

City Update

For weeks ending: April 11 and April 18

City Council	Mayor & City Administrator
<p><u>Position 1:</u> Deady - No report submitted</p> <p><u>Position 2:</u> Morgan - No report submitted</p> <p><u>Position 3:</u> Edelman Apr 10 Work Study on Shoreline Master Program Apr 11 Attended the Public Safety Committee Meeting Apr 14 Attended the SCATBd Meeting Apr 17 Attended the City Council Meeting Apr 18 Attended meeting with the Mayor</p> <p><u>Position 4:</u> Benson Apr 8 - FEMA IS 700 training and certification Apr 10 - Finance Committee Meeting Apr 10 - Work study and Town hall meeting Apr 11 - Meeting with City Attorneys Apr 15 - South County Area Transportation Board (SCATBd) Meeting Apr 15 - Meeting with Mayor and Citizens Apr 16 - Maple Vallely - Black Diamond Chamber luncheon Apr 17 - Black Diamond Parks and Cemetery meeting Apr17 - Council meeting</p> <p><u>Position 5:</u> Taylor - No report submitted</p>	<p><u>Mayor's Activities</u> April 9 Attended Management Team Meeting Apr 10 Attended Work Session and Town Hall Meeting Apr 16 Attended Management Team Meeting Apr 17 Attended City Council Meeting</p> <p><u>City Administrator's Activities</u> Apr. 17: attended Parks & Cemetery Committee Apr. 17: attended City Council Meeting Apr. 21: attended Animal Services Meeting at SeaTac City Hall Apr. 22: attended SEATS Coalition Meeting</p>

Council Commissions, Boards & Committees

- Budget, Finance and Administration Committee. Meeting date: April 10, 2014 Next meeting: May 24, 2014. Meeting time: 10:00 AM. Staff support: May Miller.
- Planning and Community Service Committee. Meeting date No meeting. (Meets the first Wednesday of the month.) Meeting time: 1:30. Staff support: Stacey Welsh.
- Cemetery and Parks Committee. Meeting date: April 17, 2014. Meeting time: 10:00 AM. Staff support: Aaron Nix.
- Public Works Committee. Meeting date: _____, 2014. Meeting time: _____. Staff support: Seth Boettcher.
- Public Safety Committee. Meeting date: _____, 2014. Meeting time: _____. Staff support: Chief Kiblinger.

Community Development Activities

- Performed 11 inspections
- Received applications for: 1 sign permit, 1 Accessory Dwelling Unit permit, 1 new Single Family, 1 Temporary Use (Farmers Market), 1 plumbing permit and 1 mechanical permit.
- Issued 1 tenant improvement, 1 single family, 1 plumbing and 1 mechanical permit.
- Completed 5 permit reviews

Planning Commission:

Next meeting April 29, 2014; Upcoming public hearing for Bryant PBRs Application

	2014	2013
Pre-application Conferences Held	1	7
Preliminary Plats Approved	0	0
(Number of Residential Lots)	-	-
Multi-family units approved	0	0
New Single Family Residential Permits Issued	2	8
New Commercial Square Footage Approved	0	0
Tenant Improvement Permits Issued	1	3
Sign Permits Issued	0	2
Public Hearings Held	0	1

Status of Active Capital Improvement Projects

Springs Project: Reviewed the Springs Alternatives Analysis with the Water Supply Facility Funding Agreement Partners. Administration has reviewed the Study and a recommendation is now moving forward to the Public Works Committee. Next steps are a design contract and call letter to the funding partners for the next phase of design

Old Lawson Pump Station: Permitting and preparations are being made for installation week of April 30th

Abrams Guard Rail: The design and bid documents are 90%. The State Environmental Protection Act checklist was submitted 2/12/14. Letters from the Army Corp and Fish and Wildlife state that the project is exempt from their permit requirements. The timing of the project will be discussed further at the Public Works Committee of the Council.

½ Mil Tank Painting: Council approved a contract with RH2 on February 6th, 2014. Base flow data relayed to RH2. Fire flow test was run on Botts Drive.

Old Sewer Lagoon Decommissioning: Met with Department of Ecology to review reclamation ideas. Preliminary Reclamation plan has been submitted to the Department of Ecology and additional forms, testing and details requested.

Reflective Sign Installation: Installation at 100%. The last sign shipment has just come in.

Downtown Water Main Project: This project is in the environmental review process administered directly by King County Development Block Grant administration staff. A grant agreement is expected to be delivered to the City for the project in July.

Roberts Drive Reconstruction at Rock Creek Bridge: General information discussed at 2/10/14 Public Works committee meeting. Meeting was held with Yarrow Bay for coordination of survey information and coordination of utility crossings. Additional time is needed to make utility decisions but without delaying a June 2015 construction start.

Lawson Street Sidewalk Project: Preliminary design is under review. Staff is expecting to bid the project in June. The Public Works Committee will review the status in more detail at the May 2nd committee meeting

SR 169 / North Commercial Storm Pond (D2): Contract with Parametrix approved by Council on February 6th, 2014. Parametrix contract is on hold until the Landau wetland study is complete. The Landau report is expected very soon.

Morganville Sewer Pump Station Reconstruction: New pumps are on order.

Council Chambers Remodel: Staff is preparing an itemized project budget

CIP Project #Ginder Creek Trail (P2): Staff met the consultant out onsite on Wednesday, April 23, 2014 as they began field work on identifying the wetland and stream corridor edges. The initial, draft report will be completed by the end of April, with the final report due to City staff by May 15, 2014. The draft report will be shared with the Parks/Cemetery Committee for their May 15, 2014 meeting.

General Administrative Activities

- Pet licenses issued: _6___; _20___ year-to-date; website updates 23;124 year-to-date; passports processed _48_; _323___ year-to-date; Business licenses issued: 8; 339 year-to-date.; Lake Sawyer parking permits issued: 1 ; 7 .
- Received submittals from _____for _____ services.
- Other:

Events on the Horizon

- See City calendar at <http://www.ci.blackdiamond.wa.us/calendar.html>
- See Maple Valley Black Diamond Chamber of Commerce calendar at <http://www.maplevalleychamber.org/schedule/calendar/maple-valley-featured-events>
- See Black Diamond Historical Society calendar at <http://www.blackdiamondmuseum.org/calendar.htm>
- See Black Diamond Community Center calendar at <http://www.blackdiamondcc.org/community/community.html>

Adopted Council 2013 Priorities

W2 – Reservoir Painting & Maintenance
10-year plan for asbestos pipe replacement
D2 – North Commercial & State Route 169 Stormwater Pond Design
P2 – Ginder Creek Trail Restoration
F1 & F2 – Fire Engine Replacement
T6 – Rock Creek Bridge
L3 – Police Radio Replacement



CITY OF BLACK DIAMOND
May 1, 2014 Regular Business Meeting Agenda - REVISED
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 360-886-5700. Thank you for attending.

PUBLIC HEARINGS:

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

- 1) **AB14-045**– Ordinance Adopting Findings of Fact Regarding MPD Application Moratorium Ms. Welsh

DEPARTMENT REPORTS:

ADMINISTRATOR’S REPORT:

- A. Update on Animal Services Interlocal Agreement
- B. Scheduling trainings

MAYOR’S REPORT:

COUNCIL REPORTS:

A. Council Standing Committees

- Budget, Finance, Administration Committee – Councilmember Benson, Chair
- Planning and Community Service Committee – Councilmember Edelman, Chair
- Public Safety Committee – Councilmember Taylor, Chair
- Cemetery and Parks Committee – Councilmember Deady, Chair
- Public Works Committee – Councilmember Taylor, Chair

B. Regional Committees

- Public Issues Committee (PIC) – Councilmember Edelman
- Growth Management Planning Council (GMPC) – Councilmember Deady
- Water Resource Inventory Area Committee (WRIA 9) – Councilmember Morgan
- South County Area Transportation Board (SCATBd) – Councilmember Benson

- South East Area Transportation Solutions (SEATS) Coalition – Councilmember Benson
- Mental Illness and Drug Dependency Oversight Committee – Councilmember Benson

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

2) **Claim Checks** – May 1, 2014, No. 40830 through No. 40890 in the amount of \$90,982.91

3) **Minutes** – Council Work Session and Town Hall Meeting of April 10, 2014, Council Meeting of April 17, 2014

EXECUTIVE SESSION: To discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i).
Possible action may follow.

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION

SUBJECT:		Agenda Date: May 1, 2014	AB14-045
AB14-046 Ordinance No. 14 1027, relating to land use and zoning, adopting findings of fact to support a six-month moratorium on the acceptance of applications for new development within the MPD District, exempting certain property and applications.	Mayor Dave Gordon		
	City Administrator Christy Todd		
	City Attorney Carol Morris		
	City Clerk – Brenda L. Martinez		
	Community Development – Stacey Welsh		X
	Finance – May Miller		
	Economic Development – Andy Williamson		
	Parks/Natural Resources – Aaron Nix		
	Police – Chief Kiblinger		
	Public Works – Seth Boettcher		
Cost Impact (see also Fiscal Note): N/A	Court Administrator – Stephanie Metcalf		
Fund Source: N/A	Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Timeline:	Attachments: Ordinance No. 14-1027, Exhibit A		
SUMMARY STATEMENT: On March 20, 2014, the Council adopted Ordinance No. 14-1025 and established a moratorium on the acceptance of applications for new development within the Master Planned Development district, (excluding any applications subject to the development agreements approved for The Villages and Lawson Hills); defined the applications subject to the moratorium, directed staff to set a date for a public hearing within the next sixty days, established six months as the tentative effective period until the council public hearing on the continued maintenance of the moratorium, and declared an emergency necessitating immediate adoption of a moratorium. At the April 17, 2014 meeting Council conducted a public hearing on the moratorium and directed staff to prepare findings of fact. The new ordinance contains findings of fact which support the moratorium's continued maintenance. This moratorium is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390.			
FISCAL NOTE (Finance Department): N/A			
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: n/a			
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 14-1027, relating to land use and zoning, adopting findings of fact to support a six-month moratorium on the acceptance of applications for new development within the Master Planned Development (MPD) district, exempting certain property and applications.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
May 1, 2014			

ORDINANCE NO. 14-1027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING FINDINGS OF FACT TO SUPPORT A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT WITHIN THE MASTER PLANNED DEVELOPMENT (MPD) DISTRICT, EXEMPTING CERTAIN PROPERTY AND APPLICATIONS.

WHEREAS, on March 20, 2014, the City adopted Ordinance 14-1025, imposing an immediate six-month moratorium on the acceptance of non-exempt development applications for any “development activity,” “development permit” or “project permit” as defined therein, for certain property within the Master Plan Development (MPD) district, as shown on the City’s Official Zoning Map, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, on April 17, 2014, the City Council held the 60-day hearing on the moratorium required by RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, these statutes require that the City Council adopt findings of fact immediately after the 60-day hearing, as long as the moratorium will continue for the six-month period; Now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Background. The City Council incorporates the “whereas” sections from Ordinance 14-1025 by reference, as if fully set forth herein.

Section 2. Public Hearing. A public hearing was held by the City Council on the moratorium adopted in Ordinance 14-1025. Here is a summary of the testimony received:

A. Stacey Welsh: The Community Development Director, Stacey Welsh, described the facts and purpose relating to this public hearing.

B. William Kombol: Mr. Kombol is the Manager of Palmer Coking Coal Company, the owner of the property subject to the moratorium. He submitted a letter dated April 17, 2014, in which he complained that the moratorium only applied to the Palmer Coking Coal Company's 157 acres. According to Mr. Kombol's letter, Palmer Coking Coal has no development plans for the property, but he has discussed the Company's plans to do a silvicultural thinning of the dense and over-stocked forest on the property. He feared that these plans would be thwarted by the City's MPD moratorium. In sum, he asked that the City Council revise the MPD moratorium ordinance to exempt forest practices on Palmer Coking Coal's 157 acres.

C. Carol Morris: City Attorney Carol Morris explained that the reason that the remaining property in the MPD district (other than the Palmer Coking Coal property) was not included in the moratorium was because it was vested under Development Agreements executed by the property owners and the City. With regard to the application of the moratorium to Palmer Coking Coal Company's identified plans for the property, she explained that the moratorium was adopted for the purpose of preventing the submission of development applications for development activity not to prevent tree cutting activities. Based on her discussion with Aaron Nix on this subject, she learned that Mr. Kombol was referring to an exemption in the tree cutting ordinance, Black Diamond Municipal Code Section 19.30.050(F). Here is the language from the BDMC Section 19.30.050(F), exempting the following activities from the requirements of BDMC Sections 19.30.040, .060, 070, .080, and .090:

Harvesting with a Class II or Class III or Class IV forest practices permit issued by the Washington State Department of Natural Resources under RCW 76.09.050. Provided that, land use and building permits may be denied in accordance with RCW Chapter 76.09 for six years from the date of approval of a Class II or Class III or Class IV forest practices permit.

Ms. Morris explained that the Council could address Mr. Kombol's concern by expressly clarifying that the activities identified in BDMC Section 19.30.050(F) were also exempt from the MPD moratorium.

D. Kristine Hanson. Ms. Hanson commented that she also did not understand why the MPD moratorium singled out Palmer Coking Coal. She asked that Councilmember Edelman recuse herself from voting because she is one of the original appellants in a lawsuit against the City.

E. Carol Morris. City Attorney Morris repeated the rationale for inclusion of the Palmer Coking Coal Company's property in the MPD moratorium, which is because it is zoned MPD. The City is interested in examining the MPD zone to determine whether it should be retained in the City. With regard to the question involving Councilmember Edelman, Ms. Morris stated that the lawsuit against the City did not include the property subject to this moratorium. Further, because all of the Council's actions with regard to this moratorium are legislative and not quasi-judicial, she is not disqualified from voting.

F. Brian Derdowski: Mr. Derdowski thanked the Council for their public service and spoke in favor of the moratorium. He believed that the 157 acres subject to the moratorium should be included in the comprehensive plan review currently underway. Because the issue of the MPD zone was raised in an appeal before the Growth Management Hearings Board, Mr. Derdowski suggested that the Board's decision should be entered into the administrative record on the moratorium. He also thought that the total record of the Yarrow Bay developments should

be entered as findings. Finally, he encouraged the Council not to allow logging in this area during the moratorium because a determination of the trees that should be kept is a decision to be made at the time of development.

Section 3. Council Deliberations. The Council briefly discussed the rationale for the adoption of the MPD moratorium and their favorable view of it. Questions were asked of the City Attorney as to whether an amendment needed to be made to the moratorium ordinance in order to allow Palmer Coking Coal to continue to submit their application(s) for forest practices exemptions from the City's tree cutting ordinance. City Attorney Morris informed the Council that the clarification could be addressed in the findings of fact, if they directed the staff to include it in the findings of fact that would be presented at the next City Council meeting. There was general agreement that the findings of fact should include this language for the Council's consideration at the next Council meeting.

Section 4. Moratorium Continued. The City Council hereby continues the six-month moratorium adopted on March 20, 2014 under Ordinance No. 14-1025, on the acceptance of all non-exempt development permit applications (as defined in that Ordinance) for development activities on property located within the MPD Zone, as such property is shown in the map attached hereto as Exhibit A, which is derived from the City's Official Zoning Map. All such non-exempt applications shall be rejected and returned to the applicant. With regard to the City's acceptance of any exempt development application, such acceptance shall only allow processing to proceed, but shall not constitute an assurance that the application will be approved.

Section 5. Clarification of Moratorium. The moratorium imposed by Ordinance shall not prevent any property owner from submitting an application for an exemption under BDMC Section 19.30.050(F). With regard to the City's acceptance of any such exemption under BDMC

19.30.050(F), such acceptance shall only allow processing to proceed, but shall not constitute an assurance that the application will be approved.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 8. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this 1st day of May, 2014.

CITY OF BLACK DIAMOND

Mayor Dave Gordon

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

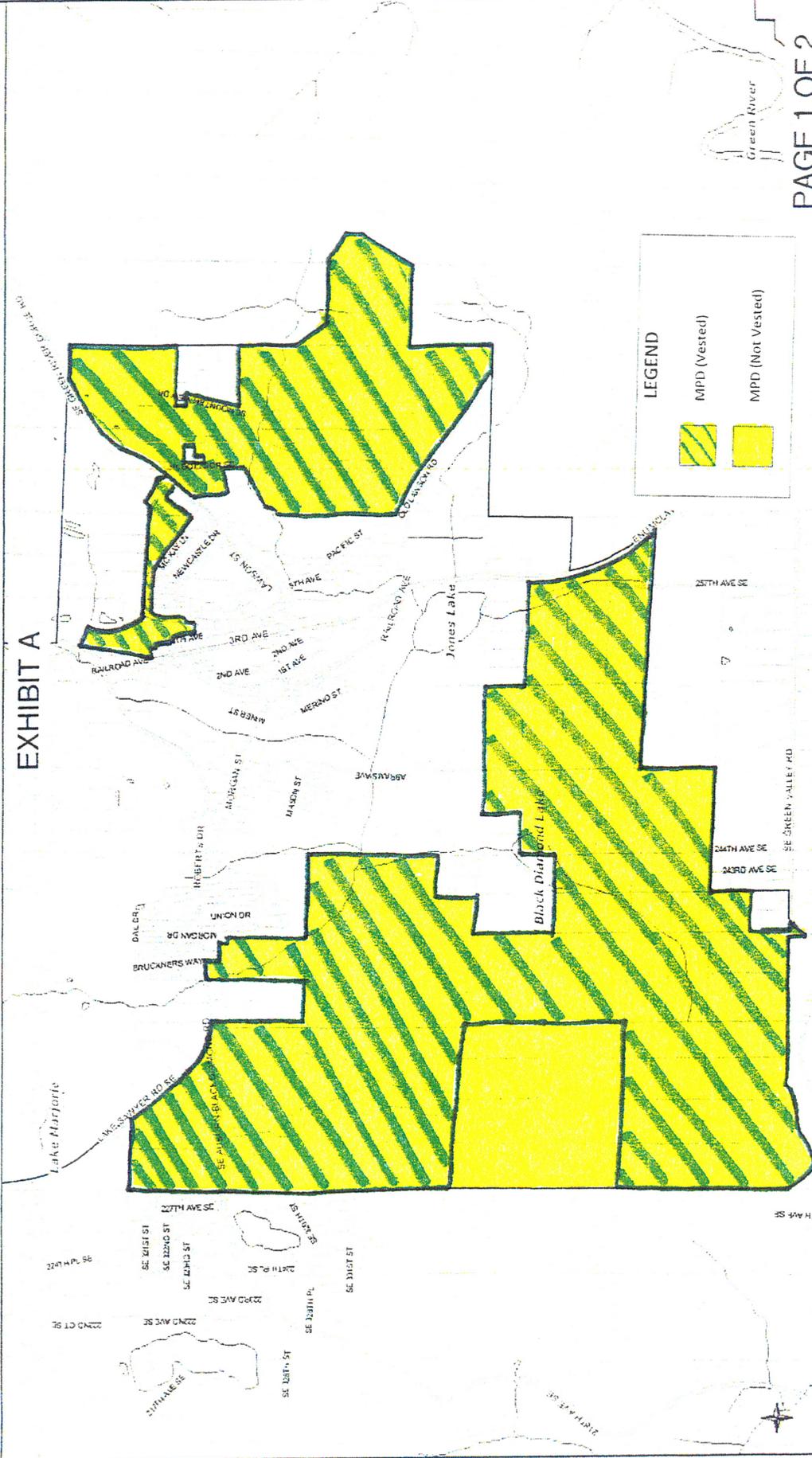
APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

King County iMAP Map

EXHIBIT A



LEGEND

-  MPD (Vested)
-  MPD (Not Vested)

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Date: 4/9/2014 Source: King County iMAP - Property Information (<http://www.metrokc.gov/GISMAP>)



