

RESOLUTION NO. 12-829

**A RESOLUTION OF THE CITY COUNCIL OF
BLACK DIAMOND, WASHINGTON, GRANTING
PRELIMINARY APPROVAL OF THE AMENDED
SHORELINE MASTER PROGRAM; DIRECTING
THE MAYOR TO FORWARD THE DOCUMENTS
COMPRISING THE SHORELINE MASTER
PROGRAM, TOGETHER WITH ALL REQUIRED
SUPPORTING MATERIALS, TO THE
WASHINGTON STATE DEPARTMENT OF
ECOLOGY FOR REVIEW AND APPROVAL**

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 preliminary Shoreline Master Program; and

WHEREAS, the City and its 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 worksessions 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 worksessions 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 worksession 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 worksession on July 19, 2012, and made certain modifications to the proposed SMP Update and proposed shoreline regulations to reflect such testimony; and

WHEREAS, once the City approves the Shoreline Master Program, it will be sent to the Washington State Department of Ecology for review and approval, a process which may entail further changes and amendments to the documents of the Shoreline Master Program; and

WHEREAS, upon Department of Ecology approval, the City will adopt the Shoreline Master Program by Ordinance;

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

Section 1. The City Council of Black Diamond preliminarily approves the Shoreline Master Program, including Goals, Policies and Recommendations; Shoreline Environmental Designations; Shoreline Regulations and Permit Process; Shoreline Restoration Plan; and, Cumulative Impacts Analysis as set forth in Exhibits A through D which are incorporated by this reference as though fully set forth herein.

Section 2. The Black Diamond City Council directs the Mayor to forward all the above Shoreline Master Program documents as well as all supporting materials identified as deliverables under Phase 5 of the City's signed grant agreement number G1000014 to the Department of Ecology for their review and approval in accordance with Washington Administrative Code section 173-26-120.

Section 3. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

Passed by the City Council on the 6th day of September, 2012.



Mayor Rebecca Olness

ATTEST/AUTHENTICATED:

Brenda L. Martinez
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Chris Bacha, City Attorney