

BLACK DIAMOND CITY SPECIAL COUNCIL MINUTES

June 20, 2019

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the special meeting to order at 6:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Oglesbee, Stout and Wisnoski.

ABSENT: Councilmember Edelman (excused).

Staff present: Barbara Kincaid, Community Development Director; Carina Thornquist, Deputy City Clerk; and Brenda L. Martinez, City Clerk.

Mayor Benson welcomed everyone and turned the meeting over to Community Development Director Kincaid.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Presentation - Department of Ecology on Shoreline Master Program

Community Development Director Kincaid introduced Maria Sandercock from the Department of Ecology and noted she will be giving a presentation to Council on the Shoreline Master Program Update.

Ms. Sandercock stated that she is a Shoreline Planner with the Department of Ecology charged with providing technical assistance to cities during the Shoreline Master Program update. She shared with Council a PowerPoint presentation highlighting what the purpose is and does and discussed the timetable for when a periodic review is needed. She discussed that tonight is a joint hearing that satisfies the local and state requirement. She further discussed the process and shared that when the City submits to the Department of Ecology (DOE) for final approval DOE is required to review all SMP amendments to ensure consistency with the Shoreline Management Act and implementing rules.

PUBLIC HEARING:

1) AB19-034 - Draft Shoreline Master Program

Mayor Benson opened the public hearing at 6:06 p.m.

Kristen Bryant, Bellevue stated having a lot of environmental concerns and hopes to make the Black Diamond environment stay healthy and improved. She read from her submitted written testimony and referred to page 91 of the Black Diamond Shoreline Management Plan document that was posted for public review. Her first three comments pertained to Section D. Exceptions, item 2 and the fourth comment pertained to Section Q. Conflict Provisions. *(Ms. Bryant's full written comments are a part of the record and have been placed in the packet material for this meeting)*

Below is a summary of her comments:

Comment 1: Section D, Part 2.a. she stated it says that certain activities “may require” a shoreline permit. The work “may” does not alleviate confusion. It would be better if it said that the activities listed “shall” require a shoreline permit or letter of exemption. She also noted that the SMP could be expanded upon to do more to encourage residents to restore shorelines or be discouraged from removing natural shoreline vegetation.

Comment 2: She shared that section D, Part 2b. would exempt removal of trees from the Black Diamond Shoreline Management Plan. She noted trees can provide significant function for water quality and in some cases on the shoreline, it is inappropriate to allow tree removal. Certain large old trees, or even young native trees in some place may need to be retained to maintain water quality. She discussed the Black Diamond tree ordinance and noted that under the tree ordinance any tree permit application will be turned down and by exempting trees entirely from the SMP, the city loses a valuable tool for protecting its waters. She discussed the types of trees the ordinance does not protect and how those types of trees that are next to the shoreline can provide shade needed to keep water cool for the benefit of fish and noted they also provide habitat and water quality functions. She suggested that rather than pass the SMP as drafted, more environmental protection would be provided for the city's water if they city were to revise the exemptions section to require shoreline review and tree permits for all trees over 6 inches diameter. The language exempting trees in this draft section allows anyone to simply remove shoreline trees without the goals of the Shoreline Management Act being taken into account.

Comment 3: She referred to page 91 Section D item 2.b. and noted it refers to “section 7 of the SMP.” She stated this text is unclear as Section 7 of the Black Diamond SMP appears to be Chapter 7 Definitions which begins on page 104. She suggested the text may be intended to refer to section 7 of the Washington Department of Ecology SMP handbook, and if so, the reference should be clarified.


Comment 4: She voiced that Section Q on page 103 is confusing and if there was a legal dispute or a conflict with the document and another law, Section Q is likely to be a source of debate and suggested they read it to see how it is confusing.

Mayor Benson closed the hearing at 6:13 p.m.

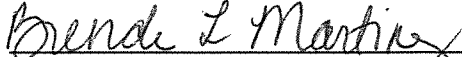
ADJOURNMENT:

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Oglesbee to adjourn the meeting. Motion **passed** with all voting in favor (4-0). The meeting ended at 6:13 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk