



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING AGENDA
August 9, 2011 7:00 PM
25510 Lawson Street, Black Diamond, Washington

- 1) CALL TO ORDER, ROLL CALL
- 2) PUBLIC COMMENTS: Individuals wishing to address the Planning Commission regarding any item not on this meeting's agenda may do so at this time.
- 3) APPROVAL OF MINUTES – July 19, 2011
- 4) FORMAL INITIATION OF POTENTIAL COMPREHENSIVE PLAN AMENDMENTS
- 5) WORKSESSION ON POTENTIAL COMPREHENSIVE PLAN AMENDMENTS
- 6) WORKSESSION ON POTENTIAL AMENDMENT TO BDMC 18.08 CONCERNING LAND USE APPEAL PROCEDURES
- 7) ADJOURN



CITY OF BLACK DIAMOND
PLANNING COMMISSION
25510 Lawson Street, Black Diamond, Washington

M E M O R A N D U M

Date: August 4, 2011
To: Planning Commission
From: Steve Pilcher, Community Development Director
Re: Potential 2011 Comprehensive Plan amendments

At your July meeting, the Commission reviewed a list of potential amendments to the Comprehensive Plan. The list included suggestions from a City Council member, staff and two items from "the docket," which were suggested by citizens. The Commission changed one item concerning parks and also declined to move forward on two potential land use map amendments concerning properties owned by the Enumclaw School District. Due to these changes, the draft resolution and attached list had to be revised. That is now included for the Commission's formal action at your August 9th meeting.

Parks and Open Space

This month's packet includes draft language (see page 5-22, 5-23 and 5-24) that revises the discussion of Primary and Secondary Open Space and also adds a new land use category of "Parks and Open Space." Before drafting a potential new "Parks" zone district to be added to the Zoning Code, staff wants to review the basic concept with the Commission.

Gross vs. Net

Pages 5-12 through 5-16 include minor modifications to the text that would make residential densities in all residential zones to be based upon "net" instead of "gross" acres. For properties that include wetlands or other sensitive areas and/or their required buffers, this would reduce their development potential from what is currently allowed. Staff believes that several amendments to City Code would also be required to ensure consistency between the Plan and development regulations. For example, Chapter 18.86 of the Zoning Code (Residential Cluster Development) is based upon the concept of using gross instead of net acres when calculating density. If the suggested change is made to the Comprehensive Plan text, Chapter 18.86 should be eliminated. Staff is doing additional analysis, but a potential change from gross to net acreage may also call into question the entire Transfer of Development Rights program, where development rights are transferred from lands impacted by sensitive areas and buffers and transferred to more lands more suitable for development.

Fire Impact Fees

Pages 8-21 through 8-26 include suggested changes to the Capital Facilities Element of the Plan. These amendments are intended to provide a legal foundation for the possible adoption of a city-wide fire impact fee. The changes have been drafted with the review and input of the Fire District #44, which serves as the City's Fire Department.

If desirable, staff may arrange for a joint worksession with the Commission, City Council and the City's consultant to review these proposed changes and the potential of instituting fire impact fees.

Utilities discussion

The final pages, beginning at 8.8 Utilities, provide updated language concerning private utilities that operate within the city limits. The Commission may recall acting upon some of these changes last year. However, the City Council did not move forward with any of the recommended Plan amendments from last year and in the meantime, Puget Sound Energy has recommended updated language concerning electrical and natural gas service. All of these changes are now included together.

Trails Plan

Staff continues to work on editing the draft Trails Plan element for your review and hopes to have those available at the meeting.

RESOLUTION NO. 11-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BLACK DIAMOND, KING COUNTY,
WASHINGTON, INITIATING PROPOSED AMENDMENTS
TO THE CITY OF BLACK DIAMOND COMPREHENSIVE
PLAN.**

WHEREAS, the City of Black Diamond adopted a new Comprehensive Plan on June 18, 2009; and

WHEREAS, on the same date, the City adopted Ordinance 912, which amended Title 16 of the Black Diamond Municipal Code (BDMC) to establish procedures for periodic review and update of the Comprehensive Plan; and

WHEREAS, BDMC 16.30.060 provides that proposed amendments to the Comprehensive Plan may not be considered more frequently than once each calendar year; and

WHEREAS, BDMC 16.30.070.B provides that the Planning Commission may by resolution initiate any type of Comprehensive Plan amendment; and

WHEREAS, the Planning Commission reviewed a list of potential amendments suggested by City staff at its July 19, 2011 meeting agreed to move the majority of suggestions forward for further consideration; and

WHEREAS, BDMC 16.30.100 establishes a process whereby any individual, organization or general or special purpose government may suggest changes to the Comprehensive Plan (i.e., the "docket") and that the Planning Commission may choose to initiate formal consideration of any item on the docket; and

WHEREAS, two sets of suggested amendments were submitted to the docket by the July 1, 2011 filing date; and

WHEREAS, the Planning Commission has reviewed the docket and agreed the suggested amendments meet the criteria established in BDMC 16.30.100.C;

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

Section 1. The attached list of potential comprehensive plan amendments are hereby initiated for formal review during the 2011 annual comprehensive plan amendment process.

Section 2. The Community Development Department is hereby directed to conduct requisite SEPA review, staff analysis and forward the proposals to the Washington State Department of Commerce for 60-day review as required by the Washington State Growth Management Act.

**PASSED BY THE PLANNING COMMISSION OF THE CITY OF BLACK DIAMOND,
WASHINGTON, THIS 9th DAY OF AUGUST 2011.**

CITY OF BLACK DIAMOND:

Bob Kaye, Chairman

Attest:

Steve Pilcher, Secretary

COMPREHENSIVE PLAN AMENDMENTS

INITIATED BY PLANNING COMMISSION RESOLUTION

Future Land Use Plan Map amendments

1. *In-City Forest: change from Low Density Residential/MPD overlay to Park or Public; concurrent change in zoning from MPD to new Park zone (to be drafted) or Public*

This 50 acre parcel, located south of the approved Lawson Hills MPD, is being transferred to City ownership to be protected as open space. The origins of the In-City Forest date back to the Black Diamond Urban Growth Area Agreement (BDUGAA) and the Black Diamond Area Open Space Agreement.

2. *Correct MPD overlay boundary to conform with Lawson Hills MPD property boundaries*

Minor change to the map to adjust the MPD overlay boundary to the actual boundary of the approved Lawson Hills MPD. The residual land outside of the approved MPD that currently retains the overlay is less than the 80 acre minimum size required for an MPD. Nor is it shown as a potential “expansion area” in the approved MPD permit.

3. *Change water tower site within Lawson Hills MPD from Public to Low Density Residential/MPD Overlay*

This small parcel is currently shown as “Public” on the land use map, but is not under any form of public ownership. It appears to have been erroneously placed in the “Public” category due to the presence of the water tower.

4. *Black Diamond Historical Museum site: change from Town Center to Public; concurrent change in zoning from Town Center to Public*

The City of Black Diamond owns the property on which the Black Diamond Historical Museum is located. Standard practice is to have all publicly-owned lands designated as public.

5. *Eagle Creek Park: change from Low Density Residential to Park or Public; concurrent change in zoning from R6 to new Park zone (to be drafted) or Public*

At the time the Future Land Use Plan Map was developed, the Eagle Creek (aka Bruckner’s Way) subdivision did not appear on the King County Assessor’s base map. This may be why this public park was overlooked at the time of plan adoption.

Other map amendments

1. *Update all maps throughout the Plan to reflect the current city limits*

The 2009 Comprehensive Plan was adopted prior to completion of the "South" and "East" annexations in December 2009. Maps throughout the Plan need to be updated to reflect the new city boundaries.

2. *Amend Figures 4-3 & 5.2. to ensure consistency with SAO maps and update as needed*

Both these figures are slightly out of date, as they were developed before the City adopted its new Sensitive Areas Ordinance in February 2009.

Text amendments

1. *Draft a land use category description for "Park" and an implementing "Park" zone district.*

Currently, the Plan does not provide a description for the "Park" land use designation that appears on the Future Land Use Map. Also, all park lands within the city are currently zoned "Public," which allows land uses other than parks.

2. *Amend language throughout the Plan to indicate that residential densities are to be calculated based upon "net" instead of "gross" acreage.*

Currently, the text that discusses residential densities in Master Planned Developments and Low and Medium Density Residential areas are intended to be based the allowable number of dwelling units per gross acre. "Gross acres" take into account the entire area of a development site. "Net acres" exclude unbuildable lands such as sensitive areas (wetlands, streams, steep slopes, etc.) and their required buffers.

3. *Amend the text concerning Master Planned Developments to eliminate the need for a residential component.*

Currently, the Plan requires that a MPD include a residential, in addition to a commercial component. According to the MPD Code (BDMC 18.98), any parcel greater than 80 acres in size is subject to the MPD process. Therefore, any large project in a commercial or industrial area must include residential uses.

4. *Revise discussion of Primary & Secondary Open Space*

This portion of the text refers to two forms of open space, which relate to both sensitive areas and the City's Transfer of Development Rights Program. It appears to be leftover language from the 1996 Comprehensive Plan.

5. *Addition to Capital Facilities Plan relating to fire impact fees*

Earlier this year, the City Council conducted a work study session regarding the potential of establishing a city-wide fire impact fee to generate revenues to fund new fire stations and apparatus. They directed staff to proceed with developing such a program. One required component is to address this issue in the Capital Facilities Element of the Comprehensive Plan.

6. *Revised language relating to private utilities*

Puget Sound Energy has updated their planning for future growth in the city and surrounding area, which has resulted in new language different than that approved by the Commission in 2010.

7. *Adoption of a Trails element to the Comprehensive Parks Plan*

The Trails Plan would be added to the Parks Comprehensive Plan (an element of the City's overall Comprehensive Plan, but a stand-alone document).

SUGGESTED AMENDMENTS FROM THE DOCKET

1. *Transportation concurrency standard for SR-169.*

Peter Rimbo and a group known as the Citizens' Technical Team submitted this request (attached).

2. *Revisions suggested by Save Black Diamond*

On July 1, staff received the attached email and suggested revisions to various portions of the text from a group known as Save Black Diamond.

4. The area is separated by topography, buffers, or other appropriate boundary from incompatible uses and/or existing or planned residential areas.
5. The area is capable of being served by transit.
6. The area has large undeveloped parcels suitable for industrial uses.

Primary and Secondary Open Space Overlay Parks and Open Space

~~Purpose: The City of Black Diamond Comprehensive Plan Primary and Secondary Open Space overlay, shown on the Parks and Open Space Map, coincides with the known (approximate) location of environmentally sensitive (critical) areas (Primary Open Space) and lands within close proximity to such areas (buffers), or other desired open space areas (Secondary Open Space). These areas should be preserved and/or used as open spaces and parks, including the City's Treasured Places; Some lands may also be targeted to be acquired or otherwise protected through the City's Open Space Plan. Primary and Secondary Open Space will be retained or protected through a variety of public and private development and preservation mechanisms, including conservation easements, environmentally sensitive area tracts, on-site density transfer, TDR, dedication, fee simple purchase, or development as a private park or recreation area. The plan's Open Space overlay designation does not override the underlying land use and zoning designations, and may also signify a potential Sending Area under the City's TDR Ordinance.~~

The Future Land Use Map depicts a variety of lands that are designated as "Parks and Open Space." These consist of City-owned properties that are intended to provide recreational and open space uses to the community. These lands consist of active neighborhood or regional parks; open space areas maintained primarily for protection of natural features and processes or to maintain wildlife habitat and corridors; or lands of historic or cultural significance.

Only lands under City ownership are intended to be placed within this category; sensitive area buffers that may be subject to a conservation easement or other protective measures should be classified consistent with adjacent lands. Also, publicly-owned lands under the control of agencies other than the City of Black Diamond are intended to be designated as "Public."

Allowed Uses and Description: Primary Parks and Open Space contains both developed and undeveloped lands designated for park uses; environmentally lands that are intended to be primarily maintained in a natural condition; lands intended to be preserved as wildlife habitat/corridors; and lands of historic significance to the community. Parks could contain a wide variety of uses and activities, depending upon the size of the park and the population it is expected to serve. Open space lands could contain walking trails with limited amenities such as benches, interpretative signage, etc. sensitive (critical) areas, which will be managed through the City's

~~sensitive (critical) area regulations and should remain largely undisturbed, except as allowed by those regulations. Other areas of The Secondary Open Space designation (i.e. buffers or other areas protected as open space) allows for limited natural undisturbed areas, trails, public and private parks with facilities, public and private open space, public or private recreation uses (e.g., soccer field, golf course, community facilities), as well as the land uses indicated in the underlying land use designation. However, regulations should include incentives such as TDR and clustering to encourage Secondary Open Space to be retained for open space use as noted.~~

Designation Criteria: Lands designated as parks and open space areas shall generally reflect one or more of the following criteria:

1. All known environmentally sensitive areas, as regulated by the City existing and proposed parks owned by the City.
2. Lands adjoining the Rock Creek, Ginder Creek, Lawson Creek, Ravensdale Creek, and other riparian corridors Lands under City ownership being retained as primarily undeveloped open space, such as the In-City Forest and the Ginder Creek wetlands.
3. The following lakes: Jones Lake, Black Diamond Lake, Frog Lake, Lake Marjorie (Oak Lake), Lake Sawyer, and the land perimeters of those lakes when not subdivided Historic sites such as Union Stump.
4. All existing and proposed public parks and open spaces.
5. Identified Treasured Places.
6. King County and City-identified wildlife habitat corridors

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Public

Purpose: The Public designation identifies properties under public ownership, whether by the City or other governmental entities, that are either currently used or intended for unique uses, including such as parks water towers, libraries, museums, or elementary schools. ~~This includes the City's watershed, which is located approx. 1.5 miles southeast of the City limits and is otherwise surrounded by unincorporated King County.~~ Lands falling within this category should be those that are intended to remain within public ownership and management for long periods of time.

Allowed Uses and Description: The Public designation ~~could~~ allows a variety of governmental uses, ~~both passive and active.~~ However, government uses and activities that are similar in character to private enterprises (such as offices) are not intended to be included within this designation. ~~Sensitive environmental areas that~~

~~are not intended to be incorporated into the City's parks and open space system are also included within this designation.~~

Designation Criteria: Lands designated as Public shall reflect one or more of the following criteria:

1. Must be owned by a public government or agency.
2. Are intended to be retained in long-term public ownership.
3. The use of these lands does not logically fit within another land use designation.

5.4.2. The Land Use Map

The Comprehensive Plan Future Land Use Map (Figure 5-1) identifies the approximate location of future land uses and serves as the road map for accomplishing the vision identified in Chapter 1 of the plan. The Future Land Use Map embodies the goals, objectives, policies, and the concepts of the plan. Existing parks and schools are also shown on the map. Since the majority of future parks are anticipated to occur within MPDs, future sites have yet to be identified. The precise location of active and passive open space, parks, and school sites will ultimately be identified prior to development.

The land use designations described in the previous section are shown on the Future Land Use Map to graphically display the City's planned land use pattern. The approximate acreage for each land use designation within the City and its recognized PAAs is identified in Table 5-1.

Table 5-1. Comprehensive Plan Future Land Use Designations

Land Use	City Acres	PAA Acres	Total Acres
Urban Reserve	0	111	111
Master Planned Development ¹	1,505	287	1,792
Low Density Residential	2,476	466	2,942
Medium Density Residential	141	0	141
Commercial designations	185	0	185
Mixed Use	294	0	294
Light Industrial/Business Park	295	0	295
Industrial	101	0	101
Public	266	51	317
Undesignated (ROW, Water bodies)	545	231	776

residents. Providing places for active and passive interaction – such as parks, adult schools, community centers, and clubs—can also perpetuate the sense of community possessed by the City now. The recently acquired Lake Sawyer Park site provides a unique opportunity for this important social interaction to be centered on a high quality recreational amenity, connected to each of the City’s existing and future large-scale development areas by an integrated trail system. Continuing the community bulletin boards and /or newsletters will also help.

New areas for socializing may include a cafe or tavern, community gardens, community center, the Lake Sawyer Park site, the Ginder Creek open space area, or a lakeside park for swimming. To foster a sense of community and history for old and new residents alike, the City could revive the Black Diamond Band, open a speakeasy (specialty brew), revive the City’s community baseball and soccer teams, or create festivals to celebrate the City’s history or celebrate nature’s bounty.

5.4. Implementing the Comprehensive Plan Future Land Use

5.4.1. Extent of Proposed Land Use

The following is a list and description of the City of Black Diamond Comprehensive Plan land use designations. Complete lists of allowed uses (permitted, conditional, and unclassified) are identified in the adopted development regulations.

The following section identifies the purpose, allowed uses and designation criteria, and helps explain the intent of each designation on the Future Land Use Map.

Urban Reserve Designation

Purpose: The Urban Reserve designation recognizes existing low-density residential development surrounding the Lake 12 Potential Annexation Area and that it should not be allowed to develop at higher densities until such time that public water, sewer and other services are made available. Pursuant to other policies in this plan, annexation of this area will not be considered until a plan for extending required utilities is developed and financed.

Allowed Use and Description: The Urban Reserve designation allows for single-family residential uses, their accessory uses and public and semi-public uses that meet appropriate development standards. Development at urban densities could occur in the future when public water and sanitary sewer service is made available.

Designation Criteria: Properties designated Urban Reserve should be only be those areas currently lacking public water and sanitary sewer service within the City's Potential Annexation Area.

Transfer of Development Rights(TDR) Receiving Areas Overlay

Purpose: The TDR Receiving Areas Overlay is applied to lands that, pursuant to City policies, annexation agreements, or other legal instruments of records, are intended to remain in an undeveloped state until such time that development rights are received pursuant to the City's TDR program as outlined in BDMC 19.24. A Master Planned Development (MPD) overlay may also apply in these areas. In order to maintain a "baseline" value to these lands and avoid the necessity of acquiring significant amounts of development rights, a base density of either one or two dwelling units per acre should be allowed, provided that development at higher urban densities consistent with the other plan designations can be achieved through the receipt of transferred development rights from designated "sending areas."

Allowed Uses and Description: Low density, single-family residential uses (not exceeding 1 or 2 dwelling units per acre) should be allowed in these areas as a basic development right, recognizing that higher density development is expected to occur with the acquisition of development rights from designated "sending areas."

Designation criteria: Properties to which the TDR Receiving Area Overlay is applied should be those identified through the City's TDR program that are intended to develop as urban densities only after the transfer of development rights. For the majority of these areas, approval of an MPD is a prerequisite to development.

Master Planned Development (MPD) Overlay

Purpose: The MPD overlay is applied to areas to take advantage of opportunities to create a clustered mix of residential, commercial ~~and~~or civic uses along with open space and public facilities, on large sites in appropriate locations. These sites typically consist of large parcels in common ownership where a master plan will be developed to guide unified development over a period of many years. The MPD designation is applied to meet the special needs and opportunities presented by such sites while managing impacts on nearby uses.

Allowed Uses and Descriptions: The MPD overlay is applied to areas that are intended to allow a mix of those land uses and/or residential densities as depicted on the Future Land Use Map. Areas with an MPD overlay designation are intended to develop only subsequent to approval of an MPD permit pursuant to Black Diamond Municipal Code. An MPD may include both residential and commercial uses clustered around private and community open space, supported by adequate services and facilities. As part of the process of approving an MPD, a specific development

plan or site plan will be prepared and will specify the residential and non-residential uses, densities and intensities, phasing of development, and specific development standards that will apply to the site. Densities are intended to be urban in nature (minimum of 4 dwelling units per gross-net acre) and will be established as part of the MPD approval process; some MPD sites may also be designated as TDR receiving areas. An approved development plan should contain a provision for periodic updates. Significant opportunities for public involvement should be provided in the consideration of any MPD. An MPD is implemented through the provisions of BDMC 18.98 and provisions of any pre-annexation agreement that is in place for properties in this designation.

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Areas developing as MPDs are expected to incorporate innovative site design and utilization of progressive techniques to provide for environmentally sustainable development. This may include the use of “low impact” engineering techniques, employment of “green building” technologies, extensive incorporation of trails and pathways, etc.

Designation Criteria: Properties to which the MPD overlay is applied should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support the planned development density.
2. The area is not predominated by environmentally sensitive areas, and/or the development plan contains standards that will allow development while providing appropriate protection to the environmentally sensitive areas. The level of protection must be equal or better than that provided by the City’s environmentally sensitive area policies and regulations.
3. There is either a need for or benefits will clearly derive from providing flexibility in zoning that cannot be provided by other mechanisms.
4. The parcel is at least 80 acres in area and in single or unified ownership, or is subject to a pre-annexation agreement that requires an MPD for the parcel.
5. The development plan requires flexibility to meet the requirements of a MPD.
6. The MPD will provide public benefits, in the form of preservation or enhancement of physical characteristics, conservation of resources, provision of employment, improvement of the City’s fiscal performance, provision of adequate facilities, and other public benefits identified by the City.
7. At least 50% of the MPD site is devoted to open space uses, which may include recreational amenities.

8. Adequate mitigation for adverse impacts on the community, neighborhood, and environment is provided.

Low Density Residential Designation

Purpose: The Low Density Residential designation provides primarily for single-family residential neighborhoods on lands suitable for residential development. This designation provides for stable and attractive residential neighborhoods. It should be applied to both existing developed neighborhoods and areas intended for future development. Some of these areas have a MPD overlay designation and are also designated as TDR receiving areas. Urban density development in these areas will only be possible upon the receipt of transferred development rights from other areas.

Allowed Uses and Description: The Low Density Residential designation permits single-family residential uses, their accessory uses and public and semi-public uses. Residential densities may range from a base density of 4 units per net acre to approximately 6 units per gross-net acre. Detached single-family residences should predominate, but these areas may also include duplexes, subject to dispersal standards, a determination of consistency with design standards and following public review. ~~These areas should also be potentially eligible for additional density through the use of on site transfer of density (to preserve open space) or through the acquisition of TDRs.~~

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Designation Criteria: Properties designated Low Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. The area is free of significant amounts of environmentally sensitive areas, excluding aquifer recharge areas.
3. If the area is undeveloped, it is proximate to a neighborhood of single-family dwellings or is well suited to that use and is not suited to more intense residential development.
- 3.4. The area is identified for Low Density Residential development as part of an MPD.

Medium Density Residential Development

Purpose: The Medium Density Residential Development designation provides for stable and attractive residential neighborhoods of small lot, single-family homes, or attached single- and multifamily residences on lands suitable for these residential intensities. Medium Density Residential areas should be located near commercial

services, employment, and arterial roads, and may also be located in mixed-use developments. All MDR areas are also subject to a TDR Overlay.

Allowed uses and description: The base residential density in these areas should be eight units per net gross acre. ~~Increased density could be approved up to 12 units per gross acre with the acquisition of transferred development rights.~~

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Designation Criteria: Properties designated Medium Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. If the area is undeveloped and not near the identified employment and commercial service areas, the area should be free of significant amounts of environmentally sensitive areas.
3. The area is separated by topography or another appropriate boundary from incompatible uses. Buffering or a density transition may be used to separate this designation from lower density residential designations.
4. The area meets at least one of the following descriptions:
 - a. The area is located outside of an existing single family neighborhood and fronts an arterial
 - b. The area is developed and consists of a mix of attached and detached housing types. A residential neighborhood that is primarily single family with a strip of multifamily housing along an arterial does not meet this criterion.
 - c. Medium density housing can be developed to be compatible with existing development.
 - d. Identified as a receiving site for density under the TDR program.
 - e. The area is identified for Medium Density Residential development as part of an MPD.

Commercial Designations

Purpose: The Commercial Designations are intended to lead to the development of several types of commercial areas, and are intended to be implemented through the application of multiple zoning classifications that help distinguish between types of areas based on their desired size and function. There are three types of commercial areas envisioned in this plan, each intended to have distinctive development standards and/or allowed uses:

- Class size for grade 5 should not exceed 26 students.
- Class size for grades 6-8 should not exceed 28 students.
- Class size for grades 9-12 should not exceed 28 students.

The district anticipates using the following student generation rates for single and multiple family dwelling units cited in their 2008-2013 Capital Facilities Plan.

Table 8-10. Student Generation Rates

Students per unit	Single Family	Multifamily
Elementary	.401	.137
Middle School	.135	.045
High School	.166	.056
Total	.702	.238

Source: Enumclaw School District (5/08)

To accommodate the current student population and future needs, it is anticipated that the district will need four new elementary schools, two middle schools, and one high school in the City over the long term. The existing Black Diamond Elementary School is slated for reconstruction to add capacity, and is scheduled to open in 2011.

The school attendance area for the elementary and secondary schools would likely extend beyond the City limits to serve students within the district. It should be noted that these projections include the areas surrounding Lake Sawyer currently served by the Tahoma and Kent School Districts. Depending on variable growth between individual portions of the planning area, the Enumclaw School District will only be required to absorb a portion of the growth occurring within the City.

8.7. Fire and Emergency Medical Services

8.7.1. Fire and Emergency Medical Service Concept, Objective, and Policies

Fire and Emergency Medical Services Concept

As the City grows over the next 20 years, additional fire stations, equipment and personnel will be required to maintain adequate fire and emergency medical services. Additional water system improvements will also be needed to maintain adequate fire flow (i.e., water for fire protection).

~~The Capital Facilities Element requires adequate fire flow through the water system and adopted standards for fire flow. The water systems within new development should be served off a looped line, if required to achieve fire flow. These new systems should also be designed and constructed to meet fire flow standards.~~

Fire and Emergency Medical Services Objectives and Policies

Policy CF-17: The City's level of service for determining the need for fire and emergency medical capital facilities and equipment will consider relevant factors such as response time, call loads, growth of population and non-residential structures, geographical area, topographic and manmade barriers, and standards of the National Fire Protection Association.

~~The City shall contract with the district to maintain a ratio of 1.4 on-duty career firefighters per 1,000 population to protect the suburban and urban areas of the City until such time as the City reaches a population of 10,000. Thereafter, the ratio of on-duty career firefighters per thousand residents will decrease incrementally to no less than 0.89 on-duty firefighter per 1,000 population. The district will continue to foster and support the volunteer system utilizing volunteers to augment the LOS provided by the career staff.~~

~~The staffing level of 1.4 on-duty career firefighters per 1,000 population is consistent with national averages, but is greater than the 2007 staffing level of 0.5 on-duty firefighters per 1,000 population inside the City.~~

Policy CF-18: The City will shall take reasonable action to ensure development that there is a fire station within 1.5 miles radius or 6 minutes travel time on paved roads from developed properties in the City. distance of a fire station upon built roads. The City's current station 99 will not be considered when determining compliance with this Policy.

~~Policy CF-19: It is determined that 8,000 square feet is an adequate size for satellite fire stations.~~

Policy CF-1920: The City will implement ~~Implement~~ impact fees for fire and emergency medical ~~Fire and Emergency Medical~~ capital facilities and equipment. Impact fees will be waived for sprinklered buildings less than 32 feet in finished height and properly sprinklered residences.

~~Policy CF-21: Replace Station 99 and Engine 99.~~

Policy CF-202: The City will shall negotiate with King County Fire Protection District 44 to develop a staffing and equipment plan that provides providing the best possible fire, rescue, and emergency medical services for citizens as the City as it grows.

~~Policy CF-23: The City shall pursue a Concurrency Management Plan for fire and BLS services.~~

8.7.2. Inventory

The City owns two fire stations, three fire engines, one brush truck, one aid car, and two staff vehicles. Station 98 is located on SE 296th Street, near Lake Sawyer. It is staffed half-time. Station 99 is located in the City Center, and it is not staffed. Several of the fire apparatus are older models that do not meet current standards.

The City contracts with Mountain View Fire and Rescue, King County Fire Protection District 44, to provide provides fire protection, fire prevention, rescue, emergency medical services, and other services that protect life or property. via a The current contract between with the City and the District pursuant to a is the 2006 inter-local agreement (ILA).

Mountain View Fire and Rescue is a combination department, consisting of both career and volunteer personnel, and has ~~26~~ 28 career staff firefighters and approximately 100 volunteers, ~~23~~ 32 of which are assigned to the City. ~~It~~ The District services a combined area of approximately 70 square miles encompassing an estimated population of 27,000. Of the total population served, Approximately 4,200 of those people live in the City.

~~The district operates out of eight stations, including the two of which are located in the City; Station 98 located on SE 296th Street, near Lake Sawyer, and Station 99 located in the City Center. The ILA requires that Station 98 have one career lieutenant and one career firefighter/emergency medical technician (EMT) on duty during the day. Staffing at night is provided by two volunteer firefighter/EMTs. Station 99 is staffed solely by volunteers.~~

District equipment includes 12 structure fire apparatus, including three water tenders (2,000 gallons each), three brush trucks, one medium rescue vehicle, one light rescue vehicle, five aid vehicles, a special operations support vehicle, a 14-person transport van, ~~a five-ton flatbed truck~~, various four-wheel drive command vehicles, and a training/safety officer vehicle. ~~Of this equipment, the City owns three of the fire engines, one brush truck, one aid car, and two staff vehicles counted.~~

Pursuant to the April 2006 ILA between the City and District 44, one career lieutenant and one career firefighter/EMT are on duty at the Lake Sawyer station between 0600 hours and 1800 hours each day. Staffing at night is provided by two volunteer firefighters/EMTs. Station 99 is staffed only by volunteers responding from home. The staff assigned in the City is supported by a cadre of volunteers and career staff assigned throughout the District. Nighttime coverage, between 1800 hours and 0600 hours, is augmented by volunteer staff at Station 92, Station 93 on SE Covington Sawyer Road, Station 97 on Green Valley Road, and Station 94 near Krain Corner. Additionally, Station 92 has a staff of two career firefighters on duty 24 hours each day.

Advanced Life Support (ALS) services are provided by King County Medic One. ALS services are funded separately through a countywide property tax assessment of \$0.30 per \$1,000 valuation.

8.7.3. Level of Service

As described in Policy CF-17, the City's level of service for determining the need for fire and emergency medical capital facilities and equipment is based on a variety of relevant factors such as response time, call loads, growth of population and non-residential structures, geographical area, topographic and manmade barriers, and standards of the National Fire Protection Association. This approach to level of service uses analyses of all these variables rather than a single formula to determine the number and location of fire stations and apparatus.

The City has an LOS standard of 1.4 on-duty career firefighters per 1,000 population. Pursuant to the April 2006 ILA between the City and District 44, one career lieutenant and one career firefighter/EMT are on duty at the Lake Sawyer station between 0600 hours and 1800 hours each day. Staffing at night is provided by two volunteer firefighters/EMTs. Station 99 is staffed only by volunteers responding from home. The staff the City is supported by a cadre of volunteers assigned to Station 98 and Station 99, as well as career staff assigned to nearby stations. Nighttime coverage, between 1800 hours and 0600 hours, is augmented by volunteer staff at Station 92, Station 93 on SE Covington Sawyer Road, Station 97 on Green Valley Road, and Station 94 near Krain Corner.

The National Fire Protection Association (NFPA) establishes six trained firefighters arriving to a scene within 14 minutes of an alarm 80% of the time for volunteer fire departments in rural areas (defined as areas with a population density less than 500 people per square mile; District 44 has roughly 350 people per square mile) as a sufficient number of members to operate safely and effectively.

2007 response data indicates Station 98 had a response time of 6.98 minutes or less 80% of the time, and Station 99 has a response time of 8.28 minutes or less 80% of the time. Both stations' response times are well below the NFPA's standard. Note, both fire and EMS responses were considered together because of the limited database.

8.7.4. Future Needs

Black Diamond is expected to grow from its current population of 4,200 to approximately 19,200, so a survey was conducted of Washington cities with

populations between 15,000 and 25,000. Eleven cities responded¹ and they average 2.3 fire stations and 7.4 on-duty firefighters.

Emergency calls per dwelling and per square foot of non-residential space can be used to forecast future call loads. The average emergency calls per year in two comparable fire protection providers² is 0.116 calls per dwelling unit and 0.1489 calls per 1,000 square feet of non-residential space. Applying these call rates to the 6,050 new dwellings and 1,165,000 square feet of non-residential space in the proposed MPDs would predict 875 emergency calls per year. Adding these calls to the current 170 calls per year produces a total of 1,045 calls per year. If future fire stations handle double the current call load of Station 98, Black Diamond would need a total of 3.1 stations when the MPDs are built out.

The standards of the NFPA indicate the number of firefighters to respond to a structure fire. Specific response standards vary according to the type of emergency, the type of fire protection agency, and the density of development. It is assumed that approximately 12 firefighters are needed to respond to a fire emergency in Black Diamond. Typical fire station staffing in communities like Black Diamond is 4 crew members per station. This NFPA standard indicates a need for 3 fire stations for Black Diamond when fully developed.

As noted above, Black Diamond is expected to grow from its current population of 4,200 to approximately 19,200. The growth of 15,000 people is 3.58 times the current population. If the City's current half-time staffed station is considered the equivalent of 0.5 stations, then 3.58 times 0.5 indicates that the future need for population (excluding commercial development) is at least 1.8 stations.

The preceding analysis of the need for fire stations (with apparatus) in Black Diamond can be summarized as follows.

<u>Basis of Need</u>	<u>Stations Needed</u>
<u>Comparable cities</u>	<u>2.3</u>
<u>Emergency call load</u>	<u>3.1</u>
<u>NFPA response standards</u>	<u>3.0</u>
<u>Population growth</u>	<u>1.8</u>
<u>Average</u>	<u>2.5</u>

¹ Aberdeen, Anacortes, Arlington, Bainbridge Island, Camas, Mercer Island, Moses Lake, Mukilteo, Port Angeles

² North Whatcom Fire & Rescue, Eastside Fire & Rescue

As noted above, Black Diamond currently has the equivalent of 0.5 staffed fire stations, therefore new development in Black Diamond creates the need for two additional fire stations (with apparatus)³.

Specific capital improvement projects for fire stations and apparatus are listed in the tables at the end of this Capital Facilities Element.

~~As the City and district increase in population, the district may need to increase the number of volunteer and career firefighters available per shift.~~

~~The City should create a work plan to address its long-term fire and emergency services needs as a result of anticipated development and growth.~~

8.8. Utilities

This Utilities Element has been developed in accordance with Section 36.70A.070 of the GMA. It describes how the existing and planned utility capacity will be financed, and supports the City's Land Use Element.

Suggested items to be included in the Utilities Element and recommendation for preparing the element are delineated in WAC 365-195-320. These are as follows:

- Integration of the general location and capacity of existing and proposed utility lines with the Land Use Element of the City of Black Diamond Comprehensive Plan. For the purposes of this step, proposed utilities are understood to be those awaiting approval when the comprehensive plan is adopted.
- An analysis of the capacity needs for various utilities over the planning period to serve the growth anticipated at the location and densities proposed within the jurisdiction's planning area.
- A schematic identification of the general location of utility lines and facilities required to furnish anticipated capacity needs for the planning period within the jurisdiction's planning area. This should be a part of the process of identifying lands useful for public purposes to be carried out by planning jurisdictions.
- Evaluation of whether any utilities should be identified and classified as essential public facilities, subject to the separate siting process established under the comprehensive plan for such facilities, and if so, provision for applying that process as appropriate.
- Creation of local criteria for siting utilities over the planning period, involving:
 - a. Consideration of whether any siting proposal is consistent with the locations and densities for growth contemplated in the Land Use Element.

³ 2.5 total – 0.5 current = 2.0 additional

8.8. Utilities

This Utilities Element section has been developed in accordance with Section 36.70A.070 of the GMA. It describes how the existing and planned City-owned utility capacity will be financed, and supports the City's Land Use Element. It also describes investor-owned private utilities that provide service within the city limits. Private utilities are regulated by the Washington State Utilities and Transportation Commission (WUTC); state law regulates the rates, charges, services, facilities and practices of investor-owned utilities.

Suggested items to be included in the when addressing a Utilities Element and recommendations for preparing the element discussing utilities are delineated in WAC 365-195-320. These are as follows:

- Integration of the general location and capacity of existing and proposed utility lines with the Land Use Element of the City of Black Diamond Comprehensive Plan. For the purposes of this step, proposed utilities are understood to be those awaiting approval when the comprehensive plan is adopted.
- An analysis of the capacity needs for various utilities over the planning period to serve the growth anticipated at the location and densities proposed within the jurisdiction's planning area.
- A schematic identification of the general location of utility lines and facilities required to furnish anticipated capacity needs for the planning period within the jurisdiction's planning area. This should be a part of the process of identifying lands useful for public purposes to be carried out by planning jurisdictions.
- Evaluation of whether any utilities should be identified and classified as essential public facilities, subject to the separate siting process established under the comprehensive plan for such facilities, and if so, provision for applying that process as appropriate.
- Creation of local criteria for siting utilities over the planning period, involving:
 - a. Consideration of whether any siting proposal is consistent with the locations and densities for growth contemplated in the Land Use Element.
 - b. Consideration of any public service obligations of the utility involved.
 - c. Evaluation of whether the siting decision will adversely affect the ability of the utility to provide service throughout its system.
 - d. Balancing of local design considerations against articulated needs for systemwide uniformity.
- Policies should be adopted which call for:
 - e. Joint use of transportation rights-of-way and utility corridors, where possible.
 - f. Timely and effective notification of interested utilities of road construction, and of maintenance and upgrades of existing roads to facilitate coordination of public and private utility trenching activities.
 - g. Consideration of utility permits simultaneously with the proposals requesting service and, when possible, approval of utility permits when the project to be served is approved.

It is the intent of this section to fulfill the RCW-GMA requirements relating to the Capital Facilities Element and Utilities Element of the comprehensive plan.

The Utilities Element section has also been developed in accordance with the Countywide Planning Policies (CPPs) and has been integrated with all other planning elements to ensure consistency through the comprehensive plan. ~~The Utilities Element~~ This section specifically considers the location and LOS of all existing and proposed utilities, including electrical, telecommunication, natural gas, and non-city water transmission lines; ~~public schools; and fire~~

protection. This ~~element~~ section also provides a process and policies for the siting of “Essential Public Facilities” as defined by the GMA.

8.8.1. Inventory and Analysis

The inventory presented in this element provides information useful to the planning process. The inventory summarizes general information pertaining to the existing utility service system in the City. Many public and private agencies are involved in regulation, coordination, production, delivery, and supply of utility services. This section of the element identifies those providers as well as the legislation regulating the utility. The inventory includes:

City-Provided Utilities

- Water (except around Lake Sawyer)
- Sanitary Sewer (except around Lake Sawyer)
- Stormwater

Utilities Provided by Other Entities

- Electricity (Puget Sound Energy)
- Telecommunications (Qwest/Century Link and Comcast)
- Natural Gas (Puget Sound Energy)
- Solid Waste (Allied Waste)
- Tacoma Water Transmission Pipeline #5 provides wholesale water supply
- Covington Water District provides water service around Lake Sawyer
- Soos Creek Water and Sewer District provides sewer service to a small area in the northwest corner of the City and has a sewer service around Lake Sawyer.

Federal and State Utility Laws and Regulations

RCW and Washington Utilities and Transportation Commission – Utilities and transportation are regulated in Washington by the Washington Utilities and Transportation Commission (WUTC). The WUTC, composed of three members appointed by the governor, is empowered to regulate utilities (including but not limited to, electrical, gas, irrigation, telecommunication, and water companies). State law (WAC 480-120) regulates the rates and charges, services, facilities, and practices of utilities. Any change in customer charges or service provision requires WUTC approval.

Federal Energy Regulatory Commission – The Federal Energy Regulatory Commission (FERC) is an independent agency led by a five-member commission. FERC establishes rates and charges for the interstate transportation and sale of natural gas, for the transmission and sale of electricity, and the licensing of hydro-electric power projects. In addition, the Commission establishes rates or charges for the interstate transportation of oil by pipeline.

Northwest Power Planning Council – The Northwest Power Planning Council (NWPPC) focuses on the generation of electricity. The NWPPC has directed the region to develop cogeneration as an energy resource and hydro-firming as a power back-up system. Cogeneration is the use of heat, as a by-product of power generation, for industrial processes or for space and water heating. Natural gas is often used as a fuel source for cogeneration. Hydro-

firming is the back-up of the region's intermittent excess spring hydro generation with gas-fired combustion turbines to provide backup if hydroelectric power is insufficient.

| **The Washington State Department of Health** - The State Department of Health regulates the operations of all public water utilities in the state.

Washington State Department of Ecology (Ecology) - Ecology regulates the operations of all public sewer systems in the state.

1991 Clean Air Amendments - The passage of the Washington State Clean Air Act in 1991 indicates a state intent to promote the diversification of fuel sources for motor vehicles. This is in response to a need to both reduce atmospheric emissions and to reduce the nation's reliance on gasoline for strategic reasons. This act promotes the use of alternative fuels by requiring 30% of newly purchased state government vehicle fleets to be fueled by alternative fuel by July 1992, increasing 5% each year. It also studies the potential and encourages the development of natural gas vehicle refueling stations.

|

8.12. Utilities Provided By Other Entities

As independent utilities, the private companies providing the services described in this section, for the most part, fund capital investments and ongoing operations and maintenance costs independently through their rate base.

This element section should provide framework for efficient and predictable provision and siting of utility facilities and services within the City consistent with serving the utility's public service obligations.

This section describes how the goals in the other plan elements will be implemented through utility policies and regulation, and is an important element in implementing the comprehensive plan. The main purpose of this section is to ensure that the City will have utility capacity to adequately serve the Land Use Element.

8.12.1. Utilities Concept, Goal, Objective, and Policies

Utilities Concept

The City should consider, when reasonable and feasible, the co-location of new public (non-City owned) and private utility distribution facilities in shared trenches, and coordination of construction timing, to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. The City will encourage provision of an efficient, cost effective and reliable utility service by ensuring land will be made available for the location of utility lines and utility facilities.

The City will review and amend existing regulations, including ~~the Critical Sensitive Areas Ordinances (CAOsSAO)~~, as necessary within existing corridors to allow maintenance, repair, installation, and replacement of utilities in a timely manner.

The City will provide standard locations for gas, power, phone, and cable within the street section of the City's construction standards.

The City will encourage communication among the private utility providers to support service planning for the City. It will be important for the City to encourage system design practices intended to minimize the number and duration of interruptions to customer service. The City supports necessary amendments to the Utility and Public Services Element for the purposes of updating individual provider plans.

As a strategy, the City will facilitate and encourage conservation of resources to delay the need for additional facilities for electrical energy and water resources, and to achieve improved air quality. In addition, the City will support the conversion to cost-effective and environmentally sensitive alternative technologies and energy sources.

Utilities Goal, Objectives, and Policies

Utilities Goal: Coordinate City land use and utility facility planning to ensure consistency and to enable utility service providers to meet public service obligations.

Objective U-1: Design and construction standards will be environmentally sensitive, safe, cost effective, and consistent with utilities' public service obligations.

Policy U-1: Facilitate the development of all utilities at the appropriate levels of service to accommodate growth that is anticipated to occur in the City.

Policy U-2: Facilitate the provision of utilities and ensure environmentally sensitive, safe, and reliable service that is aesthetically compatible with the surrounding land uses and results in a reasonable economic cost.

Policy U-3: Process permits and approvals for utility facilities in a fair and timely manner and in accordance with development regulations which encourage predictability.

Policy U-4: Encourage conservation of all non-renewable non-municipal resources.

8.12.2. Utilities Overview

Electricity and Natural Gas

Electricity is provided by Puget Sound Energy (PSE) provides electrical and natural gas service to the City of Black Diamond and its potential annexation area. PSE is an investor owned private utility that provides service to approximately 1.4 million electric and natural gas customers in a service area that covers 6,000 square miles.

Existing Electric Facilities

Various electric transmission and distribution facilities are located throughout the City and King County. At present one 115 kV transmission line passes through the City, generally south to north along SR 169. This transmission line serves the Black Diamond Substation located at approximately SE 316th Street and SR 169.

The Bonneville Power Administration has a 500 kV transmission corridor which lies approximately about one mile north of the City limits. The transmission line is the BPA Raver -- BPA Covington and it connects the power from Ravensdale to Covington.

Future Electric Facilities

Electrical facility planning is ongoing for south King County, and Black Diamond is included in the larger general study area. The potential addition of 6,000 homes in two Master Planned Developments would require PSE to expand the existing electrical facilities to meet the needed energy requirements. To serve the electrical load of the planned 2015 population, the following projects have been identified for possible future construction:

- Expansion of Black Diamond Substation to include a second transformer.
- Possible construction of a new substation within the Black Diamond area. No exact site has been determined and would depend on more detailed information regarding the Master Planned - Developments.

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- Construction of the Four Corners substation in Maple Valley was completed in 2009. This would release capacity at the existing Black Diamond substation, but would require new 12 kV distribution circuits to be constructed from Black Diamond substation along SR 169 and Roberts Dr./Auburn-Black Diamond Road.
- Reconductoring and rebuilding of the existing 115 kV transmission line that passes through the City. Sufficient clearances were added to the existing line in 2009 to allow operation at a higher conductor temperature for the near term.
- Construction of new 115 kV transmission line from Berrydale Substation in Covington to Krain Corner Substation north of Enumclaw. One possible route would be along Kent-Black Diamond Road and Auburn-Black Diamond Road to the existing Black Diamond Substation. A future substation called Lake Holm is planned for this line east of Black Diamond. Then the line would continue from Black Diamond east along Lawson St./Green River Gorge Road to Cumberland. A crossing of the Green River would be needed. The other possible route would be identical, but at Auburn-Black Diamond Road and SE 218, it would turn south to cross the Green River at the Whitney Bridge, then continue up 212th SE on the south side of the river, finding a route via King County roads and/or purchased easements to end up at PSE's Krain Corner station.

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Existing Gas Distribution Facilities

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Puget Sound Energy (PSE) builds, operates, and maintains a natural gas distribution system serving the city. PSE serves more than 748,000 natural gas customers in a six-county service area. As of the end of 2010, PSE served more than 1,097 natural gas customers within the City of Black Diamond.

The Pacific Northwest receives natural gas from various regions of the United States and Canada. Natural gas is transported through the states of Washington, Oregon and Idaho via a network of interstate transmission pipelines owned and operated by Northwest Pipeline Corporation. PSE takes delivery of natural gas from Northwest Pipeline west of the city and distributes the gas to customers via PSE's distribution system. The distribution system serving the city consists of intermediate pressure mains. Currently, PSE's natural gas distribution system has sufficient capacity to serve existing demand for gas service in the city. However, system capacity enhancements may be required in the future to provide service to new customers in the area.

Future Gas Distribution Facilities

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The two Master Planned Developments will require PSE to expand the existing gas facilities to meet needed energy requirements. To serve the gas load of the two developments, at least the following projects may be required:

- Parallel 8 inch PE IP main on Auburn-Black Diamond Road from 196th Ave SE east to the city limits;
- Parallel 8 inch PE IP main on 216th Ave. SE from Kent Kangley Road (SE 272nd St) south to Auburn-Black Diamond Road (Roberts Drive).
- 8 inch PE IP main along SR 169 from SE 288th St. to the city limits.

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Telecommunications

Telecommunications include but are not limited to telephone, personal wireless services, microwave and cable television. The City is served by Qwest/Century Link Communications. There are various facilities located throughout King County and the City. Many of the telecommunication facilities, including aerial and underground, are co-located with those of the electrical power provider.

Cellular service in the City is currently available through a variety of providers, including Verizon Wireless, AT&T Wireless, T-Mobile, and Sprint. There are at least three cellular towers located in or near the City. Additional cellular sites are located around the City in the vicinity of the cities of Maple Valley, Covington, and Enumclaw. Generally, locating new cellular tower sites would depend on the density and location of new cell phone users, not overall population trends.

The City should promote new technological advances while still considering the implications of continued availability of basic communication services to all people. Effective communication services are critical to all citizens in several ways. They promote and enhance individual information exchange, a strong regional economy and public information, such as delivering emergency services, education and citizen involvement.

Telecommunication services are regulated by the Federal Communications Commission and the Washington Utilities and Transportation Commission. Black Diamond has some regulatory authority of telecommunications services through franchise agreements and the development approval process.

In most cases telecommunication services will use existing utility corridors, public right-of-way, and/or City-owned properties. Providers of new wireless communication facilities within the City and its Potential Annexation Area should demonstrate through area-wide service planning the lowest impacts consistent with telecommunications customer needs.

Cable television service throughout the City is provided by Comcast. Comcast usually locates its cable lines on private property, or on the power company lines within street right-of-way. They will also locate their lines within other utility easements along the right-of-way. No new major facilities would be required to accommodate population increases. Only additional cable lines would need to be provided to new development. Comcast also uses these lines to deliver broadband internet and digital phone service to its customers.

Natural Gas

Puget Sound Energy provides natural gas via existing pipelines to the City. Gas service is generally extended to new development upon evaluations of requests based on an economic feasibility study. Currently the gas supply system meets the existing demand.

Tacoma Water Transmission Pipeline #5

The City of Tacoma, Department of Public Utilities Water Division completed a project to improve its water supply system with construction of the second supply pipeline (Pipeline No. 5) in May 2006. Construction of the project allows diversion and transmission of an additional 100 cubic feet per second (or an additional 65 MGD) of water from the Green River to the Tacoma Regional Water Supply Area.

The pipeline begins at the headworks near Kanaskat located approximately 0.5 mile downstream of the diversion dam and river intake, and travels in a westerly direction through the City and other communities, terminating near the Portland Avenue Reservoir in Tacoma.

The section of the pipeline through the City first passes through a wetland east of Lake 12, then south of Lake 12, to within 150 feet of the north right-of-way of the Green River Gorge Road (along the edge of the John Henry Mine), then along the south boundary of the John Henry mine to SR 169. The pipeline continues north along SR 169 to the existing Palmer Coking Coal roadway and turns west, to Lake Sawyer Road then north along Lake Sawyer Road to SE 305th Street then west to where it leaves the City limits.

Solid Waste

Allied Waste provides garbage, recycling and yard debris collection services for residential, multi-family and commercial customers in Black Diamond (WUTC regulated).

Allied Waste, along with affiliated Allied Waste Companies, operates solid waste collection systems, landfills, recycling centers and portable sanitation services throughout the Northwest. Collection companies are located in Seattle, Bellevue, Lynnwood, Kent and Goldendale, Washington. Landfill operations are located in Roosevelt, Washington.

Other solid waste services are available to residents at the King County Transfer Station located in Enumclaw at 1650 Battersby Ave East.



CITY OF BLACK DIAMOND
PLANNING COMMISSION
25510 Lawson Street, Black Diamond, Washington

MEMORANDUM

Date: August 4, 2011
To: Planning Commission
From: Steve Pilcher, Community Development Director
Re: Potential Amendment to Chapter 18.08.200 – Appeal Structure

Attached are draft amendments to Chapter 18.08.200, which concerns the appeal process for quasi-judicial land use matters. Currently, this chapter indicates that Type 3 land use decisions made by the Hearing Examiner (i.e., preliminary plats, conditional use permits, variances, etc.) may only be appealed to Court. As the Commission is aware, there is a conflict in Title 17 concerning the preliminary plat process, which indicates an individual could appeal the Examiner's decision to the City Council. Previously, staff had suggested that Title 17 should be amended to be consistent with Chapter 18.08, but the Commission has indicated it would instead prefer to see Chapter 18.08 changed to become consistent with Title 17. At your last meeting, the Commission indicated that *all* land use decisions made by the Hearing Examiner should be appealable to the City Council.

As staff as noted, such a change would place the Council in a quasi-judicial role for a wide variety of land use matters. If that change is made, it means that since any of these Type 3 actions could eventually appear before Council, individual Council members should therefore not speak to anyone about these applications, once they are filed. That would be the safest legal course of action. In other words, constituents would not have the freedom to talk to their Council members about pending land use actions, which could cause some frustration for not only them, but also for the Council.

Staff is not supportive of the proposed change and it is not clear whether the Council desires to be placed back in the quasi-judicial process. The trend in Washington State has been to use professional hearing examiners to consider land use matters and remove planning commissions and city councils from this legally complex and challenging function. Many municipal insurance carriers are also in favor of using Hearing Examiners and keeping elected officials out of the quasi-judicial process in its entirety.

18.08.200 - Appeal structure.

Table 18.08.200-1 provides a summary of the appeal structure for Type 1—6 applications.

Table 18.08.200-1 Summary of Appeal Structure

Process Type	Decision maker	Appeal to	Further appeal
Type 1	Director	Hearing Examiner	N.A.
Type 2	Director	Hearing Examiner	Court City Council
Type 3, except shoreline applications	Hearing Examiner	Superior Court City Council	Court
Type 4 and 6	City Council	Superior Court	N.A.
Type 5	City Council	Growth Management Hearings Board (GMHB)	Court
Type 3 Shoreline application	Hearing Examiner	Shorelines Hearings Board	Court

Note that a consolidated permit process may change the initial decision maker for Type 2 shoreline applications and for Type 3 applications consolidated with Type 4 applications.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 948, §§ 18, 19, 10-7-2010)

18.08.210 - Administrative appeals.

- A. Who May Appeal. Any aggrieved party of record may file an administrative appeal of a Type 1, 2 or 3 decision.
- B. Time and Place to Appeal. Appeals of a Type 1 ~~or~~, 2 ~~or~~ 3 decision shall be addressed to the hearing examiner and filed in writing with the department within fourteen calendar days of the notice of decision, ~~except for shoreline appeals.~~ Appeals of a Type 3 decision shall be addressed to the city council and filed in writing with the city clerk within fourteen calendar days of the notice of decision, except for shoreline appeals.
- C. Shoreline Appeals. Appeals of a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance decision shall be filed with the state shorelines hearings board pursuant to RCW 90.58.180.
- D. Fees. Each appeal filed on a non-shoreline decision shall be accompanied by a filing fee in the amount established in the city's schedule of fees.
- E. Form of Appeal. A person appealing a Type 1 decision must file a written statement setting forth:
 - 1. Facts demonstrating that the person is aggrieved by the decision;
 - 2. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - 3. The specific relief requested; and

4.

Any other information reasonably necessary to make a decision on appeal.

F.

Limitation on new appeal issues. No new substantive appeal issues may be raised or submitted after the close of the time period for filing of the original appeal. The hearing examiner may allow an appellant not more than fifteen days to perfect an otherwise timely filed appeal.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 948, § 20, 10-7-2010)

18.08.220 - Appeal process.

A.

Within fourteen calendar days following timely filing of an administrative appeal, the department shall mail notice of the date time and place for the appeal hearing to all parties who received notice of the decision.

B.

Appeals shall be heard and decided within ninety days from the date the appeal is filed unless the hearing examiner or city council determines by written findings that a specified amount of additional time is necessary because the matter is of unusual complexity or scope or for other good cause shown. The period of time for hearing and deciding an appeal shall be excluded in calculating the one hundred twenty day period for permit issuance established pursuant to Section 18.08.100 or state law.

C.

The hearing shall be limited to the issues included in the written appeal statement. Participation in the appeal shall be limited to the city, the applicant, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.

D.

The appellant shall carry the burden of proof in the appeal. The burden of proof shall be met by a preponderance of the evidence in order for the appellant to prevail.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 935, § 1, 2-18-2010; Ord. No. 948, § 21, 10-7-2010)

18.08.230 - Judicial review.

A.

No person may seek judicial review of any decision of the city, unless that person first exhausts the administrative remedies provided by the city.

B.

Any judicial appeal shall be filed in accordance with state law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within twenty-one calendar days after a final decision is issued by the city.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

July 19, 2011

Planning Commission
City of Black Diamond
P.O. Box 599
Black Diamond, WA 98010

Re: Comprehensive Plan – Park Properties

Members of the Planning Commission:

We understand that there is a plan to designate the Lake Sawyer Park property owned by City of Black Diamond as “Public Land”. We are concerned about such a designation because the Public Land category allows a number of different uses, then would a more narrow designation of “Park & Open Space” land. A Public Land designation might be a prelude to lands best suited for parks and open space to be used for something such as schools, or city shops, or libraries, or any of a number of different public entity land uses. We’ve also been led to believe that the rationale for a “Public Land” designation is the only designation that the City currently has for City-owned property.

As it regards the Lake Sawyer Park property, we believe that a better designation would be a new designation of “Park & Open Space” land. We believe that the Comprehensive Plan should create a new designation for those City-owned properties that are best suited for permanent conservation for parks and open space, with this new designation or “Parks & Open Space”.

Thank you for considering these comments.

Leah M. Grant