

RESOLUTION NO. 08-501

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON RELATING TO THE PREPARATION OF THE CRITICAL AREAS ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST ADDENDUM TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN PARAMETRIX, INC., AND THE CITY OF BLACK DIAMOND

WHEREAS, the City and Parametrix, Inc. ("Consultant") entered into a Professional Services Agreement regarding Environmental Services dated April 17, 2008 (the "Agreement") for the preparation of Environmental Impact Statements for the Lawson Hills and the Villages developments in the City of Black Diamond; and

WHEREAS, the Agreement terms contemplated that the City and Consultant may choose to amend the Agreement to provide for the Consultant to perform certain work relative to the City's critical areas regulations; and

WHEREAS, the City has now determined that in order to adopt a critical areas ordinance that uses best available science, while accommodating the unique circumstances and topography of the City, it is necessary for further study and evaluation to be done; and

WHEREAS, Yarrow Bay has agreed to fund the professional services and costs that will be incurred by the City in entering into the First Addendum; now, therefore;

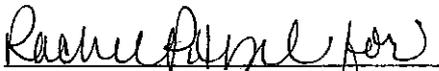
BE IT RESOLVED that the Mayor is hereby authorized to execute the First Addendum to the Agreement in the form attached as Exhibit A;

BE IT FURTHER RESOLVED that the Mayor is authorized to make minor changes to said Agreement in order to take into account scrivener's corrections or administrative matters that do not affect the substance of the Agreement and are within his authority as the City's Chief Administrative Officer.

ADOPTED by the City Council at an open public meeting held on the 15th day of May, 2008.


Howard Botts, Mayor

Attest:


Brenda L. Streepy, City Clerk

**FIRST ADDENDUM
To
PROFESSIONAL SERVICES AGREEMENT
Between
CITY OF BLACK DIAMOND
And
PARAMETRIX, INC.
Regarding
ENVIRONMENTAL SERVICES**

1. **Date and Parties.**

1.1 This document ("First Addendum"), for reference purposes only, is dated the 15th day of May, 2008, and is entered into by and between the CITY OF BLACK DIAMOND, a Washington municipal corporation ("City") and PARAMETRIX, INC. ("Consultant") .

2. **General Recitals.**

2.1 The City and Consultant entered into a Professional Services Agreement regarding Environmental Services dated April 17, 2008 (the "Agreement") for the preparation of Environmental Impact Statements for the Lawson Hills and the Villages developments in the City of Black Diamond.

2.2 The Agreement terms contemplated that the City and Consultant may choose to amend the Agreement to provide for the Consultant to perform certain work relative to the City's critical areas regulations.

2.3 The parties have now determined that such an amendment is appropriate, and thus the intent of the First Addendum is for the Consultant to provide additional services relating to the City's critical areas.

3. **Modification to Agreement Terms and Conditions.**

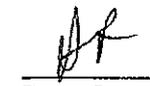
3.1 The Agreement terms are hereby incorporated by reference. The First Addendum terms are hereby incorporated into the Agreement by reference. The First Addendum is intended to modify the terms and conditions of the Agreement. In the case of any conflict between the terms of the Agreement and the terms of the First Addendum, the provisions of the First Addendum shall control.

4. **Additional Services and Schedule.**

4.1 The Consultant shall perform the professional services described in the Scope of Work attached hereto as Exhibit A.



City



Consultant

4.2 The Consultant shall perform the professional services in accordance with the Schedule of Work attached hereto as Exhibit B.

5. **Compensation.**

5.1 Compensation for the Additional Services identified in this First Addendum shall be paid in accordance with the Rate Schedule attached as Exhibit B-2 to the Agreement.

6. **Other Terms Unchanged.**

6.1 All other terms of the Agreement remain unchanged.

DATED: This 16 day of May, 2008.

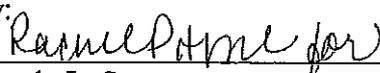
CITY OF BLACK DIAMOND
By: 
Howard Botts
Its: Mayor

Date: May 16th, 2008

CONSULTANT
By: 
Printed Name: Arsh Fasher
Its: Devisca Menegre

Date: May 29, 2008

Attest:

By: 
Brenda L. Streepy
City Clerk


City

Consultant

EXHIBIT 1

**City of Black Diamond
Critical Area Ordinance
SCOPE OF WORK**

May 1, 2008

A. The Work Product.

The Consultant is to deliver to the City, within schedule and budget, a detailed analysis of best available science, as applied to existing conditions in the city, and a proposed regulatory framework based on that analysis that can be the basis for the development of the City's critical areas ordinance (CAO). The analysis and proposed regulatory framework shall utilize best available science adapted to local conditions, in a manner that will protect the public health and safety, the function and values of wetlands, streams, wildlife habitat and migration corridors, while preserving, to the extent possible, developable lands (the "Work Product")

B. Work Product Preparation.

In preparing the Work Product the Consultant shall, as a minimum, perform the tasks set forth below.

Task 1. Review of Best Available Science Publications

The Consultant will review and provide an analytical summary of publications which qualify as best available science and their application and/or relevancy to the conditions in the city. The summary should include science relating to geologically hazardous areas, wetlands, critical aquifer recharge areas, streams and fish and wildlife conservation areas ("Critical Areas").

The Consultant shall use their professional judgment in determining which publications are relevant and reliable. The Consultant will, however, consider the following:

- Best Available Science, Volume 1. A Review of Scientific Literature, Critical Areas, Stormwater, and Clearing and Grading Proposed Ordinances, February 2004, King County Department of Development and Environmental Services;
- Freshwater Wetlands in Washington State Volume 1: A Synthesis of the Science Washington Department of Ecology, March 2005, Publication #05-06-006;
- Aquatic Habitat Guidelines, Aquatic Habitat Guidelines: An Integrated Approach to Marine, Freshwater, and Riparian Habitat Protection and Restoration, 1999 to 2007;

- Landslide Hazard Zonation Project Protocol, Washington Department of Natural Resources, Geologic Division November 2006;
- Abandoned Mine Site Characterization and Cleanup Handbook, US Environmental Protection Agency, August 2000, Publication EPA 910-B-00-001;
- Manual for Abandoned Underground Mine Inventory and Risk Assessment, State of Ohio, Department of Transportation, May 1998 Geotechnical Engineering Division; and
- Summaries published by the State of Washington Department of Community, Trade and Economic Development (CTED).

Task 2. Analysis of Existing Reports or Technical Memoranda

The Consultant will review and analyze any available reliable data on local conditions relative to critical areas within the City. This may include, but is not limited to, data available from the City archives, and any reports, studies, or other information on critical areas within the city from all available sources. The studies should allow the Consultant to analyze and summarize existing conditions, and provide such summary in and as part of the Work Product.

Task 3. Fieldwork

The Consultant will perform such fieldwork as is necessary to verify the accuracy of existing reports and technical memoranda that the Consultant intends to use in developing the Work Product. The Consultant will also perform a field reconnaissance of selective sites for which field data is not available in order to deliver a Work Product that is relevant and accurate citywide.

The Consultant will prepare letters of right to access private properties for the selected sites. The letters will be on City letterhead, and signed by the City Administrator. The Consultant will provide sample text for review, and will undertake reproduction and mailing activities. The City will provide letter head and envelopes in quantities sufficient to include an introductory letter as well as pre-paid postage for return of signed authorization allowing access to properties.

The Consultant will perform such fieldwork as is necessary to verify the accuracy of existing reports and technical memoranda that the Consultant intends to use in developing the Work Product.

C. Work Product Deliverables.

The Consultant will provide draft and final deliverables to City staff in electronic format plus three (3) hard copies. Unless otherwise specified, electronic deliverables will be in Microsoft Word 2003 or Microsoft Excel 2003. Any maps prepared by the consultant shall be provided in a format to be

Scope of Work

First Addendum – Parametrix PSA

Page 2 of 3

determined, based upon the City's acquisition of necessary software to allow for future use. The Work Product shall include the following deliverables which may be contained in one or more documents:

- a. A best available science report developed as part of Task 1 that summarizes the scientific record relative to protecting Critical Areas;
- b. An existing conditions assessment of existing ecological processes and functions of lands within the city developed through Tasks 2 and 3, which shall include the extent to which ecological processes are fully functioning or impaired by existing or prior human use or activity;
- c. An analysis of current and proposed Critical Areas Codes, including a comparison of standards with literature recommendations and nearby jurisdictions.
- d. An analysis of different approaches that may be necessary to achieve the City's vision for open space connectivity and wildlife corridors as set forth in the Comprehensive Plan, taking into consideration present conditions analysis resulting from Tasks 2 and 3 and the need to provide developable lands for future residential and commercial development.
- e. A draft Critical Areas Ordinance that meets the definition of Work Product contained in paragraph A above.

D. Assumptions.

In developing the Scope of Work, the Consultant has made the following assumptions:

- The City will provide in Microsoft Word or similar format:
 - Existing Critical Areas Ordinance
 - Proposed DRAFT ordinance dated 01/22/08
 - Existing studies of geologically hazardous areas, wetlands, critical aquifer recharge areas and fish and wildlife conservation areas (including streams) citywide including the March 1994 DEIS, and June 1999 DEIS as well as critical area reports generated for development proposals
- YarrowBay Associates will provide existing studies in Microsoft Word or similar format
 - Studies will be the same utilized for the EIS process
 - Review of Yarrow Bay studies will be integrated with the EIS analysis and will require only minor effort to relate to BAS criteria
 - All Yarrow Bay mapping will be provided in a CADD or other format compatible to conversion to the King County GIS coordinate system.

Scope of Work

First Addendum – Parametrix PSA

Page 3 of 3

- Additional information will be gathered from:
 - King County watershed studies and other water resource information
 - US Geological Service Studies
 - Washington DNR geological studies
 - Washington DNR mine maps
- The consultant has not budgeted for public, committee and other meetings beyond three (3) meetings with city staff by up to four (4) consultant staff persons for information gathering and to present results
- Black Diamond staff will be responsible elements of the adoption process.

City of Black Diamond
Critical Areas Ordinance
Schedule

		May		June			July			August			Sept									
		4/20	4/27	5/4	5/11	5/18	5/25	6/1	6/8	6/15	6/22	6/29	7/6	7/13	7/20	7/27	8/3	8/10	8/17	8/24	8/31	
1	Task Name Synthesis Study																					
2	Review of Best Available Science																					
3	Peer Review (existing reports/analysis)																					
4	Natural Systems Field Reconnaissance/Assessment																					
5	Citywide Environmental Conditions Review																					
6	Regulatory Conditions Review																					
7																						
8	Report																					
9	Existing Conditions Assessment																					
10	Gap Analysis																					
11	Comprehensive Plan policy analysis																					
12	Draft Code																					
13																						
14	Adoption																					

