

**RESOLUTION NO. 14-946**

**A RESOLUTION OF THE CITY COUNCIL OF  
BLACK DIAMOND, WASHINGTON, ACCEPTING A  
MAJORITY, WITH A FEW, APPROVED  
MODIFICATIONS, OF THE DEPARTMENT OF  
ECOLOGYS REQUIRED AND RECOMMENDED  
CHANGES TO THE CITY'S SUBMITTED  
SHORELINE MASTER PROGRAM WITH THE  
PASSAGE OF RESOLUTION 12-829**

**WHEREAS**, the people of the State of Washington enacted the Shoreline Management Act by a vote of the people in 1971; and

**WHEREAS**, the State of Washington Shoreline Management Act (RCW 90.58), adopted in 1972, recognizes that "shorelines are among the most valuable and fragile" resources of the State, and that to protect the public interest in preserving these shorelines, the State and local governments must establish a coordinated planning program to address the types and effects of development occurring along the State's shorelines; and

**WHEREAS**, the broad policies of the Shoreline Management Act are to encourage water-dependent uses, protect shoreline natural areas and promote public access; and

**WHEREAS**, the City of Black Diamond adopted its own version of a Shoreline Master Program in 1978, but did not identify, at the time, Shorelines of Statewide Significance within its corporate borders; and

**WHEREAS**, the shorelines and outlying areas of Lake Sawyer were incorporated into the City limits of the City of Black Diamond in 1998 and the then established goals, policies and regulations of King County's Shoreline Master Program continue to be implemented in accordance with WAC 173-26-160; and

**WHEREAS**, the Shoreline Management Act requires all local governments, including the City of Black Diamond, to: 1) develop and inventory the natural characteristics and land use patterns along shorelines covered by the Act; 2) prepare a "Shoreline Master Program" to determine the future of the shorelines; 3) develop specific goals, policies and recommendations for protection of such shoreline resources; 4) develop a permit system with development standards for all shoreline uses within existing shoreline designations that further the goals and policies of both the Act and the local Shoreline Master Program; and 5) develop a Restoration Plan for the long-term restoration of impaired shoreline ecological functions; and

**WHEREAS**, the City of Black Diamond received a grant to update its Shoreline Master Program from the Department of Ecology in June, 2008 in the amount of \$60,000 and was further awarded an additional \$10,000 in 2012 in order to complete the updated Shoreline

Master Program; and

**WHEREAS**, the City and it's Consultant, AHBL Inc., produced a Public Participation Plan that included: 1) a Visioning Workshop that was advertised and held on September 21, 2010, 2) the formation of and receipt of input from a Citizen Advisory Committee over a period of 6 months; 3) significant communication of the process to the public through newsletter articles, postings on the City's webpage, postings on the Lake Sawyer Community Club's website and comprehensive email distribution list, and two mass mailings advising the public of the Shoreline Master Program Update; and 4) phone calls and email outreach by City staff with property owners surrounding the lake; and

**WHEREAS**, the City's Responsible Official issued a Determination of Non-Significance on the proposed Shoreline Master Program on March 2, 2012; and

**WHEREAS**, the Black Diamond Planning Commission held four work sessions to discuss the contents of the SMP Update and held two nights of formal public hearings on March 13 and March 27, 2012, where eleven individuals provided public testimony and twenty-four individuals provided written comment; and

**WHEREAS**, the Black Diamond Planning Commission considered the written and verbal testimony provided, held two additional work sessions on May 8 and June 12, 2012, and made certain modifications to the proposed SMP Update and proposed shoreline regulations to reflect such testimony; and

**WHEREAS**, on June 12, 2012, the Black Diamond Planning Commission recommended unanimously that the Black Diamond City Council adopt the proposed SMP update; and

**WHEREAS**, the Black Diamond City Council held one work session to discuss the contents of the SMP Update on May 31, 2012, and a formal public hearing on June 21, 2012, where one individual provided public testimony and one individual provided written comment; and

**WHEREAS**, the Black Diamond City Council considered written and verbal testimony provided, held one additional work session on July 19, 2012, and made certain modifications to the proposed SMP Update and proposed shoreline regulations to reflect such testimony; and

**WHEREAS**, the City Council granted preliminary approval of the Draft Shoreline Master Program and supporting materials with the passage of Resolution 12-829 to the Washington State Department of Ecology for review and approval; and

**WHEREAS**, the Department of Ecology reviewed these materials and submitted both required and recommended changes to the Draft Shoreline Master Program, received by the City on August 5, 2013, addressed to then Mayor Rebecca Olness; and

**WHEREAS**, the Black Diamond City Council offered some alternatives to 6 (six) of the recommended and required changes with the passage of Resolution 13-884 on August 21, 2013, directing the Mayor to offer these changes to the Department of Ecology for their consideration; and

**WHEREAS**, the Department of Ecology continued to work with City of Black Diamond Staff in reaching consensus on certain modifications to the Department's required and recommended changes and suggested that a new Resolution be drafted approving the Department's required and recommended changes, along with the agreed to modifications as outlined in Appendix A;

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

**Section 1.** The Black Diamond City Council directs the Mayor to forward the acceptance of the Department of Ecology's recommended and required changes, with a couple agreed to changes, shown within Appendix A of this Resolution.

**Section 2.** The City Clerk is authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, numbering, section/subsection numbers and any references thereto.

**Section 3.** Upon final action by the Department of Ecology, as mandated within RCW 90.58.090(7), these amendments to the Shoreline Mater Program go in effect 14 (fourteen) calendar days from Ecology's final action.

Passed by the City Council on this 15<sup>th</sup> day of May, 2014.

  
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Mayor Dave Gordon

ATTEST:

  
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Brenda L. Martinez, City Clerk