

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Resolution No. 14-923, repealing                      Resolution No. 14-920 and adopting                      Resolution No. 14-923</b>	<b>Agenda Date: January 21, 2013</b>	
	<b>AB14-015</b>	
	Department/Committee/Individual	
	Mayor Dave Gordon	X
	City Administrator –	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	PW/Ec. Dev. – Andy Williamson	
Police – Jamey Kiblinger		
Court – Stephanie Metcalf		
Comm. Dev. – Stacey Welsh		
Cost Impact:		
Fund Source:		
Timeline:		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 14-923, Resolution No. 14-920</b>		
<b>SUMMARY STATEMENT:</b> On January 2, 2014, the Council was provided with a draft resolution by Councilmember Taylor. Another version of the resolution had also been prepared by the (then) City Attorney Chris Bacha. A third version of the resolution was discussed, and may have been circulated on the dais containing edits to the draft resolution introduced by Councilmember Taylor, but this is unclear as the City Clerk was not provided with all the versions of the resolution that were being discussed. The City Council did adopt a resolution concerning The Reserve at Woodlands on January 2, 2014, but it appears that the wrong version of the resolution was later signed by Mayor Gordon.  On January 16 it was brought to the attention of the entire Council during public comment period by a citizen that the incorrect resolution was adopted on January 2.  In order to correct this situation, and adopt a resolution that correctly reflects the Council's intent on January 2, a Special Meeting has been called by the Mayor for Council consideration of the various drafts of the resolution that were discussed on January 2, and it may be necessary to repeal Resolution No. 14-920, which was signed by the Mayor.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: MOTION to repeal Resolution No. 14-920 and adopt Resolution No. 14-923.</b>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
January 2, 2014	Adoption of a resolution regarding the The Reserve At Woodlands	

RESOLUTION NO. 14-920

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, EXPRESSING THE UNDERSTANDING AND BELIEF OF THE CITY COUNCIL REGARDING THE REGIONAL STORMWATER FACILITY PROPOSED IN THE DRAFT DEVELOPMENT AGREEMENT BETWEEN BD VILLAGE PARTNERS, LPBD VILLAGE PARTNERS, LP AND KING COUNTY.

WHEREAS, the City Council understands that BD Village Partners, LP seeks to enter into a development agreement with King County which would include provisions for a Regional Stormwater Facility to be located on rural land in King County that will receive stormwater from a rural development and from Horseshoe Lake; and

WHEREAS, BD Village Partners, LP has submitted a SEPA checklist for the proposed development agreement that states: "the proponent anticipates in the future that the Regional Stormwater Facility will be owned and maintained by the City of Black Diamond under an interlocal agreement with King County as specifically contemplated in the City's approval of The Villages Master Planned Development" and "The Villages MPD Development Agreement ... and MPD Conditions of Approval ... contemplate ownership and maintenance of the facility by the City of Black Diamond"; and

WHEREAS, The Villages MPD Ordinance and The Villages MPD Development Agreement contemplate, but do not require, the City of Black Diamond to take ownership, operate, or maintain a facility that accepts stormwater from a rural development and/or Horseshoe Lake; and

WHEREAS, Condition of Approval No. 63 for the Villages MPD Permit provides that BD Village Partners, LP shall provide [storm water] mitigation facilities within the project limits, expansion parcels or provide an agreement with King County for long term City ownership and/or maintenance of off-site facilities not within the City limits; and

WHEREAS, Condition of Approval No. 72 for the Villages MPD Permit provides that BD Village Partners, LP shall construct a storm water system that does not burden the City with excessive maintenance costs and reserves the right to the City to reject higher cost of maintenance facilities when lower cost options may be available; and

WHEREAS, Condition of Approval No. 78 for the Villages MPD Permit provides that BD Village Partners, LP shall provide any necessary approval or agreement providing for the City's ability to perform maintenance upon the large regional storm water pond; and

WHEREAS, Section 7.4.1 of the Villages Development Agreement provides that, as an alternative to the regional facility, BD Village Partner, LP may submit an alternative storm of storm water treatment within the City limits; and

WHEREAS, no proposal or agreement has been presented to the City regarding the City's right, duty or obligation to own and/or maintain the proposed regional storm water facility; and

WHEREAS, absent an understanding of the proposed maintenance costs and obligations associated with the Regional Facility, it is premature to assume that the City will ultimately agree to own and/or maintain the proposed regional facility;

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

Section 1. The City Council believes that it premature for the King County Council to consider a development agreement for the regional facility until it is determined whether or not the City and County can agree to the terms and conditions of any potential future ownership and/or maintenance obligations, if any, of the City. Therefore, the City Council recommends that the King County Council consider delaying approval of the development agreement with BD Village Partners, LP given the lack of certainty regarding the future obligations, if any, of the City of Black Diamond regarding the proposed regional facility.

Section 2. The City Clerk shall forward copies of this resolution to the King County Executive and members of the King County Council.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 2<sup>nd</sup> DAY OF JANUARY 2014.

CITY OF BLACK DIAMOND

  
\_\_\_\_\_  
Dave Gordon, Mayor

ATTEST:

  
Brenda L. Martinez, City Clerk

RESOLUTION NO. 14-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, EXPRESSING THE UNDERSTANDING AND BELIEF OF THE CITY COUNCIL REGARDING THE REGIONAL STORMWATER FACILITY PROPOSED IN THE DRAFT DEVELOPMENT AGREEMENT BETWEEN BD VILLAGE PARTNERS, LP AND KING COUNTY.**

**WHEREAS**, the City Council understands that BD Village Partners, LP seeks to enter into a development agreement with King County which would include provisions for a Regional Stormwater Facility to be located on rural land in King County that will receive stormwater from a rural development and from Horseshoe Lake; and

**WHEREAS**, BD Village Partners, LP has submitted a SEPA checklist for the proposed development agreement that states: “the proponent anticipates in the future that the Regional Stormwater Facility will be owned and maintained by the City of Black Diamond under an interlocal agreement with King County as specifically contemplated in the City’s approval of The Villages Master Planned Development” and “The Villages MPD Development Agreement ... and MPD Conditions of Approval ... contemplate ownership and maintenance of the facility by the City of Black Diamond”; and

**WHEREAS**, contrary to BD Village Partners, LP assertions, neither The Villages MPD Ordinance nor The Villages MPD Development Agreement require the City of Black Diamond to take ownership, operate, or maintain a facility that accepts stormwater from a rural development and/or Horseshoe Lake.

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

Section 1. It is the understanding and belief of the City Council that entering into an agreement to own, operate, or maintain a stormwater facility that accepts storm and surface water from rural lands and/or Horseshoe Lake is not in the best interest of the City of Black Diamond nor is there any requirement to do so.

Section 2. The City Council recommends that either (1) the proposed Regional Stormwater Facility be designated solely for infiltration of stormwater from the City of Black Diamond or (2) references to ownership, operation, and/or maintenance of the facility by the City of Black Diamond be deleted from the proposed development agreement prior to King County Council consideration.

Section 3. The City Clerk shall forward copies of this resolution to the King County Executive and members of the King County Council.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 2<sup>nd</sup> DAY OF JANUARY 2014.

CITY OF BLACK DIAMOND

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David Gordon, Mayor

ATTEST:

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Brenda L. Martinez, City Clerk