



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING AGENDA  
April 9, 2019 - 6PM  
25510 Lawson Street, Black Diamond, Washington

- 1) FLAG SALUTE
- 2) CALL TO ORDER, ROLL CALL
- 3) PUBLIC COMMENTS
- 4) APPROVAL OF MINUTES - None
- 5) NEW BUSINESS
  - a. Shoreline Master Program Update
- 6) COMMUNITY DEVELOPMENT DEPARTMENT REPORT
- 7) PUBLIC COMMENTS
- 8) ADJOURN

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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# Periodic Review Checklist

### Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

### How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

**At the beginning:** Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

**At the end:** Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

*Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.*

| Row  | Summary of change  | Review  | Action                                |
|------|--|---|---------------------------------------|
| 2017 |  |   |                                       |
| a.   | OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.   | <p><i>SMP needs amending:</i></p> <p>Update cost threshold in exemptions on page 101 (Chapter 6 Section D.2.a), and in definitions on page 131 (Chapter 7).</p> <p>Consider amending language about adjusting for inflation every 5 years.</p>  |                                       |
| b.   | Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.                                      | <p><i>SMP needs amending:</i></p> <p>Update definition on Page 118 (Chapter 7).</p> <p>Consider clarifying how non-development relates to exemptions on page 101.</p>   | How?                                  |
| c.   | Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>  | <p><i>SMP needs amending:</i></p> <p>Add new “Exceptions” Section on page 101 (Chapter 6) reflecting Ecology’s recommended language. Also consider including in section other types of actions that are exempt from shoreline permits, such as minor maintenance and non-development.</p> | What is the DOE recommended language? |
| d.   | Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.   | <p><i>No amendments needed:</i></p> <p>Page 105 of the SMP (Chapter 6, Section E (7)) references filing procedures as required by WAC 173-27-130.</p>   |                                       |
| e.   | Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs. | <p><i>No amendments needed:</i></p> <p>On page 47 (Chapter 4, Section B.1), “Forest Practices” are prohibited in all shoreline environments.</p>  |                                       |

| Row         | Summary of change   | Review   | Action |
|-------------|---|--|--------|
| f.          | Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>   | <p><i>No amendments needed:</i></p> <p>Black Diamond does not have any lands under federal jurisdiction within the shoreline.</p>  |        |
| g.          | Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .  | <p><b><i>No amendments needed:</i></b></p> <p>Changes to nonconforming uses and development are not necessary as Black Diamond have their own provisions for nonconforming use and development on page 109 (Chapter 6, section J)</p> <p>However, if the City wishes to adopt any changes or clarifications to nonconforming section, the Ecology language should be used for ideas.</p> |        |
| h.          | Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .   | <p><i>No amendments needed:</i></p> <p>Update not necessary as the SMP does not include language on periodic updates. May optionally add default language in Chapter 1.</p>  |        |
| i.          | Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.                  | <p><i>No amendments needed:</i></p> <p>There are no impediments in the SMP or Municipal Code to using this option.</p>   |        |
| j.          | <b>Submittal</b> to Ecology of proposed SMP amendments.   | <p><i>No amendments needed:</i></p> <p>The SMP does not describe the SMP submittal process.</p>  |        |
| <b>2016</b> |   |  |        |
| a.          | The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> . | <p><i>SMP needs amending:</i></p> <p>Add to list of exemptions on page 104 (Chapter 6, Section D).</p>   |        |

| <b>Row</b>  | <b>Summary of change</b>   | <b>Review</b>   | <b>Action</b> |
|-------------|--|---|---------------|
| <b>b.</b>   | Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.   | <p><i>Municipal code needs amending:</i></p> <p>The City's SAO will need to be updated to use the 2014 rating system (2004 system currently used). The SMP does not mention the wetland rating system, but does reference the City's SAO.</p>     |               |
| <b>2015</b> |  |   |               |
| <b>a.</b>   | The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.   | <p><i>No amendments needed:</i></p> <p>There are no state highways with the shoreline jurisdiction.</p>   |               |
| <b>2014</b> |  |   |               |
| <b>a.</b>   | The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000). | <p><i>SMP needs amending:</i></p> <p>Update exemption (f) on page 103 (Chapter 5, Section D.2.f)</p>  |               |
| <b>b.</b>   | The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.   | <p><i>No amendments needed:</i></p> <p>There are no existing Floating Homes in the City.</p>  |               |
| <b>2012</b> |  |   |               |
| <b>a.</b>   | The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .  | <p><i>No amendments needed:</i></p> <p>The City does not outline the SMP appeal process.</p>  |               |
| <b>2011</b> |  |   |               |
| <b>a.</b>   | Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .                                     | <p><i>No amendments needed:</i></p> <p>The SMP already defers to the federal wetland delineation manual on page 28 (Chapter 3 Section B.3.2.e).</p> <p>The Municipal Code sections 19.10.210 and 19.10.673 may need to be updated to refer to</p> |               |

| <b>Row</b>  | <b>Summary of change</b>  | <b>Review</b>   | <b>Action</b> |
|-------------|---|---|---------------|
|             |   | Federal Delineation Manual instead of State Manual.   |               |
| <b>b.</b>   | Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .   | <i>No amendments needed:</i><br><br>There are no saltwater shorelines in the City, and no geoducks.   |               |
| <b>c.</b>   | The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.                                | <i>No amendments needed:</i><br><br>Floating homes are not permitted in the City.   |               |
| <b>d.</b>   | The Legislature authorized a new <b>option to classify existing structures as conforming</b> .  | <i>No amendments needed:</i><br><br>The city already provides a process for nonconforming structures.   |               |
| <b>2010</b> |   |   |               |
| <b>a.</b>   | The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .  | <i>No amendments needed:</i><br><br>No changes should be necessary; the City's comprehensive SMP update was adopted prior to the law going into effect.   |               |
| <b>2009</b> |   |   |               |
| <b>a.</b>   | The Legislature created new "relief" procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark. | <i>Consider SMP amendments:</i><br><br>This is optional. Consider adding draft Ecology Language to Chapter 3, section 6.  |               |
| <b>b.</b>   | Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .   | <i>Consider SMP amendments:</i><br><br>The SAO is adopted by reference in Chapter 3, Section 3 (although the reference will need to be updated when the SAO is updated).<br><br>The suggested Ecology language should be added so |               |

| Row  | Summary of change  | Review  | Action |
|------|--|---|--------|
|      |  | that mitigation banking may be used if the SAO enables it.  |        |
| c.   | The Legislature added <b>moratoria authority</b> and procedures to the SMA.  | <i>No amendments needed:</i><br><br>The SMP does not address moratoria authority and will continue to rely on state statute.  |        |
| 2007 |  |   |        |
| a.   | The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.                         | <i>No amendments needed:</i><br><br>The SMP defines floodway according to this rule and no changes are needed.  |        |
| b.   | Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.                              | <i>No amendments needed:</i><br><br>No new streams or lakes have been identified, so the SMP's lists and maps do not need to be updated.<br><br>Consider updating map on final page of document, particularly areas that use asterisks for urban conservancy. |        |
| c.   | Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181. | <i>No amendments needed:</i><br><br>This exemption is included as exemption "I" on page 10 (Chapter 6, Section D.2.I).  |        |

# PROJECT MEMO



**TO:** Barbara Kincaid, AICP  
**FROM:** Wayne E. Carlson, FAICP, LEED AP *wec*  
**SUBJECT:** Black Diamond SMP Schedule  
**DATE:** March 21, 2019  
**PROJECT NO.:** 2180066.32  
**PROJECT NAME:** Black Diamond SMP

| <b>BLACK DIAMOND SHORELINE MASTER PROGRAM PERIODIC UPDATE<br/>PROJECT SCHEDULE</b>  |   |
|---|---|
| <i>MILESTONES IN BOLD-FACE TYPE</i>   |   |
| <b>Tuesday, March 26, 2019</b>  | <b>OPEN HOUSE #2 (CITY COUNCIL CHAMBERS)</b>  |
| <b>Tuesday, April 9, 2019</b>   | <b>PLANNING COMMISSION BRIEFING/STUDY SESSION</b>   |
| <b>Tuesday, April 9, 2019</b>   | <b>TRANSMITTAL OF SMP AMENDMENTS TO DEPARTMENTS OF COMMERCE AND ECOLOGY WITH 60-DAY NOTICE OF INTENT TO ADOPT</b>   |
| <b>Tuesday, April 9, 2019</b><br>Thursday, April 4, 2019<br>Tuesday, April 9, 2019  | <b>SEPA THRESHOLD DETERMINATION (DNS)</b><br>Transmit SEPA DNS Notice to Newspaper<br>Publication of SEPA DNS Notice in Newspaper   |
| <b>Tuesday, May 7, 2019</b><br>Friday, April 12, 2019<br>Tuesday, April 16, 2019<br>Friday, April 19, 2019<br>Tuesday, April 23, 2019 | <b>PLANNING COMMISSION PUBLIC HEARING</b><br>Submit Notice to Newspaper<br>Minimum 10-day Notice Published in Newspaper<br>Submit 2nd Notice to Newspaper<br>2nd Notice Published in Newspaper                      |
| <b>Thursday, May 16, 2019</b>   | <b>CITY COUNCIL SMP BRIEFING/STUDY SESSION</b>  |
| <b>Thursday, June 6, 2019</b><br>Friday, April 26, 2019<br>Tuesday, April 30, 2019<br>Friday, May 17, 2019<br>Tuesday, May 21, 2019   | <b>JOINT CITY COUNCIL/DEPARTMENT OF ECOLOGY PUBLIC HEARING</b><br>Submit Notice to Newspaper<br>Minimum 30-day Notice Published in Newspaper<br>Submit 2nd Notice to Newspaper<br>2nd Notice Published in Newspaper |

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City of Black Diamond  
2018 Shoreline Master Program Update

Public Participation Plan

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December 10, 2018



## 1.0 Introduction

The City of Black Diamond (City) is updating its Shoreline Master Program (SMP) to be consistent with the state Shoreline Management Act (SMA) and related SMP Guidelines (RCW 90.58 and WAC 173-26, respectively). The review ensures the SMP stays current with changes in laws and rules, remains consistent with other Black Diamond plans and regulations, and is responsive to changed circumstances, new information, and improved data.

The SMA and SMP guidelines require local governments to encourage active participation in the SMP update by all persons, private groups, public agencies, and tribes that have an interest or responsibility related to shorelines of the state. The City has developed this Public Participation Plan, and it will conduct key elements of the SMP update process to ensure an open approach to shoreline management. The Public Participation Plan is intended to meet State requirements, and is tailored to address the priorities and issues specific to the City.

Effectively involving the public in a SMP update presents unique challenges due to local priorities and diverse perspectives and viewpoints. The purpose of this document is to address these challenges, to guide the public participation process for the City's SMP update, and encourage active involvement by a wide range of interests. It does this by identifying: key objectives of the Public Participation Plan and project themes, guiding principles, key challenges and opportunities, stakeholders to engage, recommended public involvement methods and techniques, and the roles and responsibilities of key parties.

### 1.1 Shoreline Management Act (SMA) Background

In 1971, the State Legislature passed Washington's SMA, which was adopted by the public in a 1972 referendum. The SMA governs shoreline use and development. The primary goals of the SMA are to balance responsible shoreline development with environmental protection and public access. Under the SMA, each city with "shorelines of the state" must develop and adopt its own SMP to regulate local shoreline use and development. "Shorelines of the state" generally refers to rivers, larger lakes, and marine waterfronts along with their associated shorelands, wetlands, and floodways.

The current City of Black Diamond SMP was adopted in 2014. The SMA requires jurisdictions that contain "shorelines of the state" within their boundaries to update their SMPs periodically. The City contains one water of the state (Lake Sawyer), as well as associated wetlands and shorelands within their shoreline management jurisdiction. Ecology adopted updated SMP Guidelines in 2017, as part of the regulations contained in the Washington Administrative Code (WAC). Cities and counties across the state, about 250 in all, must update their local SMPs to meet the new 2017 Guidelines. The City is beginning the SMP update process, and it is expected to complete the update prior to June 30, 2019.

### 1.2 Shoreline Master Program (SMP) Guidelines and the Update Process

The SMA and the new SMP Guidelines establish basic policy requirements that all SMPs must address, including:

- Protect ecological function and achieve “no net loss of ecological functions necessary to sustain shoreline natural resources”;
- Preserve and enhance public access;
- Plan for and foster “all reasonable and appropriate uses;”
- Give preference to uses that are dependent on and related to shoreline locations;
- Plan for restoration of ecological functions where they have been impaired; and
- Include public input in decision-making.

## 2.0 Public Participation Goals

A key aspect of developing any SMP, as set forth by RCW 90.58.130, is the requirement for public involvement:

- Ecology Guidelines require that public participation begin at the beginning of the initial phase of the SMP update planning process and continue through adoption.
- Local governments are required to “make reasonable efforts to inform the people of the state” and “not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs.”
- Furthermore, local governments are required to invite and encourage participation by all agencies of federal, state, and local government.

The overall goal of the Public Participation Plan is to build support for timely adoption of a quality SMP. The objective of the Public Participation Plan is to educate the public about shoreline conditions, the SMA and the SMP adoption process and steps for creating a SMP. Throughout the process, there are many goals to guide the development of the SMP, including:

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on proposed changes to the SMP throughout the process and provide those comments to decision makers.
- Consider viewpoints of all participants, even if views are not reflected in the outcomes.
- Provide forums for formal public input at project milestones prior to decision-making by the City Council.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.
- Utilize a transparent process which clearly documents all public input and makes it available for any and all to review.

## 2.1 Guiding Principles

The following is a list of guiding principles that will direct the public participation process for updating the SMP:

1. Communicate the purpose, scope, and objectives of the SMP throughout the duration of the update process (i.e., schedule, decision milestones, progress, and involvement opportunities).
2. Conduct public involvement consistent with the goals and policies of the Comprehensive Plan, the SMA, and transparent, and open government.
3. Seek out and use input from local stakeholders about opportunities and problems, rather than solely relying on the opinions of technical experts.
4. Define and effectively communicate the roles and interests of all participants.
5. Keep all written communication clear, concise, objective, and free of technical jargon.
6. Use the City's websites, mailings and newsletters, and other media to provide and distribute general information to the public.
7. Communicate and distribute information/feedback regularly to participants, and at intervals to interested/affected parties. Follow-up would occur by:
  - a. Informing affected/ interested parties of outcomes;
  - b. Continuously evaluating the process to identify successes and shortcomings, and communicate results to participants; and
  - c. Evaluating the public participation process for effectiveness with community relationships and on perceptions of effectiveness of the process.
8. Use community resources and energies effectively and efficiently, and consider the relative cost-effectiveness of alternative techniques to achieve objectives.

## 2.2 Key Challenges and Opportunities

The following is a list of key challenges and opportunities in the public participation process for updating the SMP:

1. Helping the public understand the purpose of the SMP, the state law behind the update process, the science behind the regulations, and how these relate to the citizens of the City of Black Diamond (e.g., promote public access and enjoyment of the water environment, promote water dependent uses, protect shoreline functions, etc.).
2. Recognizing the unique needs of and value to the update process of specific shoreline interest groups in the City, including businesses, recreationalists, fisheries conservation, and flood management interest groups. Issue-specific meetings and advisory committee meetings can be used to address the interests of individual groups, while public meetings at Planning Commission and City Council are recommended for issues of a wider nature.
3. Conducting broad outreach efforts as well as targeted efforts to attract specific shoreline stakeholders and groups. The Public Participation Plan should include public meetings

open to all, as well as meetings targeted towards stakeholder and technical groups, and specific issues. Case studies should explore impacts of the proposed regulations on urban and resource environments.

4. Sustaining the participation of interested parties throughout the update process mandated by the Ecology grant funding requirements. Frequent updates to Planning Commission, City Council, and the public through a variety of methods (mail, website, public meetings, etc.) are recommended.

### 3.0 Stakeholders

The Public Participation Plan establishes a process that is designed to reach all audiences that may have an interest in the update process. It will also be designed to reach out to other groups and individuals, including those who may not yet have an interest or be compelled to participate, in order to encourage their awareness, understanding, and involvement in the process. The City has identified the following broad groups of stakeholders that are important to contact and engage:

- **General public:** Interested citizens across the City and the State as a whole. These include:
  - Residents, City-wide
  - Shoreline property owners
  - Local businesses and employees, City-wide
  - Park users
  - Other citizens of the State
- **Business organizations, environmental groups, and other non-governmental organizations:** Organizations with expertise and/or interest in shoreline issues. These include:
  - Futurewise
  - Adopt-a-stream
  - Lake Sawyer Community Club
  - Master Builders Association
  - Washington Environmental Council
- **Tribes:** Those Native American tribes that own property and/or have rights to usual and accustomed places and natural resources. These include:
  - Nisqually Indian Tribe
  - Muckleshoot Indian Tribe
  - Duwamish Indian Tribe
- **Government Agencies:** Local, regional, state, and federal agencies with jurisdiction, expertise, or potentially affected by the proposal. These include:
  - City of Black Diamond
  - Washington State Department of Fish and Wildlife
  - Washington State Department of Transportation
  - Washington State Department of Natural Resources
  - Washington State Department of Ecology
  - Washington State Parks
  - King County Parks and Recreation
  - King County Department of Natural Resources
  - Puget Sound Regional Council
  - Army Corps of Engineers

- Federal Emergency Management Agency
- United States Forest Service
- NOAA Fisheries Service
- Neighboring jurisdictions (e.g., Maple Valley, Covington, Kent, and King County)
- **Utilities and Transportation:** Utility providers and transportation interests
  - Soos Creek Sewer District
  - Covington Water District
  - King County Public Health
- **Media:** Local newspapers, television, radio stations, etc.
  - The Voice of the Valley Newspaper
  - Maple Valley Reporter

Outreach activities are designed to keep these groups informed and updated on key meetings, decision-making milestones, and overall project progress. The public involvement process is intended to prevent last minute surprises and to avoid the misguided perception that specific groups have been discouraged from participating or have not been adequately informed. City staff will contact all of the groups listed above, but will engage certain stakeholder groups to greater or lesser degrees based on their demonstrated level of interest and involvement. The City will also use different methods to engage different groups. Please see Section 4.0 (Public Involvement Techniques and Tools) below for a complete description of public involvement methods and target audiences.

## 4.0 Public Involvement Techniques and Tools

The following section describes the various tools and techniques that will be used for public outreach and involvement. Target audiences are noted where applicable.

### 4.1 Open Houses

The City will conduct two open houses. The first public house will be held prior to the development of SMP policies and will generally serve to provide initial public education and solicit input on high-priority issues and concerns regarding the SMP Update. The open house will also include a schedule of upcoming activities so that participants can stay involved.

The second open house will present draft changes to the SMP so that the City can receive feedback on proposed amendments.

The City will invite representatives from interested state agencies, including Ecology, to attend these events. The City will also collaborate with the Lake Sawyer Community Club and the local library to distribute notice of the open houses and the availability of educational materials.

In order to bring clarity and understanding to how science is applied in the SMP process, City and Consultant staff will discuss the scientific guidance that has been identified as being the most appropriate for informing the SMP. However, the scope of this work does not include the evaluation of any new best available science. The format of the Open Houses will likely consist of three key components: an informal open house, a presentation, and time for question and answer.

Public Input and identification of key regulatory concerns for residents is a primary purpose of these open houses, as this input will be recorded and used to guide the amendment of the City's SMP.

Target Audience: All stakeholders, especially the general public and property owners.

## 4.2 Communication Program

In addition to the methods described above, the City will communicate with the public continuously throughout the process to ensure that the broader population is informed and has meaningful opportunities to participate. Some key elements of this program include:

**Website:** A specific page on the City's website, [www.ci.blackdiamond.wa.us/](http://www.ci.blackdiamond.wa.us/), will be created for interested citizens to access draft documents and maps, view the project schedule, check for meeting notices and materials, see submitted public comments, obtain contact information, and submit comments. The webpage and project calendar will be updated as new information and reports become available.

**Comment Forms:** Comment forms will be made available at open houses. Forms may also be available at public facilities, such as City Hall and the public library, as well as on the City's websites. All comments will be recorded, and responses will be made available to the public in both unedited and summarized form.

**Social Media:** Public Notices and Updates will be shared on the Next Door app and the Lake Sawyer Community Club Facebook page.

A log of public involvement activities will be created and updated by AHBL with input from the City as communications occur over the course of the SMP Update process.

Target Audience: All stakeholders

## 4.3 Formal Public Meetings: Planning Commission and City Council

The Planning Commission and the City will hold study sessions and public hearings on the draft amendments to the SMP. These study sessions and hearings will be open to the public. Planning Commission meetings will include discussion among Commissioners on key planning-related policy and regulatory decisions that are to be brought forward to the City Council. Such meetings will allow for questions and comments from the public. City staff, as well as Consultant staff, will attend, and all comments from the public will be recorded.

Target Audience: Planning Commission, Stakeholders, and Interested Public

The City Council members meet regularly to discuss and make decisions on policies and regulations. All City Council meetings are open to the public. The City Council is required by law to hold at least one public hearing prior to adoption of their jurisdiction's SMP. Additional public hearings to obtain input from the public study sessions may be necessary to ensure understanding of the proposed amendments to the SMP.

Target Audience: City Council, Stakeholders, and Interested Public

## 5.0 Roles and Responsibilities

This section identifies key parties involved in the public participation process, and their roles and responsibilities. It also identifies how public input will be used and the decision making process that will be used during the SMP Update preparation and adoption process.

### 5.1 City Staff

Because of the limited staff resources at the City, the role of City staff in public involvement activities will primarily be supervisory and administrative; consultant staff will lead most public outreach efforts under City staff oversight.

City staff will manage the SMP Update process, compile required inventory and analysis information for consultant use, review draft policies, and regulations developed by AHBL team, and conduct required environmental review. The work of City staff also includes, but is not limited to the following:

- Project management;
- Documenting and keeping records;
- Fulfilling SMP process requirements;
- Coordinating with Ecology;
- Directing the work of consultants;
- Apprising the Planning Commission, City Council, and interested parties of project progress and key policy and regulatory decisions.

The primary staff contact for the City is:

Barb Kincaid, AICP  
Community Development Director  
City of Black Diamond  
24301 Roberts Dr.  
Black Diamond, WA 98010  
(360) 886-5700

## 5.2 Consultant

AHBL staff will develop draft amendments to the SMP according to the Ecology Guidelines and direction provided by City staff. Under the oversight of City staff, AHBL staff will design and execute the public involvement program, including facilitating, as necessary, with City staff, public workshops, and open houses. AHBL staff will assist with communication materials, develop presentations, and lead open houses with the help of City staff. AHBL staff will also prepare the proposed amendments to the SMP as well as:

- Review amendments to RCW 90.58 and Ecology rules that have occurred since the Shoreline Master Program was last amended, and determine if local amendments are needed to maintain compliance.
- Review changes to the comprehensive plan and development regulations to determine if the Shoreline Master Program policies and regulations remain consistent with them. Document the consistency analysis to support proposed changes to the Shoreline Master Program.
- Conduct additional analysis deemed necessary to address changing local circumstances, new information or improved data.
- Draft revised SMP goals, policies and regulations, or prepare Finding of Adequacy
- Prepare amended goals and policies or regulations identified through the review process. Use the checklist to identify where in the SMP changes are made to address applicable statutory or regulatory changes.

## 5.3 Planning Commission

The Planning Commission will review proposed SMP policies and regulations and provide a recommendation to City Council. City staff will take key policy and regulatory decisions to the Planning Commission in phases, prior to review of and recommendation on the entire document. As established in state law and local enabling legislation, Planning Commission will review the draft SMP, take and consider public input, and make formal recommendations to the City Council. Recommendations are not binding.

## 5.4 City Council

The City Council will review proposed SMP policies and regulations, consider the recommendation of the Planning Commission, and make the final decision on SMP adoption. As established in State law, the City Council will review draft SMPs, gather public input, make changes as desired, and locally adopt the final SMP. The City Council is the legislative authority with the final local decision making authority for the local adoption of the SMP.

## 5.5 Department of Ecology and the State of Washington

State law establishes a cooperative program of shoreline management between local government and the state. Ecology provides financial assistance and guidance to local governments in preparing the SMP. The SMA authorizes and directs Ecology to adopt guidelines for the development of Local SMPs. In keeping with the relationship between state and local governments prescribed in the Act, the Guidelines have three specific purposes:

- To assist local governments in developing master programs;
- To serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the Act, and;
- To be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

Ecology provides written comments on draft SMP components. The local government approves its program after a public review and comment period. The local government then sends the SMP to Ecology, which reviews it for consistency with the Guidelines. Ecology must approve the locally approved and submitted master program, before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption. In addition, Ecology approves certain shoreline permit decisions (e.g., conditional uses and variances).

## 6.0 Public Participation Timeline (Approximate)\*\*

All future dates in the following timeline are tentative and subject to change.

| <b>Task 1: Public Participation</b>  | <b>Key Dates</b>  |
|--|---|
| 1. <u>Notify state agencies and affected tribes</u> <ol style="list-style-type: none"> <li>a. AHBL, with assistance from City staff, will create mailing list that includes agencies, tribes, affected jurisdictions and others that may have technical information relevant to the SMP update.</li> <li>b. AHBL will create and City staff will mail a letter requesting all available and relevant information.</li> </ol> | <b>November 2018</b>  |
| 2. <u>Develop Public Participation Plan</u> <ol style="list-style-type: none"> <li>a. Introduce project to the City Council, define state requirements and the scope of local influence, and present the draft PPP.</li> <li>b. Present a project process and timeline summary.</li> <li>c. Compile comments on draft and revise PPP as needed based on input.</li> </ol>  | <b>November 2018- Draft PPP provided to the City for comment</b><br><br><b>December 2018 - Draft PPP sent to Ecology and the City</b><br><br><b>December 2018 - City Staff introduces Draft PPP to Commissioners and City Council for feedback and revision</b><br><br><b>December 2018 - Submit final PPP to Ecology</b> |
| 3. <u>Develop Information Materials (e.g. press releases, etc.)</u>  | <b>November 2018</b>  |
| 4. <u>Facilitate Open Houses for Community Input</u>   | <b>January 11, 2019 - Open House # 1</b><br><b>March 15, 2019 - Open House #2</b>   |
| <b>Task 2: Review SMP and Draft Revisions</b>  |   |
| 1. <u>Establish Project Website</u>  | <b>December 2018</b>  |
| 2. <u>Prepare Responsive Survey</u>  | <b>February 2019</b>  |
| <b>Task 3: City SMP Adoption Process</b>   |   |
| 1. <u>SEPA Review</u>  | <b>February 2019</b>  |
| 2. <u>60-day Notice (SEPA, Commerce, Public Hearing, Ecology)</u>  | <b>February 2019</b>  |
| 3. <u>Send SMP to Ecology for initial determination</u>  | <b>February 2019</b>  |
| 4. <u>Planning Commission Public Hearing</u>   | <b>April 2019</b>   |
| 5. <u>City Council Public Hearing and SMP Adoption</u>   | <b>May 2019</b>   |

|   |  |
|---|--|
| 6. <u>Submit adopted SMP and Responsiveness Survey to Ecology</u> | <b>June 2019</b>   |
| <b>Task 4: Project Coordination</b>                               |  |
| 1. <u>Quarterly Reports</u>                                       | <b>September 2018 - Report #1</b><br><b>December 2018 - Report #2</b><br><b>March 2019 - Report #3</b><br><b>June 2019 - Report #4</b> |

**\*\* SEE REVISED TIMELINE**

## Attachment A

### Applicable Sections of the Washington Administrative Code (WAC) and Revised Code of Washington (RCW)

#### State Rule (W.A.C.) Requirements for Public Involvement, Communication, and Coordination

1. Document public involvement throughout SMP development process and comply with local process for approving and amending shoreline master programs.
  - a. WAC 173-26-201(3)(b)(i)
  - b. WAC 173-26-090 and 100
  - c. For Shorelines of Statewide Significance, see WAC 173-26-251(3)(a)
2. Document communication with state agencies and affected Indian tribes throughout SMP development.
  - a. WAC 173-26-201(3)(b)(ii) and (iii)
  - b. WAC 173-26-100(3)
  - c. For SSWS, see WAC 173-26-251(3)(a)
3. Comply with the public participation requirements of the Growth Management Act (see RCW 36.70A.130.140 140 and related WAC).

**The text of the WAC sections cited above and the WAC and RCW sections they refer to are included below:**

#### **WAC 173-26-201(3)(b)(i)**

##### **(b) Participation process.**

**(i) Participation requirements.** Local government shall comply with the provisions of RCW [90.58.130](#) which states [in its entirety]:

*"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

*(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and*

*(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."*

Additionally, the provisions of WAC [173-26-100](#) apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW [36.70A.140](#) also apply.

At a minimum, all local governments shall be prepared to describe and document their methods to ensure that all interested parties have a meaningful opportunity to participate.

**(ii) Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

**(iii) Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

**(c) Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state agencies, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

Collection of additional inventory information is encouraged and should be coordinated with other watershed, regional, or statewide inventory and planning efforts in order to ensure consistent methods and data protocol as well as effective use of fiscal and human resources. Local governments should be prepared to demonstrate that they have coordinated with applicable interjurisdictional shoreline inventory and planning programs where they exist. Two or more local governments are encouraged to jointly conduct an inventory in order to increase the efficiency of data gathering and comprehensiveness of inventory information. Data from interjurisdictional, watershed, or regional inventories may be substituted for an inventory conducted by an individual jurisdiction, provided it meets the requirements of this section.

**WAC 173-26-090 Periodic review -- Public involvement encouraged -- Amendment of comprehensive plans, development regulations and master programs.**

Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW [90.58.080](#) and any applicable guidelines issued by the department. When the amendment is consistent with chapter [90.58](#) RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW [90.58.130](#) shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter [36.70A](#) RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW [36.70A.130](#). Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

#### **WAC 173-26-100 Local process for approving/amending shoreline master programs.**

Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter [36.70A](#) RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC [365-195-600](#).

At a minimum, local government shall:

- (1) Conduct at least one public hearing to consider the draft proposal;
- (2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
  - (a) Reference to the authority(s) under which the action(s) is proposed;
  - (b) A statement or summary of the proposed changes to the master program;
  - (c) The date, time, and location of the hearing, and the manner in which interested persons

may present their views; and

(d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;

(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;

(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;

(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW [36.70A.106](#);

(6) Comply with chapter [43.21C](#) RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

[Statutory Authority: RCW [90.58.140](#)(3) and [\[90.58\].200](#). 96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

#### **WAC 173-26-251 Shorelines of statewide significance.**

(1) **Applicability.** The following section applies to local governments preparing master programs that include shorelines of statewide significance as defined in RCW [90.58.030](#).

(2) **Principles.** Chapter [90.58](#) RCW raises the status of shorelines of statewide significance in two ways. First, the Shoreline Management Act sets specific preferences for uses of shorelines of statewide significance. RCW [90.58.020](#) states:

*"The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*

*(1) Recognize and protect the statewide interest over local interest;*

*(2) Preserve the natural character of the shoreline;*

*(3) Result in long term over short term benefit;*

*(4) Protect the resources and ecology of the shoreline;*

*(5) Increase public access to publicly owned areas of the shorelines;*

*(6) Increase recreational opportunities for the public in the shoreline;*

*(7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary."*

Second, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance. RCW [90.58.090](#)(5) states:

*"The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest."*

Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. The state's interests may vary, depending upon the geographic region, type of shoreline, and local conditions. Optimum implementation may involve ensuring that other comprehensive planning policies and regulations support Shoreline Management Act objectives.

Because shoreline ecological resources are linked to other environments, implementation of ecological objectives requires effective management of whole ecosystems. Optimum implementation places a greater imperative on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

**(3) Master program provisions for shorelines of statewide significance.** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:

**(a) Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

**(b) Preserving resources for future generations.** Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to

contribute to the restoration of those resources.

(c) **Priority uses.** Establish shoreline environment designation policies, boundaries, and use provisions that give preference to those uses described in RCW [90.58.020](#) (1) through (7). More specifically:

(i) Identify the extent and importance of ecological resources of statewide importance and potential impacts to those resources, both inside and outside the local government's geographic jurisdiction.

(ii) Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds and navigable harbors. Base projections on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.

(iii) Base public access and recreation requirements on demand projections that take into account the activities of state agencies and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

(d) **Resources of statewide importance.** Establish development standards that:

(i) Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds, and unique environments. Standards shall consider incremental and cumulative impacts of permitted development and include provisions to insure no net loss of shoreline ecosystems and ecosystem-wide processes.

(ii) Provide for the shoreline needs of water-oriented uses and other shoreline economic resources of statewide importance.

(iii) Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

(e) **Comprehensive plan consistency.** Assure that other local comprehensive plan provisions are consistent with and support as a high priority the policies for shorelines of statewide significance. Specifically, shoreline master programs should include policies that incorporate the priorities and optimum implementation directives of chapter [90.58](#) RCW into comprehensive plan provisions and implementing development regulations.

[Statutory Authority: RCW [90.58.060](#) and [90.58.200](#). 04-01-117 (Order 03-02), § 173-26-251, filed 12/17/03, effective 1/17/04.]

**RCW 90.58.130 Involvement of all persons and entities having interest, means.**

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments. [1971 ex.s. c 286 § 13.]

**RCW 36.70A.140 Comprehensive plans -- Ensure public participation.**

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW [36.70A.300](#) declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed. [1995 c 347 § 107; 1990 1st ex.s. c 17 § 14.]

**WAC 365-195-600 Public participation.**

(1) **Requirements.** Each county and city planning under the act shall establish procedures for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive plan or development regulations invalid if the spirit of the procedures is observed.

**(2) Recommendations for meeting requirements.** The recommendations made in this subsection are intended as a list of possible choices, but it is recognized that meaningful public participation can be accomplished without using all of the suggestions made here or by adopting other methods.

(a) Public involvement in plan and regulation development.

(i) In designing its public participation program, each planning jurisdiction should endeavor to involve the broadest cross-section of the community, so that groups not previously involved in planning become involved. The programs should include efforts to explain that citizen input is an essential part of the planning process and provide a framework for advising citizens about timelines for steps in the process and when citizen input will be sought.

(ii) Visioning. The public should be involved at the earliest possible time in the process of comprehensive planning under the act. This should begin with a visioning process in which the public is invited to participate in a broad definition of the kind of future to be sought for the community. The results of this process should then be incorporated into the plan features, including, but not limited to, locally adopted levels of service and densities selected for commercial, industrial, and residential development.

(iii) Planning commission. In the process of plan development, full use should be made of the planning commission as a liaison with the public.

(iv) Public meetings on draft plan. Once the plan is completed in draft form, or as parts of it are drafted, a series of public meetings or workshops should be held at various locations throughout the jurisdiction to obtain public reaction and suggestions.

(v) Public hearings. When the final draft of the plan has been completed, at least one public hearing should be held prior to the presentation of the final draft to the legislative authority of the jurisdiction adopting it. When the plan is proposed for adoption, the legislative authority should conduct another public hearing prior to voting on adoption.

(vi) Written comment. At each stage of the process when public input is sought, opportunity should be provided to make written comment.

(vii) Communication programs and information services. Each jurisdiction should make every effort to collect and disseminate public information explaining the act and the process involved in complying with it. In addition, locally relevant information packets and brochures should be developed and disseminated. Planners should actively seek to appear before community groups to explain the act and the plan development process.

(viii) Proposals and alternatives. Whenever public input is sought on proposals and alternatives, the relevant drafts should be reproduced and made available to interested persons.

(ix) Notice. Notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media. Notice should be published in a newspaper of general circulation at least one week in advance of any public hearing. When appropriate, notices should announce the availability of relevant draft documents on request.

(x) All meetings and hearings to which the public is invited should be free and open. At hearings all persons desiring to speak should be allowed to do so, consistent with time constraints.

(xi) Consideration of and response to public comments. All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

(xii) Every effort should be made to incorporate public involvement efforts into the SEPA process.

(xiii) Except for the visioning effort, the same steps should precede the adoption of development regulations as was used for the comprehensive plan.

(b) Continuous public involvement. The planning commission should monitor development of both the plan and the development regulations. After these are adopted, the commission should monitor compliance. The commission should report to the city or county at least annually on possible amendments to the plan or development regulations. In addition at least annually, the commission should convene a public meeting to provide information on how implementation is progressing and to receive public input on changes that may be needed. When any amendments are proposed for adoption, the same public hearing procedure should be followed as attended initial adoption. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-600, filed 11/17/92, effective 12/18/92.]