

# THE CITY CONNECTION

## "FACETS OF BLACK DIAMOND"

### Design guidelines under review

The Community Development Department staff continues to work on a variety of projects to improve our ability to serve our customers. The City's new permit tracking system is almost ready to be fully launched. In early November, the business license module "went live" and other modules will do so by the beginning of 2009.



The Planning Commission continues to meet twice a month and is currently reviewing proposed design guidelines for 1) residential uses in the historic village core; 2) multifamily development; 3) town center commercial area; 4) commercial development; 5) industrial development; and 6) master planned developments. A public hearing on these guidelines and the proposed Transportation Plan is planned for December 9, 2008. The hearing will begin at 7 p.m. in the City Council Chambers.

For information on the various draft plans, regulations and guidelines, please contact the Community Development Department. Phone numbers are on page 7.

### Holiday office hours:

**December 24th — 8:30 a.m. to 3 p.m.**  
**December 25th *and* 26th — CLOSED**  
**December 31st — 8:30 a.m. to 3 p.m.**



*Happy Holidays!*

### Help Black Diamond businesses: buy locally



Shop locally for the holidays!

Your local business owners need your support now more than ever. These are the same businesses who donate to our festivals and fund-raising events and who support our community in many ways, big and small.

The local merchants provide a great selection of places to eat, shop, market "pre-owned" wares, rent bicycles, purchase services and more. Many provide convenient gift certificate options.

Small business owners are a vital part of our community and during the holiday season they count on local sales. In these hard economic times, we need to support our local businesses.

So please join us and buy local.

Economic Development Committee: City Councilmembers Bill Boston and Leih Mulvihill, Mayor Howard Botts and Economic Director Andrew Williamson

#### Elected Officials

- ◆ Mayor, Howard Botts
- ◆ Councilmember, Bill Boston
- ◆ Councilmember, Geoff Bowie
- ◆ Councilmember, Kristine Hanson
- ◆ Councilmember, Leih Mulvihill
- ◆ Councilmember, Rebecca Olness

#### Department Heads

- ◆ City Administrator, Gwendolyn Voelpel
- ◆ Asst. City Admin./City Clerk, Brenda L. Streepy, CMC
- ◆ Community Development, Steve Pilcher
- ◆ Economic Development, Andrew Williamson
- ◆ Finance, Mayene Miller
- ◆ Natural Resources/Parks, Aaron Nix
- ◆ Police, Jamey Kiblinger
- ◆ Public Works, Seth Boettcher, PE

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## Celebrate safely over the holidays



The holidays are a time of celebration for many people, but it is also a time when fires and injury are common. In 2005, there were 210 house fires across the nation that started when a Christmas tree caught fire. About 13 percent of home fires caused by candles happen

in December compared to about 4 percent during the entire rest of the year.

Mountain View Fire & Rescue/Black Diamond Fire Department would like everyone to have a wonderful and safe holiday season. To help keep safety “top of mind,” here are a few tips:

### Holiday Trees

- ◆ **Selecting a tree:** Needles on fresh trees should be green and hard to pull back from the branches, and the needle should not break if the tree has been freshly cut. The trunk should be sticky to the touch. Old trees can be identified by bouncing the tree trunk on the ground. If many needles fall off, the tree has been cut too long, has probably dried out, and is a fire hazard.
- ◆ **Caring for your tree:** Do not place your tree close to a heat source, including a fireplace or heat vent. The heat will dry out the tree, causing it to be more easily ignited by heat, flame or sparks. Be careful not to drop or flick cigarette ashes near a tree. Do not put your live tree up too early or leave it up for longer than two weeks. Keep the tree stand filled with water at all times.
- ◆ **Disposing of your tree:** Never put tree branches or needles in a fireplace or wood burning stove. When the tree becomes dry, discard it promptly. The best way to

dispose of your tree is by taking it to a recycling center or having it hauled away by a community pick-up service.

### Holiday Lights

- ◆ **Maintain your holiday lights:** Inspect holiday lights each year for frayed wires, bare spots, gaps in the insulation, broken or cracked sockets, and excessive kinking or wear before putting them up. Use only lighting listed by an approved testing laboratory.
- ◆ **Do NOT overload electrical outlets:** Do not link more than three light strands, unless the directions indicate it is safe. Connect strings of lights to an extension cord before plugging the cord into the outlet. Make sure to periodically check the wires -- they should not be warm to the touch.
- ◆ **Do NOT leave holiday lights on unattended.** Keep children and pets away from light strings and electrical decorations.

### Holiday Decorations and Candles

- ◆ **Keep holiday decorations safe:** All decorations should be nonflammable or flame-retardant and placed away from heat vents. Be sure to keep breakable objects or heavy objects that can be pulled down away from children and pets. Also, never put wrapping paper in a fireplace.
- ◆ **Use candles wisely:** Never leave lit candles unattended. Be sure to keep children and pets away from lit candles. Also, keep candles away from decorations and other combustible materials, and do not use candles to decorate Christmas trees.

*(To access links for more information on candles and Christmas tree safety, please go to [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) on the homepage under documents and click on the newsletter).*



## Black Diamond Police busy protecting the peace



For the Black Diamond Police Department, October was a busy and productive month. Officers responded to 230 calls for service ranging from burglary reports to domestic disputes, thefts, traffic collisions and other crimes. Officers initiated approximately 340 traffic stops. Of those traffic stops, about 190 warnings were given and 150 citations were issued including 14 citations for driving under the influence (DUI).

So far this year, officers have responded to over 2,100 calls for service and have initiated over 3,000 traffic stops. About 1,600 of those traffic stops resulted in a warning and about 1,400 citations. Black Diamond Officers have made 65 arrests for DUI already this year.



Remember to drive safely during the upcoming holiday season and use a designated driver while attending holiday celebrations. Black Diamond officers will be on proactive patrols for seat belt violations, speeding violations and DUI emphasis patrols to help keep our community safe over the holidays.

## Turn out for hearing on wetlands and streams December 2nd



The City of Black Diamond City Council hosted a public hearing on the draft updated Sensitive Areas Ordinance (SAO) on November 13. Citizens asked many good questions at that hearing. Here are answers to a few of the most common ones:

- The City of Black Diamond is required to fully plan under the state Growth Management Act, which is the impetus for this updated regulation.
- That means, among other state regulatory restrictions, that the City is required to conduct a thorough review of all plans (such as the Comprehensive Plan) and development regulations (such as the zoning code and the SAO) every seven years at a minimum.
- Cities are required to update such plans, policies and regulations if they find them to be outdated. The state required all cities and counties in Washington to update their critical areas ordinances to conform to Best Available Science. You may read more about the schedule and the state laws online at the State of Washington, Community, Trade and Economic Development website at [www.cted.wa.gov](http://www.cted.wa.gov) under the local government section.
- Most cities have completed updates to their sensitive (sometimes called "critical") areas ordinances already as the law originally set a 2004 deadline for cities in King County. The State Legislature extended that deadline to 2005 and a subsequent Senate Bill extended the timeline further for slow-growing cities under 5,000 people to December 31, 2007.

The proposed regulations, setbacks, and buffers within the current draft of the SAO are in place in order to protect not only water quality, but animal habitat as well as the functions and values of these areas throughout the City of Black Diamond.

The City Council voted to continue the sensitive areas public hearing to allow for more citizen testimony. The hearing will begin at 7 p.m. December 2 at Black Diamond Elementary School Gymnasium, 25314 Baker St. The public is encouraged to attend and provide comment.

Copies of the proposed code and best available science document can be downloaded from the City's website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) or purchased at \$.25 per page from the City Clerk's Office (24301 Roberts Drive, the Old Library Building).

### Integrating the Shoreline Management Act into Black Diamond's sensitive areas ordinance

There was a significant alteration to the draft Sensitive Areas Ordinance at the November 13 City Council meeting that will be reflected in future versions. The change is based on a new ruling by the State Supreme Court.

The Washington State Supreme Court ruled on July 31, 2008, that the Shoreline Management Act supersedes or "trumps" cities' Critical/Sensitive Areas Ordinances. Given this development, the City Council made a motion on November 13, 2008, to follow the current Supreme Court decision.

Setbacks, buffers and other requirements within shorelines of the State of Washington are governed by shoreline master programs. Lake Sawyer is considered a shoreline of the State.

Therefore, as agreed to under a previous annexation agreement reached between King County and the City of Black Diamond when Lake Sawyer annexed to the City in 1998, the King County Shoreline Master Program will remain in effect until the City of Black Diamond updates its Shoreline Master Program.

This means the proposed Sensitive Areas Ordinance will not apply to buffers around Lake Sawyer.

Under state law, the City of Black Diamond is required to update its shoreline master program by 2011.

*See SAO frequently asked questions on page 5.*

**Keep up to date on the Highway 169 Bridge closure by checking the Washington State Department of Transportation website for new information at:**  
<http://www.wsdot.wa.gov/projects/SR169/GreenRiverRepair/>.

## Capital budget adopted, operating budget underway

In August 2008, Black Diamond staff began the 2009 budget process. Work on both the capital and operating budgets is progressing nicely with one portion already adopted and the other slated for adoption by the end of the year.



### Operating budget “holds the line”

Earlier this summer, the City began operating budget development under the guidance of Mayor Howard Botts. With the economic slowdown, departments were asked to hold the line and make cuts where possible as they prepared their budgets. Council began deliberations on the 2009 City Budget in September.

Council hosted two public hearings related to the operating budget on November 20, 2008—one on proposed revenues and expenditures for 2009, and the other on the 2009 property tax levy. Council adopted the state-allowed 1 percent increase for a total of \$9,514 in increased property taxes citywide for 2009. This will be in addition to any allowed new revenue that comes as a result of last year’s new home construction, which is estimated to be about \$19,000, and any state utility construction or adjustments determined by King County. Final numbers are not expected until the first week in December.

On December 4, Council will conduct a public hearing on the 2009 City Budget and will consider budget adoption at the December 18 meeting.

The budget does include a new Stormwater Utility Fund and its rate structure as adopted by Council at the November 6 meeting. The proposed budget includes a 6 percent stormwater utility tax—the same tax the City collects on other utility providers who work within city borders.

A sewer rate increase from King County and Soos Creek Water and Sewer District is also included in the 2009 budget, as is a City water rate increase. However, the 2009 budget includes no additional service increases or revenues in the General Fund or other funds.

A copy of the 2009 Preliminary Budget is available to view or purchase at City Hall or you can download a copy from the City website: [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us). The 2009 Preliminary Budget is on the home page under documents.

### First capital budget adopted

At their November 6 meeting, Councilmembers also adopted their first multi-year Capital Improvement Plan. The 2008-2013 Capital Improvement Plan includes projects for transportation, public safety, parks, general government, water, sewer and stormwater. The plan gives a summary of projects and lists the costs by year as well as the funding sources.

The 2009 capital improvements projects are included in the 2009 City Budget. Every year the Council will update the Capital Improvement Plan and staff will add the approved projects for that year to the budget. The 2009 Budget includes amenities and improvements to the Skate Park, Union Stump Memorial Park, Eagle Creek Park, and the Lake Sawyer Boat Launch. The plan also includes funds for a Police records system and other city technology improvements as well as other facility repairs. Numerous utilities project are also included to cover the years from 2008-2013. Copies of the plan are available to view at City Hall or on the City website. Just go to [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) and the 2008-2013 Capital Improvement Plan is on the home page under documents.

### What property access, occupancy and use mean for Nestlé

The Nestlé Waters North America agreement unanimously approved by the Black Diamond City Council November 6 does not commit the City to any long-term agreement with the water bottling company and does not alter City ownership of the springs. The Agreement for Property Access, Use and Occupancy only provides Nestlé the ability to conduct testing at the springs under City oversight. It is limited to 365 days unless terminated earlier by the City or further extended by the City Council. Mayor Botts and City Councilmembers have requested that Nestlé host a town hall meeting to talk to the community sometime after the end of the year. You may access a copy of the agreement on the City’s website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) by going to the Mayor/Council page, clicking on the Council Meeting information link and opening the packet for the Council meeting on November 6, 2008.

## SAO frequently asked questions

### 1. Will the new sensitive areas ordinance prevent me from rebuilding or remodeling my house in case of fire?

Absolutely not. The code has specific language in it for residents who face the unfortunate tragedy of having to rebuild their homes in cases of fire or other disaster. You may read that section of the code in the online version of the ordinance at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us). Go under Departments to Natural Resources and open the Municipal Code link. The section of the code is 19.10.170.

### 2. How do lot depth ratios work when I already have a house on my land?

The lot ratios component of the code was set up in order to provide non-conforming lots (existing lots that do not meet the minimum buffer setback requirements) the ability to develop. The provision was set up based on a percentage allowance, utilizing the lot's physical depth or, in cases where lots already have a structure built on them, a percentage of the land between the existing primary structure and the edge of the wetland or stream. The percentages, specific to Black Diamond's current draft code are:

- Lot depth less than 100 feet – buffers may be adjusted to utilize no more than 40% of lot depth, or as necessary to provide a buildable area outside the buffer no less than 40 feet deep, provided that a minimum buffer is not less than 25 feet or 50% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.
- Lot depth 100 feet to 150 feet – buffers may be adjusted to utilize no more than 50% of lot depth or 50% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.
- Lot depth 150 to 200 feet – buffers may be adjusted to utilize no more than 70% of lot depth or 70% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.
- Lot depth 200 feet to 250 feet – buffers may be adjusted to no more than 75% of lot depth or 75% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.
- Lot depth 250 feet to 300 feet – buffers may be adjusted to utilize no more than 75% of lot depth or 75% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.
- All other provisions for design and management of buffer areas and adjacent land shall apply, provided that allowed uses in buffer areas may be restricted to reduce impacts on ecological functions and values.



For example, let's use a resident

who would like to build on a lot that does not meet the minimum setback requirements. The lot's physical depth is 200 feet by 70



feet wide. Based on the provisions provided above, this lot owner would be able to build and develop on 30 percent of the lot or an area of 60 feet by 70 feet furthest away from the sensitive area. The remaining 140 feet-by-70 feet wide area would need to remain in buffer for the protection of the sensitive area and the animals that utilize this area. Minor alterations, such as paths, agriculture, view corridors and other low-intensity uses would still be allowed within this reduced buffer, but clear cutting, striping of the land and other high impact uses would be prohibited.

### 3. What about my assessed value, how do I get that changed?

Some residents have asked whether they have the ability to take their property off of the tax rolls and not pay taxes on it if it's constrained by the sensitive areas ordinance. Unfortunately, the City does not control the assessment of taxes on properties within Black Diamond. The King County Assessor's Office has the sole authority. Questions on assessments need to be addressed to the county or visit their web site at: [www.metrokc.gov/assessor/](http://www.metrokc.gov/assessor/).

### 4. What is this TDR program I keep hearing about?

The Transfer of Development Rights (TDR) Program allows individuals to purchase and sell residential development rights from lands that provide a public benefit. Such lands include farms, forest, open space, regional trails and habitat for threatened or endangered species. Landowners can receive financial compensation without developing or selling their land and the public receives permanent preservation of the land in exchange. Transferred development rights can be used to build additional houses on other parcels in designated "receiving" areas within the City.

The City of Black Diamond initiated its TDR program in the summer of 2005. To date, there has been limited activity in the program, but the expectations are that this program will grow as growth begins to occur within the city. Market conditions dictate the values of TDR's and staff has seen some recent movement in the transfer and use of TDR's throughout Black Diamond. Contact Aaron Nix at [anix@ci.blackdiamond.wa.us](mailto:anix@ci.blackdiamond.wa.us), Natural Resources/Parks Director.

## New utility, rates in place for stormwater



On November 6 the Black Diamond City Council adopted a stormwater utility and established rates to fund stormwater services. Previous editions of this newsletter have explained the mandates of the City's National Pollutant Discharge Elimination System (NPDES) permit required by the state which prompted the utility formation.

The stormwater utility will maintain the street drainage system within our city. Additionally, the new utility will meet the increasing stormwater program activities mandated by the U.S. Environmental Protection Agency and the Washington State Department of Ecology. Lake Sawyer is already under some stress from high levels of phosphorus, which can produce algae blooms and other water quality problems. The stormwater utility is managing the water quality monitoring program required by the Department of Ecology.

Up until now, the stormwater maintenance activities have been funded primarily out of the sewer department with some support from street funds. The adoption of the stormwater utility and rates allows the City to forego a sewer rate increase and relieves some funding pressure on the street maintenance department.

The Council approved a flat stormwater rate of \$13 per month for single-family residences. Larger buildings (such as fourplexes and commercial developments) will be assessed based on a factor of 2,500 square feet, which is the basis for the \$13 residential rate. For instance, if a development has 5,000 square feet of impervious surface the monthly stormwater bill will be 5,000 divided by 2,500 = 2 x \$13 or \$26 per month. In January you will see an additional line on your utility bill for stormwater. The utility serves all properties in Black Diamond so every property owner—including those around Lake Sawyer who have not in the past received a City of Black Diamond sewer or water bill—will receive a stormwater bill.

The City's stormwater comprehensive planning effort is underway and will conclude in February. The plan will result in a recommended stormwater impact fee for new development. If approved by the City Council, each applicant for a new building permit will also pay a stormwater impact fee based on the amount of new impervious surface created. These funds will be used for capital projects related to the impacts of new development.

To learn more about the stormwater utility, check out the stormwater pollution educational material on the Stormwater Utility web page on the City's website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us). Look under Departments and pull down to Public Works and then choose Stormwater. If you have questions, please contact the Public Works Department at (360) 886-2560.

## It's that time of year again: business license renewals coming

The City of Black Diamond has approximately 400 businesses that operate in the city throughout any given year. These include stores offering all types of retail goods, restaurants and bakeries, espresso stands, real estate agents, hair and nail salons, daycares, construction firms and more. Some operate in buildings here in Black Diamond, others run their businesses out of homes in Black Diamond, and still more perform frequent business in Black Diamond but have offices elsewhere.

The Black Diamond Municipal Code requires businesses operating in the City of Black Diamond to have a current license. The license helps ensure all businesses have acquired the appropriate state licenses and permits, follow zoning restrictions, conform to building codes, and meet safety requirements. All peddlers or solicitors are required to obtain a solicitor's license before contacting the public. Background checks are performed on every peddler/solicitor operating in Black Diamond.

The on-time fee for a business license renewal is \$60 for



50 employees or less. License renewal fees are due by January 31, 2009. Business operators are delinquent if license fees are not paid/postmarked prior to February 1, 2009. A late fee of \$10 will be assessed after January 31, 2009.

The City of Black Diamond will mail renewal letters out in mid-December. If you have any questions, please contact Tracey Redd at (360) 886-2560 ext. 208. It is our desire to make this procedure as simple and timely as possible. Please remember to sign and

return the renewal form and enclose all payment. Checks should be made out to the City of Black Diamond.

If you are a new business, now is the time to apply. Applications are available on the City website. Business license application forms can be found under the Finance Department. If you do not have access to a computer, you may request an application packet by calling City Hall at (360) 886-2560. Fees, applications and other business licensing information are available on the Finance Department page of the City website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us).



To be added to the Council Agenda Distribution list please call us at (360) 886-2560 or by email at [bstreepy@ci.blackdiamond.wa](mailto:bstreepy@ci.blackdiamond.wa)

## Recently adopted ordinances

At the November 6 and November 20 Council Meetings the following ordinances were adopted:

- ◆ **Ordinance No. 08-872** — Forming a stormwater utility and establishment of rates
- ◆ **Ordinance No. 08-873** — 2008-2013 Capital Improvement Plan
- ◆ **Ordinance No. 08-874** — Establishing a petty cash fund - Permitting Department
- ◆ **Ordinance No. 08-876 / 08-876a** — Setting 2009 Property Tax Levy
- ◆ **Ordinance No. 08-877** — Setting sewer rate increases
- ◆ **Emergency Ordinance No. 08-878** — Setting weight limits on city streets



CITY MEETINGS

**CITY COUNCIL MEETINGS**  
25510 LAWSON STREET

- DEC 2 - 7 p.m.
- DEC 4 - 7 p.m.
- DEC 18 - 7 p.m.

**COUNCIL STUDY SESSIONS:**

- DEC 4 - 6 p.m.
- DEC 18 - 6 p.m.

**PLANNING COMMISSION**  
25510 LAWSON STREET

- DEC 9 - 7 p.m.

**MONTHLY MEETINGS**  
**CITY COUNCIL:**

1st & 3rd Thursdays  
at 7 p.m.

**PLANNING COMMISSION:**

First Tuesday after the  
first Council meeting -  
at 7 p.m.

For meeting agendas and packet material please view the homepage of the website [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) and click on the meeting date of your choice.

Copies of ordinances and resolutions are available for review at City Hall, 24301 Roberts Drive, or by contacting Brenda L. Streepy, City Clerk, at (360) 886-2560.

The Future Agendas list is now posted on the web!

See what future items are coming forth to Council for the upcoming months.

*(The future agendas list is updated every Tuesday and is subject to change without notice).*

### Get involved with your community: attend public hearings

**Council Public Hearings**

December 2 ~ Continuation of Sensitive Areas Ordinance  
(Located at the Black Diamond Elementary Gymnasium)

December 4 ~ 2009 Final Budget

December 18 ~ Stormwater Utility Tax

December 18 ~ Ordinance Extending MPD Moratorium



**Planning Commission Public Hearings**

December 9 ~ Transportation Plan and Proposed MPD Ordinance

## CHECK OUT OUR WEBSITE @ WWW.CI.BLACKDIAMOND.WA.US

EVENT CALENDAR	CITY OF BLACK DIAMOND
DEC 05 — Tree Lighting — Community Center — 6 :30 p.m.	<b>CITY HALL</b> (360) 886-2560 P.O. Box 599/24301 Roberts Drive (253) 631-0351
DEC 10 — Holiday Engine — Lake Sawyer Area — 5 -9 p.m.	<b>COMMUNITY DEVELOPMENT/ NATURAL RESOURCES/ ECONOMIC DEVELOPMENT</b> (360) 886-2560 P.O. Box 599/24301 Roberts Drive (253) 631-0351
DEC 12 — Holiday Engine — BD Neighborhoods — 5 -9 p.m.	<b>POLICE DEPARTMENT</b> (253) 631-1012 P.O. Box 309/25510 Lawson Street
<b>COMMUNITY CONTACTS</b>	<b>MUNICIPAL COURT</b> (360) 886-7784 P.O. Box 599/25510 Lawson Street
<b>Black Diamond Library</b> (360) 886-1105 Hours of Operation: Monday — Thursday 10 a.m. – 9 p.m. Fridays — 10 a.m. – 6 p.m. Saturdays — 10 a.m. – 5 p.m.	<b>FIRE DEPT. DISTRICT #44</b> (253) 735-0284
<b>Black Diamond Community/Senior Center</b> (360) 886-1011 Hours of Operation: Monday – Friday 8 a.m. – 4:30 p.m.	<b>PUBLIC WORKS</b> (360) 886-2560 P.O. Box 599/24301 Roberts Drive (253) 631-0351 <b>AFTER HOURS (EMERGENCY PAGER)</b> (253) 333-5555
<b>Black Diamond Post Office</b> (360) 886-9429 Hours of Operation: Monday — Friday 9 a.m. — 5 p.m.	
<b>Black Diamond Museum/Historical Society</b> (360) 886-2142 Hours of Operation: Thursdays — 9 a.m. - 4 p.m. Saturdays and Sundays — Noon - 4 p.m.	

If you would like to be added to the City's E -Alert Program, email Rachel Pitzel at [rpitzel@ci.blackdiamond.wa.us](mailto:rpitzel@ci.blackdiamond.wa.us), please include "E-Alert Addition" on the subject line.