

# THE CITY CONNECTION

*"FACETS OF BLACK DIAMOND"*

## Stormwater utility bills may change

The stormwater utility bills you received today continues the rates Council adopted November 6, 2008. But that's not the end of the story. The Mayor and Council have received your calls and letters and conducted workstudy sessions on March 5 and March 19 to consider several options to reduce rates.

The following options currently being considered roll back the rates and save the residents, businesses, churches and other organizations a total of \$102,184 in 2009. Options being considered are:

- ◆ Reducing the base rate from \$13 to \$10 per month per residence or per equivalent residential unit or (ERU) for businesses, churches, community clubs, schools and others. The rate was proposed for 2009, not returning to \$13 per ERU until 2011.
- ◆ Removing the charge for gravel from the impervious surface calculation used for commercial and other ERU-based charges.
- ◆ Providing 25 percent credit for businesses, churches, community clubs and schools for having and maintaining a qualified private stormwater retention/ treatment facility.
- ◆ Providing an annual credit for customers who paid for a State-required industrial NPDES permit equal to the amount paid.
- ◆ Adding a senior/low-income/disabled discount for qualified residences. The credit would allow a 50 percent discount on the rate for stormwater, water, and the City's share of sewer (residents also pay sewer rates to King County and Soos Creek).

In case you are wondering how or when this might happen, the Council will need to conduct a public hearing. That is currently scheduled for April 23. After the hearing, the Council can adopt the rate changes. As soon as Council adopts the changes, staff will begin making the revisions to the computer billing system for each customer. The earliest you will likely see reduced rates will be on the utility bills that are mailed at the end of April. Watch the City's website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) for updated Council calendars.

*Continued on page 2*

## Nestlé Waters North America update

Nestlé Waters North America continues to test the City of Black Diamond's springs for quality and volume to determine if it is a suitable source for a potential water bottling facility. The company also continues discussion with a landowner at the north end of town regarding a potential property purchase for the plant, should an agreement with the City of Black Diamond for the sale of spring water ultimately be approved by the City Council.

On March 5, the City Council unanimously approved Resolution No. 09-582. The action authorized a contract with PacWest Engineering to examine the potential water rate impacts of a sale to Nestlé. The cost of the contract will be billed to Nestlé Water under a previously passed reimbursement agreement. This study does not obligate the City of Black Diamond any further or in any way transfer water rights to Nestlé Waters North America.

The City has requested that Nestlé host a town hall meeting for citizens in early 2009.

### Elected Officials

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

### Department Heads

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

### Inside this issue:

Stormwater Update and Questions	2
Nestle Waters Update	2
Fire Department Funding	3
Safety Tips on Poisons	4
Sensitive Areas Ordinance	4 - 7
Police News	7
Contact Information	8

## Stormwater questions answered *(continued from front page)*

Several residents called to the City asking about the stormwater utility. Below are a few frequently asked questions and answers:

### 1. How will the discount for seniors work if it passes?

The program being considered is for low-income seniors, 62 years or older, or for disabled persons receiving permanent disability payments from SSI or SSDA (a physician's statement is required) and veterans. This discount is only for residents paying for Black Diamond utilities. To qualify you must be both low income and a senior, disabled or a veteran or on kidney dialysis at home. Eligible incomes will be updated annually by HUD in March. Eligible incomes are based on household size.

#### Official HUD income guidelines (Effective February 1, 2009)

Household Size	Maximum Annual Gross Income
1	\$ 43,050
2	\$ 49,200
3	\$ 55,350
4	\$ 61,500
5	\$ 66,400
6	\$ 71,350
7	\$ 76,250
8	\$ 81,200

If the City Council approves this program, a 50 percent discount will apply to water, city share of sewer (exempts King County Metro and Soos Creek rates) and to stormwater rates beginning with the May billing cycle. A one page application would be available by May 1 at City Hall or on the City website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us). Please note that annual applications are required.

### 2. Can stormwater payments be made annually or quarterly?

Yes, you can prepay. The amount will show as a credit against your account and it will show a credit balance each month until the new charges have used up the credit. Utility bills will continue to be mailed each month with the City newsletter as one postage rate covers both items.

### 3. How come the City doesn't include return envelopes with the utility bills?

We are trying to keep the administrative costs low right now. This may be considered in the future.

### 4. Can costs be saved by printing bill on postcards?

We are upgrading our utility billing system and will be considering this option and other cost-saving features.

### 5. Will the City be looking into automatic utility bill deductions from citizens' bank accounts?

Customers can set up automatic bill pay through their own

bank or credit union. The City will not set up to deduct from citizens' banking institutions.

### 6. When will we be able to pay online?

We are currently changing software vendors and will look at online and/or credit card payments for the last quarter of the year.

### 7. What is my King County property tax that is paid to Black Diamond being used for?

Black Diamond currently receives about 17 percent of the property taxes collected by King County. The rest of the taxes pay for schools, King County, Port of Seattle, Library District and the Emergency Medical Services levy. In 2008, Black Diamond received approximately \$551 for the year on property valued at \$300,000. This is \$46 a month and is used in Black Diamond for primarily public safety including police, fire, jail, court and legal costs as well as other services. See more information about property taxes in our March 2009 newsletter at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us).

### 8. Why am I paying King County for stormwater and the City of Black Diamond?

If you were in the Lake Sawyer annexation, the stormwater fees paid to King County should have been dropped once the annexation was official. There is still an old King County stormwater bond issue (prior to annexation) that continues to be a liability of some of the Lake Sawyer citizens. The charge is \$5.50 a year and shows on the King County property tax bill as SWM Bond. This will be paid off in 2016.

### 9. I live on Lake Sawyer. Do I still have to pay?

Yes, the stormwater fees are paid by all Black Diamond residences, businesses, churches, community clubs, schools and other commercial properties that have impervious surface. Under the new proposal each residence will pay a total of \$10 per month for 2009, which covers houses, garages, out buildings, and driveways. Others such as businesses will have impervious surfaces measured and divided by 3,000 to come up with ERU'S (Equivalent Residential Units) that will be charged at \$10 per ERU each month.

We appreciate all your questions and comments. For more stormwater information, please contact customer service at (360) 886-2560.



## Fire district in third year of protecting Black Diamond



### Background on department

In June of 2006, the City of Black Diamond and King County Fire District #44 (Mountain View Fire and Rescue) entered into an agreement for fire and emergency medical services. Under this agreement, fire services were regionalized. The Mountain View and Black Diamond fire departments now operate as one department under the direction of Chief Greg Smith.

King County Fire District #44 is not under the jurisdiction of, nor does it report to, King County government. It is its own autonomous taxing district governed by an elected Board of Fire Commissioners. All members of the board are residents of the District.

### District funding sources

Fire services in the District are funded through property taxes specifically collected for the Fire District. Fire districts in the state are limited to \$1.50 per \$1,000 dollars of property value as determined by the King County Assessor. For example, a \$300,000 home would pay a maximum of \$450 a year in fire district taxes. All of these funds go directly to the District and are controlled by the Board of Commissioners. However, the district has been limited to a 1% increase in funding each year since Initiative 747 passed in 2001. This effectively lowers the rate over a period of years. In 2005, Mountain View collected \$1.31 per \$1,000 until the voters of the District approved a levy lid lift to reinstate the \$1.50 per \$1,000 rate.

### Black Diamond services

Fire services in Black Diamond are funded out of the General Fund. Property taxes, sales taxes, utility taxes and other taxes and fees provide the revenues for that fund.

The citizens of Black Diamond currently pay about \$.63 per \$1,000 of assessed value for fire and emergency medical services based on the current contract costs the City pays to the District. The City currently has a public safety levy that assists in paying the costs for both police and fire protection. This levy terminates at the end of 2010 unless it is reinstated.

### Merger capital bond passed

King County Fire District #17 that surrounded Black Diamond in the unincorporated area was merged into Mountain View by a vote of the citizens of District #17. This merger took place on January 1, 2009. In the fall of 2008, the citizens of Mountain View voted to authorize a \$7.5 million dollar capital bond issue. These funds will replace fire apparatus, safety equipment and one fire station. While the citizens of Black Diamond and those of the former District #17 will not pay for these bonds, they will benefit from the improvements.

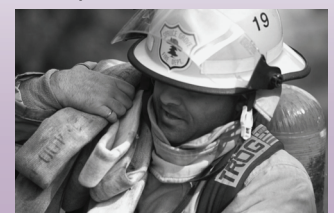


### *From Black Diamond Fire / Mountain View Fire & Rescue*

Our mission is to protect life and property from the threat of fire and other dangers, and to provide emergency medical care to victims of accidents and other medical conditions. We appreciate the support our citizens give to our Department and understand that, without your support, we could not fulfill our mission.

We operate as one department. You may see Black Diamond or you may see Mountain View on the sides of emergency vehicles in the city, because we operate without borders. In total, Mountain View's resources from each of its six stations plus the two stations operated out of Black Diamond equal almost 100 combined career and volunteer firefighter/EMTs. All of our staff and resources are utilized to provide the most efficient and effective service to our citizens.

We ask each of our citizens to check and test their smoke detectors regularly and learn basic first aid and CPR. The Fire Department offers classes and information that citizens can use to keep them and their families safe. Visit us at [www.kcfd44.org](http://www.kcfd44.org) or link to us from the City of Black Diamond's website. We offer information on disaster preparedness, home fire safety and other topics. Just click on the public information tab. You may also reach us at (253) 735-0284 or at [info@kcfd44.org](mailto:info@kcfd44.org).



- Fire Chief Greg Smith

## Be safe and informed about poisons



Each year, two million poison exposures are reported to poison centers across the country. Most of them happen in the home. Even though more than half of the

poisonings involve children six years old and younger, few people realize adults get poisoned too and they usually result in the most serious injuries. In addition, several pets are poisoned each year because of their curious nature and their natural instinct to lick and chew.

Many household products, medications and plants are poisons. A poison is any chemical or substance that can make you sick or kill you if you:

- ◆ Eat it
- ◆ Drink it
- ◆ Breathe it
- ◆ Get it on your skin
- ◆ Get it in your eyes

If you see any of the following signs or symptoms of poisoning, call the Washington Poison Center at 1-800-222-1222 and/or 9-1-1 right away:

- ◆ An open container nearby
- ◆ Pills, berries, etc. in the mouth
- ◆ Strange odor on the breath
- ◆ Burns around the mouth
- ◆ Upset stomach, nausea or vomiting
- ◆ Dizziness or unexplained sleepiness

The Washington Poison Center is available 24/7 for any poison emergency that you may have. You can also call 9-1-1 in the case of a poison emergency.

For more information about poison emergencies, please visit the Washington Poison Center's website at [www.wapc.org](http://www.wapc.org) or call Tim Perciful with Mountain View Fire & Rescue/Black Diamond Fire Department at (253) 735-0284.



## What does SAO mean to me?

After many months of study and deliberations, the Black Diamond City Council updated the City's environmental protection regulations with a unanimous vote at the February 26 meeting. The City of Black Diamond's new Sensitive Areas Ordinance (SAO) applies to properties where improvements or redevelopment are slated to occur. It does not alter citizens' current use of their property.

### Clarifying answers to comments

Now that the SAO is adopted, there appear to be some common misperceptions that remain regarding the SAO. Below is a short list of comments and responses. Should you have remaining questions about the regulations, please contact Natural Resources/Parks Director Aaron Nix at (360) 886-2560 ext. 220.

### *1. The City is going to come onto my property and make me stop doing what I've been doing on my property for years.*

Unless you're engaged in some form of illegal activity, the City will not tell you, as a property owner, how you must manage your land. Types of activities that will not be regulated with the passage of the new Sensitive Areas Ordinance include:

- ◆ Pasturing of livestock and other animals
- ◆ Gardening
- ◆ General recreation
- ◆ General upkeep of structures and other buildings not included below

### *2. Because of the SAO, I can't even paint my house without getting approval from the City.*

Not true. The rules apply only to instances where a non-conforming use physically lies within a sensitive area or its buffer and when significant improvements are slated for the property. Here's how these improvements are defined directly from the SAO:

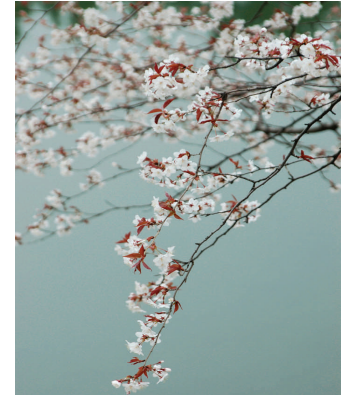
**Minor alteration or renovation** shall be defined as alteration or renovation of any structure, or

*Continued on page 5*

**SAO (continued from page 4)**

making other improvements, that result in any of the following:

- a. Expansion of floor area by up to 500 square feet, or by up to 10 percent, whichever is less; or
- b. Expansion of impervious surface by up to 1,000 square feet, or by up to 10 percent, whichever is less; or
- c. Remodeling or renovation that equals less than 50 percent of the value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems.



**Moderate alteration or renovation** shall be defined as the alteration or renovation of any structure, or making other improvements, that result in any of the following:

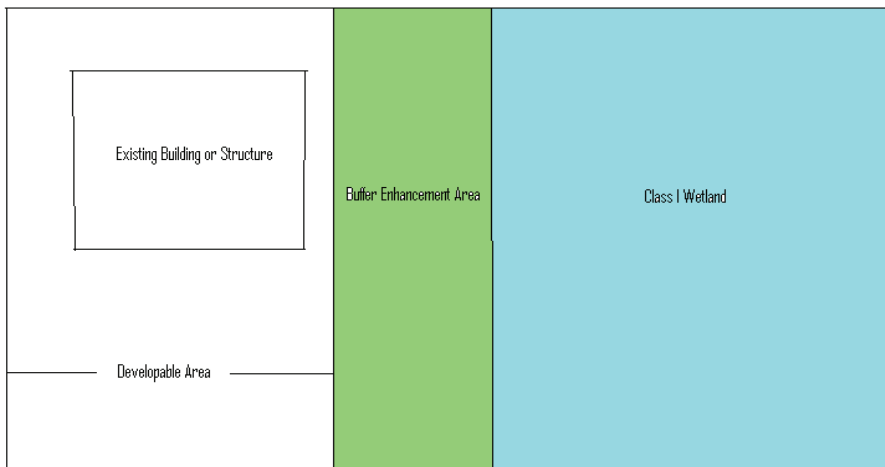
- a. Expansion of floor area by 500 square feet or more, or by more than 10 percent but less than 50 percent, whichever is less; or
- b. Expansion of impervious surface by more than 1,000 square feet, or by more than 10 percent but less than 50 percent, whichever is less; or
- c. Remodeling or renovation equal to or greater than 50 percent but less than 100 percent of the value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems.

**Substantial alteration or redevelopment** shall be defined as alteration or renovation of any structure, or making other improvements, that result in any of the following:

- a. Expansion of floor area by 50 percent or more, or the expansion of impervious surface by 50 percent or more; or
- b. Remodeling or renovation equal to or exceeding 100 percent of the value of the existing structures or improvements, excluding plumbing and mechanical systems.

These are the activities regulated by the new code for properties within a sensitive area and/or its associated buffer. These activities are allowed to occur when the following specific mitigation measures are implemented to help ensure that the sensitive area is protected:

Substantial Redevelopment of Non-Conforming Structure within Sensitive Area/Buffer



Example #1

**Minor alteration or renovation of existing development:**

- a. Buffer vegetation enhancement shall be either 50% of buffer standard or 50% of existing structure setback from wetland, whichever is less.
- b. Buffer area shall be fenced and signs posted.

**Moderate alteration or renovation of existing development:**

- a. Buffer vegetation enhancement shall be either 70% of

*Continued on page 6*

buffer standard or 60% of existing structure setback from wetland, whichever is less.

b. Buffer area shall be fenced and signs posted.

**Substantial alteration or redevelopment:**

a. Buffer dimension shall be 100% of standard, provided, if the standard buffer dimension exceeds the existing setback as measured from the edge of the primary building, the buffer may be reduced to ninety percent (90%) of the existing setback from the primary building to the edge of the sensitive area.

b. Buffer vegetation enhancement shall be 100% of standard.

c. Buffer area shall be fenced and signs posted.

Example #1 (on page 5) demonstrates the buffer requirements on the total reconstruction of an existing building or structure next to a sensitive area. Based on the code, the property owner is able to utilize an additional 10% of the distance between the corner of the existing primary building and the edge of the sensitive area for development purposes. The existing footprint might be utilized or the structure could be moved within this area. This includes the placement of structures, lawn or other features specific to the property owner's discretion and in accordance with current zoning requirements.

**3. I own bare land in Black Diamond and these rules are completely taking away my right to develop my land!**

Not true. For properties that are totally encumbered by sensitive areas and/or their buffers, a certain percentage of the property, located furthest away from the sensitive area, can still be utilized. (See example #2) This is based on the actual lot depth:

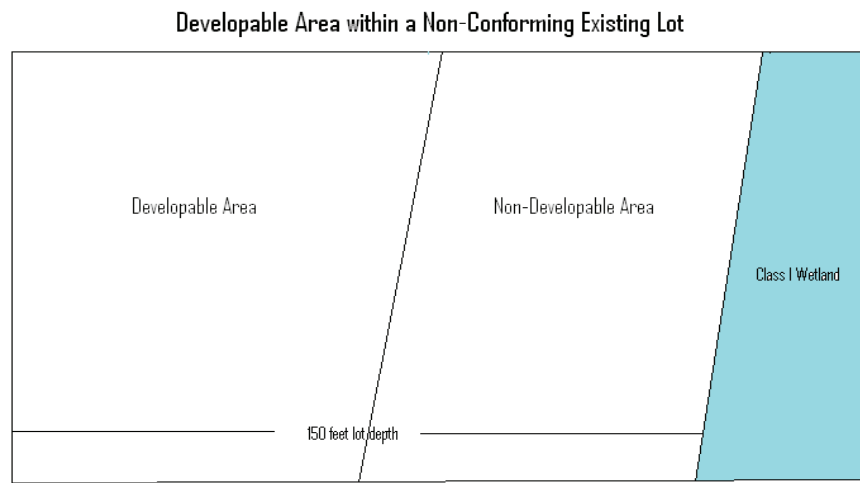
**Lot depth less than 100 feet** – buffers may be adjusted to utilize no more than 40% of lot depth, or as necessary to provide a buildable area outside the buffer no less than 40 feet deep, provided that a minimum buffer is not less than 25 feet or 50% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.

**Lot depth 100 feet to 150 feet** – buffers may be adjusted to utilize no more than 50% of lot depth or 50% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.

**Lot depth 150 to 200 feet** – buffers may be adjusted to utilize no more than 60% of lot depth or 60% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.

**Lot depth 200 feet to 250 feet** – buffers may be adjusted to no more than 65% of lot depth or 65% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.

**Lot depth 250 feet to 300 feet** – buffers may be



Example #2

adjusted to utilize no more than 70% of lot depth or 70% of the distance between an existing primary building and the edge of the wetland or stream or other sensitive area.

Example #2 (above) shows a situation in which a previously undeveloped property is totally encompassed by sensitive area and buffer. The standard buffer does not apply and the property owner is allowed to utilize up to 50% or 75 feet of the lot for development purposes. This includes the placement of structures, lawn or other features specific to the property owner's discretion and in accordance with current zoning requirements.

**4. These rules and regulations are ridiculous and I disagree with them. The code does not allow me an ability to appeal these rules.**

The process to appeal the SAO is called a Reasonable Use Exception (RUE). An exception



## Citizen's police academy canceled

The Black Diamond Police Department is disappointed to have to cancel its first annual Citizen's Police Academy due to lack of attendance. The Department will offer the academy again sometime in the future and will retain all of the applications received. In the meantime, the Police Department is reminding citizens that they can participate in the ride along program. If you are over the age of 18 and would like to accompany an officer during a shift, the Department would enjoy having you along. This gives citizens a unique look into what their police officers do on a day-to-day basis. Please contact the Black Diamond Police Department at (253) 631-1012 to schedule your ride along or learn more about the program.



### SAO (continued from page 6)

to allow for reasonable economic use is the method by which an adjustment is made in the application of the specific sensitive areas regulations to a particular piece of property. An exception to allow for reasonable economic use may be necessary in a situation where a property cannot achieve reasonable economic use and comply with all of the applicable requirements of the zoning or sensitive areas codes. The concept of reasonable economic use exception (for example), may apply to an existing vacant, legally platted lot that the City code designates as being in a single-family residential classification. It is presumed then that a limited single-family use is a reasonable economic use for that property, provided all the applicable criteria and mitigation can be met. Your application and supporting materials are presented to a Hearing Examiner and the examiner decides whether or not to allow for the exception.

#### Online resources

Citizens may read the recently adopted regulations online at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) by clicking on the Departments tab and pulling down to the Natural Resources page. That webpage includes a list of frequently asked questions and answers that was prepared during the Council's discussions of the SAO. The new rules and regulations are based on a study conducted by Parametrix, a local environmental and engineering firm using "best available science." That study is also available online. Parametrix created planning maps of the types and locations of Black Diamond's sensitive areas. These maps give indications where sensitive area may be located throughout the city. Although they are general in nature and subject to verification, the maps assist City planners in knowing where sensitive areas may be present so that appropriate protection measures can be put into place. Those maps will be maintained and updated by City staff as new information becomes available.

### Plans, codes and regulation updates moving forward

The City Council is continuing to work its way towards lifting the long-standing subdivision and Master Planned Development (MPD) moratorium. Currently, the Council is considering amendments to the existing MPD Code, plus establishing Design Guidelines for MPDs and multifamily, commercial and industrial development within the city. Soon, the Council will also begin consideration of a Capital Facilities Plan (a required element of the Comprehensive Plan), which establishes level of service standards for City services and facilities. The Council is also reviewing proposed changes to the Public Works Design Standards, which include improvement standards for streets as well as utilities. These are important decisions for the City, as these documents will help ensure that when the development occurs, it will be in a manner that is consistent with community values and expectations and result in minimal impact to the City's ability to provide services to both existing and future residents. If you have any questions about these processes, please feel free to contact the Community Development Department at (360) 886-2560.





To be added to the Council agenda distribution list,  
 please call us at (360) 886- 2560 ext. 209  
 or contact the City Clerk by email at  
[bstreepy@ci.blackdiamond.wa.us](mailto:bstreepy@ci.blackdiamond.wa.us)

**Get involved with your community:  
 attend Council public hearings**

- April 2 ~ Transfer of Development Rights Program
- April 16 ~ Appeal of 12 Development Rights for Parcel No. 1121069058
- April 23 ~ Stormwater Rates

*Watch the City's website for the latest information.*



**50TH ANNIVERSARY CALENDARS ON SALE NOW!  
 \$3 EACH**

- ◆ Wonderful collection of pictures from Black Diamond's past and present
- ◆ Holidays and Black Diamond events are listed for each month
- ◆ Features "50 Great Things to Do in Black Diamond"

Calendars are available for purchase at:

Black Diamond City Hall, Black Diamond Community Center, Black Diamond Historical Depot Museum, Leih's Gifts, Mt. Rainier Bank and other local businesses

**CITY MEETINGS**

**CITY COUNCIL MEETINGS**  
 25510 LAWSON STREET

- APR 2 - 7 p.m.
- APR 16 - 7 p.m.
- APR 23 - 7 p.m.

**COUNCIL STUDY SESSIONS:**

- APR 9 - 7 p.m.
- APR 30 - 7 p.m.

**PLANNING COMMISSION**  
 25510 LAWSON STREET

- APR 7 - 7 p.m.

**MONTHLY MEETINGS**  
**CITY COUNCIL:**  
 1st & 3rd Thursday  
 at 7 p.m.

**PLANNING COMMISSION:**  
 First Tuesday after the  
 first Council meeting  
 at 7 p.m.

For meeting agendas and  
 packet material please view  
 the City Clerk page  
 on our website  
[www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us)  
 click on the meeting packets  
 or agendas then click on the  
 date of your choice.

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

EVENT CALENDAR	CITY OF BLACK DIAMOND
April 11— Easter Breakfast – Black Diamond Community Center 8 a.m.—11 a.m.	<b>CITY HALL</b> (360) 886-2560 P.O. Box 599/24301 Roberts Drive (253) 631-0351
<b>COMMUNITY CONTACTS</b>	<b>COMMUNITY DEVELOPMENT/ NATURAL RESOURCES/ ECONOMIC DEVELOPMENT</b> (360) 886-2560 P.O. Box 599/24301 Roberts Drive (253) 631-0351
<b>Black Diamond Library</b> (360) 886-1105 Hours of Operation: Monday — Thursday 10 a.m. – 9 p.m. Fridays — 10 a.m. – 6 p.m. Saturdays — 10 a.m. – 5 p.m.	<b>POLICE DEPARTMENT</b> (253) 631-1012 P.O. Box 309/25510 Lawson Street
<b>Black Diamond Community/Senior Center</b> (360) 886-1011 Hours of Operation: Monday – Friday 8 a.m. – 4:30 p.m.	<b>MUNICIPAL COURT</b> (360) 886-7784 P.O. Box 599/25510 Lawson Street
<b>Black Diamond Post Office</b> (360) 886-9429 Hours of Operation: Monday — Friday 9 a.m. — 5 p.m.	<b>FIRE DEPT. DISTRICT #44</b> (253) 735-0284
<b>Black Diamond Museum/Historical Society</b> (360) 886-2142 Hours of Operation: Thursdays — 9 a.m. - 4 p.m. Saturdays and Sundays — Noon - 4 p.m.	<b>PUBLIC WORKS</b> (360) 886-2560 P.O. Box 599/24301 Roberts Drive (253) 631-0351 AFTER HOURS (EMERGENCY PAGER) (253) 333-5555
If you would like to be added to the City's E - Alert Program, email Rachel Pitzel at <a href="mailto:rpitzel@ci.blackdiamond.wa.us">rpitzel@ci.blackdiamond.wa.us</a> . Please include "E-Alert Addition" on the subject line.	