

**BLACK DIAMOND CITY COUNCIL  
WORK SESSION MINUTES**

**June 13, 2019**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

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

**ROLL CALL:**

**PRESENT:** Councilmembers, Deady, Oglesbee, Edelman, and Stout. (Councilmember Wisnoski not present during roll call.)

Staff present: Seth Boettcher, Public Works Director; Barb Kincaid, Community Development Director; Carina Thornquist, Deputy City Clerk; and Brenda L. Martinez, City Clerk.

Mayor Benson introduced the first agenda item and turned the meeting over to Public Works Director, Seth Boettcher.

**WORK SESSION:**

**1) Discussion and Review of the 2020-2025 Six Year Transportation Improvement Program (TIP)**

Public Works Director Boettcher gave an update to Councilmembers and reported he had received one public comment about adding more information regarding each project. There was discussion between Councilmembers as well as clarification from Director Boettcher regarding what the TIP is for and the process that goes along with it.

There was clarification of which items are paid by the city, grant money, or by the developer. Moreover, what determines who is responsible for which items.

Also explained was how Metro plays a role, there's a requirement for a Park and Ride on Hwy 169, and possibility of adding service back into Enumclaw.

Community Development Director Kincaid stated the TIP is a mini-budget document which lists the important items that need to be done. Whereas the Comp plan produces policies on how the city will work with metro to provide those services.

Following discussion there was consensus that Council was good with what is on the plan.

## **2) Discussion and Review of Addendum to the Adopted 2019-2024 Capital Improvement Plan (CIP)**

Public Works Director Boettcher thanked Council for their consideration in adding the three projects. He is anxious to amend how they keep track of impact fees and the system needs to be more efficient and equitable system for collection of traffic mitigation funds from new development. He thanked them for the support of the power generation facility, and it appears to be feasible if it's put out to bid with the river crossing of the springs project. He advised that we need to do it now. Director Boettcher stated that we would use Real Estate Excise Tax (REET) money to do repairs and rehab of Rock Creek bridge. It was mentioned that there will need to be some budget amendments for a few of these projects.

## **3) Update and Discussion of Shoreline Master Program (SMP)**

Community Development Director Kincaid reported on the SMP and noted the state requires periodic updates of the Comprehensive Plan (comp plan), Sensitive Areas Ordinance (SAO), and Shoreline Master Program (SMP) to be in compliance with the Growth Management Act (GMA). The city is required to update the Comp Plan in 2015, SAO in 2016, and then the SMP. She noted the city is diligently working on getting the comp plan amendment completed, and then the SMP, before the grant funding was withdrawn. She noted there is very little local discretion on what the cities adopt, and the main purpose is to be in compliance with what the state adopts.

Director Kincaid noted there will be a joint hearing with Dept. of Ecology (DOE) on June 20th. Then she proceeded to go over the timeline of what needs to be done. After the hearing is closed, staff will need to write a matrix of the comments along with a response to those comments. Those will get sent to DOE and they have 30 days to get the finding back to us before we can adopt to make sure it's consistent. And when the findings come back showing that it's consistent, at that point it's good for Council to adopt an ordinance.

Councilmember Wisnoski entered the meeting at 6:28 p.m.

Shorelines of the state are regulated by DOE and is an extra layer of regulation over critical Areas; there is some overlap. One of the things discovered is that we need to recognize that since we are out of order because the SOA update didn't get done, the wetlands associated around Lake Sawyer and near a shoreline has to be regulated at a higher level. Our wetland rating system in the sensitive area is lagging. So we had these inconsistencies between the plans since the beginning because we did them out of order. One of the things done to fix this is they took in the SMP the reference to the SAO and did a "work around" to take those references out and did very specific language that will speak to the wetlands in the shoreland. She noted you have to look at two sections when doing this. The question was asked if you are always comparing the two documents and Director Kincaid said no, but because we didn't have the SAO ordinance update completed, we had to this time. The Shoreline was done in 2014 and the SAO was in 2009.

It was noted a new wetland rating system came out in 2014 and the 2009 SAO does not reflect that. Ecology has looked at the city's draft and they are comfortable with it. She discussed the table of wetland buffers and the size is dependent on what type of wetland you have and what the rating system is. The city adopted more conservative buffers and one thing you will hear at the hearing is to add language about minimization. The other big change to the shoreline plan is the dollar amount is raised, and Office of Financial Management (OFM) sets the dollar amount. Things that are above the threshold is considered a 'substantial development'; they have to go through ecology and those below the threshold go through a shoreline exemption process. Other area that is different is adding a section for exceptions. There are categories where it's confusing if it needs a shoreline permit or not. There has been a real grey area which make residents confused if they need to get a permit to do landscaping, changing out a board on decking, etc. Those are the main changes that will be brought forward.

Questions were asked about exceptions and how many property owners does this affect? Councilmember Edelman responded with 340 residents.

Director Kincaid reminded council that we held two public meetings. 20-25 citizens attended the first meeting whereas there were very few that attended the second meeting. Also noted that this has been through PC and they held a hearing and no public testified. The draft is up on the city's website. She concluded by saying that the wetlands have not really been identified around Lake Sawyer. Discussion on seeing a lot of redevelopment around the lake finished up this topic.

#### **4) Update and Discussion of Sensitive Areas Ordinance (SAO)**

Community Development Director Kincaid reported being in good compliance with getting the comp plan updated, Public Works tried getting grants, and it was noted the city was out of compliance with getting the SAO updated. She noted we are on a fast track and using a checklist to see what has changed. She noted they have been through the checklist and the city is in pretty good shape. The best available science is done, and we are looking at using a consultant to get the work done and it should be a limited plan update. A few things that were noticed is the wetland rating FEMA and Army Corp of Engineers and the Federal government have been concerned about fish. Local governments need to make sure they are addressing this 'three-prong thing' and the third prong that we are missing is to put the burden on the developer to do the science if they want to develop. Other thing is the wetlands definition and SMP and SAO are consistent, no change in mapping or delineation. She discussed what the new rating system will look like so there will be a conversion there. Need to work on critical area aquifers, beef up flood area regulations, update and strengthen definitions and regulations on fish and wildlife habitat areas. The culverts need language regarding fish passage and how it relates to culverts. Private property is regulated by the SAO. Forest practices need to be tied back to large tracks of land that do get cleared and need to look at the language. City is doing most of the good ideas on the checklist. She wanted to get this on council's radar as it is on a fast track and if we can get the basics done it will help move it forward.


Councilmember Stout asked how we will pay for this and the Mayor responded by advising there will need to be a budget amendment to hire a consultant and get this project going this year.

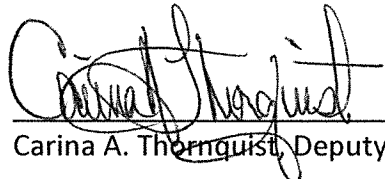
**ADJOURNMENT:**

Councilmember Deady **moved** to adjourn the meeting; **second** by Councilmember Oglesbee. Motion **passed** with all voting in favor (5-0).

The meeting ended at 6:56 p.m.

ATTEST:

  
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Carol Benson, Mayor

  
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Carina A. Thornquist, Deputy City Clerk