lands by Buyer or its successors, or (2) the fact that the Conveyed Lands are subject to covenants, owned, preserved or managed under policies different than those of the Seller's adjoining lands, (3) the fact that the Conveyed Lands are used by Buyer, its assigns, licensees, invitees and/or the public for purpose that are not compatible with Seller's use of the Seller's Lands, or (4) any impacts on the Conveyed Lands or the use thereof by Seller's use of the Seller's Lands for gravel mining and/or mineral extraction.



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KING COUNTY, WA

ATTACHMENT TO STATUTORY WARRANTY DEED EXHIBIT "C"

APPROVED & ACCEPTED

Just Engleth

RESERVATION:

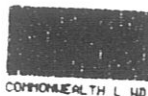
Grantor reserves to itself, its successors and/or assigns/all coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever in said land and rights and easements necessary to or for the exploration, obtaining and removal of said coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever, provided that the Grantor shall not be liable for any loss or damage due to subsidence of the soil or arising in any manner out of mining operations that may have been carried on in said lands prior to the date hereof. Grantor, its successors and assigns, shall compensate Grantees, their successors and assigns, from actual damages to the land and improvements resulting from the removal of or exploration for any retained minerals subsequent to the date hereof. Grantor agrees that it will not use the surface of this land for the obtaining and removal of the reserved mineral estate, but shall instead use adjacent or nearby parcels for the installation of surface facilities necessary for the obtaining and removal of the reserved sub-surface interests in coal, coal bed methane, oil, petroleum, gasses, metallic minerals, and other ores and minerals described above.

"Grantor further reserves the right to connect to utilities, if any, on the conveyed property after closing. Such connection shall be solely at the expense of Seller and shall be at a mutually agreeable location. Seller shall return the Property to the condition it was in prior to commencement of Seller's utility connection project.

"Seller further reserves an easement for ingress and egress over a strip of land 45 feet in width, the North line of which is described as follows: Beginning at the Northwest corner of Lot "A" of King County Boundary Line Adjustment Number L98L0178, as recorded in Book 129 of Surveys, at pages 92 and 92A, records of King County, Washington; thence South 89°27'30" East along the North line of said Lot "A" 662.30 feet to the West line of said Section 10 and the TRUE POINT OF BEGINNING OF THIS LINE; THENCE North 74°59'59" East 165.15 feet to the Westerly margin of Lake Sawyer Road Southeast and the terminus of this line, the side lines of said 45 foot wide strip to be extended or shortened to meet at the West line of said Section 10 and to terminate at the Westerly margin of Lake Sawyer Road Southeast.

GOOD NEIGHBOR CLAUSE:

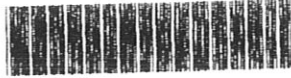
The purpose of this conveyance is to allow the Buyer and its successors and assigns to control land development on the property described in Exhibit A (the "Conveyed Lands"), while allowing the Seller and its successors and assigns to make any allowed use (including specifically, use for gravel mining and mineral extraction) of its adjoining lands located in Section 10, Township 21 North, Range 6 East, W.M., in King County, Washington (the Northeast ¼, the Southeast ¼, and the Southwest ¼ thereof) unencumbered by the separate ownership status of the conveyed Lands or Buyer's or the public's use thereof. No severance damages or similar compensation is being paid for any restriction on future use of the Seller's Lands. Neither party intends that this conveyance, or any subsequent development or management policies for, or use of the Conveyed Lands, shall directly or indirectly restrict any otherwise allowable uses of Seller's Lands, (including specifically, use for gravel mining and mineral extraction). Therefore, the Buyer and Seller, for themselves and their successors, agree and covenant with each other and their successors and assigns, that they will not assert in any administrative or judicial proceeding that otherwise allowable uses of their respective lands should be prohibited, delayed, restricted, conditioned or subject to special studies by reason of: (1) the ownership of the Conveyed Lands by Buyer or its successors, or (2) the fact that the Conveyed Lands are subject to covenants, owned, preserved or managed under policies different than those of the Seller's adjoining lands, (3) the fact that the Conveyed Lands are used by Buyer, its assigns, licensees, invitees and/or the public for purpose that are not compatible with Seller's use of the Seller's Lands, or (4) any impacts on the Conveyed Lands or the use thereof by Seller's use of the Seller's Lands for gravel mining and/or mineral extraction.



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KING COUNTY, WA



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KING COUNTY, WA

COMMONWEALTH L WD

18.00

King County
Neil DeGoojer
201 S. Jackson St., Suite 600
Seattle, WA 98104

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10/14/1999 14:22
KING COUNTY, WA
TAX \$74,315.00
SALE \$4,175,000.00

PAGE 001 OF 005

COMMONWEALTH
LAND TITLE INSURANCE COMPANY
OF PHILADELPHIA

STATUTORY WARRANTY DEED

RE: Escrow No.: C8515; Title Order No.: H779928-2

Legal Description: Portion of Section 10, Twnshp 21/R 6
102106-9007-01/9008-00/9026-08/9032-00/9061-04/
Assessor's Tax Parcel I.D. No. 9102-05/9103-04/9104-03/9105-02/9107-00/
9108-09/9109-08/9113-02/9114-01
THE GRANTOR Palmer Coking Coal Company, a Washington Partnership

for and in consideration of Ten Dollars (\$10.00) and other valuable
consideration in hand paid, conveys and warrants to

King County, a political subdivision of the State of Washington

the following described real estate, situated in the County of KING, State
of Washington:

See "EXHIBIT A" attached hereto and by this reference made a part hereof.

Legal Description and Special Exceptions attached hereto as Exhibit "A"
and by this reference made a part hereof.

Reservations and Good Neighbor Clause are attached hereto and by this
reference made a part hereof.

Dated: October 12, 1999

Palmer Coking Coal Company
a Washington Partnership
SEE ATTACHED SIGNATURE PAGE

SEE ATTACHED NOTARY ACKNOWLEDGMENTS

King County
Neil DeGoojer
201 S. Jackson St., Suite 600
Seattle, WA 98104

COMMONWEALTH
LAND TITLE INSURANCE COMPANY
OF PHILADELPHIA

STATUTORY WARRANTY DEED

RE: Escrow No.: C8515, Title Order No.: H779928

Legal Description: Portion of Section 10, Twnshp 21/R 6
102106-9007-01/9008-00/9026-08/9032-00/9061-04/
Assessor's Tax Parcel I.D. No. 9102-05/9103-04/9104-03/9105-02/9107-00/
9108-09/9109-08/9113-02/9114-01
THE GRANTOR Palmer Coking Coal Company, a Washington Partnership

for and in consideration of Ten Dollars (\$10.00) and other valuable
consideration in hand paid, conveys and warrants to

King County, a political subdivision of the State of Washington

the following described real estate, situated in the County of KING, State
of Washington:

See "EXHIBIT A" attached hereto and by this reference made a part hereof.

Legal Description and Special Exceptions attached hereto as Exhibit "A"
and by this reference made a part hereof.

Reservations and Good Neighbor Clause are attached hereto and by this
reference made a part hereof.

Dated: October 12, 1999

Palmer Coking Coal Company
a Washington Partnership
SEE ATTACHED SIGNATURE PAGE

SEE ATTACHED NOTARY ACKNOWLEDGMENTS

LPB - 10

(Form 571)

APPROVED & ACCEPTED

Sam Basson



COMMONWEALTH L WD

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SIGNATURE PAGE ATTACHMENT TO STATUTORY WARRANTY DEED

PALMER COKING COAL COMPANY, A
WASHINGTON PARTNERSHIP

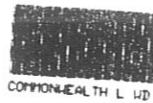
By: David J. Morris
David J. Morris, Managing Partner

By: Roberta E. Falk
Roberta E. Falk, Managing Partner

By: Pauline L. Kombol
Pauline L. Kombol, Managing Partner

By: John H. Morris
John H. Morris, Managing Partner

By: Terry L. Morris
Terry L. Morris, Managing Partner



COMMONWEALTH L. UD

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KING COUNTY, WA

State of Washington
County of King

I certify that I know or have satisfactory evidence that David J. Morris
is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it as the Managing Partner

of Palmer Coking Coal Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10-13-99

SIGNATURE

(SEAL OR STAMP)



TITLE

MY APPOINTMENT EXPIRES 7-6-2001

State of Washington
County of King

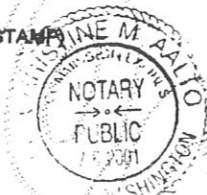
I certify that I know or have satisfactory evidence that Roberta E. Falk
is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it as the Managing Partner

of Palmer Coking Coal Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10-13-99

SIGNATURE

(SEAL OR STAMP)



TITLE

MY APPOINTMENT EXPIRES 7-6-2001

State of Washington
County of King

I certify that I know or have satisfactory evidence that Pauline L. Kombol
is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it as the Managing Partner

of Palmer Coking Coal Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10-13-99

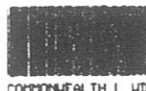
SIGNATURE

(SEAL OR STAMP)



TITLE

MY APPOINTMENT EXPIRES 7-6-2001



COMMONWEALTH L 40

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KING COUNTY, WA

State of Washington
County of King

I certify that I know or have satisfactory evidence that John H. Morris
is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it as the Managing Partner

of Palmer Coking Coal Company to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10-13-99

(SEAL OR STAMP)



[Signature]
SIGNATURE

TITLE
MY APPOINTMENT EXPIRES 7-6-2001

State of Washington
County of King

I certify that I know or have satisfactory evidence that Terry L. Morris
is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it as the Managing Partner

of Palmer Coking Coal Company to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10-13-99

(SEAL OR STAMP)



[Signature]
SIGNATURE

TITLE
MY APPOINTMENT EXPIRES 7-6-2001

State of Washington
County of _____

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) is authorized to execute the instrument and acknowledged it as the _____

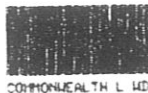
of _____ to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(SEAL OR STAMP)

SIGNATURE

TITLE
MY APPOINTMENT EXPIRES _____



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EXHIBIT A:

EXHIBIT "A-1"

That portion of Section 10, Township 21 North, Range 6 East, W.M., described as follows:

Beginning at the north quarter corner of said Section 10; thence south 89 degrees 30 minutes 17 seconds east along the north line of said section a distance of 1193.16 feet to the southeast corner of "Lot HH" of Boundary Line Adjustment No. L97L0008, as recorded in Book 114 of Surveys, pages 2 through 2D, inclusive, under Recording No. 9703199013, records of King County, Washington and the True Point of Beginning; thence south 01 degrees 26 minutes 10 seconds west 388.89 feet; thence south 57 degrees 49 minutes 59 seconds west 244.04 feet to a point of a curve; thence southwesterly on said curve to the right having a radius of 1700.00 feet, a central angle of 31 degrees 49 minutes 16 seconds and an arc length of 944.15 feet; thence south 89 degrees 39 minutes 15 seconds west 93.30 feet to the west line of the northeast quarter of said section; thence south 0 degrees 49 minutes 12 seconds west along said west line 204.75 feet; thence south 20 degrees 18 minutes 30 seconds west 159.76 feet; thence south 80 degrees 25 minutes 59 seconds west 42 feet, more or less to the shoreline of Lake Sawyer; thence along said shoreline to the east line of the west 397.00 feet of Government Lot 2 as described in instrument recorded as Recording No. 4892604, records of King County, Washington; thence south 0 degrees 44 minutes 57 seconds west along said east line 178 feet, more or less, to a point on a line described in an instrument recorded under Recording No. 9902223255, also being an angle point in the east line of Revised Lot "A", King County Boundary Line Adjustment No. S90M0004, approved May 22, 1990; thence south 7 degrees 52 minutes 01 seconds east along said line 166.87 feet to the north line of the south 30.00 feet of said Government Lot 2; thence north 88 degrees 47 minutes 34 seconds west along said north line 25.00 feet to the east line of the west 397.00 feet of said Government Lot 2; thence south 0 degrees 44 minutes 57 seconds west along said line 30.00 feet to the north line of the southwest quarter of said Section 10; thence north 88 degrees 47 minutes 34 seconds west along said north line 129.60 feet to the east line of the west 1603.00 feet of the southwest quarter of said Section 10; thence south 0 degrees 23 minutes 48 seconds west along said east line 334.62 feet; thence south 73 degrees 50 minutes 05 seconds east 204.79 feet to a point of non-tangent curve, the center of which bears north 17 degrees 03 minutes 20 seconds east;



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thence easterly on said curve to the left having a radius of
 278.98 feet, a central angle of 23 degrees 47 minutes 34
 seconds and an arc length of 115.85 feet to a point of
 reverse curve, the center of which bears south 10 degrees 34
 minutes 09 seconds east;
 thence easterly on said curve to the right having a radius of
 413.28 feet, a central angle of 13 degrees 32 minutes 09
 seconds and an arc length of 97.63 feet;
 thence south 86 degrees 36 minutes 00 seconds east 68.09 feet
 to a point of non-tangent curve, the center of which bears
 south 02 degrees 27 minutes 17 seconds west;
 thence southeasterly on said curve to the right having a
 radius of 283.77 feet, a central angle of 18 degrees 11
 minutes 34 seconds and an arc length of 90.11 feet;
 thence south 72 degrees 19 minutes 08 seconds east 236.83
 feet;
 thence south 71 degrees 41 minutes 12 seconds east 186.97
 feet to a point of non-tangent curve, the center of which
 bears south 17 degrees 21 minutes 07 seconds west;
 thence southeasterly on said curve to the right having a
 radius of 259.36 feet, a central angle of 26 degrees 41
 minutes 51 seconds and an arc length of 120.85 feet to a
 point of compound curve, the center of which bears south 46
 degrees 12 minutes 14 seconds west;
 thence southerly on said curve to the right having a radius
 of 116.98 feet, a central angle of 45 degrees 06 minutes 12
 seconds and an arc length of 92.02 feet;
 thence south 01 degrees 51 minutes 39 seconds east 74.54
 feet;
 thence south 15 degrees 49 minutes 20 seconds east 224.13
 feet to a point of non-tangent curve, the center of which
 bears south 69 degrees 36 minutes 19 seconds west;
 thence southerly on said curve to the right having a radius
 of 451.94 feet, a central angle of 21 degrees 43 minutes 57
 seconds and an arc length of 171.42 feet;
 thence south 01 degrees 59 minutes 30 seconds east 69.10 feet
 to a point of non-tangent curve, the center of which bears
 north 79 degrees 24 minutes 40 seconds east;
 thence southerly on said curve to the left having a radius of
 1640.30 feet, a central angle of 05 degrees 23 minutes 39
 seconds and an arc length of 154.43 feet;
 thence south 20 degrees 29 minutes 49 seconds east 231.36
 feet;
 thence south 89 degrees 04 minutes 21 seconds east 328.28
 feet;
 thence north 20 degrees 30 minutes 47 seconds east 155.31
 feet;
 thence north 24 degrees 59 minutes 36 seconds west 222.08
 feet;
 thence north 22 degrees 48 minutes 34 seconds east 141.43
 feet;
 thence north 21 degrees 33 minutes 44 seconds east 344.13
 feet;
 thence north 27 degrees 41 minutes 39 seconds east 296.49
 feet;
 thence north 16 degrees 06 minutes 32 seconds east 690.19



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feet;
thence north 40 degrees 29 minutes 17 seconds west 760.32
feet;
thence north 01 degrees 35 minutes 06 seconds west 111.89
feet;
thence north 08 degrees 45 minutes 10 seconds west 49.85
feet;
thence north 02 degrees 41 minutes 17 seconds east 376.35
feet to a point of non-tangent curve, the center of which
bears north 06 degrees 45 minutes 47 seconds west;
thence northeasterly on said curve to the left having a
radius of 1900.00 feet, a central angle of 35 degrees 17
minutes 10 seconds and an arc length of 1170.13 feet to a
point of compound curve, the center of which bears north 42
degrees 02 minutes 57 seconds west;
thence northerly on said curve to the left having a radius of
625.00 feet, a central angle of 68 degrees 12 minutes 39
seconds and an arc length of 744.06 feet;
thence north 20 degrees 15 minutes 36 seconds west 182.85
feet to the north line of said Section 10;
thence north 89 degrees 30 minutes 17 seconds west along said
north line 477.42 feet to the True Point of Beginning.

SUBJECT TO SPECIAL EXCEPTIONS:

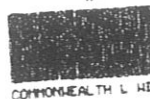
NOTICE OF TAP OR CONNECTION CHARGES WHICH HAVE BEEN OR WILL BE
DUE IN CONNECTION WITH DEVELOPMENT OR RE-DEVELOPMENT OF THE
LAND AS DISCLOSED BY RECORDED INSTRUMENT. INQUIRIES REGARDING
THE SPECIFIC AMOUNT OF THE CHARGES SHOULD BE MADE TO THE
CITY/COUNTY/AGENCY.

City/County/Agency: Soos Creek Water and Sewer
District
Recorded: July 11, 1997
Recording No.: 9707110496

Right of the State of Washington in and to that portion, if
any, of the land herein described which lies below the line of
ordinary high water of the Lake Sawyer.

Rights and easements of the public for commerce, navigation,
recreation and fisheries.

Any restriction on the use of the land resulting from the
rights of the public or riparian owners to use any portion
which is now, or has formerly been, covered by water.



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Location of the lateral boundaries of second class tidelands and shorelands.

COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER MATTERS imposed by instrument.

Recorded: November 21, 1938
Recording No.: 3020865

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No. 69/171, recorded under King County Recording No. 8911279001.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY DESCRIBED IN SCHEDULE A.

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No. 86-180, recorded under King County Recording No. 9204179003.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY DESCRIBED IN SCHEDULE A.

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No. 103-94, recorded under King County Recording No. 9504209007.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY DESCRIBED IN SCHEDULE A.

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No. 103-95, recorded under King County Recording No. 9504209008.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY DESCRIBED IN SCHEDULE A.

EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation
Purpose: Electric distribution system
Area Affected: A portion of said premises
Recorded: August 24, 1995
Recording No.: 9508241496

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No. 106-238, recorded under King County Recording No. 9512119006.

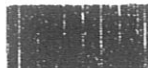
RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY DESCRIBED IN SCHEDULE A.

ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OR OTHER SERVITUDES, if any, disclosed by Survey No. 103-96, recorded under King County Recording No. 9504209009.

RIGHTS OR BENEFITS, IF ANY, WHICH MAY BE DISCLOSED BY THE RECORDED DOCUMENT(S) ABOVE AFFECTING LAND OUTSIDE THE BOUNDARY DESCRIBED IN SCHEDULE A.

COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, DEDICATIONS, NOTES AND RECITALS, and the terms and conditions thereof. Contained on Survey

Recorded: February 25, 1998
Recording No.: 9802259007



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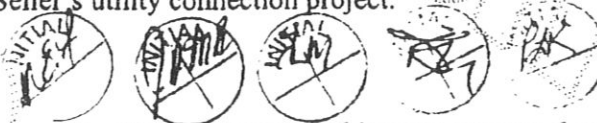
ATTACHMENT TO STATUTORY WARRANTY DEED

Reservation:

Grantor reserves to itself, its successors and/or assigns, all coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever in said land and rights and easements necessary to or for the exploration, obtaining and removal of said coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever; provided that the Grantor shall not be liable for any loss or damage due to subsidence of the soil or arising in any manner out of mining operations that may have been carried on in said lands prior to the date hereof. Grantor, its successors and assigns, shall compensate Grantees, their successors and assigns, from actual damages to the land and improvements resulting from the removal of or exploration for any retained minerals subsequent to the date hereof. Grantor agrees that it will not use the surface of this land for the obtaining and removal of the reserved mineral estate, but shall instead use adjacent or nearby parcels for the installation of surface facilities necessary for the obtaining and removal of the reserved sub-surface interests in coal, coal bed methane, oil, petroleum, gasses, metallic minerals, and other ores and minerals described above.

Grantor further reserves the right to connect to utilities installed on the Property by Buyer after closing, if any. Such connection shall be solely at the expense of Seller and shall be at a mutually agreeable location. Seller shall return the Property to the condition it was in prior to commencement of Seller's utility connection project.

Good Neighbor Clause:



The purpose of this conveyance is to allow the Buyer and its successors and assigns to control land development on the property described in Exhibit "A" (the "Conveyed Lands"), while allowing the Seller and its successors and assigns to make any allowed use (including specifically, use for gravel mining and mineral extraction) of its adjoining lands located in Section 10, Township 21 North, Range 6 East, W.M., in King County, Washington (the Northeast 1/4, the Southeast 1/4, and the Southwest 1/4 thereof) unencumbered by the separate ownership status of the Conveyed Lands or Buyer's or the public's use thereof. No severance damages or similar compensation is being paid for any restriction on future use of the Seller's Lands. Neither party intends that this conveyance, or any subsequent development or management policies for, or use of the Conveyed Lands, shall directly or indirectly restrict any otherwise allowable uses of Seller's Lands, (including specifically, use for gravel mining and mineral extraction). Therefore, the Buyer and Seller, for themselves and their successors, agree and covenant with each other and their successors and assigns, that they will not assert in any administrative or judicial proceeding that otherwise allowable uses of their respective lands should be prohibited, delayed, restricted, conditioned or subject to special studies by reason of: (1) the ownership of the Conveyed Lands by Buyer or its successors, or (2) the fact that the Conveyed Lands are subject to covenants, owned, preserved or managed



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under policies different than those of the Seller's adjoining lands, (3) the fact that the Conveyed Lands are used by Buyer, its assigns, licensees, invitees and/or the public for purposes that are not compatible with Seller's use of the Seller's Lands, or (4) any impacts on the Conveyed Lands or the use thereof by Seller's use of the Seller's Lands for gravel mining and/or mineral extraction.

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KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #1

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Agreement is made as of the date this instrument is fully executed by and between PALMER COKING COAL COMPANY, a Washington general partnership ("Seller"), and KING COUNTY, a political subdivision of the State of Washington ("Buyer"), for purchase and sale of that certain property situated in King County, Washington, described on Exhibit "A", and all rights appurtenant (the "Property")

(\$450,000.00) ~~WML/TB~~

(\$3,725,000.00) ~~WML/TB~~

1. **PURCHASE PRICE:** The total purchase price for the Property is **Four Million One Hundred Seventy Five Thousand and No/100 Dollars (US \$4,175,000.00)** ("Purchase Price"). Two Hundred Thousand Dollars (US ~~\$200,000.00~~) of the Purchase Price is payable at closing in cash. The balance of Three Million Nine Hundred Seventy Five Thousand and No/100 Dollars (US ~~\$3,975,000.00~~) is payable in annual installments of One Million ~~Nine Hundred Eighty Seven~~ Thousand Five Hundred and No/100 Dollars (US ~~\$1,987,500.00~~). The payments shall be payable, together with interest at the rate of Six Percent (6%) per Annum on the unpaid principal balance, on or before January 15, 2000 and on or before January 15, 2001.

2. **TITLE:**

Eight ~~WML/TB~~ (\$1,862,500.00) Sixty Two ~~WML/TB~~

2.1 **Deed:** At closing, Seller will execute and deliver to Buyer a Warranty Deed conveying and warranting good and marketable title to the Property free and clear of all defects or encumbrances except for the lien of real estate taxes and drainage service charges not yet due and payable and those defects and/or encumbrances (if any) identified on Exhibit "B" (collectively, "Permitted Exceptions"). It is agreed between the parties that SELLER shall retain the following described mineral estate in the real estate subject to this agreement. Any deeds executed to accomplish the terms of this sale shall contain the following additional reservations:

"Grantor reserves to itself, its successors and/or assigns, all coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever in said land and rights and easements necessary to or for the exploration, obtaining and removal of said coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever; provided that the Grantor shall not be liable for any loss or damage due to subsidence of the soil or arising in any manner out of mining operations that may have been carried on in said lands prior to the date hereof. Grantor, its successors and assigns, shall compensate Grantees, their successors and assigns, from actual damages to the land and improvements resulting from the removal of or exploration for any retained minerals subsequent to the date hereof. Grantor agrees that it will not use the surface of this land for the obtaining and removal of the reserved mineral estate, but shall instead use adjacent or nearby parcels for the installation of surface facilities necessary for the obtaining and removal of the reserved sub-surface interests in coal, coal bed methane, oil, petroleum, gasses, metallic minerals, and other ores and minerals described above.

"Grantor further reserves the right to connect to utilities installed on the Property by Buyer after closing, if any. Such connection shall be solely at the expense of Seller and shall be at a mutually agreeable location. Seller shall return the Property to the condition it was in prior to commencement of Seller's utility connection project."

2.2 Title Insurance: At closing, Buyer shall receive (at Buyer's expense) an owner's Standard ALTA policy of title insurance, dated as of the closing date and insuring Buyer in the amount of the Purchase Price against loss or damage by reason of defect in Buyer's title to the Property subject only to the printed exclusions appearing in the policy form and any Permitted Exceptions.

3. SURVEY: Seller shall conduct a boundary survey of the Property prior to closing. Said survey shall include placement of monuments at property corners. Buyer will reimburse the Seller for the costs of such survey at closing.

4. CONTINGENCIES:

4.1 Environmental Review Contingency: The sale of the Property is contingent on a determination by King County based upon an Environmental Site Assessment that there are not and have not been any significant releases of hazardous materials on the Property. Seller hereby grants Buyer's employees, agents or contractors a right of entry onto the Property for any site inspections performed in connection with such Assessment. In connection with such inspections, Buyer agrees to hold harmless, indemnify and defend Seller, its officers, agents and employees, from and against all claims, losses, or liability, for injuries, sickness or death of persons, including employees of Buyer caused by or arising out of any act, error or omission of Buyer, its officers, agents, contractors, subcontractors or employees in entering Seller's property for the above purposes, to the extent not caused by or arising out of any act, error or omission of Seller, its officers, agents and employees.

4.2 Funding: The sale of the Property is contingent on approval of an ordinance by the King County Council authorizing the expenditure of funds sufficient to fulfill the terms of this Agreement, and authorizing the Buyer to incur the debt and make the payments contemplated in Paragraph 1.

4.2 Removal of Contingencies: King County shall have a period of ~~90~~ 60 days from the date all parties have signed this Agreement to remove all contingencies. King County may remove such contingencies by sending written notice thereof to Seller pursuant to Paragraph 7 herein. If the contingencies are not removed within this period, this Agreement shall be null and void.

5. RISK OF LOSS: Seller will bear the risk of loss of or damage to the Property prior to closing. In the event of such loss or damage to the Property, Seller shall promptly notify Buyer thereof and Buyer may, in its sole discretion, terminate this Agreement by giving notice of termination to the Seller.

6. SELLERS REPRESENTATIONS, WARRANTIES AND COVENANTS: Seller represents, warrants and covenants to the Buyer at the date of execution of this Agreement and the date of closing that:

6.1 Authority: Seller, and the person(s) signing on behalf of Seller, has full power and authority to execute this Agreement and perform Seller's obligations, and if Seller is a corporation, all necessary corporate action to authorize this transaction has been taken;

6.2 **No Leases:** The Property is not subject to any leases, tenancies or rights of persons in possession;

6.3 **No Material Defect:** Seller is unaware of any material defect in the Property;

6.4 **Debris and Personal Property:** Seller will remove all debris and personal property, prior to each closing, located on the Property (if any) at Sellers cost and expense, and Seller will indemnify and hold Buyer harmless from all claims and expenses arising from such removal;

6.5 **Contamination:** Seller represents and warrants that he/she/it has not caused or allowed the generation, treatment, storage, or disposal of hazardous substances on the property, except in accordance with local, state, and federal statutes and regulations, nor caused or allowed the release of any hazardous substance onto, at, or near the Property. Seller is in compliance with all applicable laws, rules, and regulations regarding the handling of hazardous substances, has secured all necessary permits, licenses and approvals necessary to its operation on the Property, and is in compliance with such permits. Seller has not received notice of any proceedings, claims, or lawsuits arising out of its operations on the Property and, to the Seller's knowledge, the property is not, nor has it ever been subject to the release of hazardous substances.

6.6 **Fees and Commissions:** Seller shall pay for any broker's or other commissions or fees incurred by the Seller in connection with the sale of the Property and Seller shall indemnify and hold Buyer harmless from all such claims for commission and/or fees.

6.7 **Indemnification:** Seller agrees to indemnify, defend, and hold harmless Buyer, its employees, agents, heirs and assigns, from and against any and all damage, claim, liability, or loss, including reasonable attorney's and other fees, arising out of or in any way connected to the breach of any representation or warranty contained herein. Such duty of indemnification shall include, but not be limited to damage, liability, or loss pursuant to all federal environmental laws, Washington State environmental laws, strict liability and common law.

7. CLOSING:

7.1 **Time for Closing:** The sale will be closed in the office of the Closing Agent not later than twenty one (21) days from the date all contingencies set forth in Paragraph 3 herein have been removed, or as soon thereafter as practicable.

Buyer and Seller shall deposit in escrow with the Closing Agent all instruments, documents and moneys necessary to complete the sale in accordance with this Agreement. As used in this Agreement, "closing" and "date of closing" means the date on which all appropriate documents are recorded and proceeds of the sale are available for disbursement to Seller. The Closing Agent shall be:

Commonwealth Land Title Insurance Company
601 Union Street, Suite 3700
Seattle, WA 98101

7.2 **Prorations; Closing Costs:** Seller will pay real estate excise taxes (if any are due) and real property taxes prorated through the date of closing. Buyer will pay the premium for its owners title insurance policy, the cost of recording the Statutory Warranty Deed from the Seller, and the Closing Agents escrow fees.

7.3 **Possession:** Buyer shall be entitled to possession of the Property at Closing.

8. **NOTICES:** Any notices required herein shall be given to the parties at the addresses listed below:

TO SELLER:
Palmer Coking Coal Company
Attn.: William Kombol
P.O. Box 10
Black Diamond, WA 98010

TO BUYER:
King County Office of Open Space
Suite 350 Central Building
810 Third Avenue
Seattle, WA 98104

9. **GENERAL:**

9.1 This is the entire agreement of the Buyer and Seller with respect to the Property and supersedes all prior or contemporaneous agreements between them, written or oral. This Agreement may be modified only in writing, signed by Buyer and Seller. Any waivers under this agreement must be in writing. A waiver of any right or remedy in the event of a default will not constitute a waiver of such right or remedy in the event of any subsequent default. This Agreement is for the benefit of, and binding upon, Buyer and Seller and their heirs, personal representatives, successors and assigns. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision. Time is of the essence in this agreement.

9.2 Construction of Fence: Prior to the County allowing access to the Property by the public, or otherwise proceeding with development of all or a portion of the Property for a trail corridor, ballfields, or recreational park uses, the County shall install a fence along all or an agreed portion of the boundaries between the Purchased Property and the Sellers adjoining property. The County's agents and employees shall be permitted to enter the Purchased Property without triggering obligation to construct a fence. The cost of such fencing shall be divided equally between Buyer and Seller. The parties shall attempt to reach agreement following closing upon cost, design, location, type of construction, and other items relating to the fencing provided that, if such agreements have not been reached and such fencing constructed within 180 days of notice from one party to the other, then the party giving such notice shall have the right to construct such fencing itself and such party shall determine costs, design, location, type of construction and other items in its discretion; provided further that if Buyer is the party receiving such notice, it shall not, without its written consent, be responsible for costs exceeding the cost of a standard Parks Department fence of comparable length. In the event either party invokes this provision, it shall invoice the other party for its half of the costs of fencing and the party receiving such notice shall pay such invoice within 45 days of receipt.

9.1 **9.3 Good Neighbor Clause:** The parties agree that the following covenant shall be included in the deed: The purpose of this conveyance is to allow the Buyer and its successors and assigns to control land development on the property described in Exhibit A (the "Conveyed Lands"), while allowing the Seller and its successors and assigns to make any allowed use (including specifically, use for gravel mining and mineral extraction) of its adjoining lands located in Section 10, Township 21 North, Range 6 East, W.M., in King County, Washington (the Northeast $\frac{1}{4}$, the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ thereof) unencumbered by the separate ownership status of the Conveyed Lands or Buyer's or the public's use thereof. No severance damages or similar compensation is being paid for any restriction on future use of the Seller's Lands. Neither party intends that this conveyance, or any subsequent development or management policies for, or use of the Conveyed Lands,

shall directly or indirectly restrict any otherwise allowable uses of Seller's Lands, (including specifically, use for gravel mining and mineral extraction). Therefore, the Buyer and Seller, for themselves and their successors, agree and covenant with each other and their successors and assigns, that they will not assert in any administrative or judicial proceeding that otherwise allowable uses of their respective lands should be prohibited, delayed, restricted, conditioned or subject to special studies by reason of: (1) the ownership of the Conveyed Lands by Buyer or its successors, or (2) the fact that the Conveyed Lands are subject to covenants, owned, preserved or managed under policies different than those of the Seller's adjoining lands, (3) the fact that the Conveyed Lands are used by Buyer, its assigns, licensees, invitees and/or the public for purposes that are not compatible with Seller's use of the Seller's Lands, or (4) any impacts on the Conveyed Lands or the use thereof by Seller's use of the Seller's Lands for gravel mining and/or mineral extraction.

10. **WASTE; ALTERATION OF PROPERTY:** Seller shall not commit waste on the Property, nor shall Seller remove trees or other vegetation, gravel or other valuable materials nor shall Seller substantially alter the surface or subsurface of the Property without the express written consent of Buyer.

11. **SURVIVAL OF WARRANTIES:** The terms, covenants, representations and warranties shall not merge in the deed of conveyance, but shall survive closing.

12. **TERMINATION OF OFFER:** This offer shall terminate if not accepted by Seller on or before June 15, 1999.

Signed in duplicate original.

BUYER: King County, a political subdivision
of the State of Washington.

BY:

Pam Bissonnette
Pam Bissonnette, Director
Department of Natural Resources

Date:

6/16/99

SELLER: Palmer Coking Coal Company, a Washington general
partnership

BY:

Mark J. Hall, Manager
Managing Partner

June 21, 1999
Date

BY:

Managing Partner

Date

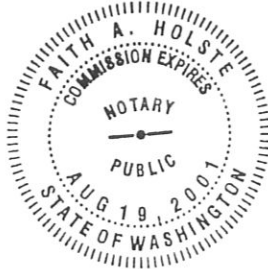
Date

EXHIBITS: Exhibit A, Legal Description
Exhibit B, Permitted Exception/Title Report

STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Pam Bissouette is the person who appeared before me, and said person acknowledged that s he signed this instrument, on oath stated that s he is authorized to execute the instrument and acknowledged it as the _____ Director, Department of Natural Resources of King County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: June 16, 1999



Faith A. Holste
Notary Public in and for the
State of Washington

Residing at Bellvue, WA

My appointment expires Aug 19, 2001

STATE OF WASHINGTON,)
) SS.
County of King)

I hereby certify that I know or have satisfactory evidence that William J. Kombol is/are the person(s) who appeared before me, and said person(s) acknowledged that he signed this instrument, on oath stated that he is/are authorized to execute the instrument and acknowledged it as the Manager of Palmer Coking Coal Company to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: _____



[Signature]
Notary Public in and for the State
of Washington,

residing at King County, WA

My appointment expires 7-6-2001

KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #1

EXHIBIT A

LEGAL DESCRIPTION

PARCEL I:

THAT PORTION OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 6 EAST,
W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 10;

THENCE SOUTH 89°30'17" EAST ALONG THE NORTH LINE OF SAID SECTION 10 A DISTANCE OF 1193.16 FEET TO THE SOUTHEAST CORNER OF "LOT HH" OF BOUNDARY LINE ADJUSTMENT NUMBER L97L0008 AS RECORDED IN BOOK 114 OF SURVEYS AT PAGES 2, 2A, 2B, 2C AND 2D, UNDER RECORDING NUMBER 9703199013, RECORDS OF KING COUNTY, WASHINGTON AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 01°26'10" WEST 388.89 FEET;

THENCE SOUTH 57°49'59" WEST 244.04 FEET TO, A POINT OF CURVE;

THENCE SOUTHWESTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1700.00 FEET, A CENTRAL ANGLE OF 31°49'16" AND AN ARC LENGTH OF 944.15 FEET;

THENCE SOUTH 89°39'15" WEST 93.30 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE SOUTH 00°49'12" WEST ALONG SAID WEST LINE 204.75 FEET;
THENCE SOUTH 20°18'30" WEST 159.76 FEET-

THENCE SOUTH 80°25'59" WEST 42 FEET MORE OR LESS TO THE SHORELINE OF LAKE SAWYER;

THENCE ALONG SAID SHORELINE TO THE EAST LINE OF THE WEST 397.00 FEET OF GOVERNMENT LOT 2 AS DESCRIBED IN INSTRUMENT RECORDED UNDER RECORDING NUMBER 4892604, RECORDS OF KING COUNTY, WASHINGTON;

THENCE SOUTH 00°44'57" WEST ALONG SAID EAST LINE 178 FEET MORE OR LESS TO A POINT ON A LINE DESCRIBED IN AN INSTRUMENT RECORDED UNDER RECORDING NUMBER 9902223255, ALSO BEING AN ANGLE POINT IN THE EAST LINE OF REVISED LOT "A", KING COUNTY BOUNDARY LINE ADJUSTMENT NO. S90M0004 APPROVED 5-22-90;

THENCE SOUTH 07°52'01" EAST ALONG SAID LINE 166.87 FEET TO THE NORTH LINE OF THE SOUTH 30.00 FEET OF SAID GOVERNMENT LOT 2;

THENCE NORTH 88°47'34" WEST ALONG SAID NORTH LINE 25.00 FEET TO THE EAST LINE OF THE WEST 397.00 FEET OF SAID GOVERNMENT LOT 2;

THENCE SOUTH 00°44'57" WEST ALONG SAID LINE 30.00 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10;

THENCE NORTH 88°47'34" WEST ALONG SAID NORTH LINE 129.60 FEET TO THE EAST LINE OF THE WEST 1603.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE SOUTH 00°23'48" WEST ALONG SAID EAST LINE 334.62 FEET;

THENCE SOUTH 73°50'05" EAST 204.79 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 17°03'20" EAST;

THENCE EASTERLY ON SAID CURVE TO THE LEFT HAVING A RADIUS OF 278.98 FEET, A CENTRAL ANGLE OF 23°47'34" AND AN ARC LENGTH OF 115.85 FEET TO A POINT OF REVERSE CURVE, THE CENTER OF WHICH BEARS SOUTH 10°34'09" EAST;

THENCE EASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 413.28 FEET, A CENTRAL ANGLE OF 13°32'09" AND AN ARC LENGTH OF 97.63 FEET;

THENCE SOUTH 86°36'00" EAST 68.09 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH 02°27'17" WEST;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 283.77 FEET, A CENTRAL ANGLE OF 18°11'34" AND AN ARC LENGTH OF 90.11 FEET; THENCE SOUTH 72°19'08" EAST 236.83 FEET;

THENCE SOUTH 71°41'12" EAST 186.97 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH 17°21'07" WEST;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 259.36 FEET, A CENTRAL ANGLE OF 26°41'51" AND AN ARC LENGTH OF 120.85 FEET TO A POINT OF COMPOUND CURVE, THE CENTER OF WHICH BEARS SOUTH 46°12'14" WEST;

THENCE SOUTHERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 116.90 FEET, A CENTRAL ANGLE 45°06'12" AND AN ARC LENGTH OF 92.02 FEET; THENCE SOUTH 01°51'39" EAST 74.54 FEET;

THENCE SOUTH 15°49'20" EAST 224.13 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH 69°36'19" WEST;

THENCE SOUTHERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 451.94 FEET, A CENTRAL ANGLE OF 21°43'57" AND AN ARC LENGTH OF 171.42 FEET;

THENCE SOUTH 01°59'30" EAST 69.10 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 79°24'40" EAST;

THENCE SOUTHERLY ON SAID CURVE TO THE LEFT HAVING A RADIUS OF 1640.30 FEET, A CENTRAL ANGLE OF 05°23'39" AND AN ARC LENGTH OF 154.43 FEET; THENCE SOUTH 20°29'49" EAST 231.36 FEET; THENCE SOUTH 89°04'21" EAST 328.28 FEET; THENCE NORTH 20°30'47" EAST 155.31 FEET; THENCE NORTH 24°59'36" WEST 222.08 FEET; THENCE NORTH 22°48'34" EAST 141.43 FEET; THENCE NORTH 21°33'44" EAST 344.13 FEET; THENCE NORTH 27°41'39" EAST 296.49 FEET; THENCE NORTH 16°06'32" EAST 690.19 FEET; THENCE NORTH 40°29'17" WEST 760.32 FEET; THENCE NORTH 01°35'06" WEST 111.89 FEET; THENCE NORTH 08°45'10" WEST 49.85 FEET;

THENCE NORTH 02°41'17" EAST 376.35 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 06°45'47" WEST;

THENCE NORTHEASTERLY ON SAID CURVE TO THE LEFT HAVING A RADIUS OF 1900.00 FEET, A CENTRAL ANGLE OF 35°17'10" AND AN ARC LENGTH OF 1170.13 FEET TO A POINT OF COMPOUND CURVE, THE CENTER OF WHICH BEARS NORTH 42°02'57" WEST;

THENCE NORTHERLY ON SAID CURVE TO THE LEFT HAVING A RADIUS OF 625.00 FEET, A CENTRAL ANGLE OF 68°12'39" AND AN ARC LENGTH OF 744.06 FEET;

THENCE NORTH 20°15'36" WEST 182.85 FEET TO THE NORTH LINE OF SAID
SECTION 10; THENCE NORTH 89°30'17" WEST ALONG SAID NORTH LINE
477.42 FEET TO THE TRUE POINT OF BEGINNING.

Q
:

KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #1

EXHIBIT B

PERMITTED EXCEPTIONS/TITLE REPORT

Those special exceptions listed on Commonwealth Land Title Insurance Company Title Report #H772943 dated January 6, 1997, and any supplements thereto (which Title Report and Supplement are incorporated into this Agreement by this reference) numbered 61, 62, 63, 64, 65, 66, 67, 68, 72, 73, 74, 76 and 77. Special exception numbered 69 to be negotiated. In addition, the policy issues by said Title Company shall contain the exceptions set forth in Paragraph 2.2 and 9.3 of this Agreement.

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KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #1

FIRST AMENDMENT TO
REAL ESTATE PURCHASE AND SALE AGREEMENT

This Agreement is made as of the date this instrument is fully executed by and between PALMER COKING COAL COMPANY, a Washington general partnership ("Seller"), and KING COUNTY, a political subdivision of the State of Washington ("Buyer"), and amends that certain Real Estate Purchase and Sale Agreement between the parties dated June 21, 1999.

Paragraph 4.2 of the Agreement is amended to read as follows:

4.2 Removal of Contingencies: King County shall have until September 19, 1999 to remove all contingencies. King County may remove such contingencies by sending written notice thereof to Seller pursuant to Paragraph 7 herein. If the contingencies are not removed within this period, this Agreement shall be null and void.

Except to the extent modified herein, the Purchase and Sale Agreement is hereby confirmed and remains in full force and effect.

Signed in duplicate original.

BUYER: King County, a political subdivision
of the State of Washington.

BY: Pam Bissonnette
Pam Bissonnette, Director
Department of Natural Resources

Date: 8/19/99

SELLER: Palmer Coking Coal Company, a Washington general
partnership

BY: [Signature] September 1, 1999
Managing Partner Date

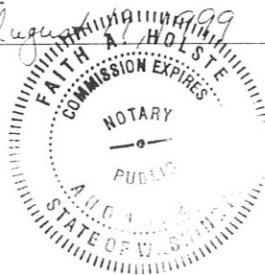
BY: _____
Managing Partner Date

Date

STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Pam Bissennette is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she is authorized to execute the instrument and acknowledged it as the _____ Director, Department of Natural Resources of King County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 19, 1999



Faith A. Holste
Notary Public in and for the
State of Washington

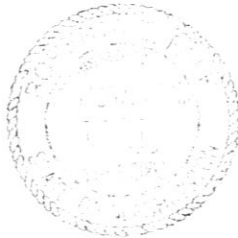
Residing at Bellevue, WA

My appointment expires Aug 19, 2001

STATE OF WASHINGTON,)
) SS.
County of King)

I hereby certify that I know or have satisfactory evidence that William J. Kambel is/are the person(s) who appeared before me, and said person(s) acknowledged that he signed this instrument, on oath stated that he is/are authorized to execute the instrument and acknowledged it as the Managing Partner of Palmer Coking Coal Company to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: Sept. 1, 1999



Robert E. Fox
Notary Public in and for the State
of Washington,

residing at Maple Valley, WA 98058

My appointment expires 11-1-2002

KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #2

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Agreement is made as of the date this instrument is fully executed by and between PALMER COKING COAL COMPANY, a Washington general partnership ("Seller"), and KING COUNTY, a political subdivision of the State of Washington ("Buyer"), for purchase and sale of that certain property situated in King County, Washington, described on Exhibit "A", and all rights appurtenant (the "Property"), except as set forth in Exhibit B.

1. **PURCHASE PRICE:** The total purchase price for the Property is **Five Million One Hundred Thirty Five Thousand and No/100 Dollars (US \$5,135,000.00)** ("Purchase Price"). The Purchase Price is payable at closing in cash.

2. **TITLE:**

2.1 **Deed:** At closing, Seller will execute and deliver to Buyer a Warranty Deed conveying and warranting good and marketable title to the Property free and clear of all defects or encumbrances except for the lien of real estate taxes and drainage service charges not yet due and payable and those defects and/or encumbrances (if any) identified on Exhibit "B" (collectively, "Permitted Exceptions"). It is agreed between the parties that SELLER shall retain the following described mineral estate in the real estate subject to this agreement. Any deeds executed to accomplish the terms of this sale shall contain the following additional reservations:

"Grantor reserves to itself, its successors and/or assigns, all coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever in said land and rights and easements necessary to or for the exploration, obtaining and removal of said coal, coal bed methane, oil, petroleum, gas, metallic minerals, and all other ores and minerals of every nature whatsoever; provided that the Grantor shall not be liable for any loss or damage due to subsidence of the soil or arising in any manner out of mining operations that may have been carried on in said lands prior to the date hereof. Grantor, its successors and assigns, shall compensate Grantees, their successors and assigns, from actual damages to the land and improvements resulting from the removal of or exploration for any retained minerals subsequent to the date hereof. Grantor agrees that it will not use the surface of this land for the obtaining and removal of the reserved mineral estate, but shall instead use adjacent or nearby parcels for the installation of surface facilities necessary for the obtaining and removal of the reserved sub-surface interests in coal, coal bed methane, oil, petroleum, gasses, metallic minerals, and other ores and minerals described above.

"Grantor further reserves the right to connect to utilities, if any, on the conveyed property after closing. Such connection shall be solely at the expense of Seller and shall be at a mutually agreeable location. Seller shall return the Property to the condition it was in prior to commencement of Seller's utility connection project.

"Seller further reserves an easement for ingress and egress over a strip of land 45 feet in width, the North line of

which is described as follows: Beginning at the Northwest corner of Lot "A" of King County Boundary Line Adjustment Number L98L0178, as recorded in Book 129 of Surveys, at pages 92 and 92A, records of King County, Washington;

thence South 89°27'30" East along the North line of said Lot "A" 662.30 feet to the West line of said Section 10 and the TRUE POINT OF BEGINNING OF THIS LINE;

THENCE North 74°59'59" East 165.15 feet to the Westerly margin of Lake Sawyer Road Southeast and the terminus of this line, the side lines of said 45 foot wide strip to be extended or shortened to meet at the West line of said Section 10 and to terminate at the Westerly margin of Lake Sawyer Road Southeast.

2.2 Temporary Access Easement: Said deed shall include a temporary easement for ingress and egress over a strip of land 30 feet in width, the description of which is set forth with particularity in Exhibit "A", attached hereto. Said easement shall terminate when Buyer has developed the Property or has provided alternative means of access to the Property.

2.3 Title Insurance: At closing, Buyer shall receive (at Buyer's expense) an owner's Standard ALTA policy of title insurance, dated as of the closing date and insuring Buyer in the amount of the Purchase Price against loss or damage by reason of defect in Buyer's title to the Property subject only to the printed exclusions appearing in the policy form and any Permitted Exceptions.

3. SURVEY: Seller shall conduct a boundary survey of the Property after closing. Said survey shall include placement of monuments at property corners. Buyer will reimburse the Seller for the costs of such survey following completion of work.

4. CONTINGENCIES:

4.1 Environmental Review Contingency: The sale of the Property is contingent on a determination by King County based upon an Environmental Site Assessment that there are not and have not been any significant releases of hazardous materials on the Property. Seller hereby grants Buyer's employees, agents or contractors a right of entry onto the Property for any site inspections performed in connection with such Assessment. In connection with such inspections, Buyer agrees to hold harmless, indemnify and defend Seller, its officers, agents and employees, from and against all claims, losses, or liability, for injuries, sickness or death of persons, including employees of Buyer caused by or arising out of any act, error or omission of Buyer, its officers, agents, contractors, subcontractors or employees in entering Seller's property for the above purposes, to the extent not caused by or arising out of any act, error or omission of Seller, its officers, agents and employees.

4.2 Removal of Contingencies: King County shall have a period of 20 days from the date all parties have signed this Agreement to remove all contingencies. King County may remove such contingencies by sending written notice thereof to Seller pursuant to Paragraph 7 herein. If the contingencies are not removed within this period, this Agreement shall be null and void.

5. RISK OF LOSS: Seller will bear the risk of loss of or damage to the Property prior to closing. In the event of such loss or damage to the Property, Seller shall promptly notify Buyer thereof and Buyer may, in its sole discretion, terminate this Agreement by giving notice of termination to the Seller.

6. **SELLERS REPRESENTATIONS, WARRANTIES AND COVENANTS:** Seller represents, warrants and covenants to the Buyer at the date of execution of this Agreement and the date of closing that:

6.1 **Authority:** Seller, and the person(s) signing on behalf of Seller, has full power and authority to execute this Agreement and perform Seller's obligations, and if Seller is a corporation, all necessary corporate action to authorize this transaction has been taken;

6.2 **No Leases:** The Property is not subject to any leases, tenancies or rights of persons in possession;

6.3 **No Material Defect:** Seller has disclosed to Buyer potential defects in the Property, including environmentally sensitive areas, coal mine hazard areas, and the fact that portions of the Property have been previously altered and filled. Buyer has had the opportunity to investigate these conditions and accepts the Property with these conditions.

6.4 **Debris and Personal Property:** Seller will remove all debris and personal property, prior to each closing, located on the Property (if any) at Sellers cost and expense, and Seller will indemnify and hold Buyer harmless from all claims and expenses arising from such removal;

6.5 **Contamination:** Seller represents and warrants that he/she/it has not caused or allowed the generation, treatment, storage, or disposal of hazardous substances on the property, except in accordance with local, state, and federal statutes and regulations, nor caused or allowed the release of any hazardous substance onto, at, or near the Property. Seller is in compliance with all applicable laws, rules, and regulations regarding the handling of hazardous substances, has secured all necessary permits, licenses and approvals necessary to its operation on the Property, and is in compliance with such permits. Seller has not received notice of any proceedings, claims, or lawsuits arising out of its operations on the Property and, to the Seller's knowledge, the property is not, nor has it ever been subject to the release of hazardous substances.

6.6 **Fees and Commissions:** Seller shall pay for any broker's or other commissions or fees incurred by the Seller in connection with the sale of the Property and Seller shall indemnify and hold Buyer harmless from all such claims for commission and/or fees.

6.7 **Indemnification:** Seller agrees to indemnify, defend, and hold harmless Buyer, its employees, agents, heirs and assigns, from and against any and all damage, claim, liability, or loss, including reasonable attorney's and other fees, arising out of or in any way connected to the breach of any representation or warranty contained herein. Such duty of indemnification shall include, but not be limited to damage, liability, or loss pursuant to all federal environmental laws, Washington State environmental laws, strict liability and common law.

7. **CLOSING:**

7.1 **Time for Closing:** The sale will be closed in the office of the Closing Agent not later than June 28, 1999.

Buyer and Seller shall deposit in escrow with the Closing Agent all instruments, documents and moneys necessary to complete the sale in accordance with this Agreement. As used in this Agreement, "closing" and "date of closing" means the date on which all appropriate documents are recorded and proceeds of the sale are available for disbursement to Seller. The Closing Agent shall be:

601 Union Street, Suite 3700
Seattle, WA 98101

7.2 Prorations; Closing Costs: Seller will pay real estate excise taxes (if any are due) and real property taxes prorated through the date of closing. Buyer will pay the premium for its owners title insurance policy, the cost of recording the Statutory Warranty Deed from the Seller, and the Closing Agents escrow fees.

7.3 Possession: Buyer shall be entitled to possession of the Property at Closing.

8. NOTICES: Any notices required herein shall be given to the parties at the addresses listed below:

TO SELLER:
Palmer Coking Coal Company
Attn.: William Kombol
P.O. Box 10
Black Diamond, WA 98010

TO BUYER:
King County Office of Open Space
Suite 350 Central Building
810 Third Avenue
Seattle, WA 98104

9. GENERAL:

9.1 This is the entire agreement of the Buyer and Seller with respect to the Property and supersedes all prior or contemporaneous agreements between them, written or oral. This Agreement may be modified only in writing, signed by Buyer and Seller. Any waivers under this agreement must be in writing. A waiver of any right or remedy in the event of a default will not constitute a waiver of such right or remedy in the event of any subsequent default. This Agreement is for the benefit of, and binding upon, Buyer and Seller and their heirs, personal representatives, successors and assigns. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision. Time is of the essence in this agreement.

9.2 Construction of Fence: Prior to the County allowing access to the Property by the public, or otherwise proceeding with development of all or a portion of the Property for a trail corridor, ballfields, or recreational park uses, the County shall install a fence along all or an agreed portion of the boundaries between the Purchased Property and the Sellers adjoining property. The County's agents and employees shall be permitted to enter the Purchased Property without triggering obligation to construct a fence. The cost of such fencing shall be divided equally between Buyer and Seller. The parties shall attempt to reach agreement following closing upon cost, design, location, type of construction, and other items relating to the fencing provided that, if such agreements have not been reached and such fencing constructed within 180 days of notice from one party to the other, then the party giving such notice shall have the right to construct such fencing itself and such party shall determine costs, design, location, type of construction and other items in its discretion; provided further that if Buyer is the party receiving such notice, it shall not, without its written consent, be responsible for costs exceeding the cost of a standard Parks Department fence of comparable length. In the event either party invokes this provision, it shall invoice the other party for its half of the costs of fencing and the party receiving such notice shall pay such invoice within 45 days of receipt.

9.3 Good Neighbor Clause: The parties agree that the following covenant shall be included in the deed: The purpose of this conveyance is to allow the Buyer and its successors

and assigns to control land development on the property described in Exhibit A (the "Conveyed Lands"), while allowing the Seller and its successors and assigns to make any allowed use (including specifically, use for gravel mining and mineral extraction) of its adjoining lands located in Section 10, Township 21 North, Range 6 East, W.M., in King County, Washington (the Northeast $\frac{1}{4}$, the Southeast $\frac{1}{4}$, and the Southwest $\frac{1}{4}$ thereof) unencumbered by the separate ownership status of the Conveyed Lands or Buyer's or the public's use thereof. No severance damages or similar compensation is being paid for any restriction on future use of the Seller's Lands. Neither party intends that this conveyance, or any subsequent development or management policies for, or use of the Conveyed Lands, shall directly or indirectly restrict any otherwise allowable uses of Seller's Lands, (including specifically, use for gravel mining and mineral extraction). Therefore, the Buyer and Seller, for themselves and their successors, agree and covenant with each other and their successors and assigns, that they will not assert in any administrative or judicial proceeding that otherwise allowable uses of their respective lands should be prohibited, delayed, restricted, conditioned or subject to special studies by reason of: (1) the ownership of the Conveyed Lands by Buyer or its successors, or (2) the fact that the Conveyed Lands are subject to covenants, owned, preserved or managed under policies different than those of the Seller's adjoining lands, (3) the fact that the Conveyed Lands are used by Buyer, its assigns, licensees, invitees and/or the public for purposes that are not compatible with Seller's use of the Seller's Lands, or (4) any impacts on the Conveyed Lands or the use thereof by Seller's use of the Seller's Lands for gravel mining and/or mineral extraction.

10. **WASTE; ALTERATION OF PROPERTY:** Seller shall not commit waste on the Property, nor shall Seller remove trees or other vegetation, gravel or other valuable materials nor shall Seller substantially alter the surface or subsurface of the Property without the express written consent of Buyer.

11. **SURVIVAL OF WARRANTIES:** The terms, covenants, representations and warranties shall not merge in the deed of conveyance, but shall survive closing.

12. **TERMINATION OF OFFER:** This offer shall terminate if not accepted by Seller on or before June 15, 1999.

Signed in duplicate original.

BUYER: King County, a political subdivision
of the State of Washington.

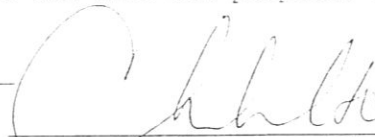
BY: *Pam Bissonnette*
Pam Bissonnette, Director
Department of Natural Resources

Date: 6/16/99

County of King

voluntary act of such party for the uses and purposes mentioned in this instrument.

6-17-44



My appointment expires 17-6-2001

KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #2

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1: (WEDGE)

That portion of the Southwest quarter of Section 10, Township 21 North, Range 6 East, W.M., in King County, Washington, lying Southwesterly of the centerline of Lake Sawyer Road Southeast (also known as 228th Avenue Southeast);

Being a portion of Lots "A", "B" and "C" of King County Boundary Line Adjustment Number L98L0178 as recorded in Book 129 of Surveys, pages 92 and 92A, records of King County, Washington;

Subject to an easement for ingress, egress and utilities as described on the attached Triad Job No. 96-030, June 4, 1999 to benefit property located in the East one half of the Southeast quarter of the Southeast quarter of Section 9, Township 21 North, Range 6 East, W.M., in King County, Washington, being a portion of Lots "A", "B" and "C" of King County Boundary Line Adjustment Number L98L0178 as recorded in Book 129 of Surveys, pages 92 and 92A, records of King County, Washington.

PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 10 AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88°49'03" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 1335.74 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 10;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 88°47'34" EAST 267.42 FEET TO THE EAST LINE OF THE WEST 1603.00 FEET OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00°23'48" WEST ALONG THE EAST LINE THEREOF 11 52.51 FEET;

THENCE NORTH 88°55'00" WEST 1443.87 FEET TO THE CENTERLINE OF LAKE SAWYER ROAD SOUTHEAST AND A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 76°40'02" EAST;

THENCE NORTHERLY ON SAID CURVE AND CENTERLINE TO THE RIGHT HAVING A RADIUS OF 1926.41 FEET, A CENTRAL ANGLE 04°03'23" AND AN ARC LENGTH OF 136.38 FEET; THENCE NORTH 07°16'35" WEST ALONG SAID CENTERLINE 1020.53 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00°23'48" EAST ALONG SAID WEST LINE 11.52 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 10 AND THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR TEMPORARY INGRESS AND EGRESS OVER A STRIP OF LAND 30 FEET IN WIDTH, THE NORTHERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10, 1603.00 FEET EAST OF THE WEST QUARTER CORNER OF SAID SECTION;

THENCE SOUTH $00^{\circ}23'48''$ WEST ALONG SAID EAST LINE 334.62 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE DESCRIPTION;

THENCE SOUTH $73^{\circ}50'05''$ EAST 204.79 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH $17^{\circ}03'20''$ EAST;

THENCE EASTERLY ON SAID CURVE TO THE LEFT HAVING A RADIUS OF 278.98 FEET, A CENTRAL ANGLE OF $23^{\circ}47'34''$ AND AN ARC LENGTH OF 115.85 FEET TO A POINT OF REVERSE CURVE, THE CENTER OF WHICH BEARS SOUTH $10^{\circ}34'09''$ EAST;

THENCE EASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 413.28 FEET, A CENTRAL ANGLE OF $13^{\circ}32'09''$ AND AN ARC LENGTH OF 97.63 FEET;

THENCE SOUTH $86^{\circ}36'00''$ EAST 68.09 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH $02^{\circ}27'17''$ WEST;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 283.77 FEET, A CENTRAL ANGLE OF $18^{\circ}11'34''$ AND AN ARC LENGTH OF 90.11 FEET; THENCE SOUTH $72^{\circ}19'08''$ EAST 236.83 FEET;

THENCE SOUTH $71^{\circ}41'12''$ EAST 186.97 FEET TO A POINT OF NON-TANGENT CURVE, THE CENTER OF WHICH BEARS SOUTH $17^{\circ}21'07''$ WEST;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING A RADIUS OF 259.36 FEET, A CENTRAL ANGLE OF $26^{\circ}41'51''$ AND AN ARC LENGTH OF 120.85 FEET TO THE TERMINUS OF SAID LINE.

KING COUNTY PARKS CAPITAL ACQUISITION PROGRAM
LAKE SAWYER PROJECT
PARCEL #2

EXHIBIT B

PERMITTED EXCEPTIONS/TITLE REPORT

Those special exceptions listed on Commonwealth Land Title Insurance Company Title Report #H772943 dated January 6, 1997, and any supplements thereto (which Title Report and Supplement are incorporated into this Agreement by this reference) numbered 65, 67, 68, 72, 75, 76 and 77. Special exception numbered 69 to be negotiated.

COUNCIL AGENDA BILL

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

ITEM INFORMATION			
SUBJECT: Ordinance No. 11-969, amending The 2011 Budget Ordinance No. 10-957 and Ordinance amendment No. 11-959 & 11-963 to reflect changes in revenues, expenditures.	Agenda Date: December 1, 2011		AB11-068
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney –Chris Bacha		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller	X	
	Public Works – Seth Boettcher		
	Economic Devel – Andy Williamson		
Cost Impact Reduction \$101,236	Police – Jamey Kiblinger		
Fund Source: Various	Court – Stephanie Metcalf		
Timeline:			
Attachments: Ordinance 11-969 and Detail Worksheets			
<p>SUMMARY STATEMENT:</p> <p>Washington State Law requires that municipal budgets be amended by the City Council when expenditures are higher than budgeted amounts, or when budget authority is exhausted from any particular fund. The Law does not require budget amendments for reductions, but those adjustments are included as it makes clearer reporting and preparation of trend information. This technical housekeeping budget change is the final adjustment for 2011 and equals \$101,238 with approximately half of the amount affecting the Stormwater Fund.</p> <p>The General Fund budget was increased due to the city’s annual insurance payment for Liability, Building and Equipment Insurance that was \$6,968 higher than anticipated. A Budget change for \$8,750 was also necessary for the Health Insurance due to the change to a new plan after the budget was adopted last year. The General Funds expenditure increases are covered by additional revenue that was received in 2011 but had not been previously budgeted.</p> <p>The balance of the budget change that affects the other funds are due to minor corrections, resolutions passed by Council for Capital related projects, or minor Operating cost increases. The Wastewater Operating Fund needed a \$50,000 transfer from the Wastewater Reserve to maintain an operating cash balance. Operating expenditures for the Utility Funds included increases primarily for insurance, fuel, maintenance & repairs, permits, and a change for the State Excise Utility Tax calculation. Revenues or Ending Fund Balance covered all Budget Changes.</p>			
<p>COMMITTEE REVIEW AND RECOMMENDATION: Finance Committee reviewed and recommended approval at their November 17, 2011 meeting.</p>			
<p>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 11-969, amending the 2011 Budget Ordinance No. 10-957 and amendment Ordinance No. 11-959 and No. 11-963 to reflect changes in revenues, expenditures.</p>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
December 1, 2011			

ORDINANCE NO. 11-969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING THE BUDGET FOR CALENDAR YEAR 2011 AS ADOPTED BY ORDINANCE 10-957 AND AS AMENDED BY ORDINANCE 11-959 AND 11-963 BY MEANS OF APPROPRIATIONS, ADJUSTMENTS AND TRANSFERS WITHIN VARIOUS FUNDS IN ACCOUNTS IN THE 2011 BUDGET.

WHEREAS, the amounts of dollars actually received within the accounts of various funds in the 2011 budget vary from the amounts set forth in Ordinance No. 10-957; and amended by Ordinance No. 11-959 and Ordinance No. 11-963; and

WHEREAS, it is necessary to make adjustments to those accounts and/or funds by means of appropriation adjustments and transfers to the 2011 Budget; and

WHEREAS, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 1 of Ordinance 10-957, 11-959 and 11-963 are hereby amended with the following additions and reductions:

Fund #	Fund Title	Budget Change 11-969
Fund 001	General Fund	15,718
Fund 101	Street Fund	-
Fund 104	REET I	-
Fund 105	REET II	-
Fund 310	General Govt CIP Fund	19,086
Fund 320	Public Works CIP Fund	5,034
Fund 401	Water Fund	3,930
Fund 402	Water Supply Facility Fund	-
Fund 404	Water Capital Fund	3,906
Fund 407	Wastewater Fund	52,162
Fund 408	Wastewater Capital Fund	1,400
Fund 410	Stormwater Fund	-
Fund 510	Equipment Replacement Fund	-
Total		\$ 101,236

Section 2. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication in summary form as provided by law.

Introduced this 1st day of December, 2011.

Passed by a majority of the City Council at a meeting held on the 1st day of December 2011.

Mayor Rebecca Olness

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Chris Bacha, City Attorney

Published: _____

Posted: _____

Effective Date: _____

Budget Change Detail Worksheet - December 2011

	Title	Description	REVENUE Difference	EXPENSES Difference
	General Fund			
1	001-000-120-512-50-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		384
2	001-000-135-514-10-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		93
3	001-000-137-514-30-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		52
4	001-000-140-514-10-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		231
5	001-000-145-518-80-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		63
6	001-000-181-518-50-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		21
7	001-000-210-521-10-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		5,497
8	001-000-230-531-10-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		68
9	001-000-240-558-10-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		90
10	001-000-240-559-10-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		216
11	001-000-245-558-80-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		67
12	001-000-270-575-90-46-01	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		76
13	001-000-280-536-20-46-00	Liability, Bldgs & Equip Insurance		
		Adjustment to Actuals		12
14	001-000-530-522-10-41-03	KC Fire Inspection		
15		Adjustment to Actuals		98
16	001-000-120-512-50-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		577
17	001-000-135-514-10-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		1,231
18	001-000-137-514-30-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		830
19	001-000-140-514-10-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		974
20	001-000-145-518-80-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		1,412
21	001-000-230-531-10-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		1,412
22	001-000-240-558-10-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		583
23	001-000-240-558-20-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		578
24	001-000-240-559-10-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		579
25	001-000-245-558-80-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		195
26	001-000-270-576-80-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		303
27	001-000-280-536-20-26-00	Medical/Life/Dental		
		Adj Medical - Healthfirst		76
28	001-000-000-343-90-00-00	Grant Reimbursement	15,718	
29		Revenue Received		
31	Total General Fund		15,718	15,718
33	Street Fund			

Budget Change Detail Worksheet - December 2011

	Title	Description	REVENUE Difference	EXPENSES Difference
34	101-000-000-543-30-46-01	Insurance		
		Adjustment to Actuals		1,249
35	101-000-000-542-90-10-00	Street-Wages		(3,620)
		Distribution of support position -Adj		
36	101-000-000-542-90-20-00	Social Security & Medicare		(277)
		Position was budgeted 25/25/25/25%		
37	101-000-000-542-90-24-00	Retirement		(275)
		Should have been 10/30/30/30%		
38	101-000-000-543-50-32-00	Fuel		463
39	101 000 000 597 32 53 03	Transfer Back From RR Project		1,811
40		Correction		
41	101-000-000-508-80-00-00	Increase End C&I to \$296,935		649
42		Increase End C&I		
43	Total Street Fund			0
44	REET II			
45	105-000-000-597-32-53-00	Trf out to 288th overlay		5,000
		Res #11-762		
46	105-000-000-597-32-53-03	Trf out to 310 Boat Launch		16,215
47	105 000 000 597 32 53 03	Trans back RR Project		7,877
48		Correction		
49	105-000-000-508-80-00-00	Red End C&I to \$479,946		(29,092)
50		Res #11-763		
51	Total REET II Fund			0
52	Gen Govt Capital Projects			
53	310-000-006-576-10-63-00	Grant Matching -reduction		(26,671)
		Res 11-763	(26,671)	
54	310-000-006-397-00-10-40	Gr Mtg to Boat Launch		
		Res 11-763		
55	310-000-003-367-00-00-01	KC Cons Dist Gr-Boat Launch	2,871	
56	310-000-003-397-10-40-00	Trf in REET 1-reallocate Gr Mt	26,671	
57	310-000-003-397-10-50-00	Trf in REET 2-Street portion	16,215	
		Res 11-763		
58	310-000-003-594-10-63-00	Boat Launch Project		45,757
		Res 11-763		
59	Total Govt Capital Projects		19,086	19,086
60	Public Works Capital Projects			
61	320-000-014-334-03-80-01	TIB 288th Grant	34	
62		Increased Grant		
63	320-000-014-397-10-10-00	Transfer in from REET 2	5,000	-
		Res 11-762 July 21		
64	320-000-014-595-30-63-00	288th Change Order		5,034
		Res 11-762 July 21		
65	Total Public Works Cap Proj.		5,034	5,034
66	Water Fund			
67	401-000-000-343-40-00-02	New Water Meter Revenue	3,930	
68		Revenue received		
69	401-000-000-534-80-46-00	Liability, Bldgs & Equip Insurance		545
		Adjustment to Actuals		
70	401-000-000-534-80-10-00	Water Wages		1,207
		Distribution of support position -Adj		
71	401-000-000-534-80-20-00	Social Security & Medicare		92
		Position was budgeted 25/25/25/25%		

Budget Change Detail Worksheet - December 2011

	Title	Description	REVENUE Difference	EXPENSES Difference
72	401-000-000-534-80-24-00	Retirement Should have been 10/30/30/30%		92
73	401-000-000-534-80-26-00	Medical,Dental and Life Ins Street/Water /Wstwr/Storm		436
74	401-000-000-534-80-31-01	Operating supplies Adjustment to Trend		1,344
75	401-000-000-534-80-32-00	Fuel Adjustment to Trend		640
76	401-000-000-534-80-41-09	Sensus Software Mtc Adjustment to Trend		76
77	401-000-000-534-80-49-05	Permit Health Dept Adjustment to Trend		928
78	401-000-000-534-80-26-00	Medical/Life/Dental Adj Medical - Healthfirst		1,806
79				
80	401-000-000-508-80-00-00	Decrease End C&I to \$117,161		(3,236)
81	Total Water Fund		3,930	3,930
82				
83	Water Capital Fund			
84	404-000-000-379-00-00-00	Water Conn Revenue Revenue Received	3,906	
85	404-000-000-597-00-53-01	Trans back from RR Project Correction		320
86				
87	404-000-000-508-80-00-00	Inc Ending C&I to \$586,247 Increase Ending		3,586
88	Total Water Capital Fund		3,906	3,906
89				
90	Wastewater Fund			
91	407 000 000 397 35 9000	Trf In-WW Reserve Transfer needed	50,000	
92	407-000-000-343-50-00-01	Wastewater Revenue-reimb Revenue Received	740	
93	407-000-000-343-50-70-00	Wastewater Invest Revenue Revenue Received	1,100	
94		Wastewater Insurance Recov Revenue Received	322	-
95	407-000-000-535-80-10-00	Wastewater Wages Distribution of support position -Adj		1,207
96	407-000-000-535-80-20-00	Social Security & Medicare Position was budgeted 25/25/25/25%		92
97	407-000-000-535-80-24-00	Retirement Should have been 10/30/30/30%		92
98	407-000-000-535-80-26-00	Medical,Dental and Life Ins Street/Water /Wstwr/Storm		436
99	407-000-000-535-80-32-00	Fuel Adjust to trend		640
100	407-000-000-535-80-48-02	Repair & Maint Adjust to trend		3,500
101	407-000-000-535-80-48-04	Repair & Maint-Vehicles Adjust to trend		1,000
102	407-000-000-535-80-54-01	State Excise Tax Adjust to trend		2,000
103	407-000-000-535-80-26-00	Medical/Life/Dental Adj Medical - Healthfirst		1,811
104				
105	407-000-000-508-80-00-00	Inc Ending C&I to \$116,328 Increase Ending		41,384
106	Total Wastewater Fund		52,162	52,162
107				
108	Wastewater Capital			
109	408-000-000-379-00-00-01	WW Connection Rev Revenue Received	1,400	

Budget Change Detail Worksheet - December 2011

	Title	Description	REVENUE Difference	EXPENSES Difference
110	408-000-000-597-48-53-00	Trf to Wastewater operating		50,000
		Transfer needed		
111	408-000-000-508-80-00-00	Dec Ending C&I to \$545,395		(48,600)
		Correction		
112	Total Wastewater Capital		1,400	1,400
113				
114	Stormwater Fund			-
115	410-000-000-538-30-10-00	Stormwater Wages		1,206
		Distribution of support position -Adj		
116	410-000-000-538-30-20-00	Social Security & Medicare		92
		Position was budgeted 25/25/25/25%		
117	410-000-000-538-30-24-00	Retirement		92
		Should have been 10/30/30/30%		
118	410-000-000-538-30-26-00	Medical,Dental and Life Ins		436
		Street/Water /Wstwrtr/Storm		
119	410-000-000-538-50-51-00	WIRA (Membership)		1,315
		Adjust to trand		
120	410-000-000-538-50-32-00	Fuel		525
		Adjust to trend		
121	410-000-000-538-50-41-04	Water testing		3,000
		Adjust to trend		
122	410-000-000-538-50-42-01	Postage		1,100
		Adjust to trend		
123	410-000-000-538-50-48-04	Vehicle Maintance		400
		Adjust to trend		
124	410-000-000-538-30-26-00	Medical/Life/Dental		1,810
		Adj Medical - Healthfirst		
125	410-000-000-597-00-53-01	Transfer back from RR Project		640
126		Correction		
127	410-000-000-508-80-00-00	Dec Ending C&I to \$61,687		(10,616)
		Decrease		
128	Total Stormwater Fund			0
129				
130	Equipment Replace Fund			
131	510-000-200-594-40-64-00	PW GIS System		926
		Correction		
132	510-000-200-580-80-00-00	Dec PW End C&I to 108,801		(926)
		Correction		
133	510-000-100-594-22-64-00	Fire Truck Repair		8,295
134		Adjust to actual		
135	510-000-100-508-80-00-00	Dec Fire End C&I op \$34,860		(8,295)
		Adjust to actual		
136	Total Equipment Replacement Fund			0
137				
138			101,236	101,236

December 2011 Budget Adjustment Summary

A. Estimated Expenditures by Fund

Fund #	Fund Title	Ordinance 10-957	Ordinance 11-959	Ordinance 11-963	Ordinance 11-XXX	Total
		Budget 2011	Budget Amendment 2011	Budget Amendment 2011	Budget Amendment 2011	Amended Budget 2011
Fund 001	General Fund	4,921,658	205,254	257,399	15,718	5,400,029
Fund 101	Street Fund	511,988	(48,996)	6,200	-	469,192
Fund 104	REET I	495,111	7,975	-	-	503,086
Fund 105	REET II	571,737	16,993	(11,239)	-	577,491
Fund 122	Criminal Justice	161,538	(161,538)	-	-	0
Fund 310	General Govt CIP Fund	502,860	290,448	(228,360)	19,086	584,034
Fund 320	Public Works CIP Fund	120,000	944,855	(196,848)	5,034	873,041
Fund 401	Water Fund	1,465,904	38,901	-	3,930	1,508,735
Fund 402	Water Supply Facility Fund	169,939	(1,058)	-	-	168,881
Fund 404	Water Capital Fund	602,309	179,127	20,000	3,906	805,342
Fund 407	Wastewater Fund	802,567	15,640	-	52,162	870,369
Fund 408	Wastewater Capital Fund	799,149	67,308	5,000	1,400	872,857
Fund 410	Stormwater Fund	499,024	(9,372)	1,000	-	490,652
Fund 510	Equipment Replacement Fund	253,480	63,121	11,950	-	328,551
Total		\$ 11,877,264	\$ 1,608,658	\$ (134,898)	\$ 101,236	\$ 13,452,260