CITY OF BLACK DIAMOND

September 3, 2015 Regular Business Meeting Agenda

25510 Lawson St., Black Diamond, Washington

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Proclamation – National Recovery Month	Mayor Benson
Proclamation – Childhood Cancer Awareness Month	Mayor Benson

CONSENT AGENDA:

1) **Claim Checks –** September 3, 2015, No. 42641 through No. 42672 and EFTs in the amount of $76,119.53
2) **Minutes –** Council meeting of August 6, 2015, Work Session of August 13, 2015, and Council meeting of August 20, 2015

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:

UNFINISHED BUSINESS:

3) **AB15-057A** – Ordinance Regarding Assuming the Exclusive Right to Provide Water Service to Approximately 98 Acres in the Western Portion of the City	Mr. Boettcher

NEW BUSINESS:

4) **AB15-058** – Resolution Amending Fee Schedule	Ms. Miller
5) **AB15-059** – Resolution Establishing Traffic and Transportation Ad Hoc Committee	Councilor Goodwin
6) **AB15-060** – Resolution of Council's Assumption of the Transportation Benefit District	Mr. Boettcher
7) **AB15-061** – Resolution Approving Tough Mudder Special Event Permit No. SEP15-0008	Ms. Kincaid

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

A. Council Standing Committees and Regional Committees

- Councilmember Deady – Chair – Public Safety Committee; Budget, Finance and Administration Committee; Domestic Violence Committee

- Councilmember Morgan – Planning and Community Service Committee; Cemetery and Parks Committee; Water Resource Inventory Area Committee (WRIA 9)
- Councilmember Edelman – Chair - Budget, Finance, Administration Committee; Chair - Planning and Community Service Committee; Public Issues Committee (PIC)
- Councilmember Goodwin – Cemetery and Parks Committee; Public Works Committee
- Councilmember Taylor, Chair - Public Works Committee; Public Safety Committee

ATTORNEY REPORT:

PUBLIC COMMENTS:

EXECUTIVE SESSION:

ADJOURNMENT:

Office of the Mayor

Black Diamond, Washington

PROCLAMATION

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyle, both physically and emotionally; and

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, in 2013, 2.5 million people aged 12 or older received specialty treatment for a substance use disorder and more than 34.6 million adults aged 18 or older received services for mental health problems, according to the *2013 National Survey on Drug Use and Health.* Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

WHEREAS, to help more people achieve long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and local human service agencies invite all residents of Black Diamond, Washington to participate in National Recovery Month.

NOW, THEREFORE, I, Carol Benson, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council, call upon Black Diamond residents to observe the month of September with appropriate programs, activities, and ceremonies supporting this year's Recovery Month and do hereby proclaim in the City of Black Diamond, the month of September 2015 as a month to recognize

NATIONAL RECOVERY MONTH

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Carol Benson, Mayor

Office of the Mayor

Black Diamond, Washington

PROCLAMATION

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 15,000 of our country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Seattle Children's Hospital, Mary Bridge Children's Hospital in Tacoma, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families.; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer;

NOW, THEREFORE, I, Carol Benson, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council, do hereby proclaim the month of September 2015, as

CHILDHOOD CANCER AWARENESS MONTH

in the City of Black Diamond.

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Carol Benson, Mayor

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION

SUBJECT: **AB15-057A** **Ordinance that will assume the exclusive right to provide water service to approx. 98 acres in the western portion of the City.**	**Agenda Date: Sept 3rd, 2015**	**AB15-057A**
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	X
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
Cost Impact : $ None; Future water department revenue	Police – Chief Kiblinger	
Fund Source: water customers	Public Works – Seth Boettcher	X
Timeline: Before development starts	Court – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☒ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Staff report; Proposed Ordinance (redline and clean copies) and attachment

SUMMARY STATEMENT:

See attached staff report

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **Motion to adopt Ordinance 15-1058, to assume the exclusive right to provide water service to approximately 98 acres in western Black Diamond south of Roberts Drive.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
August 20, 2015	Postponed to September 3 Council meeting – 5-0	
September 3, 2015		

CITY OF BLACK DIAMOND

P.O. BOX 599 ~ 24301 ROBERTS DRIVE
BLACK DIAMOND, WA 98010
PHONE (360)886.2560 · FAX (360)886.2592

Date: August 28th, 2015

To: Black Diamond City Council

From Seth Boettcher, Public Works Director

In reference to: Proposed Assumption Action

Action Requested: Assumption pursuant to Ch. 35.13A RCW of 98 Acres located within the Villages Master Planned Development ("Property"), *see* draft ordinance for fuller description, including area map and legal description.

This memo provides information on why the assumption action is being considered. A public hearing regarding this matter was held on August 6th, 2015. The Council received additional comments and support information on August 20th, 2015. The Council will be considering this matter on September 3.

Your packet includes the final form of the assumption ordinance as well as a form that shows the edits and note commentary on the changes to the ordinance from the form that was distributed prior to the public hearing. The edits being recommended to you are minor and not substantive, meaning they do not alter the proposed action.

Section A below identifies some of the main reasons this action serves the public interest of the City of Black Diamond and it's water customers.

A. Efficiencies of City Service

The 98 acres is within the City's current water service area, as previously approved by the State Department of Health, in 2009. This acreage is part of a larger 1,196 acre development the City also plans to serve. The action the Council is considering is procedural, as the City has already elected to provide water service. However, the rationale for the City's previous decision to include the property within its service area and the current assumption included the following considerations:

1. A single water service supplier that is the same as the stormwater and sewer and street services provider gives the customer:
    - Efficiency in utility billing and payment
    - Efficiency in permitting for development or redevelopment
    - One stop shop for most utility and infrastructure questions
2. A single water service supplier within the Master Planned Development provides:
    - A more efficient water distribution system with better looping with more customers per foot of water main
    - A more efficient permitting process
    - An easier way for the City to make sure that the development meets the conservation requirements established in the MPD approvals.
    - A planned distribution network that will meet all of the hearing examiner requirements for fire flow for schools, commercial and multi-family development.
3. Serving all of the Villages MPD with City water helps the water utility finances as the City already has the infrastructure, storage and sources of supply in place or private CIP funding to provide more than enough water to the entire Mater Planned Developments. The operational costs to serve the additional water customers (about 442), and to pump and treat the water is about $46,000 annually. Total revenue received will exceed this figure, providing the City with approximately **$227,000 of additional net annual** revenue toward repair and replacement and debt retirement. Additional information on costs associated with City versus CWD service are addressed in the attached memo, CH2MHill, *Review of Technical Data Related to Water Service Area Dispute in The Villages MPD*, *Black Diamond* (January 19, 2015).

4. When the City is in ownership and control of most of the utilities within the public right of way the City can plan infrastructure improvements in concert with road improvement projects. For an example illustrating this point; recently, the city processed a short plat in north Black Diamond but had no idea that Covington Water District wanted to loop the water main to the water main in 288th. Covington Water District will now have to cut across the recently overlayed road and patch it.
5. When the City is in ownership and control of most of the utilities within the public right of way it is much easier to coordinate the relocation of infrastructure under one public contract rather than coordinate separate relocation activities before or during a project.
6. If the City is not the water service provider in this area it significantly hampers the city's ability to collect delinquent utility bills. The City would not have the authority to turn water off for lack of payment for the sewer and stormwater utility bill in the subject area. Not serving this area with water will force the City to go through the much more expensive process of filing liens to insure utility payment.

B. Response to public comments submitted

City Authority: The action to assume the area disputed by CWD on the right to serve with water is an authority and right given to Cities. The decision before council is based on what is in the best interest of City water customers , the development of the future community and the City's citizens.

Myth that Black Diamond misled King County: The record does not back up CWD's mischaracterization that King County was mislead to get consistency approval. The record shows that CWD's attitude toward recognizing the City's rights to serve in the subject 98 acre area and resolving issues shifted in 2010 or 2011 to a total defense of their claim of rights to serve the subject area. Although it is obvious now that the City and CWD are on totally different pages, the CWD story of how this dispute came to be is misleading in itself but has been one of their weak threads of a defense.

City Authority: Although this debate as to how the City and CWD ended up in this dispute may strike the emotions one way or the other, the basic decision of who will provide water utility service in this area is City's to make and this action before the Council is one more attempt to put this issue to rest once and for all.

The process: The present action serves only to implement a planning map correction from 1989. The real decision was made 6 years ago, in 2009, when the state approved the City's service area with the approval of the City's Water Comprehensive Plan. There was ample coordination to the City serving the property. There were opportunities CWD to appeal the City's clear move to service the subject area with water.

Reasonablness? In 2009, it was understood the parties would work with each other. But back then, CWD wasn't asking City utility customers to pay it millions of dollars. The primary request was the looping of their dead end lines. The City wants to be a good neighbor, and remains open to reasonable solutions, but CWD is not arguing for a reasonable solution, it's position is that giving up their claim to be able to serve water in Black Diamond should result in a multi-million dollar pay off from City customers.

C. Materials

The list of materials below were either referenced and access provided earlier or previously provided:

1. CH2MHill, *Review of Technical Data Related to Water Service Area Dispute in The Villages MPD, Black Diamond* (January 19, 2015). This document provides an engineering comparison of City versus CWD water service.

2. City of Black Diamond's 2009 Water System Plan. The City's Water System Plan is on the City Public Works website, under "documents." http://www.ci.blackdiamond.wa.us/Depts/PubWorks/water.html.

3. City and County Approvals of City Water System Plan. (City Resolution 08-512, City Ordinance 09-929, and King County Ordinance 16774).

4. Black Diamond Urban Growth Area Agreement. This document is Appendix B to the City's Water System Plan.

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5. Covington Water District 2007 Water System Plan. CWD provided excerpts with their comment. The complete plan is available on their website. http://www.covingtonwater.com/comp_plan.html.

6. City of Black Diamond's 2009 Comprehensive Plan is posted on the City's Planning Department website, http://www.ci.blackdiamond.wa.us/Depts/CommDev/planning.html.

7. King County Countywide Planning Policies, are posted on the King County website, http://www.kingcounty.gov/property/permits/codes/growth/GMPC/CPPs.aspx

7. King County Comprehensive Plan, is posted on the King County website, http://www.kingcounty.gov/property/permits/codes/growth.aspx.

8. CWD provided a number of materials, some of which have an exhibit number on the bottom right hand corner. A complete copy of those materials are housed on the King County FTP site. ftp://ftp.kingcounty.gov/water/UTRC/, under "Convington." CWD's comment included an index of those exhibits. The index is attached to the UTRC decision, which is CWD's first attached document.

ORDINANCE N0. 15-1058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, TO ASSUME THE EXCLUSIVE RIGHT TO PROVIDE WATER SERVICE TO APPROXIMATELY 98 ACRES LOCATED ON THE CITY'S WEST SIDE PURSUANT TO CH. 35.13A RCW AND TO CONFORM THE 1989 COORDINATED WATER SYSTEM PLAN SERVICE AREA MAP TO THE CITY'S 2009 STATE DEPARTMENT OF HEALTH APPROVED WATER SERVICE AREA AND CITY ANNEXATION.

WHEREAS, under the Growth Management Act, Ch. 36.70A RCW ("GMA"), cities are the preferred providers of urban services; and,

WHEREAS, the State Department of Health approved the City's Water System Plan and retail service area in 2009; and,

WHEREAS, the City of Black Diamond plans to provide water service throughout its entire water service area, which is located within its corporate boundaries; and,

WHEREAS, GMA charges the City with coordinating its land use plans, including its zoning and Comprehensive Plan, with its Water System Plan; and,

WHEREAS, in 1989 King County adopted a Coordinated Water System Plan ("CWSP") which includes a map showing certain property within the City being located within the Covington Water District's future service area, and,

WHEREAS, some of this property is within the City's State Department of Health approved retail service area; and,

WHEREAS, it is inconsistent with GMA and inefficient for multiple service providers to attempt to serve the same properties as duplicative infrastructure is constructed, and property owners and rate payers must then bear the burden of those additional costs; and,

WHEREAS, the 1989 CWSP map should be conformed to the City's State Department of Health approved retail service area and the 2005 annexation; and,

WHEREAS, the City finds it is in the public interest, consistent with GMA's purpose to ensure the efficient provision of urban services and infrastructure to urban development, for it to be sole water service provider within its existing water service area, given the inefficiencies associated with multiple providers attempting to provide water service to the same properties.

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

Section 1. The City Council makes the following findings to support the actions described herein:

A. BACKGROUND

1. The property ("Property") that is the subject of this assumption, pursuant to Ch. 35.13A RCW, is the approximately 98 acres shown in the map of the Property and as legally described in Attachment A, which is incorporated by this reference.

2. The Property is part of a master planned development covering 1,196 acres. The City plans to provide water service to the entire development, which surrounds the Property on three sides. The City is presently providing water for construction purposes within the master planned development. The entire master planned development is within the City's water service area approved by the State Department of Health in 2009.

3. The Property was annexed to the City in 2005. As part of the annexation, the City was identified as the water provider to the Property.

4. As a result of these and other decisions, the City has secured the exclusive right to supply water to the Property. Specifically, these actions include: (a) King County's inclusion of the Property in the City's designated urban growth area ("UGA"); (b) King County actions under the GMA and agreements entered into with the City and Property owner to implement the UGA -designation; (c) the City's annexation of the Property; and (d) the 2009 Washington State Health Department approval of the City's Water System Plan and retail service area including the Property.

5. Covington Water District wishes to provide water service to the Property. In a decision issued on May 1, 2015, in an appeal brought by the Covington Water District, the King County UTRC (Utilities Technical Review Committee) found that the City has statutory authority to assume the Property and that "an assumption should be pursued" by the City under Ch. 35.13A RCW. Covington Water District did not appeal the UTRC's finding or conclusion as to assumption. The UTRC also found that the Property was within the City's approved water service area and City service is "timely and reasonable." The District did not appeal these holdings.

6. The UTRC also determined that the 1989 CWSP service area map needed to be amended to identify the City as the sole service provider to the Property and that assumption would accomplish that.

7. The City has appealed the UTRC decision as assumption is not necessary given past planning decisions and the lack of Covington Water District facilities on the Property, and given the Property is outside the District's corporate boundaries. However, completing assumption may reduce litigation and lead to a more efficient resolution of the matter.

8. The City published notice of a public hearing on July 21, 2015 and July 28, 2015 in the Voice of the Valley Newspaper.. The draft ordinance was posted on the City website. The public hearing was held before the City Council on August 6, 2015. During the hearing, the City heard public testimony and has also reviewed written comments.

Comment [A1]: Adding references to the advertising and public hearing

B. DISTRICT RESPONSIBILITIES, PROPERTY, FACILITIES, AND/OR EQUIPMENT

9. The City is authorized to "assume by ordinance, jurisdiction of the District's responsibilities, property, facilities and equipment within the corporate limits of the City." RCW 35.13A.050. The Property is located within Black Diamond corporate limits.

10. The Property is not within the corporate boundaries of the Covington Water District,[1] and the District has no authority to impose and has not imposed any taxes or assessments on the Property.

11. The Covington Water District does not own, control, or operate any property, facilities, or equipment in the Property. Specifically, the District does not have any water supply pipelines or transmission mains or other water pumping or conveyance facilities in the Property. The District does not own any real property within the Property. The District does not have any customers in the Property. In sum, the District does not own or hold any property, facilities, equipment or any other assets in the Property. As a result, there are no District contractual obligations secured by the Property for which the City or owners/occupants bear any liability under RCW 35.13A.050.

12. Accordingly, the City's assumption of the District's remaining "responsibilities" in the Property, if any, is repetitive and redundant of the City annexation of the Property in 2005.

13. Following City assumption, RCW 35.13A.050 provides for the District to make certain "serving facilities" available to the City. "Serving facilities" means i) any facilities serving or designed to serve any portion of the District outside the corporate limits of the City, and ii) any facilities serving or designed to serve territory included within the City.

a. Assuming without conceding that the District's three water pipe lines that are located immediately west of the Property are "serving facilities" under RCW 35.13A.050, the City has the right to make use of available capacity in the District's three water pipelines.

b. RCW 35.13A.050 requires the District, for the economically useful life of any "serving facilities," to "make available sufficient capacity" in the serving facilities to meet the water requirements of the Property at a reasonable rate to all parties.

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[1] CWD 2007 Water System Plan, Ex. 1-1. Absent limited exceptions, including agreement with another water district serving the area, "[t]he District will not extend water service to any area that has not been formally annexed to the District's corporate boundaries." CWD Admin. Reg. 1.08.020.

c. The City finds that the District's three water pipelines are not useful to meeting water requirements in the Property because they cannot alone deliver water at adequate pressure. CH2MHill, *Review of Technical Data Related to Water Service Area Dispute in The Villages MPD, Black Diamond* (January 19, 2015), pgs. 5-6; Hearing Examiner's Preliminary Pat Conditions of Approval re: The Villages (December 10, 2012). These water pipelines are not affected by the City's assumption under this Ordinance.

Comment [A2]: Slight clarification

d. ~~Accordingly, the City is not requesting any capacity in the three water pipelines and the District should continue to use all of the available capacity in the "serving facilities" to serve customers in the District's corporate boundaries.~~

Comment [A3]: This is a background opinion statement that may change over time. This opinion does not affect or change the action being taken in section 2.

C. CITY SERVICE AND GMA CONSISTENCY

14. Under GMA, cities are the primary providers of urban services, which include urban water utility service.[2] The King County Countywide Planning Policies are consistent. "The Urban Growth Area is completely located within cities, which are the primary providers of urban services."[3]

15. The Property was originally located outside the City's Urban Growth Area or UGA, so was not slated for urban development. However, in 1996, King County, the City, and the Property owners executed the Black Diamond Urban Growth Area Agreement, or BDUGGAA, which charges the City with annexation and water utility planning for the Property.[4]

16. Several years later, in 2003, the City and Property owners executed the Water Supply Facilities and Funding Agreement. In return for infrastructure improvements, City water service to the entire 1,196 acre master planned area was provided for.[5]

17. Two years later, in 2005, the City annexed the Property. Notice was provided to the King County Boundary Review Board ("BRB") of the annexation.[6] In the annexation petition filed with the BRB, the City was identified as the service provider. Covington Water District did not contest or otherwise appeal annexation.

18. The annexed area was then subjected to extensive public review. Following City moratoria, in 2008, the City commenced work on updating comprehensive planning documents, engineering, municipal codes, and construction standards for the master planned

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[2] RCW 36.70A.110(4); *see also* RCW 57.04.020 (City consent required for utility district to provide service within the city).

[3] Countywide Planning Policies, pg. 7. *See also* pg. 46, Policy PF-7 ("Plan and locate water systems in the Rural Area that are appropriate for rural uses and densities and do not increase the development potential of the Rural Area."); County Comprehensive Plan, pg. 8-5, Policy F-209 ("In the Rural Area, services provided by agencies should support a rural level of development and not facilitate urbanization").

[4] Black Diamond Urban Growth Area Agreement, App. A, ¶¶ 6.5 and 8.1, see also Maps 1 and 7. The Agreement is also at Appendix B to the City's Water System Plan.

[5] City Water System Plan, App. N, *see e.g.*, Section Four - Agreement Purpose (agreement intended to provide infrastructure funding and guarantee water supply).

[6] Black Diamond Urban Growth Area Agreement, App. A, ¶¶ 6.5 and 8.1, see also Maps 1 and 7. The Agreement is also at Appendix B to the City's Water System Plan.

development, with multiple hearings held from 2008-2010. This process resulted in a series of utility and land use decisions.

19. The State Department of Health approved the City Water System Plan in 2009 following Covington Water District review and approval by King County. The Water System Plan includes the Property within the City's Service Area and provides detail on City service.[7]

20. The City's Water System Plan was subject to extensive public review. Both Covington Water District and King County, including the King County Utilities Technical Review Committee, reviewed and commented on the City's Water System Plan.

21. Following this review, the King County Council adopted Ordinance 16774, approving the City' Water System Plan and finding the City's Water System Plan is:

> consistent with other pertinent county adopted plans and policies, with the exception of the existing South King County Coordinated Water System Plan, which will need to be modified as provided for by law. [8]

22. The South King County Coordinated Water System Plan, or SKCCWSP, was adopted in 1989, and has never been formally updated. King County's more recent legislative actions supersede the CWSP's 1989 map of future service areas.

23. The City's approved water service area includes the Property, which consists of approximately 98 vacant, partially graded, but unimproved acres located on the City's western side. *See* Attachment A. The Property is part of a larger 1,196 acre development,[9] which the City will be serving consistent with its Water System Plan and GMA planning documents.

24. Also in 2009, the City updated its Comprehensive Plan. The City's Plan makes note of the annexation and, consistent with past planning, provides for City water service to the Property.[10]

25. The County Comprehensive Plan is consistent with City water service,[11] as are

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[7] RCW 36.70A.103 ("State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to" GMA.).

[8] King County Ordinance 16774, Finding e.

[9] CH2MHill Technical Memo, section two, Fig. 3 and Fig. 5; *see also* City Water System Plan, Fig. 2.7, pg. 2-21 (City's water service area).

[10] City's 2009 Comprehensive Plan, *see e.g.*, pgs. 8-35-36 (Fig. 9.1a and 9.1b provide detail on City water service), *see generally*, 8-28-8-32. Long-standing plans for Property development are described at pgs. 1-9, 2-1-2-2, with the master plan development requirements described at pg. 1-11, and the UGA shown at Fig. 2-1, and the 2005 annexation noted on pg. 2-11.

[11] County Comprehensive Plan, *see* maps of City/UGA at end of Chapters 1 and 2, note policy commitment to implementation of Black Diamond Urban Growth Area Agreement, pg. 10-37, Policy C-1104. See also City Comprehensive Plan, pg. 2-18, UGA Policy U-9 ("Sewer and water facilities extended to the UGA will not serve adjacent rural or resource lands."), and pg. 2-6 ("Efficient use of resources will result from the appropriate location of development so that public water, sewer, storm drainage, police and fire protection service costs are minimized.").

the Countywide Planning Policies, which identify the City UGA and boundaries.[12]

26. A series of development approvals followed. The City approved Yarrow Bay's Master Planned Development in 2010, the Yarrow Bay Development Agreement in 2011, and then a preliminary plat for the first phase of development.

D. SEPA REVIEW

27. This assumption action is the same proposal as the City's adoption of its 2009 Water System Plan, which included the Property within the City's water service area. SEPA was completed on that proposal. A SEPA Checklist was prepared and the City issued a DNS (determination of non-significance). Those documents are attached to the City's Water System Plan and were circulated as part of the Plan update. No appeals were filed. SEPA review has been completed on this proposal.

28. In any event, this action to amend the CWSP map is exempt from SEPA as it is procedural in nature. The Property is already within the City's Water Service Area, which the State Department of Health has approved, and within the City's corporate boundaries. The action contains no substantive standards and does not modify the environment. Such a matter is an exempt procedural action, as defined by SEPA.

> The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are: (a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment. (b) Text amendments resulting in no substantive changes respecting use or modification of the environment.[13]

29. Even if the action being taken was an actual annexation of property or altered the City's municipal boundaries, those types of actions are also exempt. "All agency organization, reorganization, internal operational planning or coordination of plans or functions"[14] are exempt. More broadly, annexations are exempt from SEPA review[15] as are city consolidations and incorporations.[16]

30. Development planned on the Property, including City water utility service to the Property, has undergone extensive SEPA review, including preparation of an environmental impact statement, or EIS. The Villages Master Planned Development EIS, City of Black Diamond (December 2009). The Court of Appeals decision upheld the City's EIS, and no further litigation over that document is pending. *Toward Responsible Development v. City of Black Diamond*, ___ Wn. App. ___ (Div. I, January 27, 2014), unpublished. A water line serving the entire master planned development has also undergone SEPA review. The MDNS

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[12] CWPP, pg. 50, *see also* PF-7 ("Plan and locate water systems in the Rural Area that are appropriate for rural uses and densities and do not increase the development potential of the Rural Area.")
[13] WAC 197-11-800(19)(a)and (b).
[14] WAC 197-11-800(14)(h).
[15] RCW 43.21C.222.
[16] RCW 43.21C.225; *see also* RCW 43.21C.227; WAC 197-11-800(5)(a) and (b) (acquisition of real property rights exempt, as are inter-governmental transfers of real property).

was issued on March 31, 2015 and not appealed (File No. PLN 14-0037). The City's 2009 Comprehensive Plan which addresses City water service also underwent SEPA review and that review was not appealed.

E. ENGINEERING AND COST CONSIDERATIONS

31. The City's Water System Plan, dated 2009, as approved by the State Department of Health, as well as the EIS prepared for the master planned development, addresses water service and outlines in detail the approach to providing water service to the Property. In addition, the City retained independent consultants to further evaluate water service. CH2MHill prepared an engineering analysis which provides further detail on water service. *Review of Technical Data Related to Water Service Area Dispute in The Villages MPD, Black Diamond* (January 19, 2015).

32. The CH2MHill engineering analysis compared the City's approach to service to that proposed by Covington Water District. As the City will be serving the surrounding urban development, City service is logical and more efficient than the District's approach which would extend water pipes from rural areas to provide urban utility service. The District has no infrastructure on the Property. Three pipes within the unincorporated County terminate adjacent to the Property but the pipes are not necessary ~~needed~~ for service and present engineering concerns. In general, the engineering analysis concluded that the District's service approach would require the construction of 4,250 additional feet of 12" pipeline and $5.2 million of additional costs.[17] There are no hook-up fees associated with City service.

33. There are additional issues with Covington Water District service, as the District cannot meet fire flow requirements.[18] This is not an issue with City service.

34. Costs to the City associated with assumption are minimal. The developer of the Property (Yarrow Bay Holdings) will be installing the extension to the area and the distribution and service lines, and will cover City costs to inspect and install meters and set up customer accounts. After construction of the facilities, they will be turned over to the City for ownership and maintenance.

35. The City's actual service costs will start upon service to the new customers. Initial operational costs will involve slight increases, such as more chlorine, pumping additional water, using more sodium hydroxide, sending out additional bills, and additional water quality testing. Eventually, as the system grows, the City anticipates hiring additional staff. However, these operational cost increases _are minimal in comparison to the increased revenue from the additional City customers on the basic existing system. The 98 acres is a small portion of the approximately 4,800 acres the City either is presently serving or plans to serve throughout its entire service area, which includes the 1,196 acre master planned development.

Comment [A4]: This is the approximate acreage of the City not including the Covington Water District service area around Lake Sawyer.

[17] CH2MHill Technical Memo (January 19, 2015), pg. 14, bullets two and three and Fig. 7, sections six and eight of the Memo provide additional detail.
[18] *Id., see* pgs. 4, 6, 13-14 (Table 8).

Section 2. Assumption of Exclusive Right to Provide Water Service to Conform 1989 CWSP Service Area Map with 2009 State Department of Health's Approval of City's Water System Plan Service Area and the 2005 Annexation.

a. The City hereby assumes the sole right to provide water service to the Property pursuant to RCW 35.13A.050.

b This assumption is taken to address a recommendation of the King County Utilities Technical Review Committee to undergo assumption to achieve map conformance. With this action, the City does not concede assumption is in fact necessary.

c. Even though the City finds that the District has no assets whatsoever in or on the Property, for avoidance of doubt, the City hereby assumes any and all "responsibilities, property, facilities, and/or equipment" on the Property pursuant to RCW 35.13A.050.

Section 3. No Assumption of Assets or Indebtedness. With this action, the City is not taking ownership of any Covington Water District assets or assuming any indebtedness with respect to the Property. There are no Covington Water District assets, facilities, or indebtedness on the Property, which is vacant, lacks any District infrastructure, and is located outside the District's corporate boundaries.

Section 4. Transmittal. The City Mayor or her designee shall transmit this ordinance to the King County Utilities Technical Review Committee to take the ministerial action of conforming the 1989 Coordinated Water System Plan mapping with this action.

Section 5. No Waiver. The City expressly disclaims any waiver of its rights and authority separate and independent of RCW 35.13A.050, to provide retail water service in the Property and to continue to implement plans and authority to be the exclusive water purveyor to the Property.

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 and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this 3rd day of September, 2015.

CITY OF BLACK DIAMOND

Mayor Carol Benson

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:

ORDINANCE N0. 15-1058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, TO ASSUME THE EXCLUSIVE RIGHT TO PROVIDE WATER SERVICE TO APPROXIMATELY 98 ACRES LOCATED ON THE CITY'S WEST SIDE PURSUANT TO CH. 35.13A RCW AND TO CONFORM THE 1989 COORDINATED WATER SYSTEM PLAN SERVICE AREA MAP TO THE CITY'S 2009 STATE DEPARTMENT OF HEALTH APPROVED WATER SERVICE AREA AND CITY ANNEXATION.

WHEREAS, under the Growth Management Act, Ch. 36.70A RCW ("GMA"), cities are the preferred providers of urban services; and,

WHEREAS, the State Department of Health approved the City's Water System Plan and retail service area in 2009; and,

WHEREAS, the City of Black Diamond plans to provide water service throughout its entire water service area, which is located within its corporate boundaries; and,

WHEREAS, GMA charges the City with coordinating its land use plans, including its zoning and Comprehensive Plan, with its Water System Plan; and,

WHEREAS, in 1989 King County adopted a Coordinated Water System Plan ("CWSP") which includes a map showing certain property within the City being located within the Covington Water District's future service area, and,

WHEREAS, some of this property is within the City's State Department of Health approved retail service area; and,

WHEREAS, it is inconsistent with GMA and inefficient for multiple service providers to attempt to serve the same properties as duplicative infrastructure is constructed, and property owners and rate payers must then bear the burden of those additional costs; and,

WHEREAS, the 1989 CWSP map should be conformed to the City's State Department of Health approved retail service area and the 2005 annexation; and,

WHEREAS, the City finds it is in the public interest, consistent with GMA's purpose to ensure the efficient provision of urban services and infrastructure to urban development, for it to be sole water service provider within its existing water service area, given the inefficiencies associated with multiple providers attempting to provide water service to the same properties.

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

Section 1. The City Council makes the following findings to support the actions described herein:

A. BACKGROUND

1. The property ("Property") that is the subject of this assumption, pursuant to Ch. 35.13A RCW, is the approximately 98 acres shown in the map of the Property and as legally described in Attachment A, which is incorporated by this reference.

2. The Property is part of a master planned development covering 1,196 acres. The City plans to provide water service to the entire development, which surrounds the Property on three sides. The City is presently providing water for construction purposes within the master planned development. The entire master planned development is within the City's water service area approved by the State Department of Health in 2009.

3. The Property was annexed to the City in 2005. As part of the annexation, the City was identified as the water provider to the Property.

4. As a result of these and other decisions, the City has secured the exclusive right to supply water to the Property. Specifically, these actions include: (a) King County's inclusion of the Property in the City's designated urban growth area ("UGA"); (b) King County actions under the GMA and agreements entered into with the City and Property owner to implement the UGA designation; (c) the City's annexation of the Property; and (d) the 2009 Washington State Health Department approval of the City's Water System Plan and retail service area including the Property.

5. Covington Water District wishes to provide water service to the Property. In a decision issued on May 1, 2015, in an appeal brought by the Covington Water District, the King County UTRC (Utilities Technical Review Committee) found that the City has statutory authority to assume the Property and that "an assumption should be pursued" by the City under Ch. 35.13A RCW. Covington Water District did not appeal the UTRC's finding or conclusion as to assumption. The UTRC also found that the Property was within the City's approved water service area and City service is "timely and reasonable." The District did not appeal these holdings.

6. The UTRC also determined that the 1989 CWSP service area map needed to be amended to identify the City as the sole service provider to the Property and that assumption would accomplish that.

7. The City has appealed the UTRC decision as assumption is not necessary given past planning decisions and the lack of Covington Water District facilities on the Property, and given the Property is outside the District's corporate boundaries. However, completing assumption may reduce litigation and lead to a more efficient resolution of the matter.

8. The City published notice of a public hearing on July 21, 2015 and July 28, 2015 in the Voice of the Valley Newspaper.. The draft ordinance was posted on the City website. The public hearing was held before the City Council on August 6, 2015. During the hearing, the City heard public testimony and has also reviewed written comments.

B. DISTRICT RESPONSIBILITIES, PROPERTY, FACILITIES, AND/OR EQUIPMENT

9. The City is authorized to "assume by ordinance, jurisdiction of the District's responsibilities, property, facilities and equipment within the corporate limits of the City." RCW 35.13A.050. The Property is located within Black Diamond corporate limits.

10. The Property is not within the corporate boundaries of the Covington Water District,[1] and the District has no authority to impose and has not imposed any taxes or assessments on the Property.

11. The Covington Water District does not own, control, or operate any property, facilities, or equipment in the Property. Specifically, the District does not have any water supply pipelines or transmission mains or other water pumping or conveyance facilities in the Property. The District does not own any real property within the Property. The District does not have any customers in the Property. In sum, the District does not own or hold any property, facilities, equipment or any other assets in the Property. As a result, there are no District contractual obligations secured by the Property for which the City or owners/occupants bear any liability under RCW 35.13A.050.

12. Accordingly, the City's assumption of the District's remaining "responsibilities" in the Property, if any, is repetitive and redundant of the City annexation of the Property in 2005.

13. Following City assumption, RCW 35.13A.050 provides for the District to make certain "serving facilities" available to the City. "Serving facilities" means i) any facilities serving or designed to serve any portion of the District outside the corporate limits of the City, and ii) any facilities serving or designed to serve territory included within the City.

a. Assuming without conceding that the District's three water pipe lines that are located immediately west of the Property are "serving facilities" under RCW 35.13A.050, the City has the right to make use of available capacity in the District's three water pipelines.

b. RCW 35.13A.050 requires the District, for the economically useful life of any "serving facilities," to "make available sufficient capacity" in the serving facilities to meet the water requirements of the Property at a reasonable rate to all parties.

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[1] CWD 2007 Water System Plan, Ex. 1-1. Absent limited exceptions, including agreement with another water district serving the area, "[t]he District will not extend water service to any area that has not been formally annexed to the District's corporate boundaries." CWD Admin. Reg. 1.08.020.

c. The City finds that the District's three water pipelines are not useful to meeting water requirements in the Property because they cannot alone deliver water at adequate pressure. CH2MHill, *Review of Technical Data Related to Water Service Area Dispute in The Villages MPD, Black Diamond* (January 19, 2015), pgs. 5-6; Hearing Examiner's Preliminary Pat Conditions of Approval re: The Villages (December 10, 2012). These water pipelines are not affected by the City's assumption under this Ordinance.

d.

C. CITY SERVICE AND GMA CONSISTENCY

14. Under GMA, cities are the primary providers of urban services, which include urban water utility service.[2] The King County Countywide Planning Policies are consistent. "The Urban Growth Area is completely located within cities, which are the primary providers of urban services."[3]

15. The Property was originally located outside the City's Urban Growth Area or UGA, so was not slated for urban development. However, in 1996, King County, the City, and the Property owners executed the Black Diamond Urban Growth Area Agreement, or BDUGGAA, which charges the City with annexation and water utility planning for the Property.[4]

16. Several years later, in 2003, the City and Property owners executed the Water Supply Facilities and Funding Agreement. In return for infrastructure improvements, City water service to the entire 1,196 acre master planned area was provided for.[5]

17. Two years later, in 2005, the City annexed the Property. Notice was provided to the King County Boundary Review Board ("BRB") of the annexation.[6] In the annexation petition filed with the BRB, the City was identified as the service provider. Covington Water District did not contest or otherwise appeal annexation.

18. The annexed area was then subjected to extensive public review. Following City moratoria, in 2008, the City commenced work on updating comprehensive planning documents, engineering, municipal codes, and construction standards for the master planned development, with multiple hearings held from 2008-2010. This process resulted in a series of utility and land use decisions.

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[2] RCW 36.70A.110(4); *see also* RCW 57.04.020 (City consent required for utility district to provide service within the city).

[3] Countywide Planning Policies, pg. 7. *See also* pg. 46, Policy PF-7 ("Plan and locate water systems in the Rural Area that are appropriate for rural uses and densities and do not increase the development potential of the Rural Area."); County Comprehensive Plan, pg. 8-5, Policy F-209 ("In the Rural Area, services provided by agencies should support a rural level of development and not facilitate urbanization").

[4] Black Diamond Urban Growth Area Agreement, App. A, ¶¶ 6.5 and 8.1, see also Maps 1 and 7. The Agreement is also at Appendix B to the City's Water System Plan.

[5] City Water System Plan, App. N, *see e.g.*, Section Four - Agreement Purpose (agreement intended to provide infrastructure funding and guarantee water supply).

[6] Black Diamond Urban Growth Area Agreement, App. A, ¶¶ 6.5 and 8.1, see also Maps 1 and 7. The Agreement is also at Appendix B to the City's Water System Plan.

19. The State Department of Health approved the City Water System Plan in 2009 following Covington Water District review and approval by King County. The Water System Plan includes the Property within the City's Service Area and provides detail on City service.[7]

20. The City's Water System Plan was subject to extensive public review. Both Covington Water District and King County, including the King County Utilities Technical Review Committee, reviewed and commented on the City's Water System Plan.

21. Following this review, the King County Council adopted Ordinance 16774, approving the City' Water System Plan and finding the City's Water System Plan is:

> consistent with other pertinent county adopted plans and policies, with the exception of the existing South King County Coordinated Water System Plan, which will need to be modified as provided for by law. [8]

22. The South King County Coordinated Water System Plan, or SKCCWSP, was adopted in 1989, and has never been formally updated. King County's more recent legislative actions supersede the CWSP's 1989 map of future service areas.

23. The City's approved water service area includes the Property, which consists of approximately 98 vacant, partially graded, but unimproved acres located on the City's western side. *See* Attachment A. The Property is part of a larger 1,196 acre development,[9] which the City will be serving consistent with its Water System Plan and GMA planning documents.

24. Also in 2009, the City updated its Comprehensive Plan. The City's Plan makes note of the annexation and, consistent with past planning, provides for City water service to the Property.[10]

25. The County Comprehensive Plan is consistent with City water service,[11] as are the Countywide Planning Policies, which identify the City UGA and boundaries.[12]

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[7] RCW 36.70A.103 ("State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to" GMA.).

[8] King County Ordinance 16774, Finding e.

[9] CH2MHill Technical Memo, section two, Fig. 3 and Fig. 5; *see also* City Water System Plan, Fig. 2.7, pg. 2-21 (City's water service area).

[10] City's 2009 Comprehensive Plan, *see e.g.*, pgs. 8-35-36 (Fig. 9.1a and 9.1b provide detail on City water service), *see generally*, 8-28-8-32. Long-standing plans for Property development are described at pgs. 1-9, 2-1-2-2, with the master plan development requirements described at pg. 1-11, and the UGA shown at Fig. 2-1, and the 2005 annexation noted on pg. 2-11.

[11] County Comprehensive Plan, *see* maps of City/UGA at end of Chapters 1 and 2, note policy commitment to implementation of Black Diamond Urban Growth Area Agreement, pg. 10-37, Policy C-1104. See also City Comprehensive Plan, pg. 2-18, UGA Policy U-9 ("Sewer and water facilities extended to the UGA will not serve adjacent rural or resource lands."), and pg. 2-6 ("Efficient use of resources will result from the appropriate location of development so that public water, sewer, storm drainage, police and fire protection service costs are minimized.").

[12] CWPP, pg. 50, *see also* PF-7 ("Plan and locate water systems in the Rural Area that are appropriate for rural uses and densities and do not increase the development potential of the Rural Area.")

26. A series of development approvals followed. The City approved Yarrow Bay's Master Planned Development in 2010, the Yarrow Bay Development Agreement in 2011, and then a preliminary plat for the first phase of development.

D. SEPA REVIEW

27. This assumption action is the same proposal as the City's adoption of its 2009 Water System Plan, which included the Property within the City's water service area. SEPA was completed on that proposal. A SEPA Checklist was prepared and the City issued a DNS (determination of non-significance). Those documents are attached to the City's Water System Plan and were circulated as part of the Plan update. No appeals were filed. SEPA review has been completed on this proposal.

28. In any event, this action to amend the CWSP map is exempt from SEPA as it is procedural in nature. The Property is already within the City's Water Service Area, which the State Department of Health has approved, and within the City's corporate boundaries. The action contains no substantive standards and does not modify the environment. Such a matter is an exempt procedural action, as defined by SEPA.

> The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are: (a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment. (b) Text amendments resulting in no substantive changes respecting use or modification of the environment.[13]

29. Even if the action being taken was an actual annexation of property or altered the City's municipal boundaries, those types of actions are also exempt. "All agency organization, reorganization, internal operational planning or coordination of plans or functions"[14] are exempt. More broadly, annexations are exempt from SEPA review[15] as are city consolidations and incorporations.[16]

30. Development planned on the Property, including City water utility service to the Property, has undergone extensive SEPA review, including preparation of an environmental impact statement, or EIS. The Villages Master Planned Development EIS, City of Black Diamond (December 2009). The Court of Appeals decision upheld the City's EIS, and no further litigation over that document is pending. *Toward Responsible Development v. City of Black Diamond*, ___ Wn. App. ___ (Div. I, January 27, 2014), unpublished. A water line serving the entire master planned development has also undergone SEPA review. The MDNS was issued on March 31, 2015 and not appealed (File No. PLN 14-0037). The City's 2009 Comprehensive Plan which addresses City water service also underwent SEPA review and that

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[13] WAC 197-11-800(19)(a)and (b).
[14] WAC 197-11-800(14)(h).
[15] RCW 43.21C.222.
[16] RCW 43.21C.225; *see also* RCW 43.21C.227; WAC 197-11-800(5)(a) and (b) (acquisition of real property rights exempt, as are inter-governmental transfers of real property).

review was not appealed.

E. ENGINEERING AND COST CONSIDERATIONS

31. The City's Water System Plan, dated 2009, as approved by the State Department of Health, as well as the EIS prepared for the master planned development, addresses water service and outlines in detail the approach to providing water service to the Property. In addition, the City retained independent consultants to further evaluate water service. CH2MHill prepared an engineering analysis which provides further detail on water service. *Review of Technical Data Related to Water Service Area Dispute in The Villages MPD, Black Diamond* (January 19, 2015).

32. The CH2MHill engineering analysis compared the City's approach to service to that proposed by Covington Water District. As the City will be serving the surrounding urban development, City service is logical and more efficient than the District's approach which would extend water pipes from rural areas to provide urban utility service. The District has no infrastructure on the Property. Three pipes within the unincorporated County terminate adjacent to the Property but the pipes are not necessary for service and present engineering concerns. In general, the engineering analysis concluded that the District's service approach would require the construction of 4,250 additional feet of 12" pipeline and $5.2 million of additional costs.[17] There are no hook-up fees associated with City service.

33. There are additional issues with Covington Water District service, as the District cannot meet fire flow requirements.[18] This is not an issue with City service.

34. Costs to the City associated with assumption are minimal. The developer of the Property (Yarrow Bay Holdings) will be installing the extension to the area and the distribution and service lines, and will cover City costs to inspect and install meters and set up customer accounts. After construction of the facilities, they will be turned over to the City for ownership and maintenance.

35. The City's actual service costs will start upon service to the new customers. Initial operational costs will involve slight increases, such as more chlorine, pumping additional water, using more sodium hydroxide, sending out additional bills, and additional water quality testing. Eventually, as the system grows, the City anticipates hiring additional staff. However, these operational cost increases are minimal in comparison to the increased revenue from the additional City customers on the basic existing system. The 98 acres is a small portion of the approximately 4,800 acres the City either is presently serving or plans to serve throughout its entire service area, which includes the 1,196 acre master planned development.

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[17] CH2MHill Technical Memo (January 19, 2015), pg. 14, bullets two and three and Fig. 7, sections six and eight of the Memo provide additional detail.
[18] *Id.*, *see* pgs. 4, 6, 13-14 (Table 8).

Section 2. Assumption of Exclusive Right to Provide Water Service to Conform 1989 CWSP Service Area Map with 2009 State Department of Health's Approval of City's Water System Plan Service Area and the 2005 Annexation.

a. The City hereby assumes the sole right to provide water service to the Property pursuant to RCW 35.13A.050.

b This assumption is taken to address a recommendation of the King County Utilities Technical Review Committee to undergo assumption to achieve map conformance. With this action, the City does not concede assumption is in fact necessary.

c. Even though the City finds that the District has no assets whatsoever in or on the Property, for avoidance of doubt, the City hereby assumes any and all "responsibilities, property, facilities, and/or equipment" on the Property pursuant to RCW 35.13A.050.

Section 3. No Assumption of Assets or Indebtedness. With this action, the City is not taking ownership of any Covington Water District assets or assuming any indebtedness with respect to the Property. There are no Covington Water District assets, facilities, or indebtedness on the Property, which is vacant, lacks any District infrastructure, and is located outside the District's corporate boundaries.

Section 4. Transmittal. The City Mayor or her designee shall transmit this ordinance to the King County Utilities Technical Review Committee to take the ministerial action of conforming the 1989 Coordinated Water System Plan mapping with this action.

Section 5. No Waiver. The City expressly disclaims any waiver of its rights and authority separate and independent of RCW 35.13A.050, to provide retail water service in the Property and to continue to implement plans and authority to be the exclusive water purveyor to the Property.

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 and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this 3rd day of September, 2015.

CITY OF BLACK DIAMOND

_____
Mayor Carol Benson

ATTEST/AUTHENTICATED:

_____
Brenda L. Martinez, City Clerk

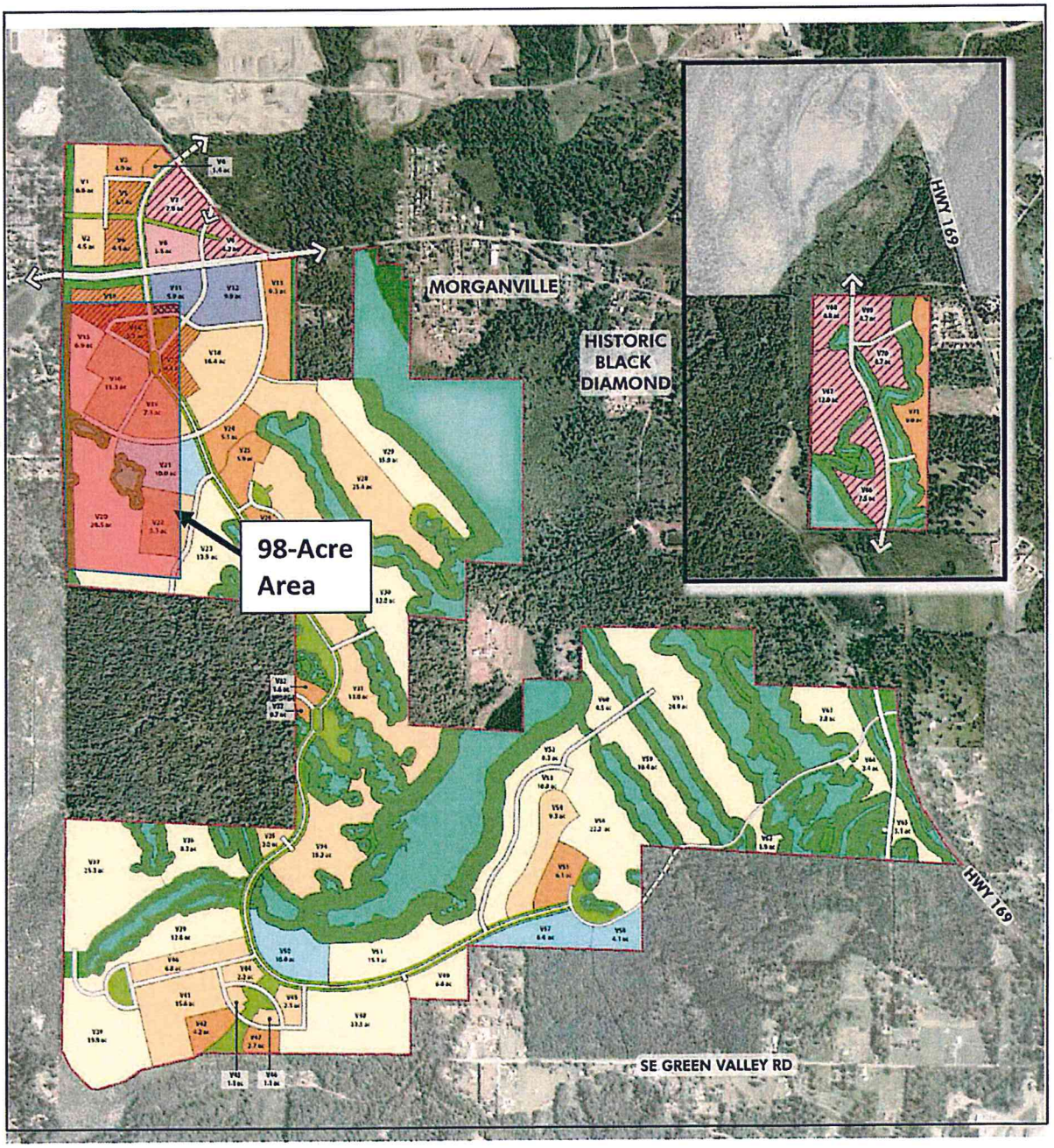
APPROVED AS TO FORM:
Office of the City Attorney

_____
Carol A. Morris, City Attorney

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

ATTACHMENT A

MAP OF PROPERTY AND LEGAL DESCRIPTION


MORGANVILLE
HISTORIC
BLACK
DIAMOND
98-Acre
Area
HWY 169
HWY 169
SE GREEN VALLEY RD

Legal Description of Property

LEGAL DESCRIPTION OF TERRITORY THAT IS THE SUBJECT OF THE SERVICE AREA APPEAL BETWEEN CITY OF BLACK DIAMOND AND COVINGTON WATER DISTRICT

JANUARY 14, 2015 **TRIAD JOB NO. 05-336**

THE WEST HALF OF THE SOUTHWEST QUARTER, TOGETHER WITH THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER, ALL IN SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN BLACK DIAMOND, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 15;
THENCE NORTH 01°32'55" WEST ALONG THE WEST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, 2365.58 FEET TO THE WEST QUARTER CORNER OF SAID SECTION;
THENCE NORTH 01°24'33" EAST ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER, 664.68 FEET TO THE NORTHWEST CORNER THEREOF;
THENCE SOUTH 89°05'03" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER, 1342.96 FEET TO THE NORTHEAST CORNER THEREOF;
THENCE SOUTH 00°56'17" WEST ALONG THE EAST LINE OF SAID SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER, 658.07 FEET TO THE SOUTHEAST CORNER THEREOF;
THENCE SOUTH 00°30'04" EAST ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, 2474.75 FEET TO THE SOUTHEAST CORNER THEREOF;
THENCE NORTH 84°32'13" WEST ALONG THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, 1312.03 FEET TO SAID SOUTHWEST CORNER OF SAID SECTION AND THE POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS AN INTERPRETATION OF THE GRAPHIC DEPICTION OF THE TERRITORY THAT IS THE SUBJECT OF THE SERVICE AREA APPEAL BETWEEN CITY OF BLACK DIAMOND AND COVINGTON WATER DISTRICT AS SHOWN ON EXHIBIT III-1 OF THE 1989 SOUTH KING COUNTY COORDINATED WATER SYSTEM PLAN.

WRITTEN BY: MSH
CHECKED BY: LMM

01-14-15
MARK S. HARRISON
STATE OF WASHINGTON
21467
REGISTERED
PROFESSIONAL LAND SURVEYOR

triad
20300 Woodinville Snohomish Rd NE
Suite A | Woodinville, WA 98072
p: 425.415.2000
f: 425.486.5059
triadassociates.net

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION

SUBJECT: **AB15-058** **Resolution authorizing an amendment to Resolution 15-1026 due to scriveners' error for two corrections and a fee omitted in error.**	**Agenda Date: September 3, 2015**	**AB15-058**
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Aaron Nix	
	Finance – May Miller	X
	MDRT/Eco Dev – Andy Williamson	
Cost Impact (see also Fiscal Note):	Police – Chief Kiblinger	
Fund Source: Various Revenues	Public Works – Seth Boettcher	
Timeline:	Court – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution No. 15-1038, Exhibit A-2015 Fee Schedule and 2013 Fees (comparison)

SUMMARY STATEMENT:
The City's Official Fee Schedule was updated on April 6, 2015 with Resolution 15-1026. This resolution updates the Fee Schedule for three items due to scrivener error, two that were for an incorrect amounts and one omitted item.

Under the Planning and Land Use fees, the Final Plat fee of $100.00 per lot for Community Development that was omitted in error and has been added.

The two $5.00 Technology Fee's for Plumbing and Mechanical Permits was incorrectly listed at $45.00 and have been corrected to $5.00.

The 2013 fee schedule is also included for comparison to show the omitted item and incorrect Technology fee amounts.

FISCAL NOTE (Finance Department): The new Official Fee Schedule provides fees and revenue needed to cover city costs. The amendment corrects the fees for scrivener's errors.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 15-1038, adopting an amendment to Resolution 15-1024 due to scrivener's errors as shown in Exhibit A.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
September 3, 2015		

RESOLUTION NO. 15-1038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING RESOLUTION NO. 15-1026 FEE SCHEDULE FOR CORRECTIONS DUE TO SCHRIVNERS ERRORS

WHEREAS, as codified in Chapter 2.62 of the Black Diamond Municipal Code, the City of Black Diamond has previously authorized and adopted an official schedule of fees that specifies the amounts to be charged for services provided by city employees and their agents with Resolution 15-1026 on April 6, 2015; and

WHEREAS, the fees schedule needs to be amended to correct three scrivener errors; and

WHEREAS, the amendments correct two amounts and adds the final plat fee for Community Development that was omitted in error;

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

Section 1. The City Council hereby amends Resolution 15-1026 adopting the fee schedule with the corrections of three scrivener errors as follows:

- Add the Final Plat fee for $100 per lot for Community Development that was omitted in error, and
- Amend the Technology Fee for Mechanical and Plumbing permits from $45.00 to $5.00 each.

These changes are reflected in the amended Official Fee Schedule as attached hereto as exhibit A, which is incorporated herein by reference.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF SEPTEMBER, 2015.

CITY OF BLACK DIAMOND:

_____

Carol Benson, Mayor

Attest:

_____

Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND

2015 FEE SCHEDULE

Adopted by Council
09/03/2015

	A	B	C	D
1	Fee Title	Description		Fee
2				
3		**POLICE**		
4	**Fingerprinting**	Non-Resident		$15
5		Resident		$10
6	**Electronic Monitoring-Police**	Per Day, Payable In Advance		$17/day
7	Hook-up Fee	One Time Application Fee (Non Refundable		$25
8		Within 20 Mile Radius		Current IRS Rate
9		Outside 20 Mile Radius		Current IRS Rate
10	Equipment Deposit	Refundable		$350
11	**Concealed Pistol License**			
12	Original	Original License		$52.50
13	Renewal	Valid License Renewal		$32
14	Late	Within 90 Days After Expiration		$42
15	Replacement			$10
16	**Process Service**			$25
17	Mileage for process service			Current IRS Rate
18	**False Alarm Responses**			
19		First Occurrence		None
20		Second Occurrence Per Year		$50
21		Third or More Per Year		$75
22	**Discovery --copies**	No Charge For One Copy of Documents Provided In Compliance With Defense Requests On Municipal Court Cases.		None
23	**Traffic Safety School**	Per Class		$200
24	**Booking Processing Fee**	Per Booking		Contract Fee
25	**Police Reports**	Per Case Reports		$.15/page
26	**Photographs**			
27	Copies	Each		$0.15
28	**CD Reproduction**	Each		$1.50
29	**Firearms Clearance Letter**	For Foreign Countries		$15
30	**Local Record Clearance Letter**	In-House Records Check		$15
31	**Work Crew**	Screening fee (non-refundable)		$25
32		Per Day, State Fee		$15
33	**Work Release**	Per Day, Payable in Advance		Per Contract
34		**PASSPORTS**		

	A	B	C	D
1	Fee Title	Description		Fee
35	Passport fee check is made payable to the US Department of State. The execution fee check is made payable to the City of Black Diamond			
36	**Passport Book**			
37	Passport Fee**	Age 16 and over		$110
38	Execution Fee			$25
39				Total $135
40	Passport Fee**	Under age 16		$80
41	Execution Fee			$25
42				Total $105
43	**Passport Card**			
44	Passport Fee**	Age 16 and over		$30
45	Execution Fee			$25
46				Total $55
47	Passport Fee**	Under age 16		$15
48	Execution Fee			$25
49				Total $40
50	**Expediting Fee (Book only)**			$60
51	**File Search Fee**			$150
52	**Overnight Delivery Return Fee**			$14.85
53	**Overnight Delivery Fee to Agcy.**			Current US Postal Rate
54	**Other conditions and restrictions may apply. See City Clerk's office for more details.			
55		**BUSINESS LICENSES**		
56	**Regular Business License**	Annual		Initial fee $70 renewal $60
57	**Regular Business License Annual partial**	Pro-rate: 50% fee reduction after June 30.		$35
58	**Utility Business license**	Annual		$60
59	**Penalty Late Renewal Payment**	Feb. 1-28		$10
60		Mar. 1-31		$20
61		Apr. 1-30		$30
62		May 1 and after		double renewal fee, collections
63	**Temporary Business License (30 days)**	per 30 day license, maximum of 2 per year		$15
64	**Duplicate Business License**	per copy		$10/copy
65	**Relocation/Reissue**	Business moves locations		$10
66	**Specialty Licenses**			
67	Pawnbroker	Yearly		$150
68	Firearms Dealer	Federal Firearms License, yearly		$125

	A	B	C	D
1	Fee Title	Description		Fee
69	Solicitors and mobile vendors	Annual		$70
70		Temporary (30 day)		$50
71	**Adult Entertainment**	Per establishment		$1,000
72	per establishment	Operator license		$100
73		Employees license		$50
74		**UTILITIES**		
75				
76	**Meter Testing Charge**	One hour		$76
77	**Customer Requested Turn Off**	After Business Hours, 2 hour minimum		$175
78	**Lifeline Utility Relief Rate**	City Water, Sewer and Stormwater only (excluding KC Metro)		50%
79	**Door Hanger charge,10 day warning**			$10
80	**Door Hanger w/Shut Off/Turn On**	During Working Hours 8-5		$45
81		After Working Hours		$75
82		Holidays		100
83	**Lien Filing**			180
84	**Lien Release**			$180
85	**Lien Legal Cost**			Actual cost

	A	B	C	D
1	Fee Title	Description		Fee
86	**Meter Rental/Water Purchase**	Collect Deposit, Rental fee, and Water Purchase		Deposit $1,000
87		Base Rental Fee Plus Double the Current Water Rate		Rental per day $25
88		Base Rental Fee Plus Double the Current Water Rate		Rental per week $100
89	See BDMC 13.04.280	Base Rental Fee Plus Double the Current Water Rate		Rental, per month $250
90	**Non Account Water Purchase**			Double out of city rates
91	**Emergency Repair**	Working hours-if prior locate		Time and Materials
92		Working hours-if no locate		3 times Time and Materials
93		After hours, if prior locate		1 1/2 Time and Materials
94		After hours, no locate		3 times 1 1/2 Time and Materials
95		Holidays		Double Time to above rates
96		**PARKS**		
97	**Park Use Permit**	Per Event - Large Events $10,000 deposit		Actual cost
98	**Special Event**	Special events that require staff costs $500 deposit		Actual cost
99	**Gym Rental**	Drop In Over 18		$3 per person over 18
100		Sports or Special Events		$30 per hour
101		Contract Events		Per Contract
102				
103	**Parking fee at boat launch**	Per vehicle		$5
104	**Annual parking pass - Lake Sawyer**	Per vehicle (non-transferable)		$60
105	**Annual parking pass - Lake Sawyer**	Per vehicle for senior citizens 65 years and older		$35
106	**Annual parking pass - Lake Sawyer**	Per vehicle for persons with a valid State of Washington Disable Vehicle Permit		$35
107	**Lost parking pass replacement or change in vehicle**			$10

	A	B	C	D
1	Fee Title	Description		Fee
108		**CEMETERY**		
109	**Casket Burial**	Coordination, Excavation; Liner and Installation; Casket Placement; Backfill and compaction; Landscaping		$1,500
110	**Tent For Service In The Rain**	Set Up The Tent, Take Down, Dry in the Warehouse		200
111	**Vault**			Actual cost
112	**Saturday Service Fee**	Additional Charge to be Added to Burial Costs		$1,000
113	**Placement of Cremated Remains**	Site Measurements, Location Records, Excavation and Restoration		$200
114	**Saturday Placement of Remains**			$350
115	**Plot**	Per Plot		$1,500
116	**Niche Purchase**			$350
117	**Niche Remain Placement**	Open/Close; Secure and Record		$100
118	**Headstone Placement**	Excavation and Setting According to Cemetery Standards		
119	**Headstone Placement**	Normal Up To 44" x 20" (880 sq. in.)		$100
120	**Headstone Placement-Large**	Larger than 44"x20" (example 45"x21") 45x21=945 sq. in. 945-880=65 65 sq. in. x $.50=$32.50		$.50 Per Square Inch In Excess of 880 Sq. In.
121	**Exhumation**			$5,000 or Actual Contract Cost Whichever Is Greater

	A	B	C	D
1	Fee Title	Description		Fee
122		**MISCELLANEOUS FEES**		
123	**Photocopying**	Materials copied on the copier on legal, letter or ledger size paper (includes packet material, ordinances, resolutions, minutes, contracts, etc.		$.15/page
124	Oversized Documents	per page, black & white		$5
125		per page, color		$7
126	**Duplication Audio Tapes/CDs**	Per tape/CD		$1.50
127	**CD or DVD Disk**	Per disk		$1.50
128	**Transcription Preparation**	Staff Time		Actual cost
129		Deposit		$300
130	**City Clerk Certification of Documents**	Per page		$1
131	**King Co. Recording Fee**	Per page, pass through King County fees		Actual cost from King County
132	**Return check fee**			$35
133				
134	**City of Black Diamond Maps**			
135		oversized 18x 24 or larger (Black and White)		$5
136		Color		$7
137		11 x 17		$3
138	**Code/Comprehensive Planning Documents Reproduction**			
139	**Zoning Code**			Actual Cost
140	**Comprehensive Plan**			Actual Cost
141	**Water Comprehensive Plan**			Actual Cost
142	**Sewer Comprehensive Plan**			Actual Cost
143	Engineering Design and Construction Standards/Guidelines			$100
144	Each Section			$10
145	**Municipal Code**			Actual Cost
146	**Public Notice Boards (BDMC 18.08)**			Actual Cost
147	**Liquor Use Permit**			$25

	A	B	C	D
1	Fee Title	Description		Fee
148		**CITY STAFF RATES**		
149		**All rates are per hour**		
150	City Administrator			$94
151	Assistant City Administrator/City Clerk/Human Resources Manager			$84
152	Deputy City Clerk			$51
153	Finance Director			$81
154	Deputy Finance Director			$60
155	Senior Accountant			$54
156	Community Development Director/Natural Resources Director			$81
157	Permit Technician Supervisor			$54
158	Permit Technician			$47
159	Economic Development Director			$78
160	Building Official/Code Official			per contract
161	Building Plans Examiner			per contract
162	Fire Inspector			$45
163	Public Works Director			$81
164	CapitalProject/Program Manager			$68
165	Utilities Supervisor			$76
166	Utility Operator			$48
167	Utility Worker			$45
168	Seasonal Worker			$22
169	Facilities Coordinator			$52
170	Police Chief			$89
171	Police Commander			$84
172	Police Officer with vehicle			$85
173	Senior Planner			$68
174	Information Services			per contract
175	MDRT Inspector/Construction Superintendent			78
176	MDRT Senior Planner			$68
177	Clerical Staff			$31
178	Engineer			per contract
179	City Attorney			per contract
180	Landscape Architect			per contract
181	Consultant Planner			per contract
182	Other Consultants/Contract.			$1,000 Deposit Actual cost
183	Hearing Examiner	Hearing Fee		$788
184		Actual Costs		Actual Cost
185		**SIGNS/TREES/FIREWORKS**		
186	**Wall Sign electric**			$125-$225
187	**Wall Sign, non electric**			$105-$205
188	**Ground, non electric**			$145-$245

	A	B	C	D
1	Fee Title	Description		Fee
189	**Ground electric**			$165-$265
190	**All signs less than 25 sf**			$407
191	**Change of sign, all sizes**			$413
192	**Street Signs Charge**	Sign Post		Actual Cost
193		Installation		$138
194	**Tree Permit**	Level 1 application fee		$267
195		Level 2 application fee		$487
196		Exemption Review		$110
197	**Fireworks Display**	Plan review and inspection fee		per contract
198	**Temporary Fireworks Stand**	Permit fee		$100
199		Removal bond-refundable		$750
200		**LAND USE AND DEVELOPMENT**		
201	**Public Works-Streets**			
202	Right-of-Way Use Permit	Base Amount CD Fee		60
203		2 inspections and 1/2 hour City Review		$263
204	Right-of-Way Extra Inspection	1 hour minimum		$138
205	Right-of-Way Extra City Staff Review	1 hour minimum		$138
206	Fines	Does Not Include ---Cost Work Without a Permit		$1,000
207	Street Cleaning			Actual cost
208	Right-of-Way Vacations Processing	Application Fees		$1,000
209	ULID or LID	City Costs		Actual cost

	A	B	C	D
1	Fee Title	Description		Fee
210		**GRADE AND CLEAR CIVIL PW**		
211	Clearing and Grading Permit Plan Review Fees			
212	a. The Clearing and Grading fee shall be calculated by adding applicable amounts from Clearing and Grading Fee Tables.			
213	**Clearing Fee Table**			
214		**Clearing Fee (ac)**	**Fee**	
215	**Min**	**Max**	**Min**	**Max**
216	-	1	$680	$680
217	1	10	$680	$1,112
218	10	40	$1,112	$2,702
219	40	120	$2,702	$3,352
220	120	-	$4,452	-
221	**Grading Fee Table**			
222	**Grading Volume (cv)**		**Fee**	
223	**Min**	**Max**	**Min**	**Max**
224	0-100			No Charge
225	100	1,000	$432	$720
226	1,000	10,000	$720	$2,160
227	10,000	100,000	$2,160	$4,860
228	100,000			
229	b. Plan revision fee			
230	Base fee, each occcurrence			$417
231	Plus hourly fee			$138

	A	B	C	D
1	Fee Title	Description		Fee
232		**PUBLIC WORKS CIVIL**		
233	Public Infrastructure Civil Public Works Permit--PW	Engineering Plan Review Fee		$494 (plus an additional per hour rate if review exceeds 5 hours, (Actual cost))
234	PW	Construction Permit--Includes Inspection		3% of total cost of project
235	PW	As-Built Review Fee		$210
236	PW	Engineering Alternative Methods Request (per item)		$263
237	**Civil Plan-Long Plat Projects PW**	Engineering Plan Review Fee		$494 (plus an additional per hour rate if review exceeds 5 hours (Actual cost))
238	PW	Engineering Permit Fee		$1,439
239	PW	Inspection Fee		3% of total cost of project

	A	B	C	D
1	Fee Title	Description		Fee
240		**PLANNING/LAND USE**		
241	**Postage**			Actual cost
242	**Preliminary Plat** **CD**	Base Application Fee		$2388 (Up to first 20 hours, over plus additional hourly rate)
243	*See Residential Land Development Below* CD	per lot charge		$100
244	PW	Public Works-Per Lot Charge		$100
245	CD	Plat Alteration or Vacation		$1,812 (Up to first 36 hours, over plus additional hourly rate)
246		Time Extension - 1 year		$1,050
247	**Final Plat** **CD**	Base Application Fee		$4,238 (Up to the first 36 hours additional hourly rate)
248	**CD**	Per Lot Charge		$100
249	**PW**	Engineering Review Per Lot Charge		$76
250	**Binding Site Plan CD**	Base Application Fee		$2,918 (Up to first 24 hours additional hourly rate)
251	**PW**	Engineering Review-per acre charge		$100

	A		B	C	D
1	Fee Title		Description		Fee
252	**Preliminary Short Plat**	**CD**	Base Application Fee		$1,944 (Up to first 16 hours additional hourly rate)
253		**PW**	Per Lot Charge		$100
254		**PW**	Engineering Review-per lot charge		$300
255		**CD**	Modified Short Plat		$1,944 (Up to first 16 hours additional hourly rate)
256	**Final Short Plat**	**CD**	Application Fee		$1,040 (Up to first 8 hours additional hourly rate)
257		**PW**	Engineering Final Review		$76
258	**Lot Line Adjustment**	**CD**	Residential application fee		$1,019 (Up to first 8 hours additional rate @ actual)
259		**PW**	Engineering Final Review		$152
260	**Lot Line Elimination**	**CD**	Application Fee		$442
261		**PW**	Engineering Final Review		$152
262	**Master Plan Development**		Application Fee		$26, 250
263			Per Acre charge		$100
264	**Development Agreement**		Application Fee		$1,575
265			Staff Review Time		Staff hours
266	**Annexation**				
267					$10,000 deposit, cost
268	**Postage**				Cost
269	**Conditional Use**		Application Fee		$2,918 (Up to first 24 hours additional cost @ actual)
270			Engineering Review		$304
271	**Administrative Conditional Use**		Application Fee		$1,459 (Up to fist 12 hours additional cost @ actual)
272	**Variance**		Single Family Lot		$1,944 (Up to first 16 hours)
273			All Others		$2,384 (Up to first 20 hours additional cost @ actual)

	A	B	C	D
1	Fee Title	Description		Fee
274	**Administrative Variance**	Application Fee		$1,504 (Up to first 12 hours additional cost@actual)
275	**Accessory Dwelling Unit**	Application Fee		$1,064 (Up to first 8 hours additional cost@actual)
276	**Shoreline Exemption**	Application Fee		$487
277	**Shoreline Substantial Development**	Application Fee		$2,824 (Up to first 24 hours additional cost @ actual)
278	**Shoreline Variance Fee**	Application Fee		$2,824 (Up to first 24 hours additional hourly rate)
279	**Shoreline Conditional Use**	Application Fee		$2,824 (Up to first 24 hours additional hourly rate @ actual)
280	**Site Plan Review**	Application Fee		$2,824 (Up to first 24 hours additional cost @ actual)
281	**PW**	Engineering Review		$100 per acre
282	**Comprehensive Plan Amendment**	Application Fee		$2,734 (Up to first 24 hours additional cost @ actual)
283	**Text Amendment, Title 16-19**	Application Fee		$2,734 (Up to first 24 hours additional hourly rate)
284	**Rezone**	Application Fee		$2,734 (Up to first 24 hours additional cost @ actual)
285	**SEPA Checklist**	with land use or permit application		$597 (Up to first 5 hours additional cost @ actual)
286		without permit application		$707 (Up to first 6 hours additional cost @ actual)

	A	B	C	D
1	Fee Title	Description		Fee
287		for each additional study		$267
288	In the review of a land-use permit application, including but not limited to environmental (SEPA) review, the City may determine that such review requires the retention of professional consultant services. In addition to the above development fees that an applicant is required to submit, the applicant shall also be responsible for reimbursing the City for the cost of professional consultant services if the City determines that such services are necessary to complete its review of the application submittal. The City may also require the applicant to deposit an amount with the City which is estimated, at the discretion of the Community Development Director, to be sufficient to cover anticipated costs of retaining proffessional consultant services and ensure reimbursement to the City for such costs.			
289	**Environmental Impact Statement**	Per consultant contract		Contract
290	**Appeal of Administrative Decision**	Application Fee		$487 (Up to first 4 hours additional cost @ actual)
291	**Appeal of SEPA Action**	Application Fee		$487 (Up to first 4 hours additional cost @ actual)
292	**Appeal of Notice of Violation**	Application Fee		$487 (Up to first 4 hours additional cost @ actual)
293	**Temporary Use Permit**	Application Fee		$532 (Up to first 4 hours additional cost @ actual)
294	**Transfer Development Rights**	Application Fee		$525
295		per development credit		$50
296	**Treasured Place Status**			$263
297	**Reasonable Use Exception**	Application Fee		$487
298	**Sensitive Areas Permit**	Application Fee		$1,147 (Up to first 10 hours additional cost @ actual)
299	**Sensitive Area Utility Exception**	Application Fee		$1,050
300	**Formal Code Interpretation**	Application Fee		$487 (Up to first 4 hours additional cost @ actual)
301	**Pre-Application Meeting**	1 hour meeting/review		$267
302		Additional Meetings		Staff time

	A	B	C	D
1	Fee Title	Description		Fee
303	**Hearing Examiner**	Hearing Fee		$880 (Up to first 8 hours additional cost @ actual)
304		Plus Examiner Costs		Actual Cost
305	**Public Notice Boards**	Per BDMC 18.08		Actual Cost
306	BDMC 2.62.012 may require the posting of a deposit and payment of actual city costs for certain permits.			
307	Deposits that are listed on the General Fee Schedule are required to be paid in addition to the Permit Fees. The Deposit is used to cover staff costs, engineering, and/or other professional consultant costs. Deposits wil be tracked on a monthly basis. If the cost exceeds the deposit, an additional deposit invoice will be sent in writing. If the additional deposit is not paid within 30 days, the city may discontinue review or work on the project or deem the project incomplete.			
308	At the end of the project, the city will invoice any final costs over the deposits, or refund any remaining balance to the person who made the deposit. Final invoices are due within 30 days.			
309	**Late Fee (If not paid within 30 days of invoicing)**	Per Month		$25
310		**BUILDING PERMIT FEES**		
311		**General**		
312	Total Project Valuation			
313	$1.00 to $500			$35
314	$501 to $2,000			$35 for first $500. plus $7 for each additional $100 or fraction thereof up to and including $2,000
315	$2,001 to $25,000			$140 for first $2,000 plus $17 per each additional $1,000 or fraction thereof up to and including $25,000

	A	B	C	D
1	Fee Title	Description		Fee
316	$25,001 to $50,000			$531 for the first $25,000 plus $14 for each additional $1,000 or fraction thereof, to and including $50,000.
317	$50,001 to $100,000			$881 for sthe first $50,000 plus $13 for each additional $1,000 or fraction thereof, to and including $100,000.
318	$100,001 to $500,000			$1,531 for first $100,000 plus $13 per each additional $1,000 or fraction thereof up to and including $500,000
319	$500,001 to $1,000,000			$6,731 for first $500,000 plus $9 per each additional $1,000 or fraction thereof up to and including $1,000,000.

	A	B	C	D
1	Fee Title	Description		Fee
320	$1,000,000 and Up			$11,231 for the first $1,000,000 plus $9 per each additional $1,000 or fraction thereof.
321	Other Inspections and Fees			$138 Per Hour
322	**Change of Use w/o a TI**	Permit fee and deposit		$200 deposit, Actual cost
323	**Re-Roof permit Residential**	Permit fee		$138
324	**Re-Roof permit Commercial/MF**	Permit fee and plan check		Based on valuation, see Building Permit section
325	**Miscellaneous Permit**	Permit fee		$100 deposit and actual cost
326	**Investigation Fee- work w/o a permit**	Permit fee		Double required permit fees
327	**Temporary Certificate of Occupancy**	Per 30 day TCO		$263
328	**Permit Extension**	180 day extension		$50
329	**Application Extension**	90 day extension		$50
330	**Consultant/Peer Review**	Consultant fees		per contract

	A	B	C	D
1	Fee Title	Description		Fee
331	**Coal Mine Hazard Report Review**			$138
332	1. Inspections outside of normal business hours			$172
333	2. Re-Inspection fees			$86
334	3. Inspections for which no fee is specifically indicated			$86 per hour, minimum charge, one hour
335	4. Additional plan review due to additions or revisions to plans			$86 per hour, minimum charge, one hour
336	5. Additional plan review due to Deferred Submittals			$86 per hour, minimum charge, one hour
337	6. For use outside consultants for plan checking and inspections or both			Actual cost
338	7. Plan review shall be 65% of the permit fee when required			65% of Permit Fee
339	Public Improvement Project Fee Waiver. The Mayor or designee,may at his/her discretion, waive any or all of the permit fees required under the International Building Code and any amendments thereto, for any public improvement project for which the city is providing some or all of the funding for said project.			No Charge
340	Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, equipment, hourly wage and fringe benefits of the employees involved.			Actuals
341	**Building Plan Check Fee**	Based on project valuation		65% of permit fee, see above
342				
343				
344	MECHANICAL PERMIT			
345				
346	New Single Family Residence - Permit			$200
347	Commercial Mechanical Permit Plan Review			65% of mechanical permit fee
348	For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table.			$14

	A	B	C	D
1	Fee Title	Description		Fee
349	**Permit Issuance and Heaters**			
350	1. For issuing a mechanical permit associated with a building permit			$50
351	2. For issuing a mechanical permit not associated with a current building permit			$138
352	3. Technology Fee-PLM/MEC			$45
353	Unit Fee Schedule (Note: the following do not include permit issuing fee)			
354	**1. Furnaces**			
355	For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 btu/h (29.3kW)			$20
356	For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3kW)			$23
357	For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater			$26
358	**2. Appliance Vents**			
359	For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit			$23

	A	B	C	D
1	Fee Title	Description		Fee
360	3. Repairs or Additions			
361	For the repair of, the alternation of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaprative cooling system, including installation of controls regulated by the Mechanical Code			$17
362	**4. Boilers, Compressors and Absorption Systems**			
363	For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6kW) or each absorption system to and including 1,000,000 BTU/h			$22
364	For the installation or relocation of each boiler or compressor over 3 horsepower (10.6kW) to and including 15 horsepower (52.7kW) or each absorption system over 500,000 btu/h (293.1kW) to and including 1,000,000 btu/h (293.1kW).			$36
365	For the installation or relocation of each boiler or compressor over 30 horsepower (105kW) to and including 50 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 btu/h (512.9kW).			$73
366	For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 btu/h (512.9kW)			$120

	A	B	C	D
1	Fee Title	Description		Fee
367	**5. Air Handlers**			
368	For each air handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto (Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance cooling system, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.			$15
369	For each air-handling unit over $10,000 cfm (4719 L/s)			$26
370	**6. Evaporative Cooler**			
371	For each evaporative cooler other than a portable type.			$15
372	**7. Ventilation and Exhaust**			
373	For each ventilation fan connected to a single duct			$12
374	For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit			$15
375	For the installation of each hood which is served by a mechanical exhaust, including the ducts for each hood.			$15
376	**8. Incinerators**			
377	For the installation or relocation of each domenstic-type incinerator			$26
378	For the installation or relocation of each commercial or industrial type incinerator			$22
379	**9. Gas Piping**			
380	Gas piping systems 1-5 outlets			$10
381	For each additional gas outlet over 5			$6
382	Hazardous process piping system (HPP)			
383		1-4 outlets		$10
384		each outlet over 5		$6
385	**10. Miscellaneous**			
386				
387				
388	**Technology Fee**	per application		$5
389		per $10,000 in project value (graduated)		$3
390	The technology fee is assessed for each of the following transactions: building permits, fire permit, sign permit, demolition permit, right-of-way use permit and most land use permits. A technology fee will be assessed at land use application submittal.			
391	**Other Inspections and Fees**			
392	1. Inspections outside of normal business hours, per hour (minimum charge 2 hours)			$240

	A	B	C	D
1	Fee Title	Description		Fee
393	2. Inspections for which no fee is specifically indicated, per hour (minimum charge one-half hour)			$120
394	3. Revisions to plans or to plans for which an initial review has been completed (minimum charge one-half hour)			$60
395		**PLUMBING PERMIT**		
396	**Permit Issuance**			
397	New Single Family Residence - Permit			$200
398	1. For issuing a plumbing permit associated with a building permit			$38
399	2. For issuing a plumbing permit not associated with a current building permit			$100
400	3. For issuing each supplemental permit			$15
401	4. Technology Fee - PLM/MEC			$5
402	**Unit Fee Schedule** (Note the following do not include permit-issuing fee)			
403	1. For each additional plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and back flow protection thereof.			$12
404	2. For each building sewer and each trailer park sewer			$23
405	3. Rainwater systems - per drain (inside building)			$12
406	4. For each water heater and/or vent			$9
407	5. For each industrial waste pretreatment interceptor including its trap and vent except kitchen-type grease interceptors functioning as fixture traps.			$12
408	6. For each installation, alteration or repair or water piping and/or water treatment, each			$12
409	7. For each repair or alteration of a drainage or vent piping, each fixture			$12
410	8. For each lawn sprinkler system on any one meter including back flow protection devices thereof.			$12
411	9. For atmnospheric-type vacuum breakers not included in item 12:			
412	1 to 5			$10
413	over 5, each			$6
414	10. Fors each backflow protective device other than atmospheric type vacuum breakers:			

	A	B	C	D
1	Fee Title	Description		Fee
415	2 inch (51mm) diameter and smaller			$12
416	over 2 inch (51mm) diameter			$23
417	11. For initial installation and testing for a reclaimed water system			$40
418	12. For each annual cross-connection testing of a reclaimed water system (excluding initial test)			$40
419	13. For each medical gas piping system service one to five inlet(s) fosr a specific gas			$68
420	14. For each additional medical gas inlet(s)/outlet(s)			$10
421	**OTHER**			
422	**1. Inspections outside of normal business hours**			$200
423	**2. Re-inspection fee**			$138
424	**3. Inspections for which no fee is specifically indicated**			$138
425	**4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge one-half hour)**			$93
426	**Demo-SFR out building etc**	Permit fee and deposit		$120 permit, $1000 deposit
427	**Relocation Permit**			$250
428	**Mobile Home Title Elimination**	Permit fee		$138
429	**Driveway (stand alone)**	expansion and new		$250
430				
431	**Fuel/Oil Tank Decommission/Remove**	Base permit fee		$138
432		Plan review and inspection fee		per contract
433	**Residential LPG Tanks**	Base Permit Fee		$126
434		Tank Under 125 gal.		$46
435		126-500 gal.		$74
436		501 and up, additional		$100
437		Each 500 gal additional		$126

	A	B	C	D
1	Fee Title	Description		Fee
438	**FIRE PERMIT**			
439	**Commercial Building Permit**	Plan review and inspection fee		per contract
440	**Multi-family Building Permit**	Plan review and inspection fee		per contract
441	**Single-family Building Permit**	Plan review and inspection fee		per contract
442	**Annual Code Enforcement Inspection**			per contract
443	**Final and correction inspections**			per contract
444	**Fire Permit**	Base fee		$105
445	**Fire Sprinkler/Alarm Sys. Rev**	Plan review and inspection fee		per contract

	A	B	C	D
1	Fee Title	Description		Fee
446		**PUBLIC WORKS-WATER**		
447	Water Connection Fee	Per BDMC 13.04.295		
448	**Drop In Meter Charges**			
449	5/8" meter	City Installled		$500
450	3/4" meter	City Installled		$500
451	1" meter	City Installled		$600
452	1 1/2" meter thru 6" meter	City Installled		meter cost
453	Irrigation 5/8" meter	City Installled		$500
454	Cross Connection Control	Per Occurrence		$138
455	**In-Fill Lots Installation of Water Service Charges**	Homeowner Incurs ALL Costs, Plus Deposit per BDMC 13.040.050		Deposit $1,000
456	**Water Service Line Review/Inspection Fee**			$138
457	**Unauthorized connection fine**	No Meter Present or Bypassing		$1,200
458		Others		Per BDMC 13.04.295
459	Back Flow Device Inspection			$138
460	**Water Investigation Needs Report**	Residential (Not required for lots within approved city subdivisions and short plats)		$105
461		Multi-Family, Commercial, Industrial, Public		$210

	A	B	C	D
1	Fee Title	Description		Fee
462	**Hydraulic Model for Water System**	Note: Some applications will require the use of outside consultants. See BDMC 2.60.050		Actual cost
463		Deposit		$500
464	**Water Equipment and Parts**			Actual cost
465		**SEWER**		
466	**Grease Interceptor**	Per Occurrence		$138
467	**Reinspection Fee**	Per Occurrence		$138
468	**Sewer Connection Fee**			Per BDMC 13.20.080
469	**Sewer Investigation Certificates**	Residential		$138
470		Multi-Family, Commercial, Industrial, Public		$300
471	**Side Sewer Review/Inspection**			$138
472	**Engineered Hydraulic Flows to Sewer System**	Deposit Cost		Deposit $1,000
473		**STORMWATER**		
474	**Stormwater Drainage**	Plan Review-per single family lot		$138
475		Inspection per single family lot		$138
476	**Commercial Storm Water System Inspections**	Per Inspection		$138
477		**OTHER**		
478	**Public Works Final Inspection--Building Permit**			$138
479	**Deviation of Public Works Standards**	Application Fee		$300
480	**Traffic Engr. Review Fees**	Note: Some applications will require the use of outside consultants. See BDMC 2.60.050		Actual Cost
481		Deposit		$1,000
482	**Review of Resubmitted/Reinpsection**	Per Occurrence		$138
483	**Inspections Outside Business Hours**			$176
484				
485				

	A	B	C	D
1	Fee Title	Description		Fee
486	**Equipment Fee w/o Operator**	City Dump Truck		$75/hour
487		City Vehicle		$50/hour
488		City Backhoe		$75/hour
489		Miscellaneous Small Utility Equipment		$30/hour
490		Shoulder Mower		$75/hour
491		Riding Mower		$30/hour
492		Parts		Actual Cost
493	Temporary Erosion Sediment Control	Inspection $500 deposit		Per Inspection $138

CITY OF BLACK DIAMOND

2013 FEE SCHEDULE

Adopted by Council
02/07/2013

POLICE		
TYPE	DESCRIPTION	FEE
Animal License		By King Co Ordinance
Fingerprinting	Non-Resident	$15.00
Fingerprinting	Resident	$10.00
Equipment Deposit	refundable	$350.00
Electronic Monitoring (police)	Per Day, payable in advance	$17.00
Hook Up Fee	One Time Application Fee (non-refundable)	$25.00
	within 20 mile radius	Current IRS Rate
	outside 20 mile radius	Current IRS Rate
Concealed Pistol License		
Original	Original License	$52.50
Renewal	Valid License Renewal	$32.00
Late	Within 90 days after expiration	$42.00
Replacement		$10.00
Process Service		$25.00
Mileage for process service		Current IRS Rate
False Alarm Responses	First Occurrence	None
	Second Occurrence per year	$50.00
	Third or more per year	$75.00
Discovery	No charge for one copy of documents provided in compliance with defense requests on Muni Court cases	$0.00
	others:	$0.15
Civil Service Testing	Per Applicant	Contract w/ Public Safety Testing
Work Release	Per day, payable in advance	Contract Amount
Traffic Safety School		$200.00
Booking Processing Fee	Per booking	Contract Rate
Police reports	Per Case Reports	$0.15 per page
Photographs		
Copies	each	$0.15
CD Reproduction	each	$1.50
Audio Tape Reproduction	each	$1.50
Expungements		$35.00
Firearms Clearance Letter	For Foreign Countries	$15.00
Local Record Clearance Letter	In-House Records Check	$15.00
Vehicle Storage	For other PD only, per day	$1.50
Work Crew	screening fee (non-refundable)	$25.00
	per day, state fee	$15.00

PUBLIC WORKS - GENERAL		
TYPE	DESCRIPTION	FEE
Erosion Sediment Control	Plan Review - per single family lot	$35.00
	Inspection Fee - per single family lot	$110.00
Stormwater Drainage	Plan Review per single family lot	$110.00
	Inspection per single family lot	$110.00
Final Inspect - Building Permit		$110.00
Deviation of Public Works Standards	Application fee	$300.00
Traffic Engineering Review Fees	Note: some applications will require the use of outside consultants. See BDMC 2.60.050	Actual cost plus 10%
	Deposit	$1,000.00
Revision/Resubmittals	hourly rate	$110.00
Inspections outside of Business Hours	hourly rate, 2hr. Minimum	$142.50
Annual Inspections (CCC, Storm Systems, Grease Interceptor)	hourly rate	$110.00
Reinspection Fee		$110.00

PUBLIC WORKS - STREETS		
TYPE	DESCRIPTION	FEE
Right-of-Way Use Permit	incld. 2 Inspect. & 1/2hr City Review	$263.00
ROW Extra Inspection	1 hour minimum, per hour	$110.00
ROW Extra City Staff Review	1 hour minimum, per hour	$50.00
Fines- ROW Use Permits	Failure to call for an inspection	$1,000.00
Street Cleaning		Cost, plus 10%
Street Signs Charge	Sign Purchase	Actual cost plus 10%
	Installation	Hourly Rates
Street, Alley, City Property Vacations	Application Fees	$788.00
	Deposit	$1,000.00
U.L.I.D. or L.I.D.	City Costs	Actual Costs plus 10%

PUBLIC WORKS - WATER		
TYPE	DESCRIPTION	FEE
Unauthorized connection	no meter present or bypassing	$1,200.00
Meter Testing charge		Cost plus actual staff time
Customer Requested Turn Off	After Business Hours, 2 hour min.	staff time
Lifeline Utility Relief Rate	City water, sewer, & stormwater only (excluding KC Metro)	50%

PUBLIC WORKS - WATER (cont'd)		
TYPE	DESCRIPTION	FEE
DROP IN METER CHARGES		
5/8" meter	City Installed	$500.00
3/4" meter	City Installed	$500.00
1" meter	City Installed	$600.00
1-1/2" meter thru 6" meter	City Installed	meter cost, plus 10%
Irrigation 5/8" meter	City Installed	$500.00
Installation of water service charges	Homeowner incurs ALL costs, plus deposit per BDMC 13.040.050	Deposit $1000.00
Installation Re-Inspection Fees	per hour, 1/2 hour minimum	$110.00
Cap. Facilities Connection Fee	per ERU	Per BDMC 13.04.295
Door Hanger Charge, Warning		$10.00
Door Hanger w/ Shut Off		$20.00
Unpaid Account Reconnect Fee	During Working Hours	$25.00
	After Working Hours	1 1/2 time, 2hr minimum
	Holidays	Double Time, 2hr minimum
Lien Release		$120.00
Meter Rental/water purchase	Collect Deposit, Connect Fee, Rental Rate	Deposit $1000.00
	Connection Fee dbl. current basic rate plus	Rental, per day $25.00
	Connection Fee dbl. current basic rate plus	Rental, per week $100.00
	Connection Fee dbl. current basic rate plus	Rental, per month $250.00
Water Investigation Certificates	Residential	$105.00
	Multi-Family, Commercial, Industrial, Public	$210.00
Hydraulic Model for Water System	Note: some applications will require the use of outside consultants. See BDMC 2.60.050	Actual cost plus 10%
	Deposit	$500.00
Non-Account Water Purchase		Double out of city rates
Water Equipment and Parts		Actual Costs plus 10%

PUBLIC WORKS - SEWER		
TYPE	DESCRIPTION	FEE
Sewer Connection Fee		Per BDMC 13.20.080
Sewer Investigation Certificates	Residential	$105.00
	Multi-family, Commercial, Industrial, Public	$210.00
Side Sewer Review/Inspection		$110.00
Engineered Hydraulic Flows to Sewer System	Deposit	$1,000.00
PW Plan Review		Hourly rate

PUBLIC WORKS - CLEARING & GRADING, CIVIL		
TYPE	DESCRIPTION	FEE
Clearing & Grading Permit Fee	Permit Fee	$200.00
	Inspection Fee	3% of total cost of the project
	Plan Review Fee	
	Clearing Only	$74.00
	0-50 Cubic Yards	$137.00
	51-100 Cubic Yards	$252.00
	101-1,000 Cubic Yards	$536.00
	1,001-10,000 Cubic Yards	$798.00
	10, 001-100,000 Cubic Yards	$1,050.00
	100,001-Cubic Yards and up	$1,302.00
Civil Plan-Commercial, Multi-Family, Short Plat Projects	Engineering Plan Review Fee	$494.00 (plus an additional per hour rate if review exceeds 5 hours, as outlined in Note 1)
	Engineering Permit Fee	$315.00
	Inspection Fee	3% of total cost of the project
	As-Built Review Fee	$210.00
	Engineering Alternative Methods Request (per item)	$263.00
Civil Plan-Long Plat Projects	Engineering Plan Review Fee	$494.00 (plus an additional per hour rate if review exceeds 5 hours, as outlined in Note 1)
	Engineering Permit Fee	$1,439.00
	Inspection Fee	3% of total cost of the project
*Note 1: Hourly rates will be charged using the current billable rates of City Staff.		

PUBLIC WORKS - UTILITY EMERGENCY CALL OUT CHARGES		
TYPE	DESCRIPTION	FEE
Emergency Repair	Working hours, if prior locate	Time and materials
	Working hours, if no locate	3 times, time and materials
	After hours, if prior locate	1 1/2 Time and materials
	After hours, no locate	3 Times, 1 1/2 time and material
	Holidays	Double time to above rates
Equipment Fee without Operator	City Dump Truck	$75.00 per hour
	City Vehicle	$50.00 per hour
	City Backhoe	$75.00 per hour
	Miscellaneous Utility Equipment	$25.00 per hour
	Parts	Cost plus 10%

PUBLIC WORKS - CEMETERY		
TYPE	DESCRIPTION	FEE
Opening and Closing	For Normal Lots	$500.00
Opening and Closing	For Cremation	$100.00
Single Lot Purchase		$1,500.00
Double Lot Purchase (2 lots)		$2,500.00
Saturday Service - Burial	11am to 1pm	$1,000.00
Saturday Service - Cremation	11am to 1pm	$250.00

PUBLIC WORKS - CEMETERY (cont'd)		
TYPE	DESCRIPTION	FEE
Liner		Actual Cost plus 10%
Liner Setting Fee		$250.00
Liner Pickup & Delivery Fee	per unit	$100.00
Vault		Actual Cost plus 10%
Vault Setting Fee		$250.00
Vault Pickup & Delivery Fee	per unit	$100.00
Niche	Single	$325.00
	Double	$425.00
Head Stone Placement	Normal, up to 44" x 20"	$100.00
	Oversized Stone	$.15 per square inch
Exhumation		Lesser of $5000.00 or Actual Contract Cost

PLANNING/LAND USE		
TYPE	DESCRIPTION	FEE
Consultant Fees	NOTE: some applications will require the use of outside consultants. See BDMC 2.60.050	Actual Cost plus 10%
	Deposit	$1000 min, per consultant quote
Preliminary Plat	Base Application Fee	$2,100.00
	per lot charge	$100.00
	Engineering Review - per lot charge	$75.00
	Plat Alteration or Vacation	$1,575.00
	Time Extension - 1 year	$1,050.00
Final Plat	Base Application Fee	$1,575.00
	per lot charge	$100.00
	Engineering Final Review	$300.00
Binding Site Plan	Base Application Fee	$1,575.00
	per lot charge	$100.00
Preliminary Short Plat	Base Application Fee	$788.00
	per lot charge	$100.00
	Engineering Review - per lot charge	$75.00
	modified short plat	$788.00
Final Short Plat	Application Fee	$788.00
	Engineering Final Review	$300.00
Lot Line Adjustment	Residential application fee	$315.00
	Non-Residential application fee	$630.00
Lot Line Elimination	Application Fee	$263.00
Master Plan Development	Application Fee	$26,250.00
	per acre charge	$100.00

PLANNING/LAND USE (cont'd)		
TYPE	DESCRIPTION	FEE
Development Agreement	Application Fee	$1,575.00
	staff review time	Staff Hours + 10%
Annexation	10% Notice of Intent	$1,050.00
	60% Petition	$5000 deposit, actual staff time
Conditional Use	Application Fee	$1,050.00
Administrative Conditional Use	Application Fee	$263.00
Variance	Single Family Lot	$525.00
	All Others	$1,050.00
Administrative Variance	Application Fee	$263.00
Accessory Dwelling Unit	Application Fee	$263.00
Shoreline Exemption	Application Fee	$105.00
Shoreline Substantial Development	Application Fee	$1,050.00
Shoreline Variance	Application Fee	$1,050.00
Shoreline Conditional Use	Application Fee	$1,050.00
Site Plan Review	Application Fee	$788.00
	Engineering Review	$300.00
Comp Plan Amendment	Application Fee	$2,100.00
Text Amendment, Title 16-19	Application Fee	$2,100.00
Rezone	Application Fee	$1,050.00
SEPA Checklist	w/ land use or permit application	$420.00
	w/o permit application	$525.00
	for each additional study	$263.00
Environmental Impact Statement	Per consultant contract	Actual Costs plus 10%
Appeal of Administrative Decision	Application Fee	$263.00
Appeal of SEPA action	Application Fee	$263.00
Appeal of Notice of Violation	Application Fee	$263.00
Temporary Use Permit	Application Fee	$105.00
Transfer Development Rights	Application Fee	$525.00
	per development credit	$50.00
	Treasured Place Status	$263.00

PLANNING/LAND USE (cont'd)		
TYPE	DESCRIPTION	FEE
Tree Permit	Level 1 application Fee	$263.00
	Level 2 application Fee	$525.00
	Exemption Review	$100.00
Reasonable Use Exception	Application Fee	$263.00
Sensitive Areas Permit	Application Fee	$525.00
Sensitive Area Utility Exception	Application Fee	$1,050.00
Formal Code Interpretation	Application Fee	$158.00
Pre-Application Meeting	1 hour meeting and review of submittal	No Charge
	Additional meetings	$210.00
Hearing Examiner	Hearing Fee	$788.00
	actual costs	Hourly Rate + 10%
Public Notice Boards	Per BDMC 18.08	3rd Party Vendor Charge
Special Event Permit	1 day event	no charge
	Multi-Day event requiring Council approval	$200.00
	Multi-Day event requiring Council approval & charging an entry fee	$200.00 + Hourly Staff Time
Signs		
Wall Sign, non electric	25-50sf, 51-99sf, 100+ sf	$105.00, $155.00, $205.00
Wall Sign, electric	25-50sf, 51-99sf, 100+ sf	$125.00, $175.00, $225.00
Ground, non-electric	25-50sf, 51-99sf, 100+ sf	$145.00, $195.00, $245.00
Ground, electric	25-50sf, 51-99sf, 100+ sf	$165.0, $215.00, $265.00
All signs less than 25sf		$95.00
Change of sign, all sizes		$95.00
Permit Review	per hour	$50.00

BDMC 2.62.012 may require the posting of a deposit and payment of actual city costs for certain permits.

Deposits that are listed on the General Fee Schedule are require to be paid in addition to the Permit Fees. The Deposit is used to cover staff costs, engineering, and or other professional consultant costs plus 10%. Deposits will be tracked on a monthly basis. If the cost exceeds the deposit, an additional deposit invoice will be sent in writing. If the additional deposit is not paid within 30 days, the city may discontinue review or work on the project or deem the project incomplete.

At the end of the project, the city will invoice in writing any final costs over the deposits, or refund any remaining balance to the person who made the deposit. Final invoices are due within 30 days.

BUILDING - FIRE		
TYPE	DESCRIPTION	FEE
Building Permit Fee	Based on Project Valuation	See page 10
Building Plan Check Fee	Based on Project Valuation	65% of permit fee, see page 10
Mechanical Permit	Flat Fee plus fixture count	See page 12
Plumbing Permit	Flat Fee plus fixture count	See page 11
Training Fee	Per application (I-Code permits only)	$1.00
Change of Use w/o a TI	Permit Fee & Deposit	$200 deposit, actual staff hours
Demo - SFR, out-building etc.	Permit Fee & Deposit	$120 permit, $1000 deposit
Relocation Permit (incl mfg home)		$210.00
Mobile Home Title Elimination	Permit Fee	$105.00
Driveway (stand alone)	expansion & new	$210.00
Re-Roof permit - Residential	Permit Fee	$105.00
Re-Roof permit - Commercial/ MF	Permit Fee & Plan Check	based on valuation, see page 10
Miscellaneous Permit	Permit Fee	$100 deposit + actual hours
Investigation Fee-Work w/o a permit	Permit Fee	Double Req'd permit fees
Temporary Certificate of Occupancy	Per 30 day TCO	$263.00
Permit Extension	180 day extension	$50.00
Application Extension	90 day extension	$50.00
Consultant/Peer Review	consultant fees	per contract plus 10%
Coal Mine Hazard Report Review		$100.00
Fire Permit	Base Fee	$105.00
Fire Sprinkler/Alarm System Review	Plan Review & Inspection Fee	per contract plus 10%
Fireworks Display	Plan Review & Inspection Fee	per contract plus 10%
Temporary Fireworks Stand	Permit Fee	$100.00
	Removal Bond-refundable	$750.00
Fuel/Oil Tanks Decommission/Remove	Base Permit Fee	$105.00
	Plan Review & Inspection Fee	per contract plus 10%
Residential LPG Tanks	Base Permit Fee	$126.00
	Tank Under 125 gallons, additional	$46.00
	126 to 500 gallons, additional	$74.00
	501 gallons and up, additional	$100.00
	Each 500 gallons additional	$126.00

Technology Fee	per permit application	$25.00
	per $10,000 in project value	$2.00

The technology fee is assessed for each of the following transactions: Building Permits, Fire Permit, Sign Permit, Demolition Permit, Right of Way Use Permit and most Land Use permits. Land Use Exemption applications are exempt from the fee. The fee is collected at the time of issuance for building permits and right-of-way use permits. A technology fee will be assessed at Land Use application submittal.

LICENSES		
TYPE	DESCRIPTION	FEE
Regular Business License	Annual	Initial Fee $70 Renewal $60
Regular Business License (partial)	Pro-rate: 50% fee reduction after June 30	$35.00
Temp Business License (30 days)	per 30 day license, maximum of 2 per year	$15.00
Duplicate Business License	per copy	$10.00
Relocation/Re-issue	business moves locations	$10.00
Specialty Licenses		
Pawnbrokers	Yearly	$100.00
Firearms Dealer	Federal Firearms License, yearly	$125.00
Solicitors and mobile vendors	Annual	$70.00
	Temporary (30 Days)	$15.00
Carnivals, circus, and shows	per event	$50.00
Adult Entertainment License	per establishment	$1,000.00
	operator license	$100.00
	employees license	$50.00
Utility License	Annual	$60.00
Penalty, Late Renewal Payment	Feb 1-28	$10.00
	Mar 1-31	$20.00
	April 1-30	$30.00
	May 1 and after	double renewal fee, collections

CITY STAFF RATES		
TYPE	DESCRIPTION	FEE
City Administrator	Per Hour	$94.00
Asst. City Administrator/City Clerk	Per Hour	$84.00
Deputy City Clerk	Per Hour	$50.00
Finance Director	Per Hour	$70.00
Deputy Finance Director	Per Hour	$58.00
Senior Accountant	Per Hour	$40.00
Community Development Director	Per Hour	$73.00
Permit Technician Supervisor	Per Hour	$54.00
Permit Technician	Per Hour	$44.00
Economic Development Director	Per Hour	$75.00
Natural Resources	Per Hour	$73.00
Building Official/Code Official	Per Hour	Per Contract + 10%
Building Plans Examiner	Per Hour	Per Contract + 10%
Public Works Director	Per Hour	$80.00
Public Works Admin. Asst. 3	Per Hour	$51.00
Utilities Supervisor	Per Hour	$76.00
Utility Operator	Per Hour	$47.00
Utility Worker	Per Hour	$44.00
Facilities Coordinator	Per Hour	$51.00
Police Chief	Per Hour	$89.00
Police Officer w/ vehicle	Per Hour	$75.00
Senior ~~Associate~~ Planner	Per Hour	$48.00
Information Services Manager	Per Hour	$73.00

CITY STAFF RATES (cont'd)		
TYPE	DESCRIPTION	FEE
Clerical Staff	Per Hour	$28.00
City Engineer		Per Contract + 10%
City Attorney		Per Contract + 10%
Landscape Architect		Per Contract + 10%
Consultant Planner		Per Contract + 10%
Other Consultant or Contractors		Per Contract + 10%
Hearing Examiner		Per Contract + 10%

PARKS		
TYPE	DESCRIPTION	FEE
Liquor Use Permit	Per Event	$25.00
Overnight Camping Permit	Per Campsite	$10.00
Vending Permit	Per Event	$50.00
Overnight Moorage Permit	Per Boat	$10.00
Parking Fee @ Boat Launch	Per Vehicle	$5.00

PASSPORTS		
TYPE	DESCRIPTION	FEE
passport fee check is made payable to the US Department of State. The execution fee check is made payable to the		
Passport Book		
Passport Fee **	Age 16 and over	$110.00
Execution Fee		$25.00
		Total $135.00
Passport Fee **	Under Age 16	$80.00
Execution Fee		$25.00
		Total $105.00
Passport Card		
Passport Fee **	Age 16 and over	$30.00
Execution Fee		$25.00
		Total $55.00
Passport Fee **	Under Age 16	$15.00
Execution Fee		$25.00
		Total $40.00
Expediting Fee (Book Only)		$60.00
File Search Fee		$150.00
Overnight Delivery Return Fee	Passport book only	$12.72
Overnight Delivery Fee to Agency		$19.95
** Other conditions and restrictions may apply, see City Clerk's office for more details.		

MISCELLANEOUS FEES		
TYPE	DESCRIPTION	FEE
Photocopying	Materials copied on the copier on legal, letter or ledger size paper (includes packet material, ordinances, resolutions, minutes, contracts, etc.)	$0.15
Oversize Documents/Plotter copies	per page, black & white	$5.00
	per page, color	$7.00
Duplication Audio Tapes CD's	Per tape/CD	$1.50
CD or DVD Disk	Per disk	$1.50
Transcription Preparation	staff time or outside agency	actual cost
	Deposit	$300.00
City Clerk Certification of Documents	per page	$1.00
King County Recording Fee	Per page, pass through King County fees	actual cost per King County
Return Check Fee		$35.00
Return Check Fee plus door hanger for utility payments		$45.00
City of Black Diamond Maps		$5.00
Black Diamond Zoning Map	Oversized 18x24 or larger	$7.00
	11x17	$3.00
Zoning Code		$50.00
Comprehensive Plan		$85.00
Water Comp Plan		$80.00
Sewer Comp Plan		$80.00
Municipal Code		Current Publishing Price
Public Works Standards		$50.00
BD Design Standards & Guidelines		$50.00
Each Section		$10.00

Exhibit 1

Table 1-A BUILDING PERMIT FEES

TOTAL VALUATION	FEE
$1.00 TO $500.00	$23.50
$501.00 TO $2,000.00	$23.50 for the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 TO $25,000.00	$69.25 for the first $2,000.00 plus $14.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 TO $50,000.00	$391.25 for the first $25,000.00 plus $10.10 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 TO $100,000.00	$643.75 for the first $50,000.00 plus $7.00 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 TO $500,000.00	$993.75 for the first $100,000.00 plus $5.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 TO $1,000,000.00	$3,233.00 for the first $500,000.00 plus $4.75 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 AND UP	$5608.75 for the first $1,000,000.00 plus $3.65 for each additional $1,000.00, or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours.....$119.03 per hour[1]
   (Minimum charge – two hours)
2. Re-Inspection fees.....$104.15 per assessment[1]
3. Inspections for which no fee is specifically indicated.....$104.15 per hour[1]
   (Minimum charge – one hour)
4. Additional plan review due to additions or revisions to plans.....$104.15 per hour[1]
   (Minimum charge – one hour)
5. Additional plan review due to Deferred Submittals.....$104.15 per hour[1]
   (Minimum charge – 1 hour)
6. For use outside consultants for plan checking and Inspections or both.....Actual cost + 20%
7. Plan review shall be 65% of the permit fee when required.

Public Improvement Projects Fee Wavier. The city administrator may, in his discretion, waive any or all of the permit fees required under the Uniform Building Code and any amendments thereto, for any public improvement project for which the city is providing some or all of the funding for said project.

[1]Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Exhibit 2 - PLUMBING PERMIT FEES

Permit Issuance

1. For issuing a plumbing permit associated with a building permit	$40.00
2. For issuing a plumbing permit not associated with a current building permit.	$100.00
3. For issuing each supplemental permit	$12.00
4. Technology Fee - PLM/MEC	$5.00

Unit Fee Schedule (note the following do not include permit-issuing fee):

1. For each additional plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and back flow protection thereof)	$9.00
2. For each building sewer and each trailer park sewer	$19.00
3. Rainwater systems - per drain (inside building)	$9.00
4. For each water heater and/or vent	$9.00
5. For each industrial waste pretreatment interceptor including its trap and vent except kitchen-type grease interceptors functioning as fixture traps	$9.00
6. For each installation, alteration or repair or water piping and/or water treatment, each	$9.00
7. For each repair or alteration of a drainage or vent piping, each fixture	$9.00
8. For each lawn sprinkler system on any one meter inclduing back flow protection devices thereof	$9.00
9. For atmospheric-type vacuum breakers not includied in item 12:	
1 to 5	$7.00
over 5, each	$2.00
10. For each backflow protective device other than atmospheric type vacuum breakers:	
2 inch (51 mm) diameter and smaller	$19.00
over 2 inch (51 mm) diameter	$49.00
11. For initial installation and testing for a reclaimed water system	$36.00
12. For each annual cross-connection testing of a reclaimed water system (excluding initial test)	$36.00
13. For each medical gas piping system serving one to five inlet(s)/outlet(s) for a specific gas	$61.00
14. For each additional medical gas inlet(s)/outlet(s)	$7.00
15. Spa & Hot Tubs	
16. Swimming Pool	

Other Inspections and Fees:

1. Inspections outside of normal business hours	$125.00
2. Re-inspection fee	$93.00
3. Inspections for which no fee is specifically indicated	$93.00
4. Additional plan review reauired by changes, additions or revisions to approved plans (min. charge one-half hour)	$93.00

Exhibit 3 - MECHANICAL PERMIT FEES

Permit Issuance and Heaters:

1. For issuing a mechanical permit associated with a building permit	$40.00
2. For issuing a mechanical permit not associated with a current building permit.	$100.00
2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled	$9.00
3. Technology Fee - PLM/MEC	$5.00

Unit Fee Schedule (Note: the following do not include permit-issuing fee):

1. Furnaces

For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 btu/h (29.3kW)	$18.00
For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3kW)	$22.00
For the installation or relocation of each floor furnace, including vent	$18.00
For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater	$18.00

2. Appliance Vents

For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	$9.00

3. Repairs or Additions

For the repair of, the alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code	$17.00

4. Boilers, Compressors and Absorption Systems

For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6kW) or each absorption system to and including 1,000,000 BTU/h	$18.00
For the installation or relocation of each boiler or compressor over 3 horsepower (10.6kW) to and including 15 horsepower (52.7kW) to and including 30 horsepower (105.5kW) or each absorption system over 500,000btu/h (146.6kW) to and including 1,000,000 Btu/h (293.1kW)	$45.00
For the installation or relocation of each boiler or compressor over 30 horsepower (105.5kW) to and including 50 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 Btu/h (512.9kW)	$67.00
For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 Btu/h (512.9kW)	$112.00

5. Air Handlers

For each air handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached therto (Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance cooling system, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code)	$14.00
For each air-handling unit over 10,000 cfm (4719 L/s)	$22.00

6. Evaporative Cooler

For each evaporative cooler other than a portable type	$14.00

7. Ventilation and Exhaust

For each ventilation fan connected to a single duct	$9.00
For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	$14.00
For the installation of each hood which is served by a mechanical exhaust, including the ducts for each hood	$14.00

8. Incenerators

For the installation or relocation of each domestic-type incinerator	$18.00
For the installation or relocation of each commercial or industrial type incinerator	$18.00

9. Gas Piping

Gas piping systems 1-5 outlets	$17.00
For each additional gas outlet over 5	$3.00

10. Miscellaneous

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table	$14.00

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (min. charge 2 hours)	$125.00
2. Inspections for which no fee is specifically indicated, per hour (min. charge one-half hour)	$93.00
3. Revisions to plans or to plans for which an initial review has been completed (min. charge one-half hour)	$93.00

*Building Official Contract fee + 10%

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION

SUBJECT: **AB15-059**	**Agenda Date: September 3, 2015**	**AB15-059**
Resolution establishing an Ad Hoc Advisory Committee for Traffic and Transportation.	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
Cost Impact (see also Fiscal Note): $	Police – Chief Kiblinger	
Fund Source: --	Public Works – Seth Boettcher	
Timeline:	Court – Stephanie Metcalf	
	Councilmember Goodwin	X

Agenda Placement: ☐ Mayor ☒ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution No. 15-1039

SUMMARY STATEMENT:

Councilmember Goodwin will be addressing this item.

FISCAL NOTE (Finance Department):

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 15-1039, establishing an Ad Hoc Advisory Committee for Traffic and Transportation.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
September 3, 2015		

RESOLUTION NO. 15-1039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON ESTABLISHING AN AD HOC ADVISORY COMMITTEE FOR TRAFFIC AND TRANSPORTATION

WHEREAS BD Village Partners, LP and BD Lawson Partners, LP have received City of Black Diamond approval for development of two large Master Planned Developments (MPDs); and

WHEREAS BD Village Partners, LP and BD Lawson Partners, LP have now received approval to proceed with development of Preliminary Plat 1-A and Preliminary Plat 2-C as the two initial phases of development; and

WHEREAS MPD development and other potential development within the city will have major impacts on City of Black Diamond, neighboring city and State of Washington highway infrastructure and traffic volumes; and

WHEREAS the City of Black Diamond Comprehensive Plan has established Level of Service (LOS) standards for streets, highways and highway intersections throughout the city; and

WHEREAS MPD Conditions of Approval require that Traffic LOS standards are maintained as MPD development proceeds; and

WHEREAS the City of Black Diamond has adopted traffic Concurrency Standards for MPD and other development within the City; and

WHEREAS potential adverse traffic impacts and congestion resulting from new development rank at or near the top of citizen concerns; and

WHEREAS the Black Diamond City Council wishes to establish Traffic & Transportation as a top policy and legislative priority; and

WHEREAS solving traffic challenges and improving traffic flow often requires infrastructure improvements made outside of the City's jurisdiction and outside of City limits; and

WHEREAS a regional approach to improving transportation infrastructure is the most effective way to obtain State and County funding needed for area projects. This requires a collaborative approach working with neighboring cities, unincorporated King County, County Council, County staff and state Legislators. It also requires the commitment of increased time and energy from our city,

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

Section 1. An Ad Hoc Traffic & Transportation Committee of the Council be established to include two members of the Council and the Mayor, with Councilmember Goodwin as Chair and Councilmember Deady as Vice-Chair. Additional committee members may be appointed at the discretion of the Chair.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF SEPTEMBER, 2015.

CITY OF BLACK DIAMOND:

_____

Carol Benson, Mayor

Attest:

_____

Brenda L. Martinez, City Clerk

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION

SUBJECT: **AB15-060**	**Agenda Date: September 3, 2015**	**AB15-060**
Resolution setting a public hearing to consider the assumption of the Black Diamond Transportation Benefit District	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
Cost Impact ---- none	Police – Chief Kiblinger	
Fund Source: -----	Public Works – Seth Boettcher	X
Timeline: Right away	Court – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution 15-1040; Legislative Changes

BACKGROUND:
In order to address declining revenues that support the street department the Council took action on August 20th to form a Transportation Benefit District with the same boundaries as the City limits. Recently the state legislature revised the law allowing a City to absorb a Transportation Benefit District if the boundaries of the district are the same as the City.

BENEFITS
This action will not change the function and intent of revenues collected. The main advantage will be to significantly reduce administrative costs, confusion and transfer of funds operating two separate entities. There will no longer be a need for inter-local agreements, separate budget hearings, separate meeting, separate minutes, separate publications, distributing and tracking staff costs, assigning slightly different roles to council mayor and staff, maintaining a different set of minutes and formal records. This action will greatly simplify the administration of the collection and use of revenue collected so that more funds can go to street department activities.

FISCAL NOTE (Finance Department): At this point in time, the revenue collected from a $20 car tab approved on October 1st would generate about six month of Revenue in 2016 or approximately $43,000.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 15-1040, setting a public hearing to consider the assumption of the Black Diamond Transportation Benefit District.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
September 3, 2015		

CITY OF BLACK DIAMOND, WASHINGTON
RESOLUTION NO. 15-1040

A RESOLUTION OF THE CITY OF BLACK DIAMOND, WASHINGTON, SETTING THE DATE FOR A PUBLIC HEARING CONCERNING THE BLACK DIAMOND CITY COUNCIL'S INTENT TO ASSUME THE RIGHTS, POWERS, FUNCTIONS AND OBLIGATIONS OF THE BLACK DIAMOND TRANSPORTATION BENEFIT DISTRICT, ON OCTOBER 1st, 2015, AS ALLOWED BY SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987, SECTION 302 (July 15, 2015).

WHEREAS, the City Council of the City of Black Diamond has adopted Ordinance No. 1057 creating the Black Diamond Transportation Benefit District with the same boundaries as the City limits;

WHEREAS, Second Engrossed Substitute Senate Bill 5987, in Section 302, which took effect on July 15, 2015, provides that "the assumption of the rights, powers, functions and obligations of a transportation benefit district may be initiated by the adoption of an ordinance or resolution by the city or county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions and obligations"; and

WHEREAS, the City of Black Diamond is required to identify the time, date and place for a public hearing on the proposed assumption of the rights, powers, functions and obligations of the Black Diamond Transportation Benefit District;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BLACK DIAMOND CITY COUNCIL AS FOLLOWS:

Section 1. Hearing Date. The City of Black Diamond Council will hold a public hearing on the proposed assumption of the rights, powers, functions and obligations of the Transportation Benefit on October 1st, 2015, at 7:00 PM. The hearing will be held at 25510 Lawson Street. All persons interested may appear and be heard.

Section 2. Publication. This Resolution shall be published at least two times during the two weeks preceding the scheduled hearing, in the official newspaper of record for the City of Black Diamond.

PASSED by the City of Black Diamond this 3rd day of September, 2015.

_____
Mayor, Carol Benson

AUTHENTICATED:

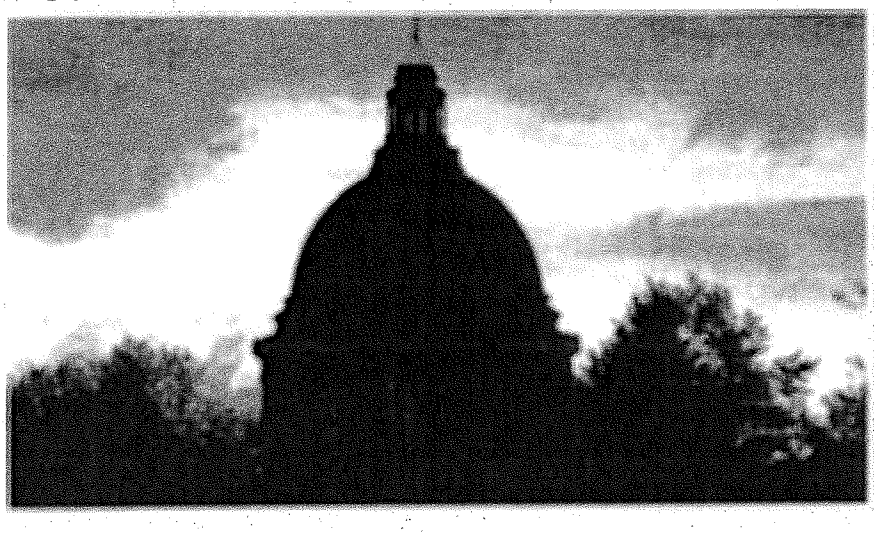
_____
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

_____
Carol A. Morris, City Attorney

Key Legislative Changes That May Affect Your Budget

August 13, 2015 by Christine Holloway (/Home/Stay-Informed/MRSC-Insight.aspx?aid=154)
Category:



Attention all local government budgeteers, the annual budget season is here! There is no need to hide out and retreat until December 31st or when the budget has been adopted, MRSC is here to help. Our annual publication, Budget Suggestions (http://mrsc.org/getmedia/c16198df-2a3c-4bb4-8107-416ef27f933a/bs16.pdf.aspx?ext=.pdf), has been completed for 2016 and is available for your use. With a wealth of financial information and guidelines for your budget process, it is a great resource to help you successfully adopt your city or county budget.

As you dive into the complex process of preparing your budget, we want to make sure you are aware of some of the key legislative changes that may affect your budget. Therefore, in this blog you will find information on recent legislative updates that can assist you as you begin to project revenues and expenditures for the coming year.

New Revenue Stream from Motor Vehicle Excise Tax

The increased gas tax as part of the transportation package (ESSB 5987 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Senate%20Passed%20Legislature/5987-S.PL.pdf)) captured the attention of much of the media, but there is a fact about it that makes ESSB 5987 particularly beneficial to local governments: direct distribution of these new fuel taxes.

The bill provides direct transfers of revenue to local government from the new motor vehicle fuel tax. Cities and counties will begin to see these revenues in September 2015, when they will receive a combined distribution of $2,929,750 on the last day of the first quarter of the state fiscal year (September 30th). Thereafter, quarterly distributions will occur throughout the 2015 - 2017 biennium. For those planning ahead, this quarterly distribution will increase to $6,278,000 starting with the next biennium (September 30, 2017).

Higher Liquor Excise Tax Distributions

Many in Washington felt a sigh of relief when the governor finally signed the state budget into law, but local government had an extra reason to cheer. The Fiscal Biennium Operating Appropriations Bill (ESSB 6052 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Senate%20Passed%20Legislature/6052-S.PL.pdf)) not only provided for appropriations to state government and its departments, agencies, and programs, but it returned the percent of liquor excise tax distribution revenue to a 35% share for Washington cities, counties, and towns. In the previous biennium it was only 22.5%, and we won't talk about the biennium previous to that!

New Fee Authority for Transportation Benefit Districts

The transportation package (2ESSB 5987 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf)) had some interesting amendments for transportation benefit districts (http://mrsc.org/Home/Stay-Informed/MRSC-Insight/August-2015/New-Legislation-Affecting-Transportation-Benefit-D.aspx) (TBDs). From a budget perspective, TBDs now have the ability to increase their license fees. Amendments to RCW 82.80.140 (http://app.leg.wa.gov/rcw/default.aspx?cite=82.80.140) provide that if a $20 nonvoted fee has been imposed for at least 24 months, that fee may be increased without a public vote to $40. If, subsequently, a $40 nonvoted fee has been imposed for at least 24 months, that fee may be increased without a public vote up to $50; however, that nonvoted fee of more than $40 is subject to referendum.

Revenues from Marijuana Taxes Coming but Exact Figures to Local Jurisdictions Unknown

The laws passed this legislative session changed the Liquor Control Board to the Liquor and Cannabis Board. This legislative session also revealed how much the state has made in marijuana excise tax revenue, $65 million to be exact. Unfortunately, we still aren't exactly sure how much of that revenue will be distributed to local governments.

The Marijuana-Reforms-Taxation (HB 2136 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2136-S2.PL.pdf)) provides revenue sharing from the state to cities and counties. Section 1603 provides $6 million for each year of the 2015-2017 biennium, however the distribution formulas are a bit complex. It works like this: 60% to counties that have not prohibited marijuana sales, production, or processing ratably based on the total amount of taxable sales subject to the marijuana excise tax in the prior fiscal year. Then, after making the county distribution, the state treasurer is to distribute the remainder to eligible cities ratably based on total retail sales from the prior fiscal year.

The easier forecast will begin in fiscal year 2018. If marijuana excise tax collections deposited into the general fund in the prior fiscal year (2017) exceed $25 million, then the legislature must appropriate an amount equal to 30% of such deposits to the treasurer for distribution to cities, towns, and counties. 30% of these deposits will be distributed to local jurisdictions that have licensed marijuana retailers in their jurisdiction and the amount will also depend on the volume of sales. The remaining 70% will be distributed to eligible cities, towns, and counties on a per capita basis. We have currently estimated those 2018 distributions to be $2,848,842 for cities and $4,272,723 for counties, but this is a forecast that is a few years down the road.

Image courtesy of John Stahl (https://www.flickr.com/photos/jonstahl/6974204158/in/photolist-7zmLHz-7GTCQi-arjU91-e8aFVQ-7xqQrL-2udMLY-6PGU3J-ad1WsX-4w1vVx-4w5HRj-4w1AJX-4w5JrA-8dFkBx-jF6F8V-7wYWPx-ad4L3G-ad4KH5-b1eDA-nyGtko-8jpUti-adqQ43-bChBVh-a3w3Q6-kctWgB-84ctAv-4w5DSJ-nHSqj9-7SPJJQ-87Q3w3-4w5FqA-95eMVG-95eN8W-7D1ny9-nhsnNG-nyXD2Q-nhsmVj-nyXCtW-nyXBFJ-55tkyf-7JKCRz-7N5hku-4YA4wD-7J3fMC-cjxgQY-7MkqjV-5tofpM-4VxTVE-4CrtbM-rxtor-3xtcwR/)

MRSC
Local Government Success

New Legislation Affecting Transportation Benefit Districts

August 6, 2015 by Bob Meinig (/Home/Stay-Informed/MRSC-Insight.aspx?aid=103)
Category: Transportation (/Home/Stay-Informed/MRSC-Insight.aspx?catID=149&cat=Transportation), Finance (/Home/Stay-Informed/MRSC-Insight.aspx?catID=158&cat=Finance)

The 2015 Legislature included within its large transportation funding bill, 2ESSB 5987 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf), a number of changes to the laws governing transportation benefit districts (TBDs). To me, the most interesting of these changes is a provision that basically allows a city or county that has a TBD with the same boundaries as the city or county to absorb the TBD and assume all the TBD's "rights, powers, functions, and obligations," with the result that the TBD would cease to exist as a separate entity. But more significantly, this legislation increased the permissible amount of the nonvoted vehicle license fee that certain TBDs may impose – up to a maximum of $50. This legislation was effective on July 15.

Section 301 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52) of 2ESSB 5987 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf) authorizes this assumption of control over a TBD by a city or county with the same boundaries as the TBD. The process to accomplish this is set out in Sections 302-303 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52), and it begins with the city or county legislative authority passing a resolution or ordinance indicating its intention to hold a public hearing on the proposed assumption of the rights, powers, functions, and obligations of the TBD, and setting the time and place of the hearing. The ordinance or resolution must be published according to the requirements in Section 302 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52), and, at the hearing, the legislative authority must hear all protests and objections to the proposed assumption. If, after the hearing, the legislative authority determines that "public interest or welfare would be satisfied" by the assumption of the TBD, it passes an ordinance or resolution assuming the rights, powers, functions, and obligations of the TBD. The passage of the ordinance abolishes the TBD governing

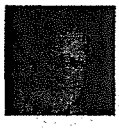
body and vests the city or county legislative authority with all the rights, powers, functions, and obligations that the TBD governing body possessed. See Section 303 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=52).

Sections 304 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=54)-307 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=55) make it clear that the city or county steps completely into the shoes of the TBD when it assumes the rights, powers, functions, and obligations of the TBD. Of course, a city or county that has not already established a TBD will have to first establish one before it can assume the its rights, powers, functions, and obligations.

As to the increase in the nonvoted vehicle license fee, this legislation at Section 308 (http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5987-S.SL.pdf#page=55) amends RCW 36.73.065 (http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.065) to increase the amount of that fee that a TBD governing board – or a city or county legislative authority that has assumed a TBD – may impose without a public vote. (To be authorized to enact a nonvoted vehicle license fee, the TBD must include all the territory of the jurisdiction or jurisdictions that established it. See RCW 36.73.065 (http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.065)(4) and RCW 82.80.140 (http://app.leg.wa.gov/RCW/default.aspx?cite=82.80.140)(2).) If a $20 nonvoted fee has been imposed for at least 24 months, that fee may be increased without a public vote to $40. If, subsequently, a $40 nonvoted fee has been imposed for at least 24 months, that fee may be increased without a public vote up to $50; however, that nonvoted fee of more than $40 is subject to referendum if a petition is filed containing the signatures of at least eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election. The petition must be filed within 90 days of the publication of the notice of the intention to increase the fee to more than $40, which notice is to be filed by April 1st of the year in which the vehicle fee is to be imposed. The question whether the fee may be imposed is decided by majority vote.

Finally, in a change that will affect only TBDs that include a city with a population of 500,000 or more (i.e., the City of Seattle), the threshold below which such a TBD may provide rebates of vehicle fees, sales taxes, and tolls is increased from 45 percent to 75 percent of the median household income. (Rebate programs, as defined in RCW 36.73.015 (http://app.leg.wa.gov/rcw/default.aspx?cite=36.73.015)(4), are not authorized for other TBDs.)

For more information on TBDs, see our Transportation Benefit Districts (http://mrsc.org/Home/Explore-Topics/Transportation/Transportation-Funding/Transportation-Benefit-Districts.aspx) webpage.



About Bob Meinig

Bob has written extensively on the state Open Public Meetings Act and on municipal incorporation and annexation. At MRSC, he has also advised local governments for over 24 years on diverse legal issues.
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Leave a Comment -

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION

SUBJECT: **AB15-061**	**Agenda Date:**	**September 3, 2015**	**AB15-061**
Resolution approving the Tough Mudder Special Event permit SEP15-0008		Mayor Carol Benson	
		City Administrator	
		City Attorney Carol Morris	
		City Clerk – Brenda L. Martinez	
		Com Dev/Nat Res – Barbara Kincaid	X
		Finance – May Miller	
		MDRT/Ec Dev – Andy Williamson	
Cost Impact (see also Fiscal Note): $		Police – Chief Kiblinger	
Fund Source: --Full cost recovery prepaid by Tough Mudder, LLC.		Public Works – Seth Boettcher	
Timeline: September 19th and 20th		Court – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution No. 15- 1041and Staff Letter Dated August 26, 2015.

SUMMARY STATEMENT:
The Tough Mudder Event is a 10-12 mile foot race obstacle course that takes place at 31407 3rd Avenue, land owned by Palmer Coking Coal and a portion of the Lake Sawyer Regional park. This is an annual 2-day event scheduled for September 19th and 20th from 7am to 7pm. It is expected to attract 7,000 participants and spectators. BDMC 2.59.040 requires City Council approval events lasting more than one day.

This permit, SEP15-0008, was reviewed by all relevant departments who submitted comments and conditions for organizers to comply with. Additionally, the applicant has met all criteria for issuance of a Special Events Permit, including prepayment of a deposit to cover cost of public services needed for this event. If approved with conditions, the reviewers find no basis to deny this permit. Therefore, the Community Development Director is recommending approval of the Special Events Permit, SEP15-008, with conditions stated in the letter to the applicant dated August 26, 2015 along with any additional items the Council deems appropriate.

FISCAL NOTE (Finance Department): All City supplied services for this event will be reimbursed to the City based on the current rates for services provided. Additionally, if Tough Mudder sells any merchandise during the event and charges sales tax, they remit this sales tax to the State of which the city gets a share.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 15-1041, approving the Tough Mudder Special Event permit SEP15-0008**

RECORD OF COUNCIL ACTION		
Meeting Date	***Action***	***Vote***
September 3, 2015		

RESOLUTION NO. 15-1041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING THE CITY COUNCIL TO APPROVE THE TOUGH MUDDER SPECIAL EVENT SEP15-0008

WHEREAS, Tough Mudder, LLC has proposed a two-day athletic event to occur on private property and a portion of Lake Sawyer Regional Park within the city limits on September 19th and 20th, 2015; and

WHEREAS, Black Diamond Municipal Code 2.59.040(B) requires the City Council to approve any special event that exceeds one day in duration; and

WHEREAS, City staff has reviewed the proposed activity and recommends it be approved, subject to the comments/conditions as outlined in the Staff letter to the applicant dated August 26, 2015;

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

Section 1. The Mayor is hereby authorized to execute the approval of Special Event Permit #SEP15-0008 for the Tough Mudder two-day event to be held on September 19th and 20th, 2015.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF SEPTEMBER, 2015.

CITY OF BLACK DIAMOND:

_____

Carol Benson, Mayor

Attest:

_____

Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND

Physical Address: 24301 Roberts Drive
Mailing Address: PO Box 599
Black Diamond, WA 98010

Phone: (360) 886-5700
Fax: (360) 886-2592
www.ci.blackdiamond.wa.us

August 26, 2015

Blake Zink
Operations Manager/Tough Mudder, LLC
15 Microtech Center, 7th Floor
Brooklyn NY 11201

Dear Mr. Zink:

The City of Black Diamond is in receipt of your special event application for the 2015 Seattle Tough Mudder challenge to be held from 7am to 7pm on September 19th and 20th at 31407 3rd Avenue, Black Diamond, Washington. The City also understands that this event will use a portion of the City's Lake Sawyer Regional Park. Your Special Event Permit application number is SEP15-0008.

Application SEP15-0008 has been reviewed pursuant to Black Diamond Municipal Code (BDMC) Chapter 2.59. This application is complete and all relevant Departments have provided comments on your proposal. The following list of conditions will be required subject to permit approval.

Fire Conditions, Fire Marshal Robert Young, 253-735-0284

1. Vehicle traffic and back up shall not hinder fire department access. A 20 foot dedicated assess must be maintained in and out of the site at all times during the event.

2. An additional engine and crew, paid by Tough Mudder, LLC, is required to provide for protection of the community during this event and to avoid traffic delays and additional event required service demands. **Please call 253-569-4211 to arrange for payment of the additional engine and crew.**

3. Inspections of all tents, cooking and equipment fueling areas are required. All tents/membrane structures with 3 sides or more shall have "EXIT" signs posted in compliance with the requirements of the 2012 International Fire Code (IFC). NO SMOKING signs shall be posted in all tents/membrane structures. **Please call 253-735-0284 if you have questions regarding IFC requirements.**

4. No cooking or open flames are allowed in any tent/membrane structure where there is public access. Mobile cooking facilities shall meet the 2012 IFC requirements for fire suppression systems including proper portable fire extinguishers. In addition to ABC Fire extinguishers, Class K extinguishers are also required for cooking areas with solid fuels and deep fat fryers. A minimum of one (1) 2A10BC fire extinguisher is required to

be located within 75 foot travel distance of all main camp areas, including but limited to tents/membrane structures. All fire extinguishers shall be visible and accessible at all times. **Please call 253-735-0284 if you have questions regarding IFC requirements.**

5. Crowd management is required pursuant to Chapter 4 of the 2012 IFC for public events. The number of event staff shall meet the numbers required by the 2012 IFC and they must be trained to carry out their duties and have the ability to summon emergency aid if needed.

6. A clearly defined and identifiable Command Post location is required to allow rapid access by the fire department in the event of an emergency.

7. Open flames of any kind are strictly prohibited, other than those used for cooking in approved cooking appliances unless specifically permitted by the fire department. This includes all props, lighting, or camp fires.

8. All portable and fixed stages shall be inspected and approved by the fire department. Onsite inspections shall be coordinated with the event staff. **Please call 253-569-4211 to arrange for inspections.**

Public Works, Dan Dal Santo, Utility Superintendent, 360-886-5700, ext. 5712

9. Compliance with the City of Black Diamond signage consistent with the Police Department condition that no access is allowed from SR 169 and no signage directing the public to SR169 for ingress, egress, or parking is required. Access shall be off of the Lake Sawyer road and the installation of directional All EVENT PARKING signs shall be installed along the north and south bound lanes of SR 169 to direct traffic to Roberts Drive to the Lake Sawyer entrance.

Police, Chief Jamey Kiblinger, 253-631-1012

10. Event coordinator shall provide the Black Diamond Police Department (BDPD) with an off-road vehicle for emergency access. No ingress or egress will occur on SR 169. All traffic will be routed off the Lake Sawyer Road to the Palmer Coking Coal entrance.

11. The BDPD assigned posts schedules are as follows:

<u>Saturday, September 19th, 2015</u>
Officer #1 – 3rd Ave/Community Center from 5:30am to 7pm
Officer #2 – 3rd Ave/Community Center from 5:30am to 7pm
Officer #3 – Lake Sawyer Rd/Palmer Coking Entrance from 5:30am to 7pm
Officer #4 – Lake Sawyer Rd/Palmer Coking Entrance from 11:00am to 7 pm
Officer #5 – Lake Sawyer Rd/Roberts Dr from 5:30am to 7 pm
Officer #6 – Floater from 5:30am to 7 pm

<u>Sunday, September 20th, 2015</u>
Officer #1 – 3rd Ave/Community Center from 6:30am to 5pm
Officer #2 – 3rd Ave/Community Center from 6:30am to 5pm
Officer #3 – Lake Sawyer Rd/Palmer Coking Entrance from 6:30am to 5pm
Officer #4 – Lake Sawyer Rd/Palmer Coking Entrance from 12:00pm to 5pm

Officer #5 – Lake Sawyer Rd/Roberts Drive from 6:30am to 5pm
Officer #6 – Floater from 6:30am to 5pm

12. The total costs of required Public Services are fully reimbursable under the City of Black Diamond fee schedule.

Parks Department, Director Seth Boettcher, 360-886-5700, ext. 5711

13. Signage at the Lake Sawyer Regional Park Parking lot (South of 312th Street on Lake Sawyer Road) is required to alert park patrons that a major public event is in progress.

14. The Event Coordinator is responsible to empty city garbage cans as needed during the event. At the end of the event, all trash in the park cans, flagging, course materials and signage shall be removed.

Approval of Permit Number SEP15-0008 is ultimately the City Council's decision. This permit application and letter of conditions for approval will be presented to Council at their September 3, 2015 meeting. You are invited to attend. The meeting begins at 7:00pm at City Council Chambers, 25510 Lawson St., Black Diamond, Washington. City staff will notify you via email of Council's decision within five (5) working days from the date of this meeting. Should you have questions, please let me know. My phone number and email are listed below. The City of Black Diamond thanks you for your application.

Sincerely,

Barbara Kincaid, Community Development Director
(360) 886-5700, ext. 5720
bkincaid@ci.blackdiamond.wa.us